



THE INTERPRETATION OF LEGAL-JURIDICAL TOPICS IN “SHARḤ MUSHKILAT AL-QUDURI”

<https://doi.org/10.57033/mijournals-2026-4-0261>

Esengeldi NIZAMATDINOV

*Karakalpak Research Institute for the Humanities, Karakalpakstan Branch of the
Academy of Sciences of Uzbekistan, Nukus, Uzbekistan*

Received: 15-05-2026

Accepted: 28-05-2026

Published: 09-06-2026



Copyright: © 2026 by the authors.
Submitted for open access publication
under the terms and conditions of the
Creative Commons Attribution (CC
BY) license
(<http://creativecommons.org/licenses/by/4.0/>)

Abstract. This article investigates the interpretation and manner of exposition of the legal-juridical topics treated in “Sharḥ Mushkilat al-Quduri” by Badr al-Din Muhammad ibn Mahmud al-Kardari (Khwaharzada, d. 651/1253). The study analyzes examples drawn directly from the text of the work – from the chapters on worship (ritual purity, zakat), transactions (sale, riba), and family law (marriage). It examines the author’s approach to interpreting juridical questions: his separation of the lexical and legal meanings of terms, his indication of the logical connection between chapters, his harmonization of the Qur’an, the Sunna, and rational proofs, and his exposition of inter-school disagreements.

Keywords: Hanafi fiqh, al-Kardari, “Sharḥ Mushkilat al-Quduri”, juridical interpretation, worship, transactions, riba, marriage, uṣul al-fiqh, terminology.

INTRODUCTION

The value of works of Islamic jurisprudence depends in large measure on how the legal-juridical questions in them are interpreted. Especially in works of the commentary (sharḥ) genre, the author’s principal task is to explain the rulings in the text, to indicate their proofs, and to clarify the difficult passages. In this process the author’s style, methodology, and scholarly level are clearly manifested.

The work “Sharḥ Mushkilat al-Quduri” by Badr al-Din Muḥammad al-Kardari (Khwaharzada) is a commentary on the “Mukhtaṣar” of Abu al-Ḥusayn al-Quduri (d. 428/1037), a renowned reference text of Ḥanafī fiqh; its distinctive feature is that it elucidates not the whole text but only the difficult (hard to understand) and elliptical (ambiguous) passages selectively (al-Kardari, 1438/2017). For this reason, studying

the interpretation of the legal-juridical topics in the work manifests the author's deep analytical approach.

The aim of this article is to reveal the manner of interpreting the legal-juridical topics in the work on the basis of concrete examples drawn directly from its text. To this end, chapters relating to various fields of the work – worship, transactions, and family law – are brought into the analysis. All examples are taken from the digital edition of the work (al-Kardari, 1438/2017).

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 legal-juridical chapters (ritual purity, zakat, sale, riba, marriage) were analyzed. The study employed textual analysis, terminological-linguistic analysis, and source criticism; the author's system of adducing proofs (Qur'an, hadith, rational proof) was examined on the basis of examples drawn directly from the text.

RESULTS AND DISCUSSION

The methodology of juridical interpretation in the work

The manner of interpreting legal-juridical topics in al-Kardari's work rests on several principal principles. These principles may be observed in the various chapters of the work and together constitute the author's integral methodological approach.

The first principle is a selective approach. The author selects not every sentence of the text but only the passages that require explanation. As the editors who have analyzed the commentator's style note, the author “cites two or three phrases of a question, then proceeds to comment on them, and does not cite the question in full” (al-Kardari, 1438/2017). This presupposes that the reader has prior knowledge of the text.

The second principle is the lexical and legal analysis of terms. The author often distinguishes first the linguistic (lexical) meaning of a juridical term and then its special (legal) meaning in the Shari'a, and explains the connection between them. This method occurs in almost all the principal chapters of the work.

The third principle is indicating the logical connection between chapters (al-munasaba). The author strives to link each new chapter logically with the preceding one; even when this connection is remote and indirect, he finds and points it out.

The fourth principle is the harmonization of three kinds of proof: the author grounds the rulings in Qur'anic verses, the hadiths of the Prophet (peace be upon him), and rational proofs (analogy, qiyas) (al-Kardari, 1438/2017). This is a practical application of Ḥanafī legal theory (uṣūl al-fiqh).

The system of adducing proofs in the work

One of the principal pillars of the legal-juridical interpretation in al-Kardari's work is its system of adducing proof (istidlal). In grounding each ruling the author follows a certain consistent order, which manifests the practical application of Ḥanafī legal theory (uṣūl al-fiqh).

The author usually adduces proofs in the following order: first a Qur'anic verse, then a hadith of the Prophet (peace be upon him), and after that a rational proof or analogy. This order corresponds to the traditional sequence of proofs in Islamic jurisprudence and shows the author's methodological consistency. For example, in the chapter on sale he first cites two verses (al-Baqara 275; al-Nisa' 29) and then a hadith (al-Kardari, 1438/2017); in the chapter on zakat too he first cites a verse (al-Baqara 43) and then a hadith ("Islam is built upon five pillars") (al-Kardari, 1438/2017).

A further feature of the author's adducing of proofs is his great attention to rational grounding. Often he does not confine himself to grounding a ruling in the Qur'an and the Sunna but also reveals the logic behind it. A vivid example of this is his interpretation of why offer and acceptance are made a condition in a sale: the author grounds this rationally through the principle of consent – if a sale were concluded merely by the seller's offer, this would be to coerce the buyer without his consent (al-Kardari, 1438/2017).

This approach distinguishes the work from a mere collection of rulings: the author explains to the reader not only "what" is ruled but "why" it is so ruled. This turns the work into a valuable source for studying the methods of juridical reasoning (ijtihād and istidlal). In this sense the work serves not only fiqh (rulings) but also uṣūl al-fiqh (the foundations of the rulings).

The interpretation of the questions of worship

Al-Quduri's epitome, in accordance with the Ḥanafī juridical tradition, begins with the chapters on worship (al-Quduri, n.d.). Accordingly, in "Sharḥ Mushkilat al-Quduri" too Badr al-Din al-Kardari interprets the questions of worship first. In these chapters the author's manner of interpretation is manifested in a highly characteristic way.

Ritual purity as a specimen of linguistic-juridical analysis. The section “Kitab al-Ṭahara” (the Book of Ritual Purity) clearly shows the author’s style. By tradition, works of fiqh begin with the chapter on ritual purity, because purity is a condition of prayer and in the famous “Ḥadith of Gabriel” the acts of worship are given in this order (al-Kardari, 1438/2017).

Here al-Kardari resolves not a ruling of the text but a grammatical difficulty in the very word “al-ṭaharat” (“purifications”). The author poses the following question: “ṭahara” is a verbal noun (maṣdar), and a verbal noun does not usually occur in the plural; why is the plural used in the text? He resolves this difficulty thus: a verbal noun may occur in the plural in the sense of kind (type), since there are several kinds of purity – with earth (tayammum), with water (wuḍu’ and ghusl), as well as the purification of clothing and of the place of prayer (al-Kardari, 1438/2017).

This specimen perfectly expresses the author’s “mushkilat” method: the attention is directed not to the ruling but to a single ambiguous point in the text, and it is elucidated both linguistically and juridically. The reader knows the ruling on purity from the text; the author explains to him the subtle aspects of the language of the text and the classification behind the ruling.

Zakat as a specimen of terminological and juridical classification. The section “Kitab al-Zakat” (the Book of Zakat) displays the author’s method of terminological analysis and theoretical classification. The author interprets the term zakat thus: “in language zakat is growth (nama’, increase); in the Shari’a it is the expression for setting aside a portion of property.» He explains the connection between these two meanings: although zakat is materially a diminution, it is so named because it is a cause of growth (nama’) in reward.

The author indicates the proof of zakat from the Qur’an (“and give zakat” – al-Baqara 43) and a hadith (“Islam is built upon five pillars”). But the most valuable aspect of the work here is the theoretical classification adduced. In explaining the appropriateness of the chapter’s placement, the author divides all the rulings of the Shari’a into four categories: acts of worship, transactions, penalties, and expiations (al-Kardari, 1438/2017).

In addition, the author divides the acts of worship themselves into three kinds: purely financial worship (such as zakat), purely bodily worship (such as prayer), and

mixed – both financial and bodily – worship (such as the hajj). This classification shows the author's striving not merely to state the juridical questions but to place them within a logical system – which manifests the scholarly level of the work.

The interpretation of the questions of transactions (economic-legal matters)

The chapters of the work relating to transactions (financial-legal relations) show the author's skill in interpreting the questions of practical life. In these chapters too the methodological principles noted above are consistently applied.

For example: Sale (buyu'): its conditions and their wisdom. In the section "Kitab al-Buyu'" (the Book of Sale) the author begins the foundation of sale with Qur'anic verses: "God has permitted sale and forbidden riba" (al-Baqara 275) and "except that it be a trade by mutual consent" (al-Nisa' 29), as well as a hadith of the Prophet (peace be upon him).

The author's manner of interpretation appears here especially clearly. Commenting on the ruling that a sale "is concluded by offer and acceptance, when both are in the past tense," he explains why this is so. Why are offer and acceptance a condition? Because if a sale were imposed on the buyer merely by the seller's offer, this would be to coerce him into a sale without his consent – whereas the verse makes consent a condition. Why is the past-tense verb a condition? Because future-tense expressions convey the meaning of a promise, and a sale is not concluded upon doubt.

This interpretation shows the author's striving to reveal not merely the ruling but its wisdom and legal logic. In addition, here he compares sale with marriage – noting that in both the past-tense verb is required; this manifests the author's ability to perceive the connection between different juridical fields.

Riba (usury): definition, cause, and proof. The "Chapter on Riba" (Bab al-Riba) of the work displays the author's approach to interpreting the most important economic-legal questions. The author first explains the appropriateness of the chapter: riba is a forbidden increase, while the preceding chapter (murabaḥa) concerns a permitted increase; hence they are connected by the aspect of "increase" (al-Kardari, 1438/2017).

The author then distinguishes the lexical meaning of riba (increase) and its legal meaning (a defective contract of a specific description). He emphasizes a subtle aspect here: the name riba is sometimes applied even in the absence of an increase (for example, in selling a dirham for a dirham on deferred terms); thus the name is a legal one that also contains the linguistic meaning.

The author proves the prohibition of *riba* by the Qur'an (al-Baqara 275) and a famous hadith: wheat for wheat, barley for barley, and dates for dates must be exchanged only in equal quantity and in cash; any excess is reckoned *riba* (al-Kardari, 1438/2017; al-Bukhari, n.d.). This interpretation shows the author's striving to elucidate the question of *riba* both theoretically (definition and cause) and practically (concrete cases) – which ensures a deep understanding of the matter.

The interpretation of the questions of family law

The chapters of the work relating to family law, in particular the chapter on marriage, show the author's method of expounding inter-school disagreements and of interpreting a question in a broad context.

For example: Marriage: lexical meaning and appropriateness. In the section “Kitab al-Nikah” (the Book of Marriage) the author gives an interpretation on several levels. First, he explains the appropriateness of this chapter with the preceding chapters (sale, cultivation): marriage does not occur without property, because the verse speaks of “seeking (marriage) with your property” (al-Nisa’ 24); thus a person finds property through trade and cultivation and then engages in marriage (al-Kardari, 1438/2017).

The author adduces another appropriateness for marriage as well: marriage is a “tillage” (*ḥarth*), for the verse says “your women are a tillage for you” (al-Baqara 223); hence it is connected with cultivation (*ḥarth*). Then the author analyzes the lexical meaning of marriage: in language *nikah* means “joining” (*ḍamm*) – union, bringing together.

The ruling on marriage: an exposition of inter-school disagreement. The most valuable aspect of the chapter on marriage is the author's exposition of the various views on the ruling of marriage. This shows the author's manner of presenting inter-school disagreements objectively. The author enumerates the following views: according to Dawud al-Zahiri marriage is obligatory (*fard*) (so that one who is able yet abandons it is a sinner); according to some it is a collective obligation (*fard kifaya*) (fulfilled by some, it falls from the rest); according to al-Shafi'i it is permissible (*mubah*); and according to still others it is obligatory (*wajib*), like the *witr* prayer and the sacrifice (al-Kardari, 1438/2017).

Such a manner of exposition manifests the author's broad juridical knowledge and his acquaintance with the views of the various schools. He does not confine himself to stating the Ḥanafī standpoint but also cites the views of other schools and scholars

– which broadens the scholarly scope of the work and enriches it with elements of comparative fiqh (fiqh muqaran).

General features of the interpretation and the question of language

On the basis of the above examples, several general features of the legal-juridical interpretation in Badr al-Din al-Kardari's work may be distinguished.

First, the author's interpretation is multi-layered: in each question he embraces at least three levels – the linguistic (the meaning of the term), the evidentiary (Qur'an, Sunna, reason), and the structural (the connection of chapters). Second, the author does not merely state a ruling but strives to reveal its wisdom and logic; this is seen especially vividly in the interpretation of the conditions of sale and the cause of riba.

Third, the author elucidates juridical questions comparatively – adducing the views of the various schools (in the ruling on marriage) and the connection between different fields (the comparison of sale and marriage). This manifests his deep and broad juridical thought.

A feature deserving special attention is the question of language in the work. In the course of interpretation the author also uses Persian words within the text (al-Kardari, 1438/2017). This aspect shows that the work was created directly within the Transoxanian–Khwarazmian Ḥanafī scholarly milieu and allows its interpretations to be regarded as a direct product of the juridical tradition of that region. This makes the work especially valuable for the legal history of Uzbekistan (as-Sam'ani, n.d.; al-Zirikli, n.d.).

Finally, the modern scholarly edition of the work assists a still deeper understanding of its interpretations: the editors open up the interpretation of the original text for today's reader by linking the verses to their source, providing the takhrij of the hadiths, and explaining the terms (al-Kardari, 1438/2017).

The scholarly significance of the juridical interpretation in the work

The interpretation of the legal-juridical topics in al-Kardari's work is of scholarly significance in several respects, and this significance should be summarized.

First, its didactic (educational) significance. The work's manner of interpretation – selecting the difficult points and analyzing them deeply – creates an ideal auxiliary tool for students of the “Mukhtaṣar al-Quduri.” The student learns the rulings from the text and takes from al-Kardari's commentary the logic beneath them and the resolution of

the difficult passages. This two-tiered instruction is a distinctive method of the Islamic scholarly tradition.

Second, its methodological significance. The work manifests a consistent system of grounding juridical rulings – the harmonization of the Qur'an, the Sunna, and rational proofs. This makes the work valuable for studying not only fiqh (rulings) but also *uṣūl al-fiqh* (the methods of deriving rulings). The author's striving to reveal the wisdom behind a ruling further increases this methodological value.

Third, its comparative-legal significance. The author's adducing of the views of various schools (for example, in the ruling on marriage) and of the connection between different juridical fields (for example, the similarity in the structure of sale and marriage) enriches the work with elements of comparative fiqh. This enables the reader to understand the Ḥanafī standpoint in a broader context.

Fourth, its historical-regional significance. The juridical interpretations in the work reflect the thought of a particular period (7th/13th century) and region (Transoxiana–Khwarazm) of the Ḥanafī school. The Persian elements in the text confirm this connection and allow the work's interpretations to be regarded as a direct product of the juridical tradition of that region.

CONCLUSION

The analysis conducted shows that the interpretation of the legal-juridical topics in al-Kardari's "Sharḥ Mushkilat al-Quduri" is carried out at a high scholarly level. Faithful to the essence of the "mushkilat" genre, the author selects not every sentence of the text but precisely the passages difficult to understand and analyzes them deeply.

The examples drawn from the various chapters of the work – ritual purity and zakat (worship), sale and *riba* (transactions), and marriage (family law) – manifest the author's integral methodological approach: he separates the lexical and legal meanings of terms, indicates the logical connection between chapters, grounds the rulings in the Qur'an, the Sunna, and rational proofs, and expounds inter-school disagreements objectively.

These features make the work not only a necessary auxiliary tool for understanding the "Mukhtaṣar al-Quduri" but also a valuable primary source for studying a particular period and region of Ḥanafī juridical thought. The Persian elements in the work confirm

its direct connection with the Transoxanian–Khwarazmian scholarly milieu. A deeper study of the work – in particular a comparative analysis of its juridical interpretations with other Ḥanafī commentaries – is therefore a promising task for the national scholarly sphere.

REFERENCES

1. Al-Bukhari, M. ibn Isma‘il. (n.d.). *al-Jami‘ al-musnad al-ṣaḥīḥ* (Ṣaḥīḥ al-Bukhari) [The authentic collection of hadith].
2. Al-Kardari (Khwaharzada), B. M. ibn Maḥmud. (1438/2017). *Sharḥ Mushkilat al-Quduri* [Commentary on the difficult questions of al-Quduri] (A. R. al-Muḥaylabi et al., Eds.). Kuwait: Maktabat al-Imam al-Dhahabi.
3. Al-Mawardi, A.-l-Ḥasan. (n.d.). *al-Iqna‘* [on the ruling of marriage].
4. Al-Maktaba al-Shamila. (n.d.). *Sharḥ Mushkilat al-Quduri* (digital edition). <https://shamela.ws/book/1135>
5. Al-Quduri, A. Aḥmad ibn Muḥammad. (n.d.). *Mukhtaṣar al-Quduri fi al-fiqh al-ḥanafī* [The epitome of al-Quduri on Ḥanafī fiqh].
6. Al-Zirikli, Kh. (n.d.). *al-A‘lam* [Biographical dictionary of notable figures]. Beirut: Dar al-‘Ilm li-l-Malayin.
7. Shermuxamedov, K., Karimov, J., & Najmiddinov, J. (2016). *Diniy ekstremizm va terrorizmga qarshi kurashning ma’naviy-ma’rifiy asoslari: Usuv sullanma/-T.* Toshkent: “Movarounnahr, 224.
8. Shermukhamedov, K. (2020). " THE MUSLIM BROTHERHOOD" RELIGIOUS AND POLITICAL ORGANIZATION: PAST AND PRESENT.THE AMERICAN JOURNAL OF INTERDISCIPLINARY INNOVATIONS RESEARCH Учредители: The USA Journals, 2(8), 65-71.
9. Shermuxamedov, K. (2017). *Osujdeniye religioznogo fanatizma v islame.* Rossiya i musulmanskiy mir, (2 (296)), 146-152.
10. Shermuxamedov, K. A. (2013). *Osobennosti religiozno-ekstremistskix techeniy.* In *Sborniki konferensiy NIS Sosiosfera* (No. 39, pp. 29-32). Vedecko vydavatelske centrum Sociosfera-CZ sro.
11. Shermukhamedov, K. A. (2014). *Ideology of tolerance in Islam. Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed,* 159.
12. As-Sam‘ani, A. Sa‘d. (n.d.). *al-Ansab* [The book of genealogical attributions].