

THE IMPORTANCE OF “MUNTAKHAB AL-KHUSAMI” IN FIQH

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Abstract. *Maverannahr Fiqh (Muslim law) school was established in the cities of Bukhara, Samarkand and Ferghana valley based on the teaching of the Hanafi School. Khusamuddin al-Akhsikati is considered as a distinguished scholar of Fiqh who lived in Fergana valley. His work “Muntakhab al-Khusami” has an important place in the science of Fiqh. This book is also called as “al-Muntakhab fi Usul al-Hanafiya” or “Muntakhab al-Akhsikati”. Khusamuddin Akhsikati was a scholar, who had a comprehensive knowledge on the different sciences of his time. This work was devoted to the rules of the science of fiqh subjects. Sources of Ijtihad and their rules were widely explained in this work.*

Keywords: *Akhsikat, Khusamuddin Akhsikati, a work “Muntakhab al-Khusami”, faqihs, representatives of the science of usul, owners of the obvious things, scholars who extracted furu' from usul in the Hanafi School.*

At the end of 8th and at the beginning of 9th centuries the Hanafi School of Islam started to be spread in Maverannahr (a large part of the modern Central Asia). Maverannahr Fiqh (Muslim law) school was established in the cities of Bukhara, Samarkand and Ferghana valley based on the teaching of the Hanafi School. Having its own traditions, this school was especially developed in the period of the Karakhanide state (999-1211). Faqihs of Maverannahr have been famous in Muslim world for their intelligence and glorious books¹. One of them is the work “Muntakhab al-Khusami” written by Khusamuddin al-Akhsikati who was born in Ferghana valley. This book is also called as “al-Muntakhab fi Usul al-Hanafiya” or “Muntakhab al-Akhsikati”. Khusamuddin Akhsikati was a scholar, who had a comprehensive knowledge on the different sciences of his time, an expert Usul al-Fiqh, Faqih and Mutakallim. Moreover, his work “Muntakhab al-Khusami” was devoted to the analysis of the foundations of Muslim law such as Qur'an, Sunna of the Prophet (PBUH), Ijma' and Qiyas. This book is considered as unique source of Muslim law. The book has a specific writing style as follows:

- Sources for the extraction of decisions of Shari'a were explained;
- Hidden meaning of some phrases, which were difficult to understand was interpreted;
- Chapters of the book were given in form of subjects order;
- Sentences were made up simply. Although there were difficult phrases in some places, the book was written in a simple writing style;
- Rules of Usul were given in a beautiful style in the explanation of a certain statement or issue, and it provided the harmony of the sentences from the beginning of the book till its end;
- An independent chapter was dedicated to the meaning of letters at the end of the book. It was not observed in the books of other scholars written on the science of Usul. Because letters are studied in the science of Nakhw, not in the science of Fiqh. The author has explained some decisions of Shari'a connecting them with letters, and has given them at the end of his book as an addition to it for using them in Fiqh².

Furthermore, narrators of Hadith were explained differently in the book. The author used the phrase “Our companions have said so or our companions have said” in his book. The purpose of “our companions” here is Abu Hanifa and his pupils. Besides, the phrase “as all our companions have said,” means the most famous scholars' Ijtihad and Ra'y in the Hanafi School. The phrase “as a group of the scholars has said,” means the statements of the scholars of the Hanafi and other Schools. The phrase “Our Sheikhs or the sheikhs of our country,” means the scholars of Maverannahr such as Abu

¹Muminov A. *MovarounnahrFiqh MaktabiTarikhigaoidManba//”Sharqshunoslik”*. – Tashkent: Fan, 1992. III. p. 52.

²Dr. Walliuddeen Muhammad Saaleh al-Farfoor. *The gilded of the origin of idealism on the selected by sultan of Juriprudence and the evidence of the truthfulness*. – Damascus, 1999. pp. 18-20.

Mansur Muhammad ibn Muhammad al-Maturidi (d. 945)¹, Abu Zaid Dabbusi (d. 1039). The phrase “Sheikhs of Iraq have said,” means the scholars of Iraq such as Abu al-Hasan Ubaydullah ibn al-Hasan al-Karkhi (d. 952). The phrase “as our Faqihs have said,” means the Hanafi scholars who had extracted Usul from Furu’, and the phrase “as all Mutakallim scholars have said,” means the famous scholars in the science of Kalam such as Imam al-Haramain al-Juwayni (1027-1086)², Imam al-Ghazzali (1058-1111)³, Imam al-Maturidi (d. 945)⁴. The phrase “as Faqihs say or have said,” means the scholars, who had developed Furu’ form Usul in the Hanafi School, and the phrase “a mass of the scholars of Usul have said or say,” means the scholars of Usul of Hanafi and other schools. The phrase “Owners of open things have said” – “Ashab al-Zahir” means the scholars, who had accepted the open meaning of nass (text) and their pupils.

Today the manuscripts of the work “Mukhtasar al-Khusami” are being kept in the following libraries:

- There are four copies of this book numbered 1089 (151 pages), 1161 (122 pages), 1162 (80 pages) and 1163 (72 pages) in the Center of the Cultural Heritage “Jum’a al-Majid” in the city of Dubai, in United Arab Emirates;

- A copy is kept in the Fund of Manuscripts of the National Library of Egypt, and another copy is kept in Berlin State Library of Germany⁵.

Besides, many manuscripts of commentaries and remarks in the margins devoted to “Mukhtasar al-Khusami” are also kept in the different Funds of Manuscripts of the world. For example, several copies of the interpretation named as “al-Tahqiq” written by ‘Abd al-‘Aziz al-Bukhari to this work are kept in the library “al-Zahiriya” in Damascus, in Syria under the numbers of 2868 (351 pages), 5619 (229 pages), 7738 (240 pages).

Copies of the same commentary are kept in the Center of the Cultural Heritage “Jum’a al-Majid” in the city of Dubai under the numbers of 3466 (286 pages), 399 (222 pages). Furthermore, Imam Qawamuddin Amir Katib ibn Amir Umar Itqani also has written a commentary named as “al-Tabyin” to this work. Manuscripts of this interpretation are kept in the National Library of Egypt under the number of 142, in the library of Iskandariya under the number of 3634, in Berlin State Library under the number of 4588.

A manuscript of the commentary named as “al-Wafi” written by Imam Khusamuddin Husain ibn Ali ibn Hajjaj al-Sighnaqi is kept in the famous Center of Cultural Heritage “Jum’a al-Majid” under the number of 43⁶.

Besides, a commentary written by Abu Muhammad ‘Abdulhaq ibn Muhammad Amin is called as “al-Nami”. Its manuscript is also kept in the Center of the Cultural Heritage “Jum’a al-Majid” under the number of 374.

Besides the commentaries mentioned above, some scholars such as Hafizuddin ‘Abdullah ibn Ahmad al-Nasafi, Muhammad ibn Muhammad ibn Mubin al-Nawawi Abulfazl and Yusuf ibn Shahin Sabt ibn Hajar al-Asqalani have also written commentaries to this work⁷.

Haji Khalifa⁸ stated in his work “Kashf al-Zunun” (“Illuminating of the thoughts”)¹ that the work was relating to Usul of Madhhab, it was very famous in the science of Fiqh because unnecessary

¹He was born in the village Maturid near Samarkand. His teacher on the science of Fiqh was Abu Bakr Ahmad Jurjani. Nevertheless, he is considered as a scholar of the science of Kalam, he has written books on Usul al-Fiqh such as “Kitab al-Jadal” (Books on Dialectics) and “Kitab Ma’khazi al-Shari’a” (Book on the selected Foundations of Shari’a).

²He is a famous scholar and Faqih from Nishapur. His full name is Abu al-Ma’ali Ziyawuddin ‘Abdulmalik ibn ‘Abdullah Juwayni. He has firstly took knowledge in Mecca, then in Medina, and has been a Mufti there. That is why he has deserved the title “Imam al-Haramain” (Imam of two Harams).

³His full name is Abu Hamid Muhammad al-Ghazzali. He was born and grown in the city of Tus.

⁴He was born in the village Maturid near Samarkand. His teacher on the science of Fiqh was Abu Bakr Ahmad Jurjani. Nevertheless, he is considered as a scholar of the science of Kalam, he has written books on Usul al-Fiqh such as “Kitab al-Jadal” (Books on Dialectics) and “Kitab Ma’khazi al-Shari’a” (Book on the selected Foundations of Shari’a).

⁵It is kept in the National Library of Egypt under the number of 190, and in Berlin State Library under the number of 4858.

⁶Dr. Walliuddeen Muhammad Saaleh al-Farfoor. The gilded of the origin of idealism on the selected by sultan of Juriprudence and the evidence of the truthfulness. – Damascus, 1999. pp. 18-19.

⁷Dr. Walliuddeen Muhammad Saaleh al-Farfoor. The gilded of the origin of idealism on the selected by sultan of Juriprudence and the evidence of the truthfulness. – Damascus, 1999. p. 20.

⁸Haji Khalifa was a scholar of the 17th century. His real name was Mustafa ibn ‘Abdullah, but he was famous as Haji Khalifa and Katib Chalabi.

things were excluded and different examples were given in the explanation of its chapters in it. People have competed with others in the study, research, teaching and propagating of this work. 'Abdulaziz Bukhari explained this book as follows: "The book "Al-Muntakhab" was a brief work, it was more excellent than other brief books for the beauty and punctuality of its sentences"².

Manuscripts of this book also are kept in Institute of Oriental Studies named after Abu Rayhan Beruni under the Academy of Sciences of the Republic of Uzbekistan under the numbers of №2674³, №4944/I⁴, №8396⁵, №8857⁶, №10718/I⁷. The manuscripts were very beautiful. Especially, the source under the name of 10718 can be considered as a rare manuscript. We can consider it as an example of art because its copyist has decorated its letters with red color. In another manuscript under the number of 2674, the letters were written differently, in the form of Suls (location of the words is opposed to each other).

A modern publication of this work was done out by Dr. Walliuddeen Muhammad Saaleh al-Farfooren titled as "Al-Madhhab fi Usul al-Madhhab 'ala al-Muntakhab" ("The gilded of the origin of idealism on the selected by sultan of Juriprudence and the evidence of the truthfulness"). It is a published form of "Muntakhab al-Khusami". The book consists of two volumes. The first chapter includes a content of the subjects relating to the first chapter. The second chapter includes a wide and detailed content in the alphabetical order, and it contains of five parts, first of all is a content of the verses of Qur'an. It indicates the page in which a certain verse used in the book is mentioned. In this content, besides verses, Sura of these verses is given as well. The verses used in the first chapter are also given in the content of the second chapter; the second is content of Hadiths. It was assigned on the themes of the Prophet's Hadiths. A content of Hadiths used in the first chapter was given in the second chapter; third is a content of the statements. This content contains of the statements narrated from the scholars of Fiqh and Kalam such as Abu Hanifa⁸, Abu Yusuf⁹, Abu Bakr al-Jassas¹⁰, Abu Bakr Siddiq¹¹, Abu Musa al-Ash'ari¹², Abu Huraira¹³, Anas ibn Malik¹⁴, Abu al-Hasan al-Karkhi¹⁵; four's is a content of the referred books. It contains of list of books used and recommended in this work and five's is a content of the themes. It does not include the themes of the first chapter. As I have mentioned above, a content of the themes was given in the last page of each chapter.

The first chapter of the book includes an introduction, some information about Imam al-Akhsikati, circumstances of his time, his book, description of the book, its copies, commentaries written on it, reason of naming it as "al-Muntakhab", description to Fiqh as Usul al-Fiqh, difference between Faqihs and Mutakallims, issues of Usul al-Fiqh, Ijtihad and description of it, types of Ijtihad, difference between Tafsir and Ta'wil, Zahir and description of it. The second chapter of the book was

¹The full name of this work was given as "Kashf al-Zunun 'an Asami al-Kutub wa al-Funun" – "Illuminating of the Thoughts about the Names of Books and Sciences" in many scientific books.

²Dr. Walliuddeen Muhammad Saaleh al-Farfoor. The gilded of the origin of idealism on the selected by sultan of Juriprudence and the evidence of the truthfulness. – Damascus, 1999. p. 19.

³"Muntakhab fi Usul al-Madhhab". Author: Muhammad ibn Muhammad ibn Umar Khusamuddin al-Akhsikati. Pages: 312, lines: 5, dimensions: 19,5x12,5, script: Suls, language: Arabic.

⁴The same source. Rewriting date: 923, pages: 49, lines: 13, dimensions: 17,5x14, script: semi Naskh, defect: the beginning of the source was defected.

⁵The same source. Pages: 110, lines: 9, dimensions: 24x15, script: Naskh, language: Arabic.

⁶The same source. Pages: 143, lines: 7, dimensions: 19,5x12,5, script: Nasta'liq, language: Arabic, defect: the end of the source is absent.

⁷The same source. Pages: 76 (1a-76a), lines: 13, dimensions: 25x14, script: Nasta'liq, language: Arabic, Copyist: Mawlana 'Abd al-Shukur Muhammad Sharif al-Bukhari.

⁸A founder of the Hanafi School, Abu Hanifa al-Nu'man ibn Sabit al-Kufi (d. 767), his works are "Fiqh al-Akbar", "Musnad Abu Hanifa" and others.

⁹Imam Abu Yusuf Ya'qub ibn Ibrahim al-Ansari al-Kufi (d. 798), his works are "Kitab al-Khiraj" ("The Book of Khiraj"), "Al-Raddu 'ala Siyar al-Awza'i" ("The Denial to the Book "Al-Siyar" of Awza'i"), "Al-Ikhtilaf bayna Abu Hanifa wa ibn Abu Layla" ("Disagreements between Abu Hanifa and Abu Layla") and others.

¹⁰Abu Bakr al-Razi "Jassas" (917-980) was a famous scholar of the Hanafi School, and he has written the book "Ahkam al-Qur'an".

¹¹Al-Siddiq Abu Bakr 'Abdullah ibn Usman al-Quraishi (d. 634), he was a famous companion as Abu Bakr Siddiq. He was the Prophet's devoted friend, father-in-law and the first Caliph.

¹²He was a founder of Ash'ariya School of Kalam, Abu Musa 'Abdullah ibn Qays al-Ash'ari (d. 666).

¹³'Abdurahman ibn Sakhr al-Dawsi al-Yamani was a companion who has narrated the most Hadith from the Prophet, and he was famous for his name Abu Huraira (d. 681).

¹⁴A founder of the Maliki School, Abu 'Abdullah Malik ibn Anas al-Ashabi (d. 795), he was famous for his book "Al-Muwatta".

¹⁵Abu al-Hasan 'Ubaydullah ibn al-Hasan al-Karkhi (260/874-340/952).

devoted to the issues of Ijma' and Qiyas. This modern publishing version of the book was given by Iranian Embassy, and it is kept in the Fund of Manuscript and lithographies books of Institute of Oriental Studies named after Abu Rayhan Beruni under the Academy of Sciences of the Republic of Uzbekistan under the numbers of №23036 and №23037. The modern publishing copy of this book consists of 2 parts. "Muntakhab al-Akhsikati" is considered as an important source of Muslim Law because it includes a wide explanation of the issues of Fiqh. The author has used the following sources in writing the book: Qur'an; Sunna; "Taqwim al-Adilla fi Usul al-Fiqh" written by Abu Zaid al-Dabbusi; "Ta'sis al-Nazar fi 'Ilm al-Khilaf bayn al-Hanafiya" written by Abu Zaid al-Dabbusi; "Al-Jadal fi Usul al-Fiqh" written by Imam Abu Mansur Maturidi; "Ma'akhiz al-Shara'i fi Usul al-Fiqh" written by Imam Abu Mansur Maturidi; "Al-Mu'tamad fi Usul al-Fiqh" written by Abu Husain Basri; "Usul al-Karkhi" written by Abulhasan Karkhi.

Ibn Khaldun has stated in his work "al-Muqaddima" that the above-mentioned books of Abu Zaid Dabbusi were one of the most important sources written on Usul al-Fiqh¹.

The Central Asia is a region in which the Hanafi School was developed. It is worthy saying that the scholars here have significantly contributed a great contribution to the development of Fiqh for centuries. Books written by these scholars have been sources that passed from a generation to the next one for centuries. Khusamuddin Akhsikati has based on the statements of mujtahid imams such as Imam Abu Hanifa, Imam Abu Yusuf, Imam Muhammad ibn Hasan Shaybani, Imam Shafi'i, Imam al-Maturidi in his work "al-Muntakhab". The study of this work is very important in Muslim law. Because, in our days, the ideological threats are increasing due to the formation of different sects in globalizing world. The best protection against these threats is to study the essence of our religion as well as its pillars, directions and prohibitions. As our first President has said, "it is necessary to fight against idea by means of idea, against thought by means of thought, and against ignorance by means of education". Today many people are mistaken because of their misunderstanding the sources of Islam. Such kind of people bring disgrace on their religion since they join the different religious extremist and terrorist groups. As a result of it, Islamophobia has been increased. The study and translation of the sources of Madhhabs in Islam prevents the above-mentioned bad things. The sources of Fiqh help people to have a right thought, path and ideology. One of such sources is "al-Muntakhab al-Khusami" of Khusamuddin Akhsikati. The book has an important place in the Hanafi School. The study of this work helps us to enlarge our spiritual knowledge.

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¹See: Ibn Khaldun. Al-Muqaddima. – Egypt-Iskandariya: Dar ibn Khaldun. p. 320.