

Analysis of Fiqh Topics in "Ru'ūs Al-Masā'il"

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Abstract:

Maḥmūd Zamakhsharī is a great mufasssir, mutakallim, jurist who came from Movarounnahr. When the scientific, cultural and economic situation in Mā Warā' al-Nahr was in decline, Maḥmūd Zamakhsharī served to revive and restore science with selfless scientists. Ten of his works are known today, and scientific researches on these works continue without stopping.

Keywords: Nu'mān ibn Thābit, Maḥmūd Zamakhsharī, ibn Khallikān, Ḥājjī Khalīfah, Muḥammad ibn Idrīs ash-Shāfi'ī, Ru'ūs al-masā'il, Tāj al-tarājim, al- A'lām.

The full title of Maḥmūd Zamakhsharī's only extant jurisprudential work is Ru'ūs al-masā'il al-khilāfiyah bayna al-Ḥanafīyah wa-al-Shāfi'īyah ("Major matters of dispute between Imām Abū Ḥanīfah and Shāfi'ī"), which is also his The manuscript is kept in Chester Beatty Library, Dublin, Ireland under number 3600¹. A facsimile copy of the manuscript is available in the library of Makkah "Ummul-Qura" University².

As a result of electronic correspondence with the Chester Beatty Manuscripts Fund, it was possible to obtain an electronic copy of the manuscript "Ru'ūs al-masā'il".³

Qāḍī ibn Khallikān in "Wafiyāt al-a'yān"⁴ listed "Ru'ūs al-masā'il" among the works of Zamakhsharī. Khayr al-Dīn al-Ziriklī "al- A'lām"⁵ and Ibn Quṭlūbughā "Tāj al-tarājim"⁶ have mentioned the same thing. Also, in the works of Ḥājjī Khalīfah "Kashf al-zunūn" and Ismā'il al-

¹ Arberri. Chester Beatty. Catalog of Arabic manuscripts. –Dublin, 1958. – V: 3. –P.44.

² Maḥmūd Zamakhsharī. Ru'ūs al-masā'il al-khilāfiyah bayna al-Ḥanafīyah wa-al-Shāfi'īyah. – Beirut: Dorul-bashairil-islamiya. 2007. –620 p.

³ Chester Beatty Library. CBL AR 3600.

⁴ Qāḍī ibn Khallikān. Wafiyāt al-a'yān anbau abna az-zaman. – V:5. – Beirut: Dor sodir, 1997. – P.169.

⁵ Khayr al-Dīn al-Ziriklī. Al- A'lām.–J:7. – Dor al-ilm lil-malayin, 2002. – P.178

⁶ Ibn Quṭlūbughā, Tāj al-tarājim fi Ṭabaqāt al-Ḥanafīyah. – J:1. www.alwarraq.com. –P.24.

Baghdādī "Hidāyāt al- 'ārifīn" they gave information about the presence of "Ru'ūs al-masā'il" written by Zamakhsharī.

A facsimile copy of the manuscript is available in the library of "Ummul-Qura" University of Makkah ⁷.

Chester Beatty's Catalog of Manuscripts describes it as follows:

"Ru'ūs al-masā'il" by Az- Zamakhsharī (538-1144 CE) (a treatise on the legal issues that differ between the Ḥanafī and Shāfi'ī sects) 106 pages. Pages are 17 cm long and 13.1 cm wide. Copy letter. Calligrapher - 'Abd ar-Raḥmān ibn Jandar ibn Ayyūb Shiblī. Rajab month of 576 Hijri year (1180 AD)." No other copy available ⁸

The Shiblīs are the descendants of a tribe that is widespread in the Arab world today. Descendants of Shiblī live in countries such as Saudi Arabia, Syria, Algeria, Oman and Palestine. Regarding the origin of Shiblī's nisba, one can come across a similar assumption in the Arabic language content. Shiblī is a Qaḥṭānī Arab tribe, whose name comes from Shibl ibn 'Amr ibn 'Adī ibn Tay.⁹ Qaḥṭan Hūd is the son of the prophet. The Arabs are divided into two parts: the Adnani¹⁰ and the Qaḥṭānī Arabs. The Arabs of Adnani consist of Rābi'a, Mudar, Qays and Aylan. Qaḥṭan Qaḥṭānī Arabs are descendants of various tribes in Yemen ¹¹. Taking into account the fact that the calligrapher had the pseudonym Shiblī and the manuscript was kept in Syria for a long time, it is logical to conclude that the manuscript was copied not in Khorezm, but in Syria (Syria). On the other hand, the descendants of the Shiblīs live in Iraq today, and among them there are sheikhs and dignitaries with the nickname Shiblī.¹² At the end of his life, Zamakhsharī bequeathed his books to the shrine of Abū Ḥanīfah in Baghdād, so it is reasonable to conclude that the manuscript of "Ru'ūs al-masā'il" was copied and kept in Baghdād.

The inscription "Kalimai tayyiba" - "La ilaha illallah Muḥammad ur-rasulullah" is written on the upper part of the first page of the forzat of the work. Under it is written the phrase "Ru'ūs al-masā'il lil-alloma az- Zamakhsharī sahib al- Kashshāf ", that is, "Ru'ūs al-masā'il" work of al-Kashshāf sahib allama Zamakhsharī. At the top of the left side of the page is written "Min kutub al-abd al-aḥqar as-Sayyid 'Abd Allāh al-Qādī Saloniyy. summ intaqala ila suluk al-faqr ilayhi ta'ala Sayyid 'Abd Allāh Muḥammal al-Adrabavi ufiya anhum al-Bari" - "From the library of Aziz Banda Sayyid 'Abd Allāh, former judge of Thessaloniki. Later he passed to the leech of poverty. May God bless him with good health. The city of Thessaloniki is currently the second largest city in Greece. It was part of the Ottoman Empire between the 15th and 20th centuries. From this point of view, it is not difficult to understand that among the books of the judge of Thessaloniki there was a manuscript of "Ru'ūs al-masā'il", and from this the reasons for the manuscript's journey to Ireland become clear in the 20th century.

The Chester Beatty Library was established in Dublin in 1950 with the efforts of the American Alfred Chester Beatty (1875-1968), who devoted his life to mining and had a higher education in the field of mining engineering at Columbia University¹³. One of Sir Chester's hobbies was collecting Oriental manuscripts. The establishment of the library in Dublin is explained by the fact that the founder is originally from Ireland. This library-museum consisting of more than 4000

⁷ Maḥmūd Zamakhsharī. Ru'ūs al-masā'il al-khilāfiyah bayna al-Ḥanafiyah wa-al-Shāfi'iyah. – Beirut: Dor al-bashair al-islamiya, 2007. – 620 p.

⁸ That work.– P.1.

⁹ <https://www.majalisna.com/wp/omani-tribes/alShiblī/>

¹⁰ <https://ar.wikipedia.org/wiki/%D8%B9%D8%AF%D9%86%D8%A7%D9%86%D9%8A%D9%88%D9%86>

¹¹ <https://ar.wikipedia.org/wiki/%D9%82%D8%AD%D8%B7%D8%A7%D9%86%D9%8A%D9%88%D9%86>

¹² <https://alfrejat.ahlamontada.net/t556-topic#top>

¹³ Xurshid Ma'ruf. America's Copper King. <https://islom.uz/maqola/17273>

manuscripts in Arabic and Persian languages was recognized as the best museum in Europe in 2002. The only manuscript of Maḥmūd Zamakhsharī's jurisprudential work "Ru'ūs al-masā'il" that has reached us is numbered 3600 by Chesterbite.

The phrase " Kitāb Ru'ūs al-masā'il liz- Zamakhsharī " - " Ru'ūs al-masā'il book of Zamakhsharī" is written in the center of the upper part of the second page of the book. On the left side of the page: "Alhamdulillah, tola'a fiyhi mustafī dan al-fakru 'Alā' al-Dīn al- Ṭarābulusī al- Ḥanafī Imām al-Jame' al-Ummawi ufiya anhu." 1027" - "The Imām of the Ummawi community, Fakir 'Alā' al-Dīn al-Ṭarābulusī, benefited from this book and read it." This inscription belongs to the 17th century (1618) and is noteworthy as it belongs to Sheikh 'Alā' al-Dīn 'Alī ibn Muḥammad ibn Naṣīr al-Dīn al- Ṭarābulusī ad- Dimashqī al-Ḥanafī, who originated from the city of Ṭarābulus, Libya. Shams al-Dīn Zirīklī writes about him in his work "Al- A'lām ": " 'Alī ibn Muḥammad Dimashqī 'Alā' al-Dīn, originally from Ṭarābulus, was a scholar of Qur'ān recitation and Farā'id science. One of the noble scholars of the Ḥanafī school. He used to teach at the Ummawid community in Damascus. He was born in Damascus and died there. (950-1032 Hijri, 1544-1623 AD). His work on farā'id (heritage) called "Thaqb al-anhār 'alā' Multaqā al-abḥur " - "The flow of rivers at the junction of the seas", "Al- muqaddimāt al- 'alā'iyya" - "The Great Introduction" in Tajweed science and the Holy Qur'ān There are works entitled "Al- alghāz al-'alaiyya" - "Secrets of the A'lai" dedicated to ten recitations.¹⁴. 'Alā' al-Dīn Ṭarābulusī is the sheikh of the Qaris of Damascus, recognized as a scholar of worldly sciences such as arithmetic and mathematics along with religious knowledge such as recitation, farā'id, fiqh. ¹⁵. Shaykh Ṭarābulusī's writing on the page of the work about the fact that he read "Ru'ūs al-masā'il" and benefited from it, indicates that this manuscript has been in the attention of Ḥanafī scholars for centuries. The year 1618, when the manuscript was read, corresponds to the period of the scientist's activity in Damascus and the age of 64, when he gained experience and fame in science.

In the forzat of the manuscript there is the signature of another Ḥanafī scholar (the full name and surname cannot be read). At the end of the inscription: "Ar- Rūmī thumma ad- Dimashqī al- Ḥanafī " is written. It turns out that the author of the autograph is a Ḥanafī scholar originally from Turkey, who later moved to Damascus.

Maḥmūd Zamakhsharī's work "Ru'ūs al-masā'il" has been studied for centuries by scholars of the Ḥanafī sect from the manuscript title and inscriptions. Its manuscript was preserved in Damascus (Syria) in the 17th century, in Thessaloniki (Greece) in the 19th-20th centuries, and later in the 20th century. It is known that it was taken to Dublin (Ireland) in the century.

The manuscript "Ru'ūs al-masā'il" consists of 106 sheets, 212 pages. Each page consists of 11-17 lines, each line of 7-15 words. The manuscript was written and completed 39 years after the author's death, in the month of Rajab of 576 AH, corresponding to 1180 AD. The work is written clearly and fluently. On page 210 of the manuscript, there is information about the secretary: "Tammāt Ru'ūs al-masā'il bihamdillahi, waqa'a al-firoghu fi shahrillahi al-aziim rajab fi akhir az-zuhri fi sanati sittin wa sabiyn wa sittin min hijrat an-nabiyyi salla Allahu alayhi, sahibihu Shiblī 'Abd ar-Raḥmān Jandar Ayyūb. GaffarAllahu lahum ajma'in wa salAllahu ala Muḥammad wa alihi"¹⁶ – "Praise be to Allah that "Ru'ūs al-masā'il" has been written. Its completion coincided with 576 years after the emigration of the Prophet, peace be upon him, at the end of the afternoon in the month of Rajab, the great city of God. The author of the inscription is Shiblī 'Abd ar-Raḥmān Jandar ibn Ayyūb. May God forgive them all and may God bless the Prophet and his family."

¹⁴ Zirīklī. Al- A'lām Qāmūs Tarājim. – V:5. –Beirut: Dar al-malayin, 2022. –P.13.

¹⁵ 'Alā' al-Dīn 'Alī ibn Muḥammad al-Ṭarābulusī. <https://tarajm.com/people/25763>

¹⁶ Maḥmūd az- Zamakhsharī. Ru'ūs al-masā'il. Chester Beatty Library. CBL AR 3600. – P.210.

The content of the book is recorded on pages 211-212 of the manuscript. The table of contents lists the books mentioned in the work. There is no information about which page they start from. On page 211, 18 books are listed in 9 of two lines. On page 212, 24 books are listed in 8 rows in three rows. The last sentence of the manuscript is noteworthy: "Haza Ru'ūs al-masā'il al-khilāfiyah bayna al-Ḥanafīyah wa-al-Shāfi'īyah" - "These are the main issues between Abū Ḥanīfah and Shāfi'ī." "Ru'ūs al-masā'il" covers 406 issues related to 42 areas of Islamic law.¹⁷

"Ru'ūs al-masā'il" began without an introduction. After "Basmala" the following prayer is recited: "Tawakkaltu alal-hayy al-lazi la yamutu" - "I put my trust in the One who is always alive." After the manuscript "Basmala" and "Dua" begins with the sentences " Izālat an- najāsāt bil- miyāh " - "Removal of impurities with liquids" and the first book from the manuscript "Book of Ablution" ¹⁸. The calligrapher mentioned all the names of 42 books. But the inscription "Book of ablution" is not found at the beginning of the manuscript ¹⁹. Almost all of the 406 issues are divided by the word "mas'alah". But this word is not written at the beginning of the manuscript. This can be considered as a unique style of the author or calligrapher. Or it is reasonable to conclude that the copying of the manuscript began in haste.

Chester Beatty №3600 "Ru'ūs al-masā'il" manuscript pdf form consists of 114 pages. Two pages are placed side by side on each sheet. In the introduction, it is noted that the manuscript has 106 pages. In the pdf copy of the manuscript, page 10 of the Ru'ūs al-masā'il (page 14 of the microfilm) is presented twice. On pages 14 and 15 of the microfilm, 10 pages of the manuscript are written twice. Similarly, page 44 of the manuscript (page 48 of the microfilm) is presented twice. From pages 48 and 49 of the microfilm, page 44 of the manuscript is duplicated. The same situation is observed on page 79 of the manuscript. This page is repeated twice on microfilm, on pages 83 and 84. The total number of repeated pages is 3: pages 10, 44 and 79. It is natural for a person who has not carefully studied the manuscript to be confused by the number of its pages²⁰.

When studying the handwriting, the first thing that attracts attention is the different spelling of some words with and without a long vowel. For example, the word " Shāfi'ī " is written in three different forms in the manuscript²¹. This situation can be explained not by the calligrapher's literacy, but by his unique approach. Abdulhalim Muḥammad and 'Abd Allāh Nazir 'Aḥmad also paid attention to this issue ²².

From this comes the conclusion that "Ru'ūs al-masā'il" was written in the old age of the scholar. There is integrity in approach to the 406 issues of the manuscript. In almost all matters, Zamakhsharī explains the views of the Ḥanafīs as "In our eyes". He describes the views of Shāfi'ī as " Shāfi'ī says". But there is a difference in some issues when providing evidence for jurisprudential rulings. In almost all matters, the views of the two schools of thought are based on verses of the Holy Qur'ān, ḥadīths, or intellectual and comparative evidence. But in some cases evidence is not mentioned. Although this is found in a small number of issues in the work, this situation can be explained by the fact that the author did not state the evidence due to his old age, or that he spelled out the work instead of writing it himself. When the work is recorded from the

¹⁷ That source. – P. 212

¹⁸ Maḥmūd Zamakhsharī. Ru'ūs al-masā'il al-khilāfiyah bayna al-Ḥanafīyah wa-al-Shāfi'īyah. –Beirut: Dar al-bashair al-islamiya, 1987. – 616 p.

¹⁹ Abdulhalim ibn Muḥammad. Critical text of Maḥmūd Zamakhsharī's work "Ru'ūs al-masā'il". University of St Andrews (Scotland), 1977. – 550 p.

²⁰ Maḥmūd az- Zamakhsharī. Ru'ūs al-masā'il. Chester Beatty Library. CBL AR 3600.

²¹ Abdulhalim ibn Muḥammad. Critical text of Maḥmūd Zamakhsharī's work "Ru'ūs al-masā'il". University of St Andrews (Scotland), 1977. –P.2

²² Maḥmūd Zamakhsharī. Ru'ūs al-masā'il al-khilāfiyah bayna al-Ḥanafīyah wa-al-Shāfi'īyah. –Beirut: Dar al-bashair al-islamiya, 1987. – P.82

author's mouth, it is desirable that it achieves perfection. It depends on the skill of the recorder, memorization and writing beautifully and quickly. These analytical thoughts lead to the conclusion that the scholar's work "Ru'ūs al-masā'il" was written at the end of his life. Maḥmūd Zamakhsharī's work "Ru'ūs al-masā'il" is a work dedicated to the comparative study of two legal schools: Ḥanafī and Shāfi'ī madhhabs.