

## NEW SOURCE ON ISLAM IN MEDIEVAL KAZAKHSTAN

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**Abstract:** The article is devoted to the study of traditional religion in Kazakhstan, based on the work by key participant in the historical events in Isfijab and Samarqand in Qarakhanid period. Six survived copies of the unpublished work “Zad al-fuqaha” were used for this study. They were analyzed using the special techniques and methods of paleography and codicology of Oriental manuscripts. We used the methodology of historical and philological study of medieval texts in Arabic for the establishment of a regional form of Islam in medieval Kazakhstan and Central Asia. This source has great importance to study Muslim education and justice system in medieval Kazakhstan. Based on its materials we analyzed Qarakhanids’ religious policy in XI – beginnings of the XIII centuries.

We have found that citizens had good relations and links with the milieu of local theologians in medieval Central Asia. On the contrary representatives of other regions were invited by the ruling dynasty of Qarakhanids to take high religious positions. Thus, al-Isfijabi, representative of Isfijab, took key religious position in Samarkand, the capital of Qarakhanid state. It is also found that the work of al-Isfijabi is a first-class source to study the local form of Islam in medieval Kazakhstan. Its uniqueness and originality consists in a combination of basic tenets of Islam with the traditional culture of the local people.

**Keywords:** History of religion, medieval history of Kazakhstan, theologians’ milieu, hanafite madhhab, handwritten source, Islamic law, traditional society, the interaction of cultures.

### INTRODUCTION

Interaction of Islam with national culture continued for more than millennia changed it into traditional religion in Kazakhstan. It is a well-known fact that the penetration of this religion into the territory of modern Kazakhstan began in the II/VIII century. The initial impetus to its deep spread into the current Kazakhstan’s territory was the Battle of Talas (Atlah battle) in 133/751. The joint victory of the troops of Abu Muslim (129-138/747-755) and the Turkic nomadic tribes over the Tang army led to Islamization of the region (Id ibn Muhammad ibn Hamd al-Dusari 1435/2014, p. 10).

The study of the interaction of Islamic religion and national culture in the local society has scientific interest for scholars. Literary sources, created in this region, give us with a valuable account of the process of the transformation in the lives of ordinary people, society, and the state. The purpose of this article is an introduction of new source to the academic community, which was compiled by a native of this region in the Medieval period of history.

In order to identify the significance of this work in the study of the regional form of Islam in the medieval Kazakhstan and Central Asia it was used the approach of historical and philological analyze of medieval texts in Arabic. To analyze the list

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of non-published works we used special techniques of paleography and codicology of oriental Islamic manuscripts. They help set the prevalence of this work in the framework of the Muslim world, its importance for Muslim education and justice system.

### AUTHOR OF THE WORK

The author of the work is a jurist (faqih), representative of the local theological and legal school (madhhab) of Abu Hanifa (died in 150/767) Muhammad ibn Ahmad al-Isfijabi (died after 500/1106-1107) from Isfijab (Muhammad ibn Ahmad al-Isbijabi, (n.d.), Yeni Cami 466 Fund, p. 301). We can find different spellings of his name in the historical sources. As such later Hanafi authors ‘Abd al-Qadir ibn Abi-l-Wafa’ al-Qurashi (died in 775/1373) in “al-Jawahir al-mudiya” and Qasim ibn Qutlubugha (d. in 879/1474) in “Taj al-tarajim” wrote his name in the following form: Baha’ al-din Abu-l-Ma’ali Muhammad ibn Ahmad ibn Yusuf al-Isfijabi (Muhammad ibn Ahmad al-Isbijabi, (n. d.), Fund BirinciSerez 722, p. 73). However, another author, a native of the Golden Horde, Mahmud ibn Sulayman al-Kafawi (died in 989/1581) in “Kata’ib a’lam al-akhyar” gave the approximate date of the author’s death as period after 500/1106-1107 (Muhammad ibn Ahmad al-Isbijabi, (n.d.), Yeni Cami 466 Fund, p. 201-301). From this we can conclude that the later compilers of biographical dictionaries (Tarajim), using the original information, turned this brief information about the life and work of al-Isfijabi to more vague details. Almost all of the sources mention the title of his work composed in Samarqand as “Zad al-fuqaha” (Muhammad ibn Ahmad al-Isbijabi, (n.d.), Yeni Cami 466 Fund, p. 301). Muhammad ibn Ahmad al-Isfijabi was born and educated in the city Isfijab (now the ruins of the city are located in the South-Kazakhstan region). He became here a professional Hanafit jurist. However, no details were mentioned in the surviving monuments of medieval historical and biographical literature about his life and work in his hometown Isfijab.

Change of capital of Balasaghun from Uzgend to Samarqand in 432/1040 by the ruler of Qarakhanid Ibrahim Tamghach-Khan (444-460/1052-1068) played a significant role both in the history of the state and in the life of the author. It is known that the rulers of the dynasty Qarakhanid used to advance theologians invited from Turkestan and Isfijab to the official positions to neutralize the influence of local Samarqand ‘ulama’. As part of this long-term policy Muhammad ibn Ahmad al-Isfijabi was appointed to the highest religious position *shaykh al-Islam* in Qarakhanid state, as a well-known expert in Islamic law (fiqh) from Isfijab ((Muhammad ibn Ahmad al-Isbijabi, (n.d.), Yeni Cami 466 Fund, p. 199).

‘Id ibn Muhammad ibn Hamad al-Dusari attempted to study Arabic “Zad al-fuqaha’ ” as a heritage of the general Islamic legal literature (Muhammad ibn Ahmad al-Isbijabi, (n.d.), “Laleli 1001” Fund, p. 1). However the scholar failed in following

cases: study of incomplete book (he studied only one part of the work – from “Kitab ihya’ al-mawat” to the end of the book) ((Muhammad ibn Ahmad al-Isbijabi, (n.d.), “Laleli 1001” Fund, p. 3), incomplete study of all copies of the manuscripts (only 4 of the 6 existing copies were considered) ((Muhammad ibn Ahmad al-Isbijabi, (n.d.), “Laleli 1001” Fund, p. 66), ignoring the additional information available in extra-textual records in six copies of manuscripts, the lack of research focus (al-Dusari does not analyze the source of the study as a form of Islam in medieval Central Asia). One of the incorrect sides of study in his work is an application of confessional approach of Hanafi literature\*. Considering these shortcomings, we decided to consider the source using a new approach to investigate it as a source on the history of Islam in current Kazakhstan territory.

### COPIES OF THE WORK

During the research, started in 2013, there were found six manuscripts in the libraries of Istanbul (Turkish Republic). They provide additional information about the history of the book, its author, and the way how the books were used in the milieu of Hanafite scholars in several areas where this school was dominant and etc.

The first copy is the manuscript in Süleymaniye Library of the Fund “Yeni Cami 466”. The manuscript consists of 184 folios. There are 27 lines on a page. The manuscript contains the full text of the work (folios 1-184). The text was copied by a professional scribe. Commented text in the copy is highlighted with a special icon of “heart” and overlined with vermilion. Then it is followed by the actual words of al-Isfijabi (text being commented). There are two colophons at the end of the book. In the first colophon the name of the scribe was fixed: Yahya ibn Yusuf ibn Ghazi ibn ‘Abd al-Rahman and the date of the correspondence: Sunday (Yawm al-Ahad) at the end of the month Muharram 700/October, 1300 (f. 184<sup>a</sup>). It is written in the second colophon: “The book is known for everyone among scholars faqihs and jurists, khatibs as Zad al-fuqaha’ ... [recorded] on the date of the month Jumada II 752/ August 1351”. Overleaf of two colophons has a note with different content. Notes to the text of the manuscript are given in glosses (f. 165<sup>a</sup>). There is sewn a piece of folio (patta) between folios 67 and 68 stamped on both sides. Ex-libris of the owner is put on the flyleaf with inscriptions such as “from the library of “ ‘Ali al-Qadi ...”, “from the library of ‘Abd al-Baqi Ibn Fadlallah ... –zadeh” (f. 02<sup>a</sup>). The stamp from 1115/1703-1704 (ff. 02<sup>a</sup>, 89<sup>b</sup>, 184<sup>b</sup>) of Islamic endowment (waqf) of Sultan Ahmad Khan ibn Sultan Muhammad Khan (1115-1143 / 1703-1730) was sealed in this and two other places. It is notable that the date (1137/1724-1725) of the seal in one place is different from others (apparently, it was written during the inventory of books of sultan’s waqf (folio 02<sup>a</sup>). Flyleaf was sewn later, probably during the second binding. The paper abru (ebru paper) was glued to the inner side in the last binding. The front folio includes the title of the work and author’s name: “Zad al-fuqaha’, sharh al-imam al-zahid Jamal al-Islam wa-l-muslimin Abu-l-Ma’ali

Muhammad ibn Ahmad ibn Yusuf al-Isfijabi” (Muhammad ibn Ahmad al-Isbijabi, (n.d.), “Veliiyuddin Efendi 1176” Fund, f. 1<sup>a</sup>).

The structure consists of a few parts (kitab), each of them consists of a different quantity of chapters (bab) and sub-chapters (fasl).

The second copy is the manuscript in the Süleymaniye Library, “Birinci Serez 722”. The copy consists of 169 folios. There are 27 lines on a page. The copy contains the full text of the manuscript (ff. 1<sup>b</sup>-169<sup>b</sup>). Names of the scribe and the owner who ordered the copy of the manuscript were erased later from colophon (f. 170<sup>a</sup>). But the title of the owner remained untouched “Mawlana Malik al-‘ulama’, ‘Sayyid al-fudala’, Qudrat al-fusaha’, ‘Umdat al-bulagha’, Matlub al-akabir, Mahbub al-mafakhir”. Date of the copying is mentioned in digits: 726/1325-1326, and Ilkhanid city Damghan (now Simnan province, Iran). Then it is followed by verses in Persian. The title of the work “Zad al-fuqaha’, Sharh-i Quduri” (f. 170<sup>a</sup>) is mentioned on the flyleaf.

The copy was written by an unprofessional scribe. There are some notes on the margin. The scribe followed by the pagination of the original manuscript. It has an early and late pagination. Chapter titles are marked in bold. *Basmala* is on folio 1<sup>b</sup>. The flyleaf (f. 01<sup>a</sup>) entry is following: “The title of the work is Zad al-fuqaha’”. The sign of its owner is also given there: as-Sayyid Abu Bakr ibn Muhammad with the seal “...Muhammad ...”. The title of the work is written again on that seal (f. 1<sup>a</sup>). That folio has also the notes of the owners: 1) the book was owned by Muhammad, known as “Sayyid al-Hazil Mayari”, by commission of a legitimate purchase; 2) the book was turned into waqf by as-Sayyid Abu Bakr al-Siruzi known as Qara Munla-zada (this note is done over another record, erased before). There is an inscription: “Official came to Ambassador Hui-zada on 21<sup>st</sup> Safar of 989/27 March 1581 and announced his appointment as Qazi ‘asker of Rumeyli province ...” (Transliteration of the original text: Sahib sifarat sultan al-‘ulama’ al-‘izam Khuy-zada Efendi hazratlari sana-i 989/1582 safarning 21 kun-ki dushanbe-dir ba‘d al-‘asr chavush kelib Rumeli qazi-‘askeri oldi. Allah subhanah wa ta‘ala ‘umr-u dawlatli muyassar aylasun. Amin ya Rabb al-‘alamin. ‘Awaz Efendi dahi bu kunda Anatoli qazi-‘askeri oldi Munla Halimi ornigha.).

Chapters (bab) were written in black (ff. 1<sup>a</sup>, 25<sup>a</sup>, etc.) and in red (ff. 25<sup>b</sup>, 170<sup>a</sup> et. al.). Chapters in some folios are written with vermilion, which was faded in the course of time and becomes unreadable (for example, f. 107<sup>a</sup>). There are added folios (patta) with text in Arabic (between ff. 121 and 122) (Muhammad ibn Ahmad al-Isbijabi, (n. d.), f. 1<sup>a</sup>).

The third copy belongs to the Istanbul library Millet Genel Kütübhanesi, fund “Fayzullah Efendi 795”. The manuscript consists of 281 folios. The paper is of handicraft production. Paper size is 281x169 mm. Text size is 213x111 mm. There are 25 lines in one page. The copy contains the full text of the work (ff. 3<sup>a</sup>-281<sup>a</sup>).

In the colophon (f. 281<sup>a</sup>) it is noted that the manuscript is finished on Saturday 12<sup>th</sup> Ramadan 792/24 August 1390. The copy was done by a professional scribe.

On the flyleaf the author's name and the title of the work are written ("Sharh al-Quduri li-l-Isfijabi"), and the name of the owner of the manuscript: Sayyid Muhammad and the word "Kibikchi" (f. 01<sup>a</sup>). On the front side of f. 1<sup>a</sup> there is a biography of the author Mukhtasar al-Quduri and a seal of waqf *shaykh al-Islam* as-Sayyid Fayzullah Efendi (1114/1703) from 1111/1699-1700, in favor of the madrasa located in Qonstantiniye (ff. 1<sup>a</sup>, 281<sup>b</sup>). There is a content (fihrist) (f. 3<sup>a</sup>). Text "Mukhtasar al-Quduri" is highlighted with overlined red lines. Glosses have some notes (Mahmud ibn Sulayman al-Kafavi, (n. d.), ff. 1<sup>a</sup>- 281<sup>b</sup>).

The fourth copy is the manuscript of Süleymaniye Library, Laleli 1001. It contains the full text of the work (ff. 1<sup>b</sup>-233<sup>b</sup>). There are 27 lines on a page. The names of two scribes are noted in the colophon (f. 233<sup>b</sup>): 1) 'Ammar ibn Muhammad Shaykh al-Kiram al-‘Arramini who finished copying early in the morning at the end of the month Shawwal 937/ June 1531; 2) Husayn ibn Ahmad ibn ‘Ali al-Iskilibi, who made corrections to the text in the middle of the month Rajab of 1191/August 1777. After, colophon is followed by a story (latifah), extracted from the works "al-Mabsut" by Fakhr al-Islam al-Pazdawi (482/1089) and "Sharh al-Nafi".

There is a content (fihrist) at the beginning of the manuscript (ff. 04<sup>b</sup>-2<sup>b</sup>). The text is copied clearly by a professional scribe. Book is from Islamic endowment (waqf) of Sultan Selim III ibn sultan Mustafa (1203-1222 /1789-1807), from 1217/1802-1803 (ff. 01<sup>a</sup>, 234<sup>b</sup>). Bookplate affixed (ff. 04<sup>a</sup>, 91<sup>a</sup>, 155<sup>a</sup>, 233<sup>b</sup>). There are 5 flyleaves at the beginning of the manuscript (ff. 01<sup>a</sup>-05<sup>b</sup>). There is a frontispiece before *basmala* (f. 1<sup>b</sup>). The titles and some words are highlighted with red ink (cinnabar). Glosses have some notes (ff. 4<sup>a</sup>, 18<sup>b</sup>, 53<sup>b</sup>, 231<sup>a</sup>). The copy is written using professional calligraphy (Abd al-Qadir ibn Abi al-Wafa al-Qurashi 1332/1913, ff. 1<sup>b</sup>-233<sup>b</sup>).

Fifth copy is preserved in Beyazıt Devlet Kütüphanesi, fund "Veliyyüddin Efendi 1176". The manuscript consists of 169 folios. There are 17 lines on each page. The copy has defects. There is no colophon at the end of manuscript (ff. 1<sup>b</sup>-169<sup>b</sup>). The text is cut off on the chapter "Kitab al-mafqud" (f. 169<sup>b</sup>).

There is a seal of waqf *shaykh al-Islam* Veliy al-din Efendi ibn al-marhum al-hajj Mustafa Agha ibn al-marhum al-hajj Hassan Agha (1182/1768; ff. 1<sup>a</sup>, 169<sup>b</sup>) on the flyleaf. The title of the work is given in Turkish. Notes of the owners: 1) mufti-zada ‘Abd al-Rahim ibn Muhammad, qadi in ...; 2) ‘Abd al-Rahim ...; 3) Tilak Mounla Mustafa; an extract from the "Taj al-tarajim" Qasim ibn Qutlubugha which gives the author's name and the title of the work. This is followed by some notes (the author's name, title of the work, quantity of lines different in different pages) made by graphite pencil in the modern period. There are notes almost in all glosses. There is a verse in Turkish on the flyleaf (Qasim ibn Qutlubugha al-Suduni 1962, f. 170<sup>a</sup>).

Sixth copy is stored in the Süleymaniye Library in the fund “Hafid Efendi 75”. The manuscript consists of 286 folios. There are 21 lines on a page. The copy contains the full text of the work (ff. 1<sup>b</sup>-286<sup>b</sup>). There is a colophon, which has the name of a scribe – Muhammad ibn Sulayman ibn Dawud ibn ‘Abdallah al-Hanafi. Copying was completed on Wednesday in the month Safar, the year is not indicated (Bartold 1963, f. 286<sup>b</sup>).

There are four flyleaves at the beginning of the manuscript (11, ff. 01<sup>a</sup>-04<sup>b</sup>) with content (*fihrist*) (Bartold 1963, ff. 02<sup>b</sup>-04<sup>a</sup>) on it. There is another, second content (*fihrist*) and almond-like seal on the front side of the first folio. The text on that seal is not readable (Bartold 1963, f. 1<sup>a</sup>). The text “Mukhtasar al-Quduri” is highlighted by overlined black lines. There are notes in glosses (Bartold 1963, ff. 42<sup>a</sup>, 66<sup>a</sup>, 82<sup>a</sup>, 160<sup>a</sup>, 215<sup>a</sup>).

Four of six copies have dates. Three copies were transcribed in the 15<sup>th</sup> century (Yeni Cami 466; Birinci Serez 722; and Feyzullah Efendi 795). One manuscript was copied in the 16<sup>th</sup> century (Laleli 1001). The fifth copy (Veliyyuddin Efendi 1176) can be dated approximately: there is a stamped seal of waqf shaykh al-Islam Veliyyuddin Efendi (in 1182/1768).

Five copies contain the full text of the work. One copy is defective (Veliyyuddin Efendi 1176).

Comparison of introductory parts (*muqaddima*) of six copies revealed existence of its three types. The first type (Laleli 1001) differs in length. The second type (Yeni Cami 466; Hafid Efendi 75; Birinci Serez 722; and Feyzullah Efendi 795) has a short form. The third type (Veliyyuddin Efendi 1176) begins immediately with the words of al-Isfijabi. The second type has an input with the list of various epithets and titles of the author: Mufti al-A’imma, Zayn al-Islam wa-l-Muslimin, Rukn al-Islam wa-l-Muslimin, Mukhtar al-A’imma, Mufti al-Sharq wa-l-Gharb, shaykh, imam, ustaz, faqih, qadi. This list attributes to al-Isfijabi *kunya* (name) Abu-l-Fath, which was missing from the biographical dictionaries.

Among all of the copies as a reference text for our research the manuscript from Süleymaniye Library, of the fund “Laleli 1001” was chosen. This manuscript differs favorably from others by the following features: text is clearly divided into parts, chapters and sections, even the title and the key words are highlighted with red ink (*cinnabar*). This creates for the reader a good opportunity for the convenient use of the text works. The manuscript comes from the Islamic endowment (*waqf*) of supreme ruler (Sultan) Selim III; there is a detailed content (*fihrist*) before the text; it was transcribed by a professional scribe. The rest of the copies are also involved as additional copies for research.

## ON THE TITLE OF THE WORK

In the preface (*muqaddima*) to the work the author informs about the title of his work: “Zad al-fuqaha” (“Assistance for jurisprudents, faqihs”, “Food for

scientists in the field of Islamic law, *fiqh*”). He explains the reason for the choice of this title: “Know that the acts can be reduced, and the events and efforts can increase, feelings can decrease, and memory can fade; and the one who wished to comprehend the *fiqh* is not able to find everything from this short text [Mukhtasar al-Quduri], which became the basis for our comments in preparation [of *faqih*] for future circumstances in his career. I have done the right step and made the right decision, starting commenting writings of “Mukhtasar al-Quduri”. It is written by shaykh al-Islam Abu-l-Husayn al-Quduri al-Baghdadi al-Hanafi” (Muhammad ibn Ahmad al-Isbijabi, (n.d.), Veliyyuddin Efendi 1176” Fund, f. 1<sup>a</sup>).

There are given two titles for this work in historical-biographical and bio-bibliographic literature: the actual title “Zad al-fuqaha” and a descriptive title “Sharh Mukhtasar al-Quduri” (Muhammad ibn Ahmad al-Isbijabi, (n.d.), Yeni Cami 466 Fund., p. 301;10, f. 02<sup>b</sup>).

Compiling of this work and its subsequent distribution became an important event in the history of hanafi madhhab. This is evidenced by the high evaluation given to him by Qasim ibn Qutlubugha: “Muhammad ibn Ahmad al-Isfijabi created a valuable commentary on the book “Mukhtasar al-Quduri”, titling it “Zad al-fuqaha” (Muhammad ibn Ahmad al-Isbijabi, (n.d.), Feyzullah Efendi 795, p. 76)

Significant achievements of this book are identification of differences between the positions of the main authorities of the madhhab - Abu Hanifa (died in 150/767), Abu Yusuf (died in 182/798) and Muhammad al-Shaybani (died in 189/804-805), and organization of opinions of Zufar ibn Hudhayl (died in 158/775) and of the other figures of madhhab. This became possible due to the high level of all knowledge branches among Hanafi school in Central Asia during the reign of the dynasty of Qarakhanid (Bol’shakov 1991, p. 196).

Historically, “Zad al-fuqaha” belongs to the group of works that were composed during the dawn of Hanafit madhhab (11-13<sup>th</sup> centuries). It concludes the period when there were compiled classical works of Hanafit in response to calls of other theological and legal schools of Sunni *fiqh*. It is known that the development of practical Hanafi law (*furu’ al-fiqh*) rose after the publication of “al-Mukhtasar fil-fiqh” writings of shafi’it *faqih* Ibn Surayj (died in 308/918). A number of works by Hanafi authors were in response to this call. Among them is “Zad al-fuqaha’ ” which is being considered in this article.

## GENRE OF THE WORK

The work “Zad al-fuqaha” is composed as a comment to the well-known composing “Mukhtasar al-Quduri” within the Hanafit school. Since this source has not been published, it was slightly involved in the study of the history of the Muslim community in Kazakhstan. “Zad al-fuqaha’ ” refers to the genre of comment (*shuruh*), compiled on the practical part of the Hanafit law (*furu’ al-fiqh*). Basic work

“Mukhtasar al-Quduri” by Muhammad ibn Ahmad al-Quduri (died in 428/1037) is recognized as the authoritative text in organization and systematic exposition of the provisions of the Hanafit school. Al-Isfijabi listed the following features as the merits of the works: “In his work Imam al-Quduri could capture all the concepts traditionally used in Islamic law (fiqh). I will limit myself with giving the potential solutions (fatawa) in the case of most of these provisions, and add to them some provisions. This will be done by me for the purpose of multiplying the usefulness (of this book). At the same time I will try to overcome the brevity or lengthiness of certain provisions of the text, reaching the desired shape with the best result”.

Although al-Isfijabi received his early education in Isfijab, nevertheless, a considerable part of his life he spent in Samarqand. Accordingly, his comment was made in accordance with Samarqand material. From this we can conclude that the realities of the life of medieval Central Asian society were reflected in his work. His work includes the specific features of the practices of local scholars who took into account local traditions, customs, and mentality of the people around them in their activities. From this approach, the composition is of considerable interest for the study of an important segment of the history of the religious life of Central Asia in the 12<sup>th</sup> century. On this basis, we can assume that “Zad al-fuqaha” has academic value, on the one hand, as an important monument of legal literature of Hanafit school, on the other hand, as the source, retaining the features of the religious life of a particular community and of a particular era.

Work “Zad al-fuqaha” is dedicated to the task of the correct and concise statement of the provisions of the Hanafit school in the local environment in practical and educational purposes. With the formation and development of schools of thought in Sunni Islam comes the historical age when the classic texts started to be written. The direction “mutun” (“texts”) became defining genre in the Hanafite literature, where in a clear, concise and capacious form the basic provisions and norms of madhhab were formulated. The viewed work represents this direction in practical law (furu’ al-fiqh). Therefore, its language is clear and accurate. The structure of work meets the standard requirements for the works in this genre. It consists of sixty-three parts (kitab).

“Zad al-fuqaha” has more importance in the study of activity and creativity of al-Isfijabi, compared with the works on historical and biographical literature. Copies of his work include a wealth of information for the attention of researchers.

### **PREVALENCE LEVEL OF THE WORK**

One of the copies (Birinci Serez 722) indicates the exact location of correspondence as Ilhanid city Damghan (now in the northern Caspian province Simnan, Iran). Two (Yeni Cami 466, Laleli 1001) of the remaining five copies are from waqf libraries of supreme rulers, sultans, and two more (Veliyyuddin Efendi in 1176, Feyzullah



Efendi 795) are from waqf libraries of *shaykh al-Islam* of the Ottoman Empire (680-1342/1281-1924). Bookplates and seals were put in copies give us an idea of the second stage (14-16<sup>th</sup> centuries) of circulation of this work beyond the Central Asia, to western direction through the territory of Iran and Minor Asia.

The marks on the copies allowed to conclude that this work was actively used in the activities of *shaykh al-Islam* and was studied in the state system of Muslim education of the Ottoman Empire.

### SOURCES FOR THE COMPILING WORK

Composition “Zad al-fuqaha” covers approximately 12 thousand issues. Usually, the author gives confirmations to the provisions from the Qur’an, the Sunna, the traditions and philological data. In the second phase of his analysis in dealing with discrepancies in interpretation of sources of confirmation the emphasis is put on the opinion of Abu Hanifa (transmitted through the expression “as accepted by him” – indah”, “as stated by him” – “anh”), and then on the opinions of his two chief disciples (“al-sahibani”, “sahibah”) Abu Yusuf and Muhammad al-Shaybani.

As written sources for his work six books were used by Muhammad ibn al-Hasan al-Shaybani from the category “Zahir al-riwaya”, which contains collection of the provisions of the founders of the Madhhab (“al-Mabsut”, “al-Jami’ as-saghir”, “al-Jami’ al-Kabir”, “al-Ziyadat”, “Kitab al-siyar al-kabir” and “Kitab al-siyar al-saghir”). This is followed by provisions developed by next generation of direct disciples of Abu Hanifa. It was continued until the beginning of the third century in Islamic era/ninth century of our era. Scholars of this early period are identified by the term “leading” (mutaqaddim). All subsequent generations to al-Isfijabi fall into the category of “following seniors”. Al-Isfijabi entitles his contemporaries, Central Asian Scholars (muta’akhhir), as “our Shaikhs” (masha’ihuna). Sometimes he gives comparison of the provisions with the provisions of Madhhab of al-Shafii (820).

### THE LANGUAGE AND STYLE USED BY AL-ISFIJABI

The style of narration of al-Isfijabi is organized by the following principles: first, he quoted al-Quduri, then he gives his explanation. Typically, each section begins with the words: “He said ...” followed by the word of al-Isfijabi. He does not examine all the provisions, but does it selectively, where there is a need for an edition of the commented text. It is implemented through decisions (fatwa) of Madhhab authorities. Abu Hanifa, Abu Yusuf and Muhammad al-Shaybani were considered as main important three figures. They all are indicated in the text with the phrase “ashabuna” (our disciples). In case of coincidence of positions of all three imams it was used the term “unanimous opinion” (ijma’). The same opinion of the two disciples of Abu Hanifa is indicated by the words “as accepted by two his main

pupils” (‘indahuma, lahuma). Each section ends with decision-verdict by al-Isfijabi, which is denoted by the word “al-asahh” (the most correct).

When al-Isfijabi addressed a new question, not mentioned by the author of the main text, it is introduced with the words “the author of al-Mukhtasar did not consider this issue, so we will try to consider it”. When the first decision is rejected and introduced a new solution, then this action is denoted by the term “approval” (istihsan). If the new position is entered through the use of the method of analogy (qiyas), it is stipulated on purpose. This features of his analysis show that on the improvement of the text “Mukhtasar al-Quduri” al-Isfijabi adhered to the middle path, which is accepted as the custom in traditional Islam in Kazakhstan. At the same time, he was trying to draw on reliable sources and solutions of authorities of madhhab instead of logical conclusions.

### **SIGNIFICANCE OF “ZAD AL-FUQAHA”**

It is known that the first commentary for the work “Mukhtasar al-Quduri” was the work of his disciple al-Aqta (died in 474/1081-1082). “Mukhtasar al-Quduri” itself was the source for many subsequent books. For example, “Tuhfat al-fuqaha” by ‘Ala’ al-Din al-Samarqandi (died in 539/1144-1145) was devoted to the analysis of the issues which were not mentioned and disclosed in the book of al-Quduri. Further it became a basis for “al-Hidaya fi sharh al-bidaya” by Burhan al-din al-Marghinani (died in 593/1197).

Among the comments to “Mukhtasar al-Quduri” the work of al-Isfijabi has valuable significance. Organization, method of narration and wealth of “Zad al-fuqaha” made it popular among the Muslims and a handbook for Hanafit scholars. It became well-known commentary on one of the four revered texts (kitab mu’tabar) in the Hanafit School. It has been studied as an important textbook in the madrasas of Middle East, Central Asia, Afghanistan, India and China for centuries.

### **QARAKHANIDS**

Local Muslim communities in Kazakhstan in such cities as Farabi, Isfijab, Taraz and others, which were the part of Qarakhanid state, experienced transformation of cultural values. This transformation process has not yet been studied thoroughly.

Advancement of Qarakhanid Dynasty (225-607/840-1211) and their foundation of its statehood in the country of Turks (Turkistan, the vast region in Central Asia, in the eastern side of the Samanid state, 204-395/819-1005) became a factor for giving Islam the status of state religion in their vast estates. The subsequent conquest of Qarakhanids to the north-eastern part of the territory of the neighboring state of Samanids in the 389/999 initiated the process of profound change in the Muslim society of Transoxiana (basin between Syrdarya and Amudarya rivers, Mawarannahr) (Muminov, 2015, p. 137).

Religious policy of Qarakhanids in the newly conquered areas had its own peculiarities. They showed special regard to the local theologians who had real influence over the inhabitants of Mawarannahr, especially in the capital city Samarqand. To carry out this policy Qarakhanids began to invite scholars from other regions. For example, the scholars from the right bank of the Syrdarya river (Turkistan), which became the part of the state earlier than other parts, were appointed to the highest religious positions (*shaykh al-islam, qadi et. al.*). Probably, such a policy was pursued in order to ease social position of local Samarqand theologians, firmly associated with the different layers of the locals with general corporate interests.

Along with theologians ('ulama') local leaders also had essential significance in the spread of Islam among all the peoples in the central regions of the Muslim world. Scholars from Central Asia made a major contribution to the development of Islamic civilization and the preservation of cultural values in the region. History shows that the Islamization of many spheres of public life was peaceful and had traditional character.

## CONCLUSION

The high degree of scientific development in the field of *fiqh*, environment of intellectual communication of Muhammad ibn Ahmad al-Isfijabi among Samarqand scholars during the reign of Qarakhanids, personal achievements of the author served as the basis for foundation of unique monument on theological and legal literature. The structure of the compositions and methods of solving problems show higher education and erudition of the author. This work is a complete, informative source for the study of traditional Islam in Kazakhstan. Traditional Islam gained new dimensions through the work of local scholars. In this respect, a form of existence of Islam in Central Asia acquired the uniqueness and originality combined with the basic provisions of Islam and the traditions of the people. The material contained in the book of al-Isfijabi allowed establishing a high level of scientific traditions in Central Asia.

Materials extracted from work "Zad al-fuqaha" show some features of the social, political and religious life in medieval Central Asian society: 1) relying to the support of the urban population, jurists took part in religious processes that had the economic, social and political significance; 2) in the new historical conditions created as a result of power of the dynasty Qarakhanids the role of jurists as an expression of the interests of various segments of the population acquired greater value; 3) fatwas played an important role in regulation of the rules of Islam and traditional forms of activity in the local society; 4) this study showed that the history of foundation of Central Asian school of *fiqh* is indicative for the understanding of the processes of formation of regional forms of Islam, for

understanding of permanent interaction of general Islamic principles with local forms of interpretation and understanding of the mechanism of functioning of Islam as a complex ideological system. All this suggests that the example of interaction in Kazakhstan and Central Asia of general Islamic standards and local standards, norms of life require further in-depth research.

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