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Lobar Kabilovna Asrorova
an independent researcher,
Tashkent Islamic University

SECTION 32. Jurisprudence.

THE DEVELOPMENT OF ISLAMIC LAW DURING THE REIGN OF THE MONGOLS

Abstract: *The science considerably declined after the Mongol invasion. This paper includes some materials about the development of the culture and Islamic law in the middle of the 13th-14th centuries.*

Key words: *Fiqh, fatwa, Mongol, library, manuscript, calligraphy.*

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Introduction

By the end of the 12th century, Genghis Khan (1155-1227) achieved the unification of the Mongol and Turkic tribes founding the powerful empire. After uniting many of the nomadic tribes, he started to conquer the neighboring countries and khanates. Campaigns of the Mongols and bloody battles included the territories of Maverannahr too. Genghis Khan ordered his army to destroy the cities of Maverannahr conquered by them, his campaigns were accompanied by the plunder of the riches and large-scale massacres of the civilian populations. Because of the Mongol invasion, the ancient spiritual heritage, expensive manuscripts, many libraries in which rare books were saved and antiquaries of Maverannahr were destroyed.

Materials and Methods

The famous historian Ibn al-Asir (1160-1234) being an eyewitness of the Mongol invasion states: "The invaders did not spare anyone, they cruelly killed women, men and children. They chopped the pregnant women and cut the unborn children's heads off. They destroyed all cities and towns, even villages. They sacked the riches of every place in their way and then burned it" [4. p. 366]. In spite of the invasion, relative social and political stability that gained in Maverannahr in the beginning of the 60s of the 13th century led many fields of the life to be restored. The Mongols had no enough experience for ruling of the territories invaded by themselves. That is why they had to use the local aristocrats and scholars in the local municipal administration. Ota

Malik Juvayni and RashiduddinFadhullah who served in the Mongol palace wrote about the methods of the governing system of that time in their works.

By the first half of the 19th century, the saddling process of the Mongols in Chagatai Khanate was accelerated and some important changes occurred in their social life. The city life, especially the craft and trade relations in Maverannahr started to become more brisk. The monetary reform carried out by Mas'udbek in 1271 had an important place in the renewal of the inner life of cities, especially in the trade and finance relations.

At that time the relative stability in Maverannahr led the economic life and cities destroyed after the Mongol invasion to be recovered as well as many fields such as the craft, trade and agriculture to be restored. Big cities like Urganch, Bukhara and Samarkand were rebuilt. In the second half of the 13th century and in the beginning of the 14th century, the science, literature, art and other fields of the culture that regressed during the Mongol invasion started to be restored because of the renewal of the economic life in the cities and villages of Maverannahr. In this period, first of all, the field of building and architecture that connected with the municipal engineering was recovered. The crafts such as mosaic, plaster, architectural engraving on the brick and architectural calligraphy were restored according to the ancient traditions and experience. Then these crafts were developed. Beautiful buildings such as a mosque, madrasah, chapel, mausoleum, minaret and palace built by the builder-



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architects were appeared. Some of them was saved so far.

The mausoleum of Bayankulikhan (1346-1358) which was built in Bukhara is considered as one of the monuments peculiar to that time. This mausoleum was built in the middle of the 14th century close to the tomb of Shaykhul-islam Sayfuddin Bakharzi (1190-1261). The mausoleum consists of a place of pilgrimage and small family burial decorated with small ornaments and enameled mosaics. According to the results of the field research carried out here, it is stated that the collectors who live in London have the tombstone of Bayankulikhan¹.

The mausoleum of Sayfuddin Bakharzi is also considered one of the monuments of that time. The architectural style used for this mausoleum is called rustic². The bricks that used for the wall have a relief form and they are covered with rectangular crude stones (squares). In 1996-1998s, the repair works started in the mausoleum and finished in 2000.

The administrator of this mosque Sakhibjan Safarov states that the skull of Sayfuddin Bakharzi was taken off to Leningrad in 1935-1936s and it was put in it again in 2001³.

The mausoleum of Shaykh Mukhtar Vali in Yangiariq district of Khorezm region, being a historical monument, was built at the end of the 13th and in the 14th centuries. This mausoleum was built in 1287 after the death of Shaykh Mukhtar Vali. Then a monument with a dome was built on the tomb and an additional chapel was added to it. The minaret with a height of 62 meters that built in ancient Urganch is also one of the unique monuments of the 13th century architecture. The mausoleums of Najmuddin Kubra, Turabekhanim, Muhammad Bashar and the mausoleum of Tubakhan in Khojand are considered as the unique architectural monuments of the 14th century [5. p. 8-9].

According to many researchers, although Islam lost its status as an official religion, the local scholars recovered it "again" in the middle of the 13th and in the 14th century. It can be expressed that in this period Islam was not developed "officially" by the government, but it was a time of its developing by the lower class. Especially, the Sufis and Faqihs had an important place in this respect.

¹ An extraction from the talk of an administrator of the mosque Shaykh al-'lam Sohibkhoji Safarov. Bukhara. 2009. 29 august.

² Rustic – from Latin. rusticus – a type of a wall that is built simply and crudely.

³ The author (L. Asrorova) personally took part in the field study.

Unfortunately, the life and scientific heritage of many Faqihs who lived in Maverannahr in the 13-14th centuries was not studied sufficiently so far. One of these Faqihs was Umar bin Alauddin bin Sadruddin Bukhari. The comprehensive study of his life and scientific activity allows us to be aware of the unexplored history of Maverannahr. According to information, Alauddin being a member of the "Sadr" family held a position of Qadi in Bukhara. There is hardly any information left about Alauddin Bukhari's life. During the research, it was found that Alauddin Bukhari had taken the science of Fiqh from 22 teachers. However, there is no information about his teachers and their names in any source. According to information given in the introduction of the work, Alauddin has issued fatwa in Bukhara for 10 years and in Khorasan for 23 years. It shows that the author held a special position in the science of Fiqh.

The work of the scholar named "Khayratul-fuqaha" being a source of the fatwa genre was written according to the Hanafi School. In this work, the author has approached the subject with religious tolerance, which is not found in many of books written on the science of Fiqh. Furthermore, he has classified all weak narrations and fatwas in this book. It shows that the work is very important in the solution of many difficult problems of Fiqh that exist in the region nowadays.

In the early period of the Mongol invasion, the science, especially Fiqh was poor, but then it continued to develop again because of the Mongol khans have accepted Islam. According to the opinions of many researchers, it is stated that the movement of Faqihs of Maverannahr to the countries of the Middle East was increased after the Mongol invasion [7. p. 45]. However, our opinion is that many scholars of Maverannahr did not leave the region and continued their scientific activity even in such arduous conditions. Because, the scholars acted in Maverannahr had a great place in the accepting of Islam by the Mongol khans.

According to Kazvini, Sadri Jakhhan Burhan al-Din Muhammad, the imam of Bukhara, one of the chiefs of "Aali Maza" (the family of Aali Maza) and his successors protected 6000 Faqihs and all of them belonged to the Hanafi School [9. p. 432]. The family of Maza continued to protect Hanafi Faqihs even after the Mongol invasion, 4000 Faqihs took advantage of their help in 674/1276. According to the sources, Sadr al-sudur Burhan al-Din Abdulaziz bin Umar saved the life of a Hanafi Faqih paying 30 000 dinars in Samarkand⁴ [1. p. 181-182].

⁴ "One of Faqihs came to Samarkand from a foreign country to study and committed a great sin. The ruler of Samarkand decided to punish him, but then he changed his decision and ordered to hit him 30 times

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During the research activity, the names of many Faqihs who lived in Bukhara in the 13-14th centuries were detected. They are the following:

Among the ancestral Faqihs, the family of Sadr al-sharia being eminent representatives of the Hanafi School had a high position. Many representatives of this family paid a special attention on the work of Burhan al-Din al-Marghinani, the "Hidayah". Especially, a famous Faqih and scholar of that time Sadr al-sharia Ahmad bin Jamal al-Din UbaydullaMakhbubiBukhari (546/1151-630/1232) [2. p. 229]was famous for his commentary on "Hidayah" [6. p. 308]. His son Mahmud bin Sadrush-shari'a who was famous with a nickname of Taj al-sharia being a Faqih as his father,wrote scientific works on HanafiFiqh.

Tajush-shari'a taught his grandson, Sadrush-shari'aSani (the second or younger Sadr al-sharia) the Islamic law. He shortened the main issues in "Hidayah" of Marghinani and turned it into an independent book for the sake of his grandson. This work was called "Viqayah al-rivaya fi masail al-Hidayah" (saving of the narrations in the issues of Hidayah) and then it was famous as a special textbook on the science of Fiqh.

Ubaydulla Sadr al-sharia Asghar bin Mas'ud bin Taj al-sharia Mahmud bin Sadr al-sharia Makhbubi (died 747/1346) was famous with a nickname of the second Sadr al-sharia, he was pride of this family and an eminent representative of HanafiFiqh. The scholar wrote some books such as "Masail al-jabriya" (the algebraic sums), "Hisab" on mathematics, "Ta'limiFaraiz" (the science on the distribution of heritage), "Mukhtasar al-Viqayah". He briefly and clearly explained the work of Burhan al-Din Marghinani, the "Hidayah". His works are still saved in the manuscript funds of England, Hungary, Germany, Russia, Tajikistan and Uzbekistan [3. p. 267]. Moreover, he commented "Viqayah al-rivaya" (the narration of Viqayah) written by his grandfather.

Another ancestral Faqihs were the Khayzakhazi family⁵, Abdullah bin FazlKhayzakhazi worked as a mufti in Bukhara. His son Abu Nasr Ahmad bin Abdullah narrated from him. He narrated himself from Abu Bakr Ahmad bin Abdullah bin Habib, Abu Bakr bin MujahidBalkhiy and others [2. p. 189].

His son Ahmad bin Abdullah bin Fazl Abu Nasr Khayzakhazi [2. p. 46-47]was also an eminent Faqih.

He learned the science of Fiqh from his father Abdullah.

The representatives of the Aqili family also made an outstanding contribution to the science of HanafiFiqh. There is information in the sources about Ahmad bin Muhammad bin Ahmad Aqili Ansari Shams al-Din [2. p. 64]. He was also one of the prominent scholars in the science of Fiqh. He narrated from the father of his mother, Sharaf al-Din Umar bin Muhammad bin Umar Aqili. Moreover, he learned the science of Fiqh from his grandfather. He wrote a poetic comment on the work "Jami al-saghir" of the scholar Muhammad bin Hasan. He died on Ramadan 5, 659/1260, in Bukhara⁶.

Although Arabic and Persian were widely used in the region, the scholars wrote mainly in Arabic. The Mongol invasion had its impact on the political and social life of Maverannahr as well as its scientific and spiritual development. By the 13-14th centuries, the status of Arabic was reduced, on the contrary, the need for the literature written in Persian was increased. Especially, some Faqihs who lived in Bukhara wrote their works in Persian too. Particularly, many Faqihssuch as Abdurrajiy Muhammad Bukhari [10. p. 60], Muhammad bin Ali bin Abdulmalik Abu Abdullah SumtiyBukhari who was famous with a nickname of Imam al-Din can be a clear example of it.

At the same time, we can see that the Sufisalsostudied the science of Fiqh. For example, Muhammad bin Muhammad bin Mahmud BukhariKhojaParso (1348-1420) efficiently studied the science of Fiqh besides Tafseer, Hadith, Kalam, Sufism, geography. He wrote some works such as "SharhiFiqhiKaydani"⁷ and "Fatwai li zikrijahr" (fatwa on the aloud dhikr). In the work named "Fatwai li zikrijahr" [8. p. 12] it was mentioned that the aloud dhikr was in accordance with sharia and proofs from the Qur'an and Hadith were given for this purpose.

Conclusion

To make a conclusion, we can say that the contradictory and difficult processes happened during the Mongol reign in the territory of Maverannahr in the 13-14th centuries. In spite of it, the ancient culture of the region continued to develop. Undoubtedly, it had a positive impact on the

because he was a scholar and traveler. Sadri Jakhhsays the ruler: "If the ruler sells each hit for 1000 gold dinars, then, it will benefit to the treasury and at the same time it gives honor to the traveler scholar". Then he saved this scholar's honor paying 30 000 dinars. This even is very well-known in Maverannahr".

⁵ Khayzakhaz – One of the villages of Bukhara.

⁶ In Abdulkhay Laknavi's Al-Favaid al-bahiyya, Bin Qutlubugha'sTaj at-tarajim, KhojiKhalifa'sKashf al-zunun the date of his death was given as 657/1260.

⁷ One of the manuscript copies of the work is saved in the Main Fund of the Institute of Oriental Studies under the Academy of Sciences of the Republic of Uzbekistan with a registered number 4946 (51b-120b).

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development and enrichment of the spiritual heritage and values of Maverannah.

Among the ancestral Faqihs, the family of Sadr al-Sharia held a unique position as prominent representatives of the Hanafi School. Many representatives of this family paid a specific attention to the work "Hidayah" of Burhan al-Din Marghinani.

By the end of the 13th century and the beginning of the 14th century, attention on Arabic was decreased, on the contrary, need for the literature in

Persian was growth. In this period, the local schools were developed, the scholars paid attention on the problems that existed in society.

At this time, the representatives of Sufism held a position close to the cultural values and religious experience of the local people. The representatives of Sufism had a great place in the accepting of Islam by the Mongol khans.

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