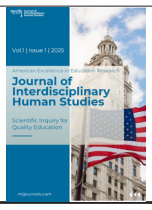
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THE DEVELOPMENT OF THE SCIENCE OF FIQH IN MOVAROUNNAHR IN THE 13TH–14TH CENTURIES

Abstract. *This article analyzes the process of the development of the science of fiqh (Islamic jurisprudence) in Movarounnahr (Transoxiana) in the 13th–14th centuries, its principal features, and its scholarly environment. It shows that, despite the political changes in the region during this period, the juridical traditions continued consistently. The scholarly legacy of the jurists (faqihs) is illuminated, and the contribution of the local scholars (ulama) to the development of the science of fiqh in Movarounnahr is analyzed.*

Keywords: *scholar, fiqh, usul al-fiqh, furu al-fiqh, legacy, abridged (mukhtasar) work, fatawa, versification (nazm), translation, Mongols, families of jurists.*

INTRODUCTION

From the time Islam entered Movarounnahr, the scholarly disciplines connected with it fiqh, tafsir (exegesis), hadith, kalam (theology), logic, ethics, grammar (nahw), and Sufism developed consistently. The peoples of the region and its local scholars made a great contribution to the advancement of the religious sciences. Among these, in particular, is the science of Islamic law "fiqh" which encompasses a broad range of subjects extending from Islamic legislation to social relations and the norms of etiquette and morality.

The science of fiqh is divided into branches such as usul al-fiqh and furu al-fiqh. Usul al-fiqh is the science that teaches the rules for deriving (istinbat) the practical rulings of the Shari'a from detailed proofs and evidence (Muhammad Sodiq Muhammad Yusuf, 2019:7). Its foundational methodological rules were drawn from certain Shari'a sciences and from the methods of some rational disciplines. The aim of usul al-fiqh is to acquire the capacity to derive the particular rulings of the Shari'a from its four principal sources the Qur'an, the Sunna, consensus (ijma), and analogy (qiyas). In this regard

one may cite the works of famous representatives of Hanafi fiqh: Imam al-Maturidi (257/870–333/944), Ma'khadh al-shar' and Jadal; Abu al-Hasan al-Karkhi (d. 340/952), Usul; Abu Bakr al-Jassas (d. 370/981), Usul; the works of Abu Zayd al-Dabusi (d. 430/1038); Fakhr al-Islam al-Bazdawi (482/1089), Usul al-Bazdawi; the two-volume Usul al-Sarakhsi of Imam al-Sarakhsi (d. 483/1090); Kashf al-asrar fi sharh Usul al-Bazdawi of Abd al-Aziz ibn Ahmad al-Bukhari (d. 730/1330); and Tanqih al-usul of Sadr al-Shari'a Ubaydullah ibn Mas'ud (d. 747/1346) together with its commentary Tawdih, among the works of many other jurists who created in this field (Asrorova, 2014:71). To these one may add, among the Central Asian scholars, Abu al-Barakat al-Nasafi's Manar al-anwar and Sa'd al-Din al-Taftazani's Talwih fi kashf haqa'iq al-Tanqih.

Furu al-fiqh, in turn, is the body of derivative (practical) rulings extracted from the principal sources by means of the rules and methods established in usul al-fiqh, and it constitutes the branches or domains of the science of fiqh (Jo'zjoniy, 2002:53). In it, the mujtahids and the masters of takhrij derive rulings from the Shari'a proofs and the sources of the schools. Collections of rulings and compilations of fatwas are gathered, and texts are composed in order to make matters easier for students. The soundness, popular accessibility, and usefulness from the standpoint of time and place of the rulings produced are analyzed; they are studied comparatively with the other schools, and contemporary fatwas are sought for new occurrences (Aminov & Primov, 2017:83-84).

MAIN PART

In the 13th–14th centuries, after the Mongol conquest, Movarounnahr fell into crisis in the scholarly-cultural and socio-economic spheres. In the early period of the Mongol invasion, a decline occurred in scholarship and science, and likewise in the field of fiqh.

The scholars of this period experienced such calamities as execution and persecution; the burning and drowning of many works and books; the destruction of mosques and libraries; and, alongside these, the ruin of madrasas and scholarly centers. Undoubtedly, these acts exerted a very great negative influence on the scholarly environment.

Wars and political disorder rendered stagnant not only scholarship but also its people. Imitation (taqlid) took the place of independent reasoning (ijtihad), and a new

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era of composition began. This was an era of texts and abridged (mukhtasar) works not an age of creative production like the age of ijtihad, but an age of transmission (naql), compilation, verification (tahqiq), editing (tahrir), correction (tashih), and refinement (Abul Barakat al-Nasafi, 2017:20).

According to N. Nasrullaev, as a result of the faltering of scholarship and science including the science of fiqh there increased among the people the use of various worthless narratives, baseless fatwas, and weak hadiths; a lack of serious attention to Shari‘a questions of belief; and a preoccupation with versification. The scholars of the era, in order to encourage the people toward religion and worship, described these weak narratives and hagiographical (manaqib) matters in an exaggerated manner. Likewise, this period saw a decrease in the issuing of fatwas on socio-political life, in the creation of original scholarly works in Arabic, and in the transmission of religious narratives through authoritative chains (isnads). Moreover, rather than composing independent juridical works, it became widespread to comment on earlier ones, to write glosses (hashiya), to compose versifications, and to undertake translation. Social questions were largely confined to works written in the “fatawa” style (Nasrullaev, 2023:196-204).

Historical sources state that the Mongols committed a great deal of bloodshed and slaughtered the population mercilessly; however, the study “The one who ennobled Bukhara: Sayf al-Din al-Bakharzi” notes: “It is recorded in many historical works that Genghis Khan, in most cases, set scholars, artists, and craftsmen apart from the rest of the population and spared their lives” (Asrorova, 2021:11). Indeed, had the Mongols slaughtered everyone wholesale and left no people of art and learning alive, the priceless works created in that era would not have reached our day, and the Mongols would not have entered the religion of Islam under the influence of the scholars.

According to S. Muhammadaminov, among the Mongol rulers, instances of converting to the religion of Islam which had existed in the region for centuries and of respecting its norms were frequently observed. Therefore, while it was important and convenient for the Mongols to pursue a policy based on the laws existing in the region, namely Islamic legislation, they were also well-disposed toward the local scholars’ work of regulating and perfecting Islamic law (Muhammadaminov, 2025:29-35).

Although the population of this period experienced great calamities and misfortunes, the scholarly environment did not undergo the decline and weakening observed in the political sphere. In this difficult period, a number of scholars emerged who felt their

responsibility and could correctly assess their social position. Deeply understanding the importance of scholarship, science, and education, they firmly resolved to systematize its scattered parts and to preserve and rework the people's heritage; at the same time, they classified detailed works and useful encyclopedias.

Because learning, enlightenment, and culture had long been highly developed among the local population, its intellectual stratum constantly strove to lead the people out of these obstacles. In this period, attention to the sciences of creed (aqida), exegesis, theology, hadith, and fiqh began to revive as before. In this, a number of scholars contributed to a certain degree: Abd al-Makarim Ala al-Dawla Ahmad ibn Muhammad (d. 736/1334), Amir Mahmud ibn Yamin (d. 745/1344), Lutfullah al-Nasafi Fazil Kaydani (d. 747/1349), Khwaja Salman Sojawi (d. 769/1368), Amir Sayyid Ali al-Hamadani (d. 786/1384), Mawlana Lutfullah al-Nishapuri (d. 786/1384), Khwaja Jalal al-Din Turanshah (d. 787/1385), Baha al-Din Naqshband Muhammad ibn Muhammad al-Bukhari (d. 791/1389), Khwaja al-Shirazi (d. 781/1389), the scholar Sa'd al-Din al-Taftazani (d. 792/1390), and Ubaydullah ibn Mas'ud Sadr al-Shari'a (Nasrullaev, 2024a:51-52).

In this period, many jurists emerged in Bukhara. Among them, Imam Hasan ibn Mansur ibn Mahmud ibn Abd al-Aziz Fakhr al-Din al-Marghilani al-Bukhari, famous by the name of Hazrat Imam Qadi Khan (d. 610/1212), was a great jurist, scholar, friend of God (waliyullah), and great educator (Buxoriy, 2012:104). He was the qadi of Bukhara and rendered great service in spreading the Hanafi school. Hazrat Imam Qadi Khan has such works as Sharh adab al-Qadi Khan, Sharh al-Jami al-saghir al-Shaybani, Sharh al-Jami al-kabir al-Shaybani, and Kitab al-mazhar.

The Bukharan jurist, friend of God, and commander Mawlana Shams al-Din al-Mahbubi al-Bukhari (d. 638/1240) was an expert in the science of usul. Having learned the science from his father, Mawlana Jalal al-Din Ubaydullah, he reached the rank of a great scholar of his time. Mawlana Shams al-Din wrote a book entitled Tahqiq al-furuq.

Another great jurist of Bukhara, from the family of the sadrs, was Ala al-Din al-Bukhari, who learned the science of fiqh from twenty-two teachers. Seeing that the religion of Islam was weakening in Movarounnahr, he sought to restore its former position and wrote the work Hayrat al-fuqaha. Having served as qadi for ten years in Bukhara and twenty-two years in Khurasan, the scholar identified and included in his work nearly 250,000 juridical questions of great importance for his time. On these

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questions he obtained the advice of the accomplished jurist-scholars of his age and received permission to put them into book form; thus the work Hayrat al-fuqaha was created. Ala al-Din al-Bukhari served in the office of qadi in Bukhara and Khurasan, an office that, being connected with practical life, required constant interaction with the people. Drawing on his thirty years of experience, the author issued fatwas in response to questions posed on various matters, and these collected fatwas served as the principal source for Hayrat al-fuqaha. Created in connection with real-life questions, the relevance of this work did not diminish in its own time or afterward, which led to its being copied as a necessary source on juridical questions among the local peoples (Asrorova, 2019:53-54).

The researcher L. Asrorova has introduced into scholarly use the representatives of many families of jurists who lived and worked in Bukhara in the 13th–14th centuries, as well as individual jurists among them the dynastic families of jurists such as the Sadr al-Shari‘as, the Hasiris, the Khayzakhazis, and the Aqilis.

Thus, in the 13th–14th centuries the major representatives of the Hanafi school in Bukhara made a substantial contribution to the field of fiqh. Among the dynastic jurists, the family of the Sadr al-Shari‘as in particular held a distinctive position: “Sadr al-Shari‘a and all his forebears lived with much honor and respect as men of learning and science” (Nasrullaev, 2024b:93).

The researcher Sh. Umaraliev has enumerated, among the jurists of the Fergana Valley active in the 14th century: Sharaf al-Din Ahmad al-Farghani (d. 750/1349), author of Dhakhirat al-fatawa; Abdullah ibn Muhammad al-Khujandi (d. 750/1349), author of Sharh al-Arba‘in fi fada’il al-a’imma al-arba‘a; and Qadi al-Khujandi (d. 750/1349), author of Hidayat al-salik bi-ma‘rifat al-manasik. One of the Hanafi jurists who created substantially in this century, Amir Katib ibn Umar al-Itqani (d. 758/1357), wrote Ghayat al-bayan as a commentary on Burhan al-Din al-Marghinani’s Hidaya and a commentary on Husam al-Din al-Akhsikati’s al-Muntakhab (Umaraliev, 2024:23-24).

At the end of the 13th and the beginning of the 14th century, the jurists who emerged from Nasaf carried out fruitful activity in spiritual life. Among them may be counted Abu al-Barakat al-Nasafi (d. 710/1310), Ali ibn Muhammad ibn Ali Abu Bakr Ali al-Nasafi (alive in 719/1319), Lutfullah al-Nasafi (d. 749/1349), and Jalal al-Din Ahmad ibn Yusuf al-Tubani (d. 793/1391). Some of the jurists who created in this period came, under Mongol pressure, to live in India, Egypt, Iran, Turkey, the

Crimea, and other regions of the Near East. Mawlana Rukn al-Din al-Nasafi is counted among such figures; the work Mujmal-i Fasihi records that he died in the city of Shiraz in 745/1344. Another Sufi scholar, shaykh, and representative of the path from Nasaf who migrated to Iran, Aziz al-Din al-Nasafi, died at the beginning of the 14th century in Abarkuh; his scholarly legacy occupies a special place in the history of the spirituality and thought of the Eastern peoples of the 13th century and is devoted to questions of human perfection. Ziya al-Din al-Nakhshabi (d. 751/1350) also went to India in the middle of the 14th century and settled permanently there; this figure possessed strong talent and had a perfect command of the Arabic, Persian, Turkic, and Indian languages (Nasrullaev, 2012:13).

The work Fatawa al-Kabiri of the Samarkandi Kabir ibn Kabir al-Dizaqi, written in Movarounnahr during the Mongol period and encompassing many fatwas, is considered one of the important works in the Hanafi school (Muhammadaminov, 2024:96-112). The work Salat-i Mas‘udi of another Samarkandi jurist, Mas‘ud al-Samarkandi, is among the authoritative sources that expound the principal branches of fiqh and the questions connected with them. Likewise, the works of jurists such as Majd al-Din al-Ustrushani of Jizzakh (d. 637/1240) and Badr al-Din al-Shibli (d. 769/1367) served as a source-basis for the fiqh works of the subsequent period.

CONCLUSION

In conclusion, the scholars of Movarounnahr were accomplished in various fields of the science of fiqh during the Mongol period of the 13th–14th centuries and succeeded in writing a great many works. Their works in the field of the Hanafi school served the advancement of the science of fiqh, and the writings of the jurist-scholars of Movarounnahr made a great contribution to the development not only of the region but of the whole of Muslim culture.

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