

“Codicology Manuscript Works Of Fiqh Written In Maverannahr Under The Name “Al-Muhit”

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Annotation: This article inform about manuscripts books is wrote under the name “al-Muhit”, it can be stated that the work “*al-Muhit al-Burhani*” and “*al-Muhit al-Sarakhsi*” had served as a main legal source in Islamic world, particularly, in the Hanafi madhhab spread countries. The fact that copies of the work had widely been spread in Turkey denotes that the work had been under great attention of the Hanafi ulama.

Key words: Faqih, fiqh, al-Muhit, al-Muhit as-Sarahsiy, fatawa, Mawara an-nahr, furu‘, XI-XIII centuries, tabaqat, taharat.

Starting from the tenth century according to the Gregorian calendar in Transoxiana, the branches of science of fiqh began to be brought into a certain order. By this time, scholars of Transoxiana began to collect the existing fatwas of the Hanafi madhhab as a single work. One of the first scholars who collected Hanafi fatwas was Abu Lais al-Samarkandi. His works “al-Nawazil” and “Uyun al-masail” collected the fatwas of previous scholars. Later, the fuqahas of the next period wrote collections of fatwas called wokeot, nawazil and fatawa. Among them are scholars such as Muhammad ibn Ibrahim ibn Anush al-Hasiri al-Bukhari (d. 500/1107), who created such a work as “al-Hawi fi fatawa”, Fakhruddin Ahmad ibn Muhammad ibn Abi Bakr al-Hanafi (d. 522/1128), who wrote the work “Mazhma al-fatawa” and Al-Sadr al-Shahid, who created his work in this direction. The representative of the Ali Moza family, Burhanuddin Mahmud al-Bukhari, also created many works in this direction.

In bibliographic works there are different opinions regarding the work “al-muhit”, written by Burhanuddin Mahmud al-Bukhari (d. 556/1219).

According to al-Qurashi, the work “al-Mukhit” belongs to Peri Raziuddin al-Sarakhsi ¹. However, the work “al-Mukhit” is another completely independent work in relation to “al-Mukhit al-Sarakhsi”, which is confirmed by the following words of al-Laqnawi: “Our friends, in order to distinguish between two works written by our authors, call the work “al -Mukhit” of Burkhan is the large “al-Mukhit” om, and “al-Mukhit al-Sarahsi” is called the small “al-Mukhit” om². Indeed, two works called “al-Mukhit”, written in the Hanafi madhhab, are known and famous in Transoxiana.

The first of them belongs to the pen of Burhan al-Islam Raziuddin Muhammad ibn Muhammad ibn Muhammad al-Sarakhsi (d. 544/1149). Raziuddin al-Sarakhsi studied the science of fiqh from his uncle Burhanuddin Mahmud al-Bukhari al-Sadr al-Shahid, then he arrived in the city of Halab (Syria) and taught at the Nuriyya and Halawiyya madrassas. Then, after he was relieved of his post, for the rest of his life he taught at the Khotuniyya Madrasah in Damascus (Syria)³.

¹Qurashi Abu Muhammad Abdulkadir ibn Abilwafa Muhammad ibn Muhammad al-Misri. Al-Jawahir al-muzi'a fi tabakat al-hanafiyya. 5 volumes / Edited by Abdulfattah Muhammad al-Hulw. – Cairo: 1993 AH. T.3. – P. 43 (Hereinafter: Al-Qurashi).

²Muhammad Abdulhai al-Laknawi. Al-Fawa'id al-bahiyya fi tarajim al-hanafiyya / Edited by Ahmad al-Zhabiy. 1st edition. – Beirut: Dor al-arqam ibn al-arqam, 1418/1998. – P. 206 (Hereinafter: Al-Fawa'id.).

³Al-Qurashi. T.3. – P. 357; Al-Fawa'id. – P. 188 191; Brockelmann C. Geschichte der arabischen Litteratur. 3 volumes. – Weimar-Berlin: Hay'a al-Misriyya, 1898-1993. T.1. – P. 463.

Many copies of “al-Mukhit al-Sarakhsi” have reached us. The value of this work, which is recognized by scientists, lies in the fact that in this work the fatwas of the Hanafi jurists, as well as “Zahir al-rivaya”, “Nawadir” are given in it sequentially in an ordered form⁴. Two handwritten copies of this work, stored in the Institute of Oriental Studies of the Academy of Sciences of the Republic of Uzbekistan (Uzbekistan) under numbers No. 10998, No. 5963, are only some parts of this work; they do not contain the full text of the source. Only copy numbered No. 557 is considered the complete text of the manuscript. On the first page of this manuscript it is said that the work has three types of copies. The first copy is considered large, it contains 8, 10, 12, 20 parts, the second, medium volume, consists of 4 parts, the third small volume consists of two parts. Conclusions about these features are given in the first and second parts of the work. This confirms that the work is written in full or abbreviated form. In addition, it is likely that the increase in the volume of the work is due to the fact that the work was copied by some Khattats and Nasikhs (calligraphers and scribes) in large handwriting. In addition, scientists who provided information about the book could only estimate its volume.

Copies of “al-Mukhit al-Sarakhsi”, stored in Aya Sophia (Turkey), were copied in the 12th-13th centuries AH and include a minimum of two and a maximum of thirty-two books. In addition, this work may be stored in other libraries in the world under the names “al-Mukhit al-rizavi”, “al-Mukhit al-sugra”, “al-Mukhit al-wusta”, “Wajiz al-muhit al-sarakhsi”

The work “al-Mukhit al-sarakhsi” has a total of 80 parts, which deals in order with issues of religion, then commerce, family, issues of slaves, tricks, oaths and other property contracts, interstate issues, the behavior of kazi, issues of judicial process, criminal issues, inheritance and inheritance issues.

When comparing the two works of al-Mukhit, one can immediately understand that there is a big difference between the parts being studied. For example, any topic that is a separate part in one work is completely absent in another work. Among them are such features as the fact that in “al-Mukhit al-Burkhani” such issues as fossils (ma'dan), execution of documents of the qazi (al-mahazir wa-l-sijillat), guarantee (daman) are given as separate topics), conversion (mua'mala), forbidden and possible for people, walls (khitan), contracts (shurut), widespread issues, deception (pride), issues of kafalat (pledge). And in “al-Mukhit al-sarakhsi”, such topics as funeral prayer (zhanaza), hayz, craft (kasb), consent (razo'), 'idda, measure (tadbir), purpose (kaffarat), oath (qasam), tazkiyya, kinship, issues of sick people and heirs, will, debt, freeing a slave due to illness, inheritance are given as separate parts. These parts also give various questions that are not found in both works. For example, such parts as in the parts of execution of documents of the qazi (al-mahazir wa-l-sijillat), the agreement (shurut) “al-Mukhit al-sarakhsi” do not exist.

Although the names of these two works are the same when they were written, their contents are different, and they were each created in a unique style. According to some researchers, the work “al-Mukhit al-Burkhani” by Burhanuddin Mahmud al-Bukhari belongs to the writer's grandfather. For example, the expression of al-Itqani “al-Mukhit al-Burkhani” means that the author is Burhan al-Kabir⁵. Despite this, in many primary sources and works of Tabakat historians (bibliographic works) it is noted that this work was written by Burhanuddin Mahmud al-Bukhari.

Another problematic issue encountered in studies of the work “al-Mukhit al-Burkhani” is the year in which the work was written. Bringing clarity to this issue on the basis of manuscript sources and the testimony of Khattats (calligraphers) is very difficult. As is known, this work includes many years of creative activity conducted by Burhanuddin Mahmud al-Bukhari in Bukhara and Samarkand. Based on this information, we can say that the thinker began to write his work during his life in Samarkand.

Our thought can be confirmed by the following expression given in the introduction to the work of Burhanuddin Mahmud al-Bukhari “al-Zakhirat al-burhaniyya”.

⁴Institute of Oriental Studies, Academy of Sciences, Republic of Uzbekistan // Manuscripts No. 10998. – 290 pages, No. 5963. – 301 pages, No. 557. – 610 pages; Türkiye. – Istanbul: Sulaymaniyah Library. – Branches of Aya Safiya // Manuscripts No. 001397, No. 001390, No. 001405, No. 001396, No. 001395, No. 001404, No. 001394, No. 001393, No. 001392, No. 001403, No. 001391, No. 001402, No. 001401, No. 001400, No. 001399, No. 001398.

⁵Taha Ahmad Hassan Khafini al-Maghazi. Min awwali Kitab al-salat ila ahir al-fasl al-khamis min Mahtut al-Muhit al-burhani. – Cairo: Al-Azhar University, 2003. – P. 38.

بعد ان حمد الله و أثنى عليه وقد جمعت أنا في حداثة سني و عنفوان عمري و صدر أمرى في الافتاء ما رفع الى من مسائل الوقاعات و ايضا ضمنت اليها اجناسها من المسائل و جمعت جمعا امر مدة مقامي بسمرقند. . . الخ⁶

Translation: "After praising Allah, in my youth, during the prime of my life and at the very beginning of my fatwa activities, I was able to collect the questions of al-Woqe'ot. In addition, I included similar questions among them. During my life in Samarkand, I collected many more questions."

It should be noted here that the work "al-Muhit al-Bukhani" is completely connected with the personality of Burhanuddin Mahmud al-Bukhari, because in the work the author, citing the fatwas of Burhan al-Kabir or Raziyyuddin al-Sarakhsi, uses expressions such as "According to my grandfather" , "According to Raziyyuddin al-Sarakhsi."

During the research, it turned out that the work "al-Mukhit al-Burkhani" was prepared for publication several times. A researcher at the Center for Islamic Studies located in the city of Islamabad (Pakistan) "Idara al-Qur'an wa al-'ulum al-Islamiyya" Luyi Abd al-Ra'uf al-Khalili published a book entitled "Kitab al-Muzaraba min "al-Muhit" al-Burkhani" consisting of 344 pages, which included part of the work of "al-Muhit al-Burkhani" entitled "Kitab al-Muzaraba" in 1424/2003⁷. The same center stores handwritten copies of the work "al-Mukhit al-Burkhani", consisting of 25 parts. Indian researcher Sayyid Hashim al-Nadwi also examined the work, but it was not published. In his research, this scientist relied on the manuscripts of the work, which are stored in the Arabic manuscript collection of the libraries of Saharanapur (India) "Mazahir al-'ulum", Rampura (India) "Rido" and Razputana (India) "Saidiyya"⁸.

The first major edition of the work "al-Muhit al-Burkhani" was carried out by Ahmad Izzu Inaya (Cairo-2003)⁹, which consisted of ten volumes, each volume was 500-550 pages. The publication begins with the part "taharat" (ablution) and ends with the part "al-mahazir wa-l-sijillat." There are only 64 parts. In this edition, Ahmad Izzu Inaya relies on the Beirut handwritten copy of the work, but the published volumes do not contain indexes or the necessary comments. The introduction does not provide information about Burhanuddin Mahmud al-Bukhari. In many places, expressions written in Persian are mixed up. When comparing the copy with the manuscript stored under number No. 2861 of the IV AN RUz (Uzbekistan), it turned out that it does not contain the parts "shurut" and "khunsa" (hermaphroditism and its issues).

The author of the second major edition of "al-Muhit al-Burkhani" is Abdulkarim Sami al-Zhundi, who prepared the work for publication in nine volumes (each volume on average 500-550 pages)¹⁰. This edition is much more advanced than the edition of Ahmad Izzu Inaya. The introduction provides information about the history and stages of development of the Hanafi madhhab, then brief information about the author. The book begins with the part "taharat" (ablution) and ends with the part "al-mahazir wa-l-sijillat". This edition of al-Muhit al-Burkhani is based on a four-volume copy kept in the Ahmadiyya Madrasah in Aleppo (Syria). The research part of the work provides information about the scientists mentioned in the work, their works and hadiths, what type of works and hadiths they belong to, as well as information about the verses of the Koran. In total there are 41 parts in the publication. However, in the edition of Abdulkarim Sami al-Zhundi there is no "shurut" part.

As is known, after the Mongol invasion, the development of Islamic science was observed in the Ottoman Empire, the city of Istanbul became the center of Islamic science. In the consistent development of the Hanafi madhhab in this region, a number of works written by the fuqahas of Transoxiana were of great importance. Confirmation of our thought is that 66 copies of the manuscript are stored in the Bayezid State

⁶Burhanuddin Mahmud al-Bukhari. Al-Zahira al-burhaniyya. – Istanbul: Sulaymaniyah Library. – Aya Safiya Department // Manuscript No. 001170, total 392 pages. – P. 1^a.

⁷ See website <http://www.aslein.net/archive/index.Php/t-5361.htm1>.

⁸Muhammad Saghir Hasan Ma'sumiy. Burkhan al-shari'a wa kitabuh "al-Mukhit al-burhani". – Islamabad: Asar al-Islamiyya (Islamabad Islamic University), 1967. – P. 71.

⁹ Burhanuddin Mahmud al-Bukhari. Al-Mukhit al-burkhani fi al-fiqh al-n'y'mani. 11 volumes / Edited by Ahmad Izzu Inaya. – Cairo: Dar ihya al-turas al-arabi, 2003.

¹⁰Burhanuddin Mahmud al-Bukhari. Al-Mukhit al-burkhani fi al-fiqh al-n'y'mani. 9 volumes / Edited by Abdulkarim Sami al-Zhundi. – Beirut: Dar al-kutub al-ilmiya, 2004.

Library and the libraries of the cities of Sulaymaniyah and Kuprulu in Turkey. These manuscripts are of varying length and were copied by different scribes from different states.

During the research, 17 handwritten copies of the work stored in the Aya Safiya and Murad Mulla departments of the Suleymaniya Library (Turkey) were also carefully studied¹¹.

As is known, all copies except manuscript No. 001413¹², stored in the Aya Safiyya branch of the Suleymaniya Library of Istanbul were copied by one scribe, that is, Mansur ibn Yahya in Syria in 731/738 AH.

It was determined that the al-Azhar, Dor al-Kutub al-Misriyya libraries in Cairo and the National Library of Alexandria contain 27 copies of the work of various sizes. Among them, the main ones are stored in the department of "Fiqh al-Hanafi (Hanafi Law)" under number No. 471 (890 pages) and consists of 4 volumes. In addition, in the same library there is a microfilm of this copy under number No. 38000. Volumes II, III, V, VI, VII of the work are stored in the same library under numbers No. 482 (720 pages) and No. 774 (602 pages). However, the order of the books in the manuscript does not correspond. When comparing them with the Tashkent copies, it turned out that they do not contain the parts "bai' (purchase and sale)," "khunsa" (hermaphroditism and its issues), and "shurut." The library of al-Azhar University in Cairo, in the "Hanafi Law" department, under number No. 3054 (894 pages), contains a copy of the work, rewritten by Said Khalil Abbas Takhtawi in 975/1567-68. However, even in this copy the order of the parts is given indefinitely, because when compared with the Tashkent copy it turned out that it does not contain the parts "Hajj" (pilgrimage to the holy cities of Mecca and Medina), "Jinayat" (crime), "Shurut", "Al -mahazir wa al-sijillat." The second manuscript of the work "al-Mukhit al-Burkhani", stored in this library, was rewritten by Muhammad Kanavi in the 9th/15th centuries. This copy corresponds to copy number 471 in Dar al-kutub al-Misriyya.

Another manuscript "al-Muhit al-Burkhani" is stored in the National Library of Alexandria under number No. 1369. This copy was copied in Tunisia in the 13th/19th centuries by Abdulmajid Abdussalom al-Kan'ani al-Maliki in the form of a collection¹³.

Another copy of the work "al-Muhit al-Burkhani" is kept in the personal library of Shaikh Mawlana Muhammad Azam, who lives in the city of Tahila, Pakistan, bordering Afghanistan. This copy consists of 2942 sheets, with an average of 35 lines per sheet. The manuscript was rewritten by Khattat (calligrapher) Muhammad ibn Muhammad in Arabic naskh script, in some places Nastaliq 1 Rabi II 1182/15 August 1768. It should be noted that this manuscript was made in the form of a book in the village of Ali Bilal in the vicinity of Bukhara in the mausoleum of Haji Bahauddin Hasan Zarf Ishan. According to Ma'sumi, the manuscript was rewritten in Persian and Turkic languages, and important fatwas for that time were included in the manuscript¹⁴. This copy begins with the part "taharat" (ablution) and ends with "shuf'a" (preferential purchase). The copy contains only 38 books¹⁵.

The German orientalist Karl Brockelmann gives the following information about handwritten copies of the work stored in other countries:

1. 2-volume manuscript and copies numbered No. 0263, No. 23714, stored in the Zaytuniyya madrasah of Tunisia.
2. 3-volume manuscript and copy numbered No. 212264, stored in the Mosul Central Library of Iraq.
3. 3-volume manuscript and copy numbered No. 37748¹⁶, kept in the Arabic department of the British Museum in London.

¹¹Sulaymaniyah Library. – Aya Safiya Department // Manuscripts No. 001406. – 206 pages, No. 001407. – 188 pages, No. 001408. – 211 pages, No. 001409. – 193 pages, No. 001410. – 207 pages, No. 001411. – 225 pages, No. 001412. – 235 pages, No. 001413. – 174 pages, No. 001414. – 199 pages, No. 001415. – 271 pages; Murad Mulla Department // Manuscripts No. 001042. – 427 pages, No. 001043. – 511 pages; No. 001044. – 459 pages; No. 001045. – 409 pages; No. 001046. – 275 pages; No. 001047. – 835 pages, No. 001048. – 622 pages.

¹²A copy of work No. 001413 was rewritten in 762 AH in the month of Sha'ban on the 15th day by Abdullah Ibrahim ibn Ahmad ibn Hazhar ibn Ali al-Farsi al-Shafi'i.

¹³Taha. "Al-Mukhit". – P. 41.

¹⁴Ma'sumi. "Al-Mukhit". – S.71.

¹⁵Right there. – P. 71.

¹⁶Ma'sumi. "Al-Mukhit". – S.71.

10 handwritten copies of the work stored in the Institute of Oriental Studies of the Academy of Sciences of the Republic of Uzbekistan (Uzbekistan) were examined, these are:

1. Copy numbered 2861, written in Nasta'liq script (total 1241 pages);
2. Copy numbered No. 5982, rewritten in Bukhara in Nastaliq script (955 pages in total);
3. Copy numbered No. 9532, rewritten in 985/1578 in Bukhara in Nastaliq script (727 pages in total);
4. Copy numbered No. 3161, the place of writing of which is unknown and rewritten in Nastaliq script (543 pages in total);
5. Copy numbered 7814, rewritten in Suls letter (180 pages in total);
6. Copy numbered 8781, rewritten in Naskh script (340 pages in total, it is considered the third volume of the work);
7. Copy numbered No. 5835, copied in Bukhara in 1221/1807 by Mirzo Muhammad in Nastaliq script (675 pages in total);
8. Copy numbered No. 3167, rewritten in Suls letter (total 314 pages);
9. Copy numbered No. 3102, rewritten in 663/1265 by Abu al-Fath Abdulkadir ibn al-Kabir ibn Ali al-Marginani in a suls letter (total 196 pages);
10. Copy numbered No. 5945, rewritten in Bukhara in 989/1582 by Muhammad Ali Naklibek in the Nimnaskh letter (924 pages in total).

The creation of these manuscripts dates back to the 7th-13th centuries AH. In the process of research, the following important aspects of the copies below were clarified: a complete copy of the work "al-Mukhit al-Burkhani" was determined. This copy is numbered No. 2861, consisting of 1241 pages and stored in the manuscript collection of the Institute of Oriental Studies of the Academy of Sciences of the Republic of Uzbekistan. This manuscript was rewritten in 1221/1776 by Khattat (calligrapher) Muhammad Tahir ibn Farmanbek al-Bukhari (according to genealogy, his family begins with Khoja Muhammad Vosi ibn Hazrat Jabir (r.a.). The manuscript includes 67 parts, starting with "taharat" (ablution) and ending with the part "faraiz" (inheritance).

As a conclusion, we can say that the authors collected almost all previous fatwas of the Hanafi madhhab in their works. Only in a desperate situation did the authors use the fatwas of other madhhabs as (qiyas-analogy) comparison. Each book began with quotations from "Zahir ar-rivoya" or from the fatwas of the last Transoxiana ulema. To clarify various issues, they sometimes used Persian expressions. Both works of al-Muhit al-Burkhani contain very appropriate verses and hadiths. In many cases, the authors give fatwas that have mental evidence.

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