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THE INTERPRETATION OF SOCIAL AND EVERYDAY MATTERS IN “SHARḤ MUSHKILAT AL-QUDURI”

Abstract. *This article investigates the interpretation of social and everyday matters (relating to family and daily life) in “Sharḥ Mushkilat al-Quduri” by Badr al-Din Muḥammad ibn Maḥmud al-Kardari (Khwaharzada, d. 651/1253). Within the study, examples drawn directly from the text of the work – from the chapters on maintenance (nafaqa), suckling (rada’), and clothing (al-ḥaẓr wa-l-ibāḥa) – are analyzed. The central focus of the article is placed on a distinctive linguistic feature of the work: the author’s use of Persian words and expressions in explaining social-everyday terms. This feature is interpreted as an important indication that the work was created directly within the Transoxanian–Khwarazmian Ḥanafī scholarly milieu.*

Keywords: *Ḥanafī fiqh, al-Kardari, “Sharḥ Mushkilat al-Quduri”, social-everyday matters, maintenance, suckling, clothing, Persian language, Transoxiana.*

INTRODUCTION

Works of Islamic jurisprudence embrace all spheres of human life – from worship to economic relations. Among these spheres, social and everyday matters, i.e. those connected with family life and daily living, occupy a special place. Because such matters – the provision of maintenance, the suckling of a child, the etiquette of dress – pertain directly to a person’s daily life, their practical significance is very high.

The work “Sharḥ Mushkilat al-Quduri” by Badr al-Din Muḥammad al-Kardari – a commentary on the “Mukhtaṣar” of al-Quduri (d. 428/1037), a renowned reference text of Ḥanafī fiqh – contains a number of chapters devoted to such social-everyday matters. A distinctive feature of the work is that it does not elucidate the whole text but selectively explains only the difficult and elliptical passages (al-Kardari, 1438/2017).

The aim of this article is twofold: first, to reveal the manner in which the social-everyday matters in the work are interpreted; and second – and this is the principal focus – to analyze a distinctive linguistic feature of the work, namely the author's use of Persian words and expressions in explaining these matters. This feature is of great importance for determining the work's historical-cultural roots (al-Kardari, 1438/2017). All examples are taken directly from the text of the work.

MATERIALS AND METHODS

The principal source of the study was “Sharḥ Mushkilat al-Quduri” by Badr al-Din al-Kardari (Khwaharzada) (Kuwait edition, 1438/2017; al-Maktaba al-Shamila electronic text), whose social-everyday chapters (maintenance, suckling/raḍaʿ, and the permitted and prohibited/al-ḥaẓr wa-l-ibaḥa) were analyzed. The study employed textual analysis, terminological-linguistic analysis, and source criticism; the Persian-language elements used by the author were examined separately.

RESULTS AND DISCUSSION

The place of social-everyday matters in Islamic jurisprudence

Islamic jurisprudence (fiqh) is usually divided into two large fields: acts of worship (a person's relationship with God) and transactions/dealings (muʿamalat, people's relations with one another). Social-everyday matters – family, the upbringing of children, material provision, and the etiquette of daily living – constitute an important part of this second field.

The distinctive character of these matters is that they pertain to the closest, everyday aspects of human life. Maintenance regulates the stability of the family, the question of suckling the health of the child, and the etiquette of dress the relations of the individual and society. For this reason these matters have always been treated with special attention in works of fiqh.

The Ḥanafī school possesses a rich tradition in this field. The founders of the school – Abu Ḥanifa and his students Abu Yusuf and Muḥammad al-Shaybani – made numerous ijtihads on social-everyday matters, and the differences among their views occupy an important place in later juridical works. In al-Quduri's “Mukhtaṣar” these matters are gathered in concise form; al-Kardari, in his commentary, reveals their difficult aspects.

At the same time, the distinctive character of al-Kardari's treatment of these matters lies in its linguistic feature. In explaining the objects and concepts of daily life the author often has recourse to Persian terms (al-Kardari, 1438/2017). This feature makes the work valuable not only as a juridical but also as a linguistic-cultural source, and it is on this that the main focus of the following sections is placed.

The social-everyday chapters in the work and their interrelation

In al-Quduri's "Mukhtaṣar" social-everyday matters are treated through a series of chapters: marriage, suckling (raḍa'), divorce, maintenance (nafaqat), custody (the care of the child), and clothing (al-ḥaẓr wa-l-ibaḥa) (al-Quduri, n.d.). In his commentary, al-Kardari, while treating each of these chapters separately, also indicates their mutual logical connection (al-munasaba).

A vivid example of this connection is his explanation of the link between the chapter on suckling (raḍa') and the chapter on marriage. The author writes: the chapter on raḍa' is connected with the chapter on marriage because marriage is an act recommended (mandub) both by the Shari'a and by reason; once a person enters marriage and fulfils the family obligations, a child is naturally born; hence it becomes necessary to set out the ruling on the child – the period of suckling (al-Kardari, 1438/2017). This example manifests the author's viewing of social-everyday matters not merely in isolation but within the natural sequence of family life.

Similarly, the author explains the placement of the chapter on maintenance through logical connection: it is appropriate that the chapter on maintenance should follow the chapter on the waiting period ('idda) of the woman (al-Kardari, 1438/2017). Indicating such connections reflects the author's striving to construct the work as a scholarly text with an integral structure, presenting social-everyday matters as organically linked to one another.

The interpretation of maintenance (nafaqa)

Maintenance – the material provision of family members – is one of the fundamental matters of social-everyday life. The author begins the chapter "Kitab al-Nafaqat" in his customary manner – with a lexical analysis of the term (al-Kardari, 1438/2017).

The author analyzes the lexical meanings of the word "nafaqa" subtly: "nafaq" (with fatha on the nun) denotes the flourishing and marketability of goods, while "nufuq" (with damma on the nun) denotes perishing – for example "nufuq al-dabba," the death

of an animal. The author shows that the word *nafaqa* embodies both the meaning of “flourishing” and of “passing/circulation.”

It is precisely here that a noteworthy linguistic feature of the work appears. In explaining the etymology of the word “*nabi*,” the author cites a Persian expression: he writes that the word “*nabi*” derives from “*nubuwwa*” (elevation) and “*naba*” (tidings), i.e. it denotes in Persian “a man of high rank” (a person of exalted station) (al-Kardari, 1438/2017). This is a clear specimen of a Persian expression in the work and reveals the author’s linguistic world.

In terms of content, the author bases the obligatoriness of maintenance on textual proof: a Qur’anic verse (“Upon the father is the mothers’ provision” – al-Baqara 233) and the well-known hadith of the Prophet (peace be upon him) – his words to Hind, the wife of Abu Sufyan: “Take, in kindness, what suffices you and your child” (al-Kardari, 1438/2017). The author also elucidates the subtle difference between the terms “*wajib*” and “*fard*”: although maintenance is *fard*, because there is disagreement over its amount the term “*wajib*” is used in this place (al-Kardari, 1438/2017).

The interpretation of suckling (*raḍaʿ*)

Suckling (*raḍaʿ*) – a matter connected with the mother’s milk – is likewise an important part of social-everyday life. This chapter manifests the linguistic feature of the work once again, and this time still more clearly.

Analyzing the term “*raḍaʿ*» (suckling), the author cites a Persian expression directly to explain its meaning: «*shir khurdan*» (drinking milk). Here the editor of the work adds a special note to the text, expressly recording that this expression consists of «Persian words» (*alfaz farisiyya*) (al-Kardari, 1438/2017). This is one of the clearest pieces of evidence confirming the natural use of the Persian language in the work.

In terms of content, the author explains the essence of *raḍaʿ* through the concept of «*namaʿ*» (growth): suckling is a cause of the child’s growth; «*namaʿ*» here means the growth of flesh (*inbat al-laḥm*) and the strengthening of bone (*inshaz al-ʿazm*) (al-Kardari, 1438/2017). This analysis shows the author’s striving to elucidate terms subtly and comprehensively.

The author also sets out in detail the intra-school disagreement over the period of suckling. He cites the following views: according to Abu Ḥanifa the period of suckling is thirty months; according to the two students (Abu Yusuf and Muḥammad) two years;

and according to Zufar three years (al-Kardari, 1438/2017). The author grounds Abu Ḥanifa's view of thirty months by connecting it with the period of pregnancy (six months) – since the child does not become accustomed to food all at once, six months are added to the two years. This exposition manifests the author's method of presenting disagreements together with their proofs.

The interpretation of clothing (al-ḥaẓr wa-l-ibaḥa)

The etiquette of dress and the use of everyday objects is treated in “Kitab al-Ḥaẓr wa-l-Ibaḥa” (the chapter on prohibited and permitted things). This chapter manifests the linguistic feature of the work most richly – several Persian expressions are gathered in it.

In explaining the various kinds of cloth, the author expounds their names in Persian. For example, explaining the fabric “mulḥam,” he cites the Persian expression “jama rabat biyuz dar yaftan” (al-Kardari, 1438/2017). Explaining the word “khazz” (a fabric woven from animal fur), he expressly notes that it is “Persian” (bi-l-farisiyya) and gives the expression “yashm janwar darbāy” (al-Kardari, 1438/2017). These two examples show the author's free use of Persian not only at the level of the word but also at the level of the expression.

In terms of content, this chapter treats juridical rulings connected with dress – for example, the question of wearing fabrics mixed with silk (ḥarir). Here the author cites an intra-school disagreement: reclining on silk is permitted according to Abu Ḥanifa, but disliked (makruh) according to Abu Yusuf and Muḥammad (al-Kardari, 1438/2017). On this matter the author also refers to sources such as al-Marghinani's “al-Hidaya” and Abu al-Layth's “Uyun al-masa'il» – which manifests his broad source base.

The author is also attentive in specifying special terms such as “mulḥam”: this is a fabric whose warp is silk and whose weft is woven from a fibre other than silk. In this definition the author relies on al-Muṭarrizi's lexicon “al-Mughrib” (al-Kardari, 1438/2017). Such specifications show the work's striving to elucidate even the objects of daily life with scholarly precision.

Persian-language elements in the work: the mark of Transoxiana–Khwarazm

The examples cited above – the expression “a man of high rank” in the chapter on maintenance, “shir khurdan” in the chapter on suckling, and “jama...” and “yashm...” in the chapter on clothing – clearly show the work's most distinctive feature: the author's natural use of Persian words and expressions within the text.

This feature is not accidental. Editors who have analyzed the style of the work record it as a special characteristic of the author's style: the author uses Persian words within the text, sometimes without indicating that they are Persian. This very circumstance has posed a difficulty for modern researchers as well – they acknowledge that they laboured to determine whether certain words belong to Arabic or to Persian (al-Kardari, 1438/2017).

The historical-cultural significance of this linguistic feature is incomparable. The natural use of Persian in the work shows that for the author and his first readers Persian was a means of living communication. This confirms that the work was created directly within the Transoxanian–Khwarazmian Ḥanafī scholarly milieu; for it was precisely in this region that, for centuries, Persian was one of the principal languages of scholarly and everyday communication (as-Samʿani, n.d.).

Especially noteworthy is that the Persian expressions occur most often precisely in social-everyday matters (suckling, clothing, family). This is logically understandable: the objects and concepts of daily life were often known to the local population in Persian; hence the author naturally had recourse to Persian terms in explaining them. This circumstance manifests still more vividly the work's close connection with the everyday life of the region.

General features of the interpretation of the social-everyday chapters

On the basis of the above analysis, several general features characteristic of the interpretation of social-everyday matters in the work may be distinguished.

First, the author treats these matters too in his consistent manner: he separates the lexical and legal meanings of a term, indicates the connection between chapters, grounds the rulings in the Qur'an and the Sunna, and sets out the intra-school disagreements. Thus social-everyday matters are treated not separately, in a simplified manner, but with the same scholarly seriousness as other juridical questions.

Second, in these chapters the linguistic feature of the work – the Persian elements – is manifested especially vividly. This arises from the direct connection of social-everyday matters with the everyday life of the region.

Third, in treating these matters the author relies on a broad source base: he refers to works such as al-Marghinani's "al-Hidaya," Abu al-Layth's "Uyun al-masa'il," and al-Muṭarrizi's «al-Mughrib.» This shows that he treated social-everyday matters too with a serious scholarly apparatus.

The modern scholarly edition of the work facilitates the understanding of these chapters: the editors open up the original text for today's reader by identifying Persian words, indicating sources, and explaining terms (al-Kardari, 1438/2017). This service, especially from the standpoint of the Persian elements, further clarifies the regional value of the work.

The linguistic-cultural significance of the work and research prospects

The interpretation of social-everyday matters in the work, and especially the Persian elements within it, are of scholarly significance in several respects and open wide possibilities for future research.

First, from a historical-linguistic standpoint, the Persian expressions in the work are specimens of the Persian used in the thirteenth-century Transoxanian–Khwarazmian region. These expressions – “a man of high rank,” “shir khurdan,” the names of fabrics – preserve traces of the living language of that period. From a linguistic standpoint, such specimens can serve as valuable material for studying the historical development of Persian and its condition in the region.

Second, from a cultural standpoint, these elements reflect the multilingual scholarly milieu of the region. In the Middle Ages, in Transoxiana Arabic existed side by side as the language of scholarship and Persian as the language of everyday and literary communication. The Arabic–Persian linguistic harmony in al-Kardari's work is a direct document of precisely this cultural condition. This is an important source for studying the historical-cultural identity of the region.

Third, from a comparative standpoint, the Persian elements in al-Kardari's work may be compared with other Transoxanian Ḥanafī works – for example, al-Marghinani's “al-Hidaya” or the works of Abu al-Layth al-Samarqandi. Such comparative research would help to determine the general linguistic features of the region's juridical school. The author himself refers to these works, which indicates the necessity of studying the connection among them.

Fourth, from a practical-scholarly standpoint, the full collection, transliteration, and annotation of the Persian expressions in the work could form a separate research topic. Such work would yield a valuable result for linguistics, the history of fiqh, and the culture of the region alike. In this sense the present inquiry may serve as an impetus to research in this direction.

CONCLUSION

The analysis conducted shows that the interpretation of social-everyday matters in al-Kardari's "Sharḥ Mushkilat al-Quduri" is carried out at a high scholarly level. The author treats everyday-life matters such as maintenance, suckling, and clothing too with his consistent methodological approach – through terminological analysis, the connection of chapters, argumentation, and the exposition of disagreements.

The principal finding of the study is the distinctive linguistic feature of the work. The author makes natural use of Persian words and expressions in explaining social-everyday terms: "a man of high rank" in the chapter on maintenance, "shir khurdan" in the chapter on suckling, and several Persian expressions in the chapter on clothing. These Persian elements are an important indication confirming that the work was created directly within the Transoxanian–Khwarazmian Ḥanafī scholarly milieu.

It is significant that the Persian expressions occur most often precisely in social-everyday matters – which arises from the fact that the concepts of daily life were known to the local population in Persian. In this sense the work is a valuable source, not only juridically but also linguistically and culturally, for the history of Uzbekistan and Central Asia. The systematic study of this aspect of the work – in particular its Persian elements – is an especially pertinent and promising task for the national scholarly sphere.

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