

A Classification Proposal On Nawazil Works Of Transoxanian Origin

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Abstract: It is seen that the sources of Hanafi literature, which are evaluated in three groups as usul (zahir al-riwaya), nawadir (gayr-ı zahir al-riwaya) and nawazil (waqi'at), especially those belonging to the third type, were mainly written in Transoxiana and its surrounding regions.

Most of the more than forty works related to the Transoxanian nawazil, the development process of which lasted for about four centuries (IX-XII centuries), are still in manuscript form. These sources, which contain important information about the region and the period in which they were written, emerge with their unique characteristics as well as certain interactions among each other. Such works are not only important in terms of the history of the region, but they are also extremely valuable on evaluating the history of Islamic law in general, and the methodology of practical fiqh in particular. In our study, the characteristics of such nawazil works of Transoxanian origin have been analysed and a classification proposal has been put forward by evaluating them in terms of the period and place in which they were written.

Keywords: Fatwa, Nawazil, Transoxiana, Waqi'at.

Introduction

According to the generally accepted opinion, the main sources of the Hanafi schools' literature are evaluated in three groups namely usul (zāhir al-rīwaya), nawadir (gayr-ı zāhir al-rīwaya), and fatāwā (vakı'at) (Kinalizade, 2020, p. 2) works. While the first two represent the madhhab's fundamental views and emerged in the Iraqi region, the third type of works is considered to have been mainly written in Transoxiana or its surrounding regions. Especially during the period of about four centuries (IX-XII), in Transoxiana various nawazil works emerged, and a regular development was experienced in this genre of fiqh literature. In the first phase, the issues of nawazil were reflected in personal fatwa collections and in the Fawaid (namely "benefits" of certain scholar collected by his disciples) style works. In the later period, works in which the fatwas of a particular region or school were collected altogether and then the books compiling the various regions' nawazil emerged.

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wa” by Burhan al-Shari’a al-Bukhari (VI./XII century), “Khizanat al-Fatawa” and “Majma’ al-Fatawa” by Ahmad ibn Muhammad ibn Abu Bakr (who lived in 636/1238-9) possess such characteristics.

Beside these works, there are other books which are mentioned in the sources but have not been preserved to the present day, such as Abdulaziz ibn Ahmad al-Halwani’s (d. 452/1060?) “al-Waqi’at fi’l-Furu’”, Abu al-Yusr Bazdawi’s (d. 493/1100) “al-Waqi’at”, and Abu al-Sana al-Lamishi’s (d. 515/1121) “Waqi’at al-Lamishi”. It is difficult to make a definite conclusion about these works without analysing their contents, but each of them can be considered as a source of nawazil belonging to one of the abovementioned three categories.

Conclusion

The evaluation of more than forty works related to the Transoxanian nawazil, which had a development period of about four centuries (IX-XII), demonstrated that these sources can be classified into three groups according to their characteristics. At the initial stage of its development, such works emerged in the form of personal fatwa collections or works called Fawaid, which included issues from other scientific areas too. In the later period, a new kind of works were written in which the fatwa collections of a certain region or school were compiled together. Subsequently, books concerning the nawazil of various regions began to emerge. In association with the impact of various regional sociopolitical dynamics, cities such as Balkh, then Samarqand, and later Bukhara became the centres of Transoxanian nawazil. The works of nawazil written in these cities are characterised by their unique specificities as well as show some interactions among each other.

References

- Ahmad ibn Musa al-Kashshi (2021). *Majmu al-Hawadis wa-n-Nawazil wa-l-Waqi’at*, Critical ed.: Abdumalik Tychibaev, Dâru Ibn Hazm, Beirut.
- Bedir, M. (2014). “The Bukhara Law School: A Study in the Context of the Central Asian Foundation Law in the 10th - 13th Centuries”, *İSAM Yayınları*, Istanbul.
- Al-Bukhari, Burhanuddin Abu Mahmud Sadr al-Kabir (d.616/1219), (2004). *Al-Muhit al-Burhani*, Daru’l-Kutubi’l-Ilmiyya, Lebanon.
- Ibn Nujaim, Zain ul Abidin ibn Ibrahim al-Misri (d.970/1563), (1994). *al-Bahr al-Raiq Sharh Kanzud Daqa’iq*, Dâru’l-Kitabi’l-Islami, Cairo.
- Kaya, Eyyup Said (1996). *The Birth of Newazil Literature in the Hanafi School and Abullayth Samarqandi’s Kitab al-Nawazil* (Master’s Thesis), Marmara University Institute of Social Sciences.

- Kinalizadah, Ali Chelebi (2020). *Tabaqat al-masail*, Critical ed.: Orhan Ençakar, Trans.: Bahaddin Karakuş, web-page of Numânî Düşünce Mektebi: *Tabakâtu'l-Mesâil*, <https://ia802802.us.archive.org/7/items/tabakatulmesail/Tabak%C3%A2tu%271-Mes%C3%A2il%20%28NDM%29.pdf>. Accessed on 10.01.2021:
- Mirzaibraimov, Samagan (2002). *Qadikhan al-Uzjandi and Fatawa Qadikhan*, (Master's Thesis), Ankara University Institute of Social Sciences.
- Muminov, A. (2015). *Hanafi Madhhab in the History of Central Asia* (Ханафитский мазхаб в истории Центральной Азии), *Kazakh Encyclopedia*, Almaty.
- Muhammad ibn al-Hasan al-Shaybani (d.189/805), (2012). *al-Asl*, Critical ed.: Mehmet Boynukalin, Dâru İbn Hazm, Beirut.