

NEW SOURCE ON THE MEDIEVAL RELIGIOUS HISTORY IN KAZAKHSTAN

Bagdat M. Manabaev* and Shamshat A. Adilbaeva*

This research concerns the work by the scholar on Islamic Law (fiqh) – ‘Ali ibn Muhammad al-Isfijabi “Sharh Mukhtasar al-Tahawi” as a new source for studying the medieval religious history of Central Asia. The work of al-Isfijabi gives the huge new information on the ways of adhering Islam, social and policy welfares, scholar milieu, State power members, khans operating in Kazakh cities, and neighbor countries. Also, this work contains the spreading processes of Hanafite School of Islamic law from Central Asia to Middle East.

Keywords: history of religion, medieval history of Kazakhstan, theologians’ milieu, law school of Abu Hanifa, handwritten source, Islamic sciences, traditional society, interaction of cultures.

INTRODUCTION

The invasion and spreading of Islam into Kazakh land and the establishment of the local medieval Islamic society are problems that still have not been resolved. Nowadays, significant attention is being paid in order to study this issue. The main prevention on researching the local Islamic history of Kazakhstan is the lack of the primary sources, since medieval written sources could give us the huge information on the ways of adhering of Islam, social and policy welfares, scholar milieu, State power members, khans operating in Kazakh cities, and neighbor countries.

The treatise on Islamic Law (fiqh) “Sharh Mukhtasar al-Tahawi” by ‘Ali ibn Muhammad al-Isfijabi (died in 535/1141), who originated from Isfijab, the Kazakh lands, is one of the new sources. This treatise could become important source to study the Kazakh history in XI–XII centuries. Al-Isfijabi lived in Qarakhanid state (382–607/992–1211). The main topic of this article is to bring new source for researchers’ milieu.

In an official thesis done by Sa‘id al-Kubaysi in 2012 he tried to analyze al-Isfijabi’s treatise “Sharh Mukhtasar al-Tahawi” (the research section consists only of 10% of the dissertation) [5, p. 5–28], mainly doing the text critique (in 356 pages of whole 388). In his thesis Sa‘id al-Kubaysi focused on the comparative Islamic law (fiqh muqaran) and did not emphasize his research into the history of Islam in Central Asian region. Thus, very little attention was paid to this region.

In this research we worked with the newest materials related to South Kazakhstan and its neighbor areas that were never known before. In addition to this, we used historic-philological methods and the methods of codicology and

* Egyptian University of Islamic Culture “Nur-Mubarak”, Kazakhstan, 050060, Almaty, the al-Farabi Avtinue 73.

paleographic studies of Islamic manuscripts in order to study the handwritten copies of “Sharh Mukhtasar al-Tahawi” by al-Isfijabi.

THE AUTHOR

The author is Hanafi theologian ‘Ali ibn Muhammad al-Isfijabi. He originated from Sayram, the current Kazakh town which was known in ancient times as Isfijab. In historical sources his full name was Abu-l-Hasan ‘Ali ibn Muhammad ibn Isma‘il ibn Ahmad ibn Muhammad ibn Ishaq al-Samarqandi al-Isfijabi [1, p. 570]. He was well known as al-Isfijabi and al-Samarqandi referring to his hometown and the city where he worked. Historical and biographic sources can give us exact information on his birth date. His contemporary Najm al-Din Abu Hafs ‘Umar ibn Muhammad al-Nasafi (died in 537/1142) noticed in his biographical dictionary “al-Qand fi dhikr ‘ulama’ Samarqand” that al-Isfijabi was born in 454/1062 [1, p. 570].

According to the information of Abu Sa‘d ‘Abd al-Karim ibn Muhammad al-Sam‘ani al-Marwazi al-Shafi‘i (died in 563/1167), al-Isfijabi died on 23th of Dhu-l-Qa‘da in 535/June 15, 1141 in Samarqand. Also, al-Sam‘ani characterized al-Isfijabi in his book: He was the prominent scholar among the Hanafite theologians in Central Asia. He practiced many years in the field of Islamic education [2, p. 213].

Thus, al-Isfijabi was born during the reign of Qarakhanid ruler Mahmud (451-467/1059-1074) in Isfijab, and got good education. In the reign of Hasan (467-496/1075-1103) he moved from Isfijab to Samarqand, the capital of West Qarakhanid Qaganate. When Mahmud I (490-492/1097-1099), Jabra‘il (492-495/1099-1102) and Mahmud II (495-523/1102-1129) ruled, he started his teaching activities. When Samarqand was ruled by Qarakhanids Nasr II (523/1129), Ahmad II (523-524/1129-1130), Hasan (524-526/1130-1132), Ibrahim II (526/1132) and Mahmud II (526-535/1132-1141), he was a respectful scholar with the official title Shaykh al-Islam and served as city religious leader (mufti) and dedicated a large period of his life for the teaching Islamic disciplines [3, vol. II, p. 591].

His pupils are Abu Sa‘d al-Sam‘ani and Burhan al-Din al-Marghinani (died in 593/1197). The latter declared that al-Isfijabi was the leading Hanafite scholar in that time [2, p. 213]. Historical and biographical sources attributed him two works – “al-Fatawa” and “Sharh Mukhtasar al-Tahawi”. As a result of our research investigations, we could declare that al-Isfijabi had compiled only one work, which is “Sharh Mukhtasar al-Tahawi”.

WORK

The work “Sharh Mukhtasar al-Tahawi” by al-Isfijabi is dedicated to the issues of applied Islamic law (furu‘ al-fiqh). He started to compile his work in Samarqand. This book was compiled in the form of commentaries (sharh) to the work by Abu

Ja'far al-Tahawi (died in 321/933) under the title "Mukhtasar al-Tahawi." This work by al-Tahawi was not known previously in Samarqand. The exception of the work we are considering is that it has included not only discussions on the Hanafite School, but embraced points of view of scholars of other three Sunnite Schools (madhhab). We can consider this book as comparative jurisprudence genre (fiqh muqaran), as it used the ideas and views of other three Religious law schools. Imam al-Isfijabi stated the reason of compiling his work: the first person who shared the "Mukhtasar al-Tahawi" in Samarqand was 'Ali ibn Abi Bakr, but it was never written down. After him Abu Nasr Ahmad ibn Mansur al-Zafari al-Isfijabi (died in 484/1091) (*His tombstone was found during the excavations at the ancient "Chakar-Diza" cemetery in Samarkand. The inscription on it was written using the Kufi style. The downside of the tombstone was a bit damaged. The inscription sounds: In this grave was buried shaykh, jurist, wise, imam Abu Nasr Ahmad ibn Mansur al-Zafari al-Isfijabi who passed away on Wednesday Jumada I 8, 484/ June 28, 1091. May Allah shine his tomb!*) [17] made deep research on this work. This work was very useful and had been written well. But the work of Abu Nasr was too difficult for the beginner students to study Islamic law. As it was hard for the students so I ('Ali ibn Muhammad al-Isfijabi) updated this book. Wanting to make a good deed, I made it not so long for not being boring. I reduced the chapter "Islamic Ritual" ('Ibadat) without losing the useful features and extended the chapters "Mutual relations between individuals" (Mu'amalat) and "Trade" (Buyu') [11, f. 269^b].

The reference to the work of al-Isfijabi can be met only in the both historical and bio-bibliographical sources. They are "al-Jawahir al-mudiya" by al-Qurashi (died in 775/1373) and "Kashf al-zunun" by Hajji Khalifa (died in 1068/1657) [4, vol. I², p. 1627]. However, in his book "al-Jawahir al-mudiya" al-Qurashi made wrong interpretation by qualifying Abu Nasr Ahmad ibn Mansur al-Zafari al-Isfijabi as the author of "Sharh Mukhtasar al-Tahawi" [3, vol. I, p. 336]. As a result of this mistake, the false attribution to two or more authors of the only work was spread between the cataloguers. As usual the world libraries have cards (fiche) with the titles of works and their authors. On these library's cards (The following notices are written on cards. *The first notice: 00433 Şerhi Muhtasarit-Tahawi/Ahmed b. Mansur el-Muzaffari el-Hanafi el-Isbicabi. – H.Hüsni Paşa. The second notice: 00803 Şerhi Muhtasarit-Tahavi/Isbicabi Bahaeddin Ali b. Muhammed. – Feyzullah Efendi. The third notice: 00816 Şerhi Muhtasarit-Tahavi/Alaüddin Ali b. Muhammed b. Ismail El-hanafi El-isbicabi. – Şehid Ali Paşa.*) we can see that in the given information an author of one book was given under different names. However, there should be one author for one book. In the 2nd and 3rd cards are the same names, but written diversely. In the 1st card the given name is wrong as he is not an author of the work. Eventually, during the acquaintance with the "Sharh Mukhtasar al-Tahawi" in the funds of manuscripts we made an attribution on

libraries' mistake of giving different cards name for the information on authors. Firstly, we identified that the book has the only author. Secondly, we could show that this work belongs to al-Isfijabi.

COPIES OF THE WORK

As the result of our research which began in 2013, we identified ten copies of the work preserved in libraries of Turkish Republic (Istanbul, "Süleymaniye Devlet Kütübhanesi", "Millet Genel Kütübhanesi", "Beyazıt Devlet Kütübhanesi"), Kingdom of Saudi Arabia (Medina, "Shaykh al-Islam 'Arif Hikmat"), Iraq (Baghdad, "Diwan al-waqf al-sunni"), and Syria (Damascus, "Maktabat al-Asad").

These copies contain the text of "Sharh Mukhtasar al-Tahawi", so it has also all kind of rulers' names, colophon information, cities, toponyms, information on the edge of books, endowment (waqf) or private seals, flyleaf, information, frontispieces, manuscript history, that gives sufficient information and sources for the readers.

I. A manuscript of the "Süleymaniye Devlet Kütübhanesi" holds the number 344 in the fund "Hekimoğlu". Each folio has 31 lines. The copy contains the first part (juz') of "Sharh Mukhtasar al-Tahawi" (from its chapter "al-Taharat" to the chapter "al-Karahiya" [6, ff. 1^b–360^a]. The date of copying is one Thursday of the year 538/1143–1144.

The text was written on the bright white paper using blue ink and high skills naskh style. The index (fihrist) recorded on the title folio [6, ff. 01^a–02^a]. The name of the book holder was mentioned here: Fadl Muhammad [6, f. 1^a]. Here is the title of work: "Sharh Mukhtasar al-Tahawi", its first part (juz'), then the name of the author was indicated as following: al-imam al-'allama Imam al-Isfijabi. In the left bottom corner of this folio one can read the words: "al-Layth ibn Sa'd was the Hanafite". The private seals (ex-libris) were put twice [6, ff. 1^b, 360^a]. The seals of Islamic endowment (waqf) were put twice as well [6, ff. 1^b, 360^a]. At the end of the text there are two colophons: 1) in the first colophon the date of copying was indicated – one Thursday of the year 538/1143–1144. 2) In the second colophon it was stated that this text was compared with the other copies (muqabala) and the date of comparing was indicated – Sunday, Shawwal 25, 552/November 29, 1157 [6, f. 360^a].

The work consisted of 66 chapters (kitab). Each time the key word (kitab) was written clearly using black ink and in capital letters. Chapters consisted of several sections (bab). But some sections did not been distinguished from the chapters. The volume of chapters and sections depend on the size of considered issues and can be long or short. Each chapter and section starts with the part by al-Tahawi, indicating the sentence "He said" (Qala). Al-Tahawi's parts follow by al-Isfijabi's commentaries to these parts. Less part of the work (30-40 %) refers to "Mukhtasar al-Tahawi", and its most part (60-70%) refers to the al-Isfijabi's commentaries.

The margins of the manuscript have the text with additions and remarks to the main text.

II. The manuscript of the library “Süleymaniye Devlet Kütübhanesi”, fund «Şehid Ali Paşa» holds the number 816. It consists of 208 folios. The copy contains the second part (juz') of “Sharh Mukhtasar al-Tahawi” (from its chapter “al-Hawala wa-l-Kafala” to the chapter “al-Karahiya”) [7, ff. 1^b–208^b]. The date of copying is the last decade of Sha‘ban month of the year 552/ from November 26 to December 6, 1157.

The paper is clear white; ink is black, the text is written with skills using the style “naskh”. The book has no binding. Also flyleaf starts from two folios, with the contents (fihrist) below [7, f. 01^{a-v}]. In the title side the names of the book holders were written: 1) Shaykh al-Faqir Muhammad; 2) al-Faqir ‘Abd al-Baqi [7, f. 1^a]. Right here the seals of the book holder are put: Vizier Shahid ‘Ali Paşa. The seal has inscription announcing that the book cannot be taken from this madrasah! It was the very crucial [7, ff. 1^a, 208^a]. In the right side of the Islamic endowment seal (muhr) the name of the person who copied was mentioned: ‘Ali ibn Abi Bakr ibn Muhammad. Due to the seal the title of the work is “Mukhtasar al-Tahawi” and it was mentioned that this copy contains the second part (juz') of the book, and al-Isfijabi was indicated as its author [7, f. 1^a]. There are three colophons in the end of the text [7, f. 206^a]. In the first colophon the person who had copied this book was mentioned: Abu Bakr ibn Muhammad al-Hanafi; It was noticed that he had ended the text in the last decade of Sha‘ban month of the year 552/ from November 26 to December 6, 1157. 2) In the second colophon it was noticed that this copy was checked on and compared with the other copy (muqabala). This work was ended on Sunday, Sha‘ban 25, 553/September 23, 1158; the third colophon’s summary is the same as the second one and it was mentioned that it had been compared with other copies. This work was completed on Sunday Sha‘ban 24, 553/September 23, 1158. The third colophon could be translated from Arabic into English as below: This copy was made by al-shaykh al-adib al-amjad al-Maghribi, and it was compared with the copy of Shaykh Imam ‘Ala’ al-Din [al-Isfijabi].

The book consists of 79 chapters (kitab). Each word “kitab” was written distinctively, clear, using the black ink and capitalized letters [for example, 7, ff. 1^a–5^a].

III. The manuscript of the library Beyazıt Devlet Kütübhanesi has the number 18868. It consists of 358 folios. Each folio has 25 lines. The copy contains the first and the second parts (juz') of “Sharh Mukhtasar al-Tahawi” (from its chapter “al-Taharat” to the chapter “al-Karahiya”) [8, f. 1^b–385^b]. The date of copying is Safar 15, 803/November 6, 1400 [8, f. 385^b].

The text was written on bright white paper with blue ink by the naskh style using high skills. Its binding is brown and has round tracteries. The title folio contains the index number in the library written by red inks [8, f. 01^a]. In the title side the

names of the book holders were written: 1) one name was written at the middle top of the folio but it was erased; 2) al-faqir Husam, we think that his name was over there. 3) al-Faqir Mawla 'Ali ibn Amrallah ibn Muhammad.

Among book holders' names we could find the name of the prominent theologian Qawam al-Din al-Itqani (died in 758/1357). His name was written by himself [8, f. 1^a]. In the right side of this title folio the title "Sharh Mukhtasar al-Tahawi" by Imam al-Isfijabi was noticed. In the lower part of the title the name of one Muhammad ibn Ahmad al-Khujandi al-Isfijabi that was identical to the author's name. And over here there's the book's index (fihrist), however it was not completed. The lower part of the index contains some ten lines of poetic text [8, f. 1^a]. The seals of Islamic endowment (waqf) are put over the title and on the next folios. Seal's stamps start to be put from the title folio and were put in every 1-20 folios [8, ff. 1^a, 7^a, 29^a, 43^a-385^b]. In the seal the following text was written: this volume was taken away among the books of his majesty vizier Mustafa Paşa [8, f. 1^a]. And colophon was given in the end of the text. The text has the notice: the book was copied in Safar 15, 803/November 6, 1400. Also it was shown that the book was copied from the original which was made on Muharram 26, 504/August 16, 1100 [8, f. 385^b].

This book consists of the main chapters (kitab). Each time the words "kitab" and "bab" were written using the red ink, capitalized, and clear letters. Volumes of the chapters are unvaried; it depends on the quantity of the issues so it can be from three to twelve folios [8, ff. 1^a-20^a]. The key words were written using specific style and red ink on the margins of the folio. And additions and remarks to the text were indicated over the edge of each folio (hashiya) as well. As an example of such kind of remark we may cite the text below: al-Isfijabi decided that one case of the loaning was wrong and al-Itqani, the scholar from the Kazakh land agreed with his statement.

In the text only chapter "al-Taharat" was distinguished as the chapter (kitab), and other sections were marked as "bab" [8, f. 1^a-20^a].

IV. Manuscript of the Library of "Shaykh al-Islam 'Arif Hikmat" (Medina, Saudi Arabia) has the number 3601. It has 301 folios and each folio has 31 lines. The copy contains the whole text (from the chapter "al-Taharat" to the chapter "al-Karahiya") [9, ff. 1^b-301^a]. The date of copying is Monday, Shawwal 15, 954/November 30, 1547. The text copied on the bright white paper using black ink, high skilled naskh style. It has its colophon at the end. Copyist is Muhammad ibn Isma'il ibn 'Ali ibn Ahmad al-Anbabi al-Azhari. He completed copying on Monday, Shawwal 15, 954/November 30, 1547. Seal of Islamic endowment (waqf) was put on the title folio and on the colophon: "Waqf of Ahmad 'Arif Hikmatallah ibn 'Ismatallah al-Husayni". And it was stated: "The book cannot be taken away the Medina city library, this book is the deposited for the believers" [9, f. 301^a].

THE BOOK CONSISTS OF CHAPTERS (KITAB), AND SECTIONS (BAB).

V. Manuscript of the library “Diwan al-waqf al-sunni” (Baghdad, Iraq) holds the number 1538. It has 322 folios. Each folio has 35 lines. The copy contains the first part (juz’) of “Sharh Mukhtasar al-Tahawi” (from its chapter “al-Taharat” to the chapter “al-Karahiya” [10, ff. 1^b–332^a]. The date of copying is Friday morning, Rabi’ I 20, 538/November 17, 1726.

The text is written on the bright white paper using blue ink, high skilled naskh style. The book has no binding; it starts from two flyleaves, so we can see the contents (fihrist) over there [10, ff. 1^a–01^b]. Its colophon is given in the end of the text. It declares the copyist name and the date of copying: al-Mufti ‘Abd al-Rahman Muhammad al-Mudarris, on Friday morning of Rabi’ I 20, 538/November 17, 1726. In the title side the names of book holders were written: 1) Mustafa al-Humaydi ibn Muhammad Rawish. He bought the book – “Sharh Mukhtasar al-Tahawi” by al-Isfijabi in Mecca in 1186/1772–1773. Afterwards the book was confiscated from him by the Army of Azat. But later he re-bought it again. 2) ‘Abd al-Rahman Muhammad al-Mudarris [10, f. 322^a]. Seals of waqf were put on the title folio and on the colophon. This part has the following notice: “An Eternal property of Islamic endowment (waqf) by Sulayman Pa^oa, is not allowed to be out the Madrasah of Sulaymaniya, never be sold, never being gifted”.

THE WORK CONSISTS OF THE CHAPTERS (KITAB) AND THE SECTIONS (BAB)

VI. Manuscript of the “Millet Genel Kütübhanesi” library holds the number 803. The manuscript consists of 370 folios and each folio has 31 lines. The copy contains the first part (juz’) of “Sharh Mukhtasar al-Tahawi” (from its chapter “al-Taharat” to the chapter “al-Karahiya”) [11, ff. 1^b–370^a]. The date of copying was not noticed. Through the secondary information we can assume the probable date of copying, it was before the date on the Islamic endowment seal – 1112/1700–1701.

It was copied on the bright white paper with black ink using high skilled naskh style. The book has no binding; it starts from the two flyleaves, so we can see the contents (fihrist) over there [11, f. 01^b]. The copyist and the date of copying were mentioned: 1) Sayyid ‘Ali ibn al-Mawabi. This book was mandated for him, he was a teacher in Qalandar-khana madrasah in Istanbul. 2) Ahmad al-Makmur. 3) Sayyid Fayd al-Mughni [11, f. 1^a]. The name of the book was noticed in the middle of the title page – “Sharh Mukhtasar al-Tahawi” and the author’s name and the date of his death were indicated: Al-shaykh al-imam al-‘alim al-‘allama Baha’ al-Din ‘Ali ibn Muhammad al-Isfijabi, died in 535/1141 [11, f. 1^a]. The Islamic endowment seal with indicating the donators name was put in the title and on the colophon: Shaykh al-Islam al-sayyid Faydullah Efendi, 1112/1700–1701, and the book cannot be taken away the Constantinople madrasah [11, ff. 1^b, 370^b].

The book consists of 63 chapters (kitab). Each time the word “kitab” was written using the black ink, specialized, capital, clear letters. Each chapter consists of 10, sometimes of 12 folios [for example, 11, ff. 1^a–12^a]. And each chapter consists of two or three sections (bab). The additions and remarks were written on the margins of the book.

VII. The manuscript of “Süleymaniye Devlet Kütübhanesi”, fund “Yeni Cami” has the number 458. The copy consists of 701 folios. Each folio has 19 lines. The copy contains the whole text of “Sharh Mukhtasar al-Tahawi” (from “al-Taharat” to “al-Karahiya”) [12, ff. 1^b–701^a]. This copy is the longest one among the copies of “Sharh Mukhtasar al-Tahawi” because it was written using large letters. There is no information on the date of its copying. We can define a probable date of copying through the additional information: the date on the waqf seal is 1137/1724–1725.

The text was written on bright white paper using black ink, the high skilled naskh style. The book has no binding. Also flyleaf starts from two folios, with the contents (fihrist) at its end [12, f. 1^a]. In the title side the names of book’s holders are mentioned: 1) al-‘abd al-faqir ‘Abd al-Baqi Faydallah. He had copied the book for himself and it was states that after his death it will be for everybody. It was done in Edirne city. In the middle of the folio a private seal (ex-libris) was put: the name of the seal holder: ‘Abd al-Baqi and on the top the name of the book was written – “Sharh Mukhtasar al-Tahawi” [12, f. 1^a]. We can define a probable date of copying through the additional information: the script on the seal is “waqf by Sultan Ahmad khan ibn Ghazi sultan Muhammad khan” (1115–1143/1703–1730). The date of the seal is written on the bottom – 1137/1724–1725 [12, ff. 1^a, 701^b].

The work consists of 54 chapters (kitab). Each time the word “kitab” is written using the black ink, capital, and specialized, clear letters. Each chapter consists of either three or four sections (bab) [12, ff. 1^a, 5^a].

VIII. The manuscript of “Süleymaniye Devlet Kütübhanesi” library, fund “Yeni Cami” holds the number 457. The manuscript consists of 352 folios. Each folio has 35 lines. The copy contains the whole text of “Sharh Mukhtasar al-Tahawi” (from the chapter “al-Taharat” to the chapter “al-Karahiya”) [13, ff. 1^b–352^a]. This copy is the longest one among all the copies. There is no information on the date of copying. We could define a probable date of copying through the additional information: the date on the waqf seal is 1137/1724–1725.

The text was written on bright white paper using black ink, high skilled naskh style. The book has no binding; it starts from the three flyleaves, so we can see the contents (fihrist) over there [13, ff. 03^a–01^a]. In the title side the names of the book and its author were written: “Sharh Mukhtasar al-Tahawi”, al-Imam al-Isfijabi [13, f. 1^a]. There is no information on the date of copying. We can define probable date of copying through the additional information: waqf seals in the beginning and the last folios. The script on the seal declares: “endowment of Sultan Ahmad

khan ibn Ghazi sultan Muhammad khan”, the date on the waqf seal – 1137/1724–1725 [13, ff. 1^a, 352^b].

The book consists of 43 chapters (kitab). Each time the word “kitab” is written using the black ink, capital, and specialized, clear letters. Its each chapter consists of several sections (bab).

IX. The manuscript of the library “Dar al-Makhtutat” (Baghdad, Iraq) holds the number 1467. Each folio has 29 lines. This copy has defects and consists of three folios only. The text is written using the naskh style [14, f. 1^b].

X. The manuscript of the library “Maktabat al-Asad” (former “al-Zahiriya”, Damascus, Syria) holds the number 12178. Each folio has 27 lines. This copy has defects and consists of eight folios only. The text is written using the naskh style [15, f. 1^v].

Due to the results of our research we could identify the most correct copy among the ten ones. It is the manuscript under the number 18868 from the library “Beyazit Devlet Kütübhanesi”. The superiority of this copy is that it has been made very carefully and its script is clear, the chapter names and key words are written using red ink. We have chosen this copy as a main one for our research. Other copies are used by us as auxiliary ones.

AREAS OF THE BOOK’S SPREAD

Through completing the paleographical description of the copies of al-Isfijabi’s work, we obtained the following information on the regions where this work was spread. One copy has indication its region of copying. It is the manuscript Yeni Cami 458; we can also see that it had moved to the city of Edirne (Adrianople) [12, f. 1^a]. The next manuscript 1538 from “Diwan al-waqf al-sunni” contains the next information. The holder and the one who copied this manuscript is the same person – Mustafa al-Humaydi Rawish. He bought al-Isfijabi’s “Sharh Mukhtasar al-Tahawi” in Mecca in 1186/1772–1773. Afterwards, the book was confiscated from him by the Army of “Azat”. But later he re-bought it again [10, f. 322^a]. Even this copy of Rawish was used in Mecca, and it kept now in Baghdad library. Al-Isfijabi’s work “Sharh Mukhtasar al-Tahawi” is preserved in Medina’s Islamic endowment (waqf) as well. But we know that population of the Holy cities Mecca and Medina are adherents of the Hanbali School. But what is the reason of preserving al-Isfijabi’s Hanafite book in the land of Hanbalites? Arabian Peninsula was under the Ottoman Empire in the 18th century. But the authorities and the people who served for the government were those who adhere the Hanafite School of Islam. The work was kept at the libraries of that area and sealed by Medina endowment (waqf): and it stated that “this book cannot be taken away this library”, it should be preserved for the believers [10, f. 301]. So, it can be concluded that al-Isfijabi’s “Sharh Mukhtasar al-Tahawi” was taught in Ottoman Empire. From the above mentioned evidences we can notice that despite the fact that the work was compiled in Samarqand; it

was copied and spread by Muslims all over the world. As shows the manuscript Beyazıt Devlet Kütübhanesi 18868, another theologian originated from Kazakh lands al-Imam Qawam al-Din al-Itqani (died in 1357) was its holder [8, f. 1^a]. The following information was extracted from the edge of the copy: al-Isfijabi had establishes one principal issue in Islamic law. The successive scholar from the Kazakh lands al-Itqani had approved, supported and followed his statement [8, f. 229^a]. Thus we can consider that the Kazakh scholar Qawam al-Din al-Itqani knew and used al-Isfijabi's "Sharh Mukhtasar al-Tahawi" very well. It means that Qawam al-Din al-Itqani recognized al-Isfijabi's achievements in the Islamic law (fiqh) and followed his way and declared his appreciations. Al-Itqani was satisfied with his positions and proved al-Isfijabi's significance in Islamic law (ijtihād). We can assume that "Sharh Mukhtasar al-Tahawi" became the foundation for the comparative law (fiqh muqaran). This work may be considered as the collection of rules worked out on the local materials of Central Asia. Then it was widespread from Central Asia to countries of the Middle East. The studied copies inform us that this work entered the Ottoman Empire and became there as the main subject of Shaykh al-Islam office and was taught in the Ottoman madrasah system.

THE COMPILING STYLE OF THE WORK

Al-Isfijabi's work has the following structure: al-Tahawi's commented text starts with the sentence "He said" (qala). Copyists even did not try to write it using different colors. To define the words of the author (al-Isfijabi) we need to compare the commentary with the text of "Mukhtasar al-Tahawi" or to read whole the text of the commentary very carefully [16, p. 15]. When the commented text of al-Tahawi ends, al-Isfijabi starts to write his own parts.

The work consists of one part (30–40%) dedicated to al-Tahawi, and other parts (60–70%) belong to al-Isfijabi. In his work al-Isfijabi preferred the legal rules (fatwa) made by Abu Hanifa (died in 150/767), afterwards he cited the legal rules (fatwa) by his main students, Abu Yusuf (died in 182/798) and al-Shaybani (died in 189/804–805).

Al-Isfijabi always tried to relate issued problems with local environment. Consequently, he worked out the issues of large diversified cities such as Samarqand, where agriculture (corn, groats, vegetables etc.), cattle breeding (sheep saling, milk production etc.) and trading (house selling, renting etc.) were developed. As regards to Islamic law (fiqh) problems, he tried to formulate an easy explanation to the rules, so they could implement the knowledge in his native places as Samarqand, Isfijab, and other Central Asian cities [8, f. 184^b].

THE SOURCES OF THE WORK

He adhered the classical way of the Hanafite School. While the formulating Hanafite rules in his work, al-Isfijabi was keeping the main sources of the Islam as the Holy

Scripture (Quran), traditions (Hadith) and legal rules (fatwa). Also, he used six classical works by Muhammad ibn al-Hasan al-Shaybani, one of the founders of Hanafite School: “al-Mabsut”, “al-Jami‘ al-saghir”, “al-Jami‘ al-kabir”, “al-Ziyadat”, “Kitab al-siyar al-kabir”, and “Kitab al-siyar al-saghir”. These six books form special category of the books “Zahir al-riwaya”. He also widely applied “al-Uyun” by Abu-l-Layth Nasr ibn Muhammad al-Samarqandi (died in 373/983-984) and “Mukhtasar al-Karkhi” by ‘Ubaydallah ibn Husayn al-Karkhi (died in 340/951–952). Al-Isfijabi also shared the information from the book “al-Amali” by Isma‘il ibn Harun al-Qali al-Baghdadi (died in 356/966–967) [5, p. 340].

THE CONCLUSION

Our research enables us to make the following conclusions on al-Isfijabi’s biography, activity, and work:

1. Al-Isfijabi was born in the 1060s in the city of Isfijab. His entire life was closely related with the reign of Qarakhanid dynasty. He lived a long life and outlasted 11 Qarakhanid rulers. He died in Samarqand at the age of 79.
2. His work “Sharh Mukhtasar al-Tahawi” was attributed until recently to two persons. This false declaration was created and spread by the prominent author ‘Abd al-Qadir ibn Abi-l-Wafa’ al-Qurashi (died in 775/1373). Due his judgment this work was referred to Isfijab’s another offspring Abu Nasr Ahmad ibn Mansur al-Zafari (died in 484/1091). Analyzing 10 copies of “Sharh Mukhtasar al-Tahawi” we could make its attribution. Indeed this work was compiled by ‘Ali ibn Muhammad al-Isfijabi.
3. We could specify that the work kept in 10 copies. Using historic-philological methods and the methods of codicology and paleographic studies, we clarified that it was widely spread in the Ottoman Empire circulating from Central Asia to Middle East. The work was used at the rulers’ palaces and taught as an academically material in the Ottoman madrasahs.
4. The peculiarity of the work by al-Isfijabi appears in its characteristic that it was written in the comparative law (fiqh muqaran) genre. His new methods and positions, being used in his work had influenced the next generations of Central Asian scholars such as Burhan al-Din al-Marghinani (died in 593/1197) and ‘Ala’ al-Din al-Kasani (died in 587/1191). Al-Isfijabi’s methods were highly appreciated by the Kazakh scholar Qawam al-Din al-Itqani (died in 758/1357), who honored him as “mujtahid” (Islamic scholar who is competent in interpreting shari‘a by *ijtihad*). Hence, ‘Ali ibn Muhammad al-Isfijabi was awarded the high level in scholarship as mujtahid by new generations of Islamic scholars.

5. Al-Isfijabi's work contains the huge number of information and facts on the medieval Isfijab and its neighbor countries, scholars, governmental rulers, khans and the ways of adhering Islam by them, opinions, social and policy welfares. These saved materials by al-Isfijabi have great importance as primary source in studying the medieval history of religions in Kazakhstan.

References

- 'Umar ibn Muhammad ibn Ahmad al-Nasafi, Najm al-Din. *al-Qand fi dhikr 'ulama' Samarqand / tahqiq Yusuf al-Hadi*. Teheran, 1420/1999. – 864 ğ.
- Qasim ibn Qutlubugha, Abu-l-'Adl Zayn al-Din. *Taj al-tarajim fi tabaqat al-hanafiyya* (Crown of Biographies in the Classes of the Hanafite Theologians). Beirut: Dar al-Ma'mun li-l-turath, 1992. – 419 ğ.
- Ibn Abi-l-Wafa' al-Qurashi al-Hanafi. *al-Jawahir al-mudiya fi tabaqat al-hanafiya* (Glowing Gems in the Classes of the Hanafite Theologians): in 5 volumes / tahqiq 'Abd al-Fattah Muhammad al-Hulw/Hillw. Riyadh: Dar al-Ihya', 1413/1993.
- Mustafa ibn 'Abdallah Hajji Khalifah. *Kashf al-zunun 'an asami al-kutub wa-l-funun* (Recovering Suspicions from the Titles of the Books and Sciences): in 2 volumes. Beirut, 1402/1982.
- Sa'id Fu'ad Wahib al-Qubaysi. *The chapter " 'Ariya" from the part "Istibra" " of "Sharh Mukhtasar al-Tahawi" by 'Ali ibn Muhammad al-Isfijabi*. Dissertation research conducted at the Iraq university's Shari'a faculty for getting Phd degree in the specialization of "comparative law". Baghdad: al-Jami'a al-'Iraqiya, 2012. – 388 p.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library Süleymaniye Devlet Kütübhanesi, fund "Hekimođlu", No 344, f. 1^a–360^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library Süleymaniye Devlet Kütübhanesi, fund "Şehid Ali Paşa", No 816, f. 1^a–208^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Beyazıt Devlet Kütübhanesi", No 18868, f. 1^a–386^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Shaykh al-Islam 'Arif Hikmat", No 3601, f. 1^a–301^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Diwan al-waqf al-sunni", No 1538, f. 1^a–322^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Millet Genel Kütübhanesi", fund of "Feyzullah Efendi", No 803, f. 1^a–370^a.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Süleymaniye Devlet Kütübhanesi", fund of "Yeni Cami", No 458, f. 1^a–701^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Süleymaniye Devlet Kütübhanesi", fund "Yeni Cami", No 457, f. 1^a–351^b.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Dar al-Makhtutat", No 1467.
- 'Ali ibn Muhammad al-Isfijabi. *Sharh Mukhtasar al-Tahawi*. The manuscript of the Library "Makatabat al-Asad", No 12178.

Ahmad ibn Muhammad ibn Salama al-Tahawi. *Mukhtasar al-Tahawi* / taḥqīq by Abu-l-Wafa' al-Afghani. Beirut, 1406/1986. – 478 ǧ.

Funerary Epigraphy of Samarqand (Samanids, Qarakhanids, Chagatayids). Original texts, translations, comments by: Bakhtiyor Babadjanov, Lola Dodkhudoeva, Ashirbek Muminov, Ulrich Rudolph. Archaeological Excavations' Report of Chakar-Diza by Amriddin Berdimuratov. Photo by Anwar Atakhodzhayev, Lola Dodkhudoeva. Almaty (forthcoming).