

Introduction

Islamic jurisprudence or *Shari'ah* has developed through various phases of the Islamic history and its history runs simultaneously with the history of Islamic civilization. Technically the word jurisprudence (*Fiqh*) refers to the science of deducing laws from evidence found in the sources of *Shari'ah*. The word in earlier period (First century A.H) had a comprehensive meaning; it was rather used in opposition to *'Ilm* (Knowledge) and finally it denotes besides the *Quran* and its interpretation, the accurate knowledge of the legal decisions passed on by the Prophet (S.A.W) and his companions to the coming generations. These legal verdicts and decisions were preserved in the form of *Riwayat* (Narrations) to be consulted on a specific occasion as a legal document.¹

It is to be noted that in its developed form, Islamic Jurisprudence came to recognize a variety of sources and methods from and through which the laws and rulings may be derived. The *Quran*, and the *Sunnah* of the Prophet provide the subject matter of this field, and the sources through which the law may be derived represent either the methods of the legal reasoning and interpretation or the sanctioning instrument of consensus (*Ijma*). With these important notions, the process of reasoning involved therein, the application of Analogy (*Qiyas*) and is still identified as the fourth source of the Islamic legal theory. Based on the community welfare, socio-religious needs and moral application of the legal

1. Ahmad bin Muhammad, *Usul-al-Shashi*, Beirut, 1982, pp. 9,10.

theory, the alternative methods of reasoning such as juristic preference (*Istehsan*), or public interest (*Istislah*) also emerged to form a link between law and the public.¹ In this respect the period of *Taba'in* (Successors) and *Taba-Taba'in*, (the followers of the successors) i.e. first and second century A.H, is regarded as the most significant period in the development of Islamic jurisprudence. The legal expertise and resolution of socio- economic issues saw an upsurge of intellectual legal activity during the last quarter of first century A.H. In this learned venture, both Arabs and non- Arabs have contributed to the various aspects of Islamic Sciences. The increasing interest in the study of legal discourses was reflected in the evolution of various centers of legal activity throughout the Islamic lands. With the beginning of second century A.H., special attention was paid to the study of fiscal and socio- economic issues resulting from the expansion and administration. The study of these discourses widened the scope of Islamic jurisprudence and its study was transmitted and carried to the far off places of the Islamic Caliphate.

It was during this period, that three renowned geographical divisions and the established centers of learning with their independent legislation came into existence. These geographical divisions were the great centers of Islamic learning. Iraq was a predominant centre of Islamic jurisprudence with its three renowned branches in Basrah, Baghdad and Kufa.

1 D.B.Macdonald, *Development of Theology, Jurisprudence And Constitutional Theory*, Cambridge, 1903. pp. 42, 43.

Hejaz, on the other hand had two centers Mecca and Medina. Syria was having a great centre of jurisprudence in Damascus.¹

The Iraqi school of thought was lead by the pioneers like Prophet's companion, 'Abdullah bin Mas'ud, 'Alqamah (d. 62 A.H), Masruq (d. 63 A.H), Al-Aswad bin Yazid (d. 75 A.H), Shuraih bin Harith (d. 78 A.H), Ibrahim al Nakha'i (d. 96 A.H), Sha'abi (d. 103 A.H), Hammad bin Salma (d. 120 A.H), Abu Hanifa (d. 150 A.H) and his disciples like Abu Yusuf (d. 182 A.H), Muhammad bin Hassan al-Shaybani (d. 189 A.H) and Imam Zufar.²

The teachings of the Iraqi School of thought flourished in *Mawara-al-Nahr* (Transoxiana) during second century A.H under the guidance of eminent disciples and followers of Abu Hanifa (d. 150 A.H), the founder of Hanafi School of law. Transoxiana generally known as Central Asia in the contemporary world had been an integral part of the Muslim Caliphate annexed by Qutaybah bin Muslim from 712-715 A.D, a magnificent period of the expansion of Islam. ³

After the establishment of Muslim rule in Central Asia, the scholars of the region contributed in the codification and consolidation of almost all branches of knowledge. In the field of *Tafsir* (Commentary of Holy Quran) Zamakhshari (d. 467 A.H), Badhawi, Razi (d. 513 A.H), Muhammad bin Fazl al Bukhari (418 A.H), Abu Bakr Qaffal, Abu Ishaq al

1 Wael, B. Hallaq, *A History of Islamic Legal Theories*, Cambridge, 1997, p 7

2 Abu Zuhra, *Hayat Abu Hafafi*, Delhi 1978, p. 287.

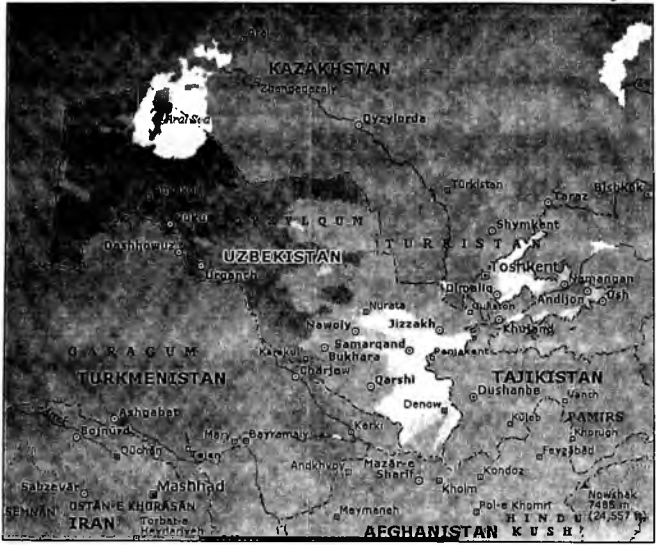
3 H.A.R Gibb, *Arab Conquests in Central Asia*, New York, 1970, p.62.

Maruzi, 'Umar al Taftazani, Al Khawarizmi, Ahmad bin Muhammad Farghani (d. 531 A.H) are deemed to be scholars of the highest stature. In the field of *Hadith*, al-Bukhari (d.256 A.H), Imam al-Muslim (d.264 A.H), al-Tirmizi (d.279 A.H), al-Nassai (303 A.H), Ibn Maja (d.273 A.H), Abu Dawud (d.275 A.H) and Darmi (d.273) were the chief figures who flourished in this region and contributed in *Hadith Sciences*.¹

Likewise Islamic jurisprudence too has an extremely vast and glorious history in Central Asia. Since the present study is mainly related to the contribution of Uzbek Muslim scholars, it is imperative to look into the over all academic and socio-political scenario from 8th -13th century A.D, in Central Asia in general and Uzbekistan in particular to trace the stage wise development of Islamic religious and social sciences.

The predominant religion in Uzbekistan is Islam. The Uzbeks and other Muslim races are primarily *Sunni* Muslims of the Hanafi School of law. The Republic of Uzbekistan is located on the banks of river Syr and Amu, bordered on the west and

1. Dr. K.M.Sheikh, *Hadith and Hadith Sciences*, Delhi, 2006, p.161.



The Republic of Uzbekistan and adjacent provinces of Central Asia.

south by Afghanistan and Turkmenistan.

Tashqand, located in the north east is the capital and chief industrial and cultural centre. Uzbeks make up the majority of republics population as per the census record of 2007 the population of Uzbekistan was 27,780,059 residing in the area of 447400 sq. Kilometers with 80% Uzbeks, 5.5% Russians, 5% Tajik, 3% Khazik, 7% Tatars, Karakulpaks and others.¹

Uzbekistan has remained hub of Islamic civilization during the Abbaside period (750-1258 A.D.) with its predominant centers in the principal

1. Roald.S, and Sausan, *Islam And the Central Asia*, Washington, 2006, p.128.

cities of Samarqand, Tashqand, Andijon, Bukhara, Farghana, Merghinan, Khiva, Shash, Osh, Tirmiz, Khokand, Merv and Neshapur.¹

The development of a rich literary tradition especially in the field of Islamic jurisprudence dates back to the formative period during 2nd and 3rd century A.H. With the emergence of Abbasides (750 A.D) to the caliphal throne, the Iraqi code of law got currency in the maximum parts of the Muslim world. In the reign of Abbasid caliph Harun al Rashid (170-193 A.H) the Hanafi code became the state religion. With Abu Yusuf's (d. 182 A.H) appointment as chief Qazi of the Abbasid court, preference was given to Hanafi jurists, Qazis and governors for *Mawara al Nahr* to promote the teachings of Hanafi School of law with an immediate effect. Among the galaxy of Muslim jurists and legal experts who played an important role in developing and codifying the Islamic law in medieval Uzbekistan, 'Abdul 'Aziz bin Mazah (536 A.H), *Fatawa Kubra*, Abu Bakr Mawarzi (d. 211 A.H), *Al-Kafi*, Mohammad bin Maqatil-al-Razi (d. 213 A.H), *Fatawa*, Mohammad bin Shuj'a Balkhi (d. 266 A.H), *Nadwadir*, Abu-Laith Samarqandi (d. 321 A.H), *Kitab-al-Nawazil*, Imam Zaffar Balkhi (d. 362A.H) *Masmumat*, Mohammad bin 'Ali (d. 436 A.H), *Al-Mutammad-fi-al-Usul*, Merghinani's *al Muwafiqat*, Najm-u-din, Abu-Hafs al Nasfi's (d. 537 A.H) *al Usul*, Abu Laith Ahmad (d. 547 A.H) *Al-Majm'u*, Mohammad bin Abdul Rehman al Maruzi's *al Usul*, 'Uthman bin 'Ali Baqandi's (d. 552 A.H), *Usul-al-Fiqh*, Baha-u-din 'Ali bin Muhammad-al-Samarqandi's (d. 535 A.H) *al-Mutamad*, Mohammad bin

1. Saulat, *Milat Islamia Ki Mukhtasir Tarikh*, Delhi, 1994, Vol-I, p. 221.

'Abdul Rahman-al-Bukhari's (d. 546 A.H) *Tafsir-al-Quran* and 'Ali bin Abi Bakr Merghinani's *al Hidayah, Mukhtarat-al-fatawa, Al-Nawazil* are significant and reputed scholars who have been associated with the dissemination of juristic literature in Uzbekistan during the medieval period.¹

The legal and juristic literature (*Kutub al Fiqh wa al Qawanin*) of medieval Uzbekistan has been preserved in the most prestigious libraries affiliated to the profound learning institutions of medieval and present times. The largest library collection in Uzbekistan is located at *Tashqand State University, Central Library of the Uzbek Academy of Social Sciences, Uzbek State Museum of Art, Tashqand Historical Museum of the Peoples of Uzbekistan, The Museum of Uzbek History, Culture and Arts* located at Samarqand and *Kutab Khanah of Nuh bin Mansur* (d. 997 A.D)., located in Bukhara and similar other prestigious academic centers of tenth and eleventh century A.D.²

1. *The Cambridge History of Iran*, p.268, London, U.K, 1953, Vol. IV, pp. 318-320.

2. M.Tahir, *Islamic Institutions*, Delhi, p. 117.

The flow of information with regard to the development of Islamic jurisprudence was not only adopted by the Central Asian Scholars in general and Uzbek Muslim scholars in particular, but also contributed to this flow of information and academic venture by virtue of commentaries (*Shuruh*), selective principles (*al-Usul*), techniques and methods to study the subject with its contemporary relevance. Abu Yusuf's (d. 182 A.H) *Kitab-al-Radd-ala-Malik-bin-Anas*, *Ikhtilaf-i-Abi-Hanafa-wa-ibn-abi-Laila*, *Al-Radd-ala-Siyr-al-Awaza'i*, and Muhammad bin al Hassan al Shaybani's *al-Radd-ala-ahl-al-Madina* provided the basic principles for the contribution done by Uzbek Muslim scholars of Islamic jurisprudence. ¹

The mode of operating upon the sources and its evaluation (The principle of *Maqis* and *Maqis 'alah*) has remained the main concern of Uzbek Muslim Scholars during medieval times. The renowned works were compiled and codified by the Uzbek jurists. Bazudi's *al-Usul*, Merghinani's *Mukhtarat-al-Fatawa*, Samarqandi's *Tuhfa-al-Fuqaha*, Farghani's *Nashr-al-Madhahib*, and Muhammad bin 'Ali's *Al-Mutamad-fi-Usul-al-Fiqh* are some of the works carrying the selective principles techniques and methods of deducing laws, rulings and verdicts from the primary sources of Islamic Jurisprudence. ²

This contribution could be also estimated by the establishment of *Madrasas*, libraries and other reputed centers of academic excellence where the selected books of *Fiqh*, doctrinal principles,

1. Abu Zuhra, *Hayat Abu Hanifa*, Delhi, 1987, p. 388.

2. Ibn Khallikan, *Wafiyat-al-A'iyar* Beirut, 1977-78, Vol. 3, p.178.

analogy (*Qiyas*) and consensus (*Ijm'a*) were studied. Laws were framed and put to practice with relevance to the changing circumstances (*Tabdil-al-ahkam-bi-tabdil-al-azminah*) by virtue of concentration upon the *Fiqh* materiel, sources, mode of imparting knowledge (*Tashrih-al-ulum-al-Islami*) and codification of law, and all this influenced the then socio-political scenario by providing sufficient ideological and legal materiel rooted in Islamic fundamentals (*Al-ahkam*).¹

Keeping in view the remarkable contribution of Central Asian scholars in general and Uzbek Muslim scholars in particular, the present study therefore, is a humble beginning to work out their achievement and contribution in the field of Islamic jurisprudence. Uzbekistan, especially in the Abbasid (750-1258 A.D) and Samanid period (873-1005 A.D) has produced a galaxy of reputed jurists and scholars who formed the basis for codifying the Islamic law with special reference to Hanafi School of thought. Medieval Uzbekistan has remained hub of Islamic civilization for a long period of time with its predominant academic centers throughout its vast regions. These centers have contributed and added a lot to the cultivation of Islamic religious and social sciences and were responsible for a rich literary tradition especially in the field of Islamic jurisprudence.²

1. Ahmad bin Muhammad, *Usul-al-Sahshi*, Hyderabad, 1323.A.H, p. 28.

2. Ahmad Shalbi, *History of Muslim Education*, Beirut, 1954, p.166.

The study under consideration is of descriptive manner to obtain pertinent, precise and valuable information concerning the academic and socio-political atmosphere of medieval Uzbekistan. As such the present study provides information useful to the study of social change, comparison, analysis and interpretation of phenomenon in its legal and social setting. Moreover, the present study is not merely a copy or list of events which took place in medieval Uzbekistan, rather an attempt to display, exhibit and investigate in to the social, cultural, academic and political forces that had operated simultaneously to unify the tribal steppe under the Islamic caliphate. The development of law and administrative institutions along these lines has formed the vital link between the rulers, jurists/scholars and natives of this entire region.

In addition to this, the study under consideration is to work out the achievement and contribution of Uzbek Muslim scholars of medieval times. It is a humble beginning to estimate the way of operating upon the sources, contemporary relevance of the legal discourses and selective principles which influenced the socio-political scenario during the Ummayad (41-132 A.H / 661-750 A.D), the Abbasid (750-1258 A.D), the Samanid (261-395/873-1005 A.D), the Saljuk Turk (429-552/1037-1157 A.D), and Khawarizm Shahi (1157-1258 A.D) periods. Therefore focus of the present study is upon the primary sources of Islamic jurisprudence, the works of Central Asian scholars in this respective field, and available and related materiel on the subject in journals, periodicals, articles and websites to study the socio-political and academic aspects of the area under consideration. To make the study relevant to the

contemporary times an attempt has been made to have a critical evaluation of the reputed academic centers of medieval Uzbekistan to obtain maximum benefit out of their experiences.

Keeping in view significance and importance of the subject under review, the present work has been divided into four chapters besides introduction and conclusion.

The description of the chapters in the thesis is as follows:

Introduction: This segment in the thesis provides a detailed description about the present study entitled, "*The Contribution of Uzbek Muslim Scholars to the Development of Islamic jurisprudence (750-1258 A.D)*" objectives of the study, methodology and the area under consideration.

Chapter-I: - Review of the sources: This chapter seeks to anthologize the primary and secondary source materials related to the study of Islamic jurisprudence in medieval Uzbekistan. This chapter has two parts (a) *Introduction of the juristic compilations in Uzbekistan during second and third century A.H* and (b) *The Sources pertaining to the study of Islamic jurisprudence in Uzbekistan and the contribution of Uzbek Muslim Scholars*. In this direction, an attempt has been made to visualize and examine the relevant material which has been compiled by various scholars from time to time.

Chapter-II: - Socio-Political Milieu: It is the study of socio-political circumstances during the Umayyad (661-750A.D), the Abbasid (750-1258A.D), the Samanid (873-1005A.D), the Seljuk Turk (1037-1158A.D) and the Khawarizm Shahi (1157-1258A.D) periods which paved the way for the development of

administrative organs, academic institutions, language and literature and a rich literary tradition and marvelous contribution especially in the field of Islamic jurisprudence .

Chapter-III: - Uzbek Scholars: Life, Works and Contribution: This chapter carries and covers the life, works and contribution of the eminent figures of Islamic jurisprudence that provided a strong base for the dissemination of legal philosophy and codification of Islamic law in medieval Uzbekistan. Like wise this chapter investigates into their contribution and expertise in other fields of Islamic sciences as well.

Chapter-IV: - Contribution of Reputed Academic Centers of Medieval Uzbekistan: This chapter is a thorough study of the reputed academic institutions located in the prestigious and famous cities of medieval Uzbekistan. This study provides all most all the details of the courses of study, curricular and extra-curricular activities, status and position of scholars and learned community. In addition to this, this chapter discusses inter-disciplinary and multi-disciplinary approaches applied to the study of religious and Social Sciences in medieval times.

Conclusion: It is the final component of the thesis followed by bibliography of the source material.