



ṬḤUSĀM AL-DĪN AL-ṢADR AL-SHAHĪD AL-BUKHĀRĪ (483–536/1090–1141): LIFE, SCHOLARLY FORMATION AND A CRITICAL CLASSIFICATION OF HIS WORKS

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Abstract. *Ḥusām al-Dīn ‘Umar b. ‘Abd al-‘Azīz b. Māza al-Bukhārī, known as al-Ṣadr al-Shahīd, was one of the leading Ḥanafī jurists of Transoxiana in the first half of the sixth/twelfth century and a teacher of Burhān al-Dīn al-Marghīnānī, the author of al-Hidāya. Despite his importance, a large part of his legacy remains in manuscript, and the information about his life and writings found in modern catalogues and reference works contains many inaccuracies. This article reconstructs his biography on the basis of classical biographical and historical sources, including his lineage, education, teachers, students, public offices and death at the battle of Qaṭwān in 536/1141. It then offers a critical survey of the thirty-four works attributed to him, which are classified into four groups: independent compositions, commentaries, short treatises and works of doubtful attribution. For each group the article notes the current state of the text (extant in manuscript, published or lost) and discusses problems of title and attribution, such as those concerning Ḥayrat al-fuqahā’, al-Takmila and al-Muntaqā. The study concludes that al-Ṣadr al-Shahīd’s works cover fatwa, substantive law, legal theory, judicial procedure and juristic disagreement, and that their critical edition is a prerequisite for a fuller understanding of the Bukharan school of law.*

Keywords: *al-Ṣadr al-Shahīd, Ḥusām al-Dīn ‘Umar b. Māza, Bukhara, Ḥanafī jurisprudence, manuscripts, fatwa literature, Adab al-qāḍī, al-Wāqī ‘āt, battle of Qaṭwān*

INTRODUCTION

Among the scholars of the Āl-i Māza family of Bukhara, Ḥusām al-Dīn ‘Umar b. ‘Abd al-‘Azīz, known as al-Ṣadr al-Shahīd, occupies a special place. He was a jurist, a teacher of several major authors of the following generation, the holder of the highest religious and judicial offices of Bukhara, and a prolific writer whose opinions were repeatedly cited in later Ḥanafī literature. Ibn ‘Ābidīn alone, in his *Radd al-muḥtār*,

refers to him fifty-eight times under the name al-Ṣadr al-Shahīd and six times under the name Ḥusām al-Dīn (Ibn ‘Ābidīn, 1992). Yet his legacy has not received adequate attention: most of his works are still unpublished, and several modern reference works repeat erroneous data about his life and writings.

The medieval biographical tradition provides the basic facts. Entries on al-Ṣadr al-Shahīd are found in the works of al-Sam‘ānī, al-Dhahabī, ‘Abd al-Qādir al-Qurashī, Ibn Quṭlūbughā, al-Kafawī, Ḥājjī Khalīfa and al-Laknawī. In recent decades, several of his works have been critically edited: *Sharḥ Adab al-qāḍī* by Muḥyī Hilāl al-Sarḥān (al-Ṣadr al-Shahīd, 1977), *Sharḥ al-Jāmi‘ al-ṣaghīr* by Ṣalāḥ ‘Awwād al-Kubaysī (al-Ṣadr al-Shahīd, 1971), *Sharḥ Kitāb al-naḥḥāt* by Abū al-Wafā’ al-Afghānī (al-Ṣadr al-Shahīd, 1946) and *‘Umdat al-fatāwā* by Ḥusām Ḥusayn al-Ḥamad (al-Ṣadr al-Shahīd, 2023). Turkish scholarship has also made important contributions: Abdulhalik Uygur has studied his life and edited *Masā’il al-shuyū‘* (Uygur, 2021: 309–333; Uygur, 2022: 145–179), while Abdulnasır Hakimi has identified a series of errors in the literature concerning his biography and bibliography (Hakimi, 2019:389–409).

The present article aims to bring these data together, to verify them against the primary sources and to propose a systematic classification of al-Ṣadr al-Shahīd’s works. The study uses historical, source-critical and comparative methods, and it draws on printed editions, manuscript catalogues and the bibliographical works of Ḥājjī Khalīfa and Ismā‘īl Pāshā al-Baghdādī.

MAIN PART

His full name is ‘Umar b. ‘Abd al-‘Azīz b. ‘Umar b. Māza al-Bukhārī al-Ḥanafī. His *kunya* is given as Abū Muḥammad, Abū Ḥafṣ and Abū al-Mafākhir. His family traced its descent to the Umayyad caliph ‘Umar b. ‘Abd al-‘Azīz, and his great-grandfather ‘Umar bore the nickname “Māza”, from which the name Banū Māza derives. He was born in Bukhara in Ṣafar 483/1090 and died in 536/1141. His honorific titles include Ḥusām al-Dīn, al-Ḥusām al-Shahīd, al-Ṣadr al-Shahīd, Burhān al-A’imma and *Imām al-Mashriq*, “the imam of the East” (al-Dhahabī, 1985:5/210; al-Kafawī, 2017:207). Burhān al-Dīn al-Marghīnānī describes him as an imam and son of an imam, an ocean and son of an ocean, and a master of both the branches and the principles of law and of the transmitted and rational sciences (al-Marghīnānī, 2003:1/30). The title *al-Ṣadr* was applied both to him and to his father, Burhān al-Dīn al-Kabīr ‘Abd al-‘Azīz, while the epithet *al-Shahīd*, “the martyr”, refers to the manner of his death.

Al-Ṣadr al-Shahīd studied law with his father, Burhān al-A'imma 'Abd al-'Azīz b. 'Umar b. Māza. Through him he was connected to one of the central chains of transmission of the Ḥanafī school: his father studied with Shams al-A'imma al-Sarakhsī, who studied with al-Ḥalwānī, and the chain continues through Abū 'Alī al-Nasafī, Muḥammad b. al-Faḍl, 'Abd Allāh al-Sabadhmūnī, Abū Ḥafṣ al-Ṣaghīr and Abū Ḥafṣ al-Kabīr to Muḥammad b. al-Ḥasan al-Shaybānī and Abū Ḥanīfa.

Al-Dhahabī preserves an anecdote, transmitted by al-Zarnūjī from al-Marghīnānī, which illustrates the nature of this education. Burhān al-A'imma set the lesson time of his two sons, al-Ṣadr al-Sa'īd Tāj al-Dīn Aḥmad and al-Ṣadr al-Shahīd Ḥusām al-Dīn 'Umar, at the very end of the day, after all other lessons were finished. When the sons complained that they were tired, he replied that strangers and the sons of emirs came to him from the far corners of the earth, so their lessons had to come first. It was, the report concludes, thanks to the blessing of this compassion that his sons surpassed most of the jurists of their time (al-Dhahabī, 1985:10/19; 20/97).

Besides his father, he heard hadith from 'Alī b. Muḥammad Khuddām and from a group of Baghdadi scholars, including Abū Sa'd Aḥmad al-Ṭuyūrī and Abū Ṭālib b. Yūsuf. Al-Sam'ānī, who met him in Merv, reports that he attended his disputations (al-Kafawī, 2017:207). While his father was still alive, al-Ṣadr al-Shahīd debated with scholars in Khurasan, taught jurists and defeated his opponents in disputation. Al-Marghīnānī, who studied with him, writes in his *Mu'jam al-shuyūkh*: "I took the science of disputation and law from his mouth and benefited from his teaching in the circles of debate; he honoured me greatly and counted me among his closest students, but I was not granted a licence to transmit from him" (al-Qurashī, 1993:1/391). Al-Laknawī sums up this reputation by noting that his excellence was acknowledged by both supporters and opponents (al-Laknawī, 1998:149).

A considerable number of jurists studied with al-Ṣadr al-Shahīd. Among them were his son Shams al-Dīn Muḥammad Abū Ja'far, his brother Tāj al-Dīn Aḥmad and his nephew Burhān al-Dīn Maḥmūd, the author of *al-Muḥīṭ al-Burhānī* and *al-Dhakhīra al-Burhāniyya*. The latter continued his uncle's work directly. According to Ḥājji Khalīfa, *Tatimmat al-fatāwā* goes back to a collection in which al-Ṣadr al-Shahīd had gathered cases that came before him, together with difficult questions from the books, choosing in each question the opinion most consistent with the principles of the school, but without arranging the material. After his death the collection was organised into chapters, and

Burhān al-Dīn Maḥmūd added to each category the questions that belonged to it (Ḥājjī Khalīfa, 1999:1/343).

Other students included his grand-nephew Ṣadr al-Islām Ṭāhir b. Maḥmūd (al-Laknawī, 1998:85); Abū Ḥafṣ Sharaf al-Dīn ‘Umar b. Muḥammad al-‘Uqaylī (d. 571/1175) (al-Qurashī, 1993:1/397); Abū ‘Alī al-Ḥasan b. Mas‘ūd al-Dimashqī, known as Ibn al-Wazīr (d. 543/1148) (al-Dhahabī, 1990:11/824); the famous genealogist Abū Sa‘d ‘Abd al-Karīm al-Sam‘ānī; and Raḍī al-Dīn Muḥammad al-Sarakhsī (d. 544/1149), the author of *al-Muḥīṭ al-Raḍawī* (Ibn Quṭlūbughā, 2009:249). The latter taught at the Nūriyya and Ḥalawīyya madrasas of Aleppo, where some opponents accused him of lacking learning and claimed that *al-Muḥīṭ* was actually the work of his teacher; he later moved to Damascus and taught at the Khātūniyya madrasa (Kâtib Çelebi, 2010:3/254). Mas‘ūd b. al-Ḥasan al-Kāshānī is also mentioned among his students (Kâtib Çelebi, 2010:3/245). The most influential of them was Burhān al-Dīn ‘Alī b. Abī Bakr al-Marghīnānī (d. 593/1197), the author of *al-Hidāya* (al-Qurashī, 1993:1/383; al-Laknawī, 1998:149). Through al-Marghīnānī, whose *al-Tajnīs wa-l-mazīd* was built on al-Ṣadr al-Shahīd’s *al-Wāqī ‘āt*, his legacy entered the mainstream of later Ḥanafī literature.

His advice to his son Shams al-Dīn, preserved by al-Zarnūjī, reflects his view of learning: memorise a little of knowledge and wisdom every day, for what is little at first soon becomes much. His social standing was such that, according to Ibn Taghrībirdī, even kings acted in accordance with his opinion (Ibn Taghrībirdī, 1929:5/297).

Al-Ṣadr al-Shahīd was killed on 5 Ṣafar 536/September 1141 in the battle of Qaṭwān, a village about five parasangs from Samarqand, fought between the Seljuk Sultan Sanjar and the Qara Khitai ruler Gūrkhān. Ibn Taghrībirdī and al-Kutubī explain the background: Sanjar’s emirs incited him to attack the Qarluq Turks who pastured their herds around Samarqand; the Turks offered an annual tribute of five thousand horses and thirty-five thousand sheep in exchange for peace, but the sultan rejected their offer, whereupon they turned to the Qara Khitai for help. In the ensuing battle Sanjar’s army was defeated, the sultan fled, his wife was captured, and among the dead was “the Ḥanafī jurist Ḥusām b. Māza” (Ibn Taghrībirdī, 1929:5/298; al-Kutubī, 2011:12/368). Ibn al-Athīr, as quoted by al-Dhahabī, lists “the famous Ḥanafī Ḥusām ‘Umar b. Māza” among the slain and states that no greater battle, nor one with more casualties, had taken place in Islam in Khurasan (al-Dhahabī, 1990:36/317). Al-Sam‘ānī reports that when al-Ṣadr al-Shahīd set out on this campaign he bade farewell to his friends and children like a man who did not expect to return (Kâtib Çelebi, 2010:3/416).

The bibliographical tradition and the manuscript catalogues allow us to identify thirty-four works attributed to al-Ṣadr al-Shahīd. On the basis of their genre and form they can be divided into four groups: eleven independent compositions (*muṣannaḥāt*), nine commentaries (*shurūḥ*), ten short treatises (*rasā'il*) and four works whose attribution is doubtful.

Independent compositions. The first group includes *Uṣūl al-fiqh*, a concise work arranged in sections, which Ḥājjī Khalīfa describes as “the *uṣūl* of Ḥusām al-Dīn ‘Umar b. ‘Abd al-‘Azīz b. Māza, martyred in 536”; it attracted glosses and commentaries, and a copy is preserved in the library of the Institute of Oriental Manuscripts in St Petersburg (Ḥājjī Khalīfa, 1999: 1/133; al-Ṣadr al-Shahīd, 2023:28). *Al-Jāmi‘ al-ṣaghīr fī al-furū‘*, known as *Jāmi‘ al-Ṣadr al-Shahīd*, follows the arrangement given to al-Shaybānī’s *al-Jāmi‘ al-ṣaghīr* by the judge Abū Ṭāhir al-Dabbās (al-Qurashī, 1993:2/119). The fatwa collections occupy a central place: *al-Fatāwā al-ṣughrā*, also called *Fatāwā Ḥusām al-Dīn*, which was later arranged in chapters by Najm al-Dīn Yūsuf al-Khāṣṣī and recently published in two volumes by the Türkiye Diyanet Vakfı (Ḥājjī Khalīfa, 1999:2/1222–1225; al-Ṣadr al-Shahīd, 2023:23); and *al-Fatāwā al-kubrā*, which gathers the *Nawāzil* of Abū al-Layth al-Samarqandī, the *Wāqi‘āt* of al-Nāṭifī, the fatwas of Abū Bakr Muḥammad b. al-Faḍl and those of the scholars of Samarqand (Ḥājjī Khalīfa, 1999:2/1228). *‘Umdat al-muftī wa-l-mustaftī*, also called *‘Umdat al-fatāwā*, together with the related *‘Uddat al-muftī*, collects rare and difficult questions “with which the *muftī* is tested” (Ismā‘īl Pāshā, 1981:1/783; al-Ṣadr al-Shahīd, 2023:25).

The most influential work of this group is *Kitāb al-Ajnās*, also known as *al-Wāqi‘āt al-Ḥusāmiyya*. In it the author gathered five earlier collections of new cases and marked them with letters: *nūn* for the *Nawāzil* of Abū al-Layth, *‘ayn* for his *‘Uyūn al-masā’il*, *wāw* for the *Wāqi‘āt* of al-Nāṭifī, *bā’* for the fatwas of Abū Bakr Muḥammad b. al-Faḍl and *sīn* for the fatwas of the people of Samarqand. The work follows the order of al-Ḥākim al-Shahīd’s *al-Kāfī*, while its chapters follow the order of the *Nawāzil*. According to al-Marghīnānī, the author did not live to finish it and reached only the chapter on division (*qisma*); al-Marghīnānī completed and expanded the material in his *al-Tajnīs wa-l-mazīd* (al-Marghīnānī, 2003:1/30; Ḥājjī Khalīfa, 1999:2/1998–1999). The Abū Rayḥān al-Bīrūnī Institute of Oriental Studies in Tashkent holds an early copy of this work dated 8 Rabī‘ al-Thānī 654 AH (MS no. 7756). The group is completed by *al-Muntaqā*, *al-Mabsūṭ fī al-khilāfiyyāt*, which is mentioned in *Miftāḥ al-sa‘āda*

and *Tāj al-tarājim* but is considered lost (Ṭāshköprüzāde, n.d.:2/277; al-Şadr al-Shahīd, 2023:28), *Ḥayrat al-fuqahā*, *al-Akhīra fī al-fatāwā* and *Kitāb al-farā'id*.

Commentaries. Al-Şadr al-Shahīd was especially known as a commentator, to the point that several of the works he explained became associated with his name. His commentary on al-Khaṣṣāf's *Adab al-qāḍī* is, in Ḥājjī Khalīfa's words, the most famous and widespread of all its commentaries (Ḥājjī Khalīfa, 1999:1/46); its editor counted about forty manuscript copies in libraries around the world (al-Şadr al-Shahīd, 1977:68–72). The editor summarises the commentator's method as a middle way between brevity and prolixity: he begins with al-Khaṣṣāf's wording, explains it, adds disagreements not mentioned in the text, sometimes expresses his own view and occasionally corrects the author on the basis of general legal principles (al-Şadr al-Shahīd, 1977:65–66). Ismā'īl Pāshā and Ḥājjī Khalīfa also attribute to him a commentary on Abū Yūsuf's *Adab al-qāḍī* (Ḥājjī Khalīfa, 1999:1/46).

Concerning his commentaries on al-Shaybānī's *al-Jāmi' al-ṣaghīr*, a report attributed to 'Alī al-Qārī speaks of three commentaries (long, medium and short), but most scholars accept only two. In the introduction to the longer one the author explains that some colleagues first asked him for a brief remark on each question, and then others, not content with this, asked him to add reports, hadith and explanations (al-Şadr al-Shahīd, 2023:33). The shorter commentary has been published, while the longer one remains in manuscript; Mehmet Boynukalın has shown that the similarity of wording between the two has led to confusion between their copies. He also wrote a commentary on al-Shaybānī's *al-Jāmi' al-kabīr*, from which *al-Fatāwā al-Hindiyya* quotes (Ḥājjī Khalīfa, 1999:3/567), and a commentary on al-Khaṣṣāf's *Kitāb al-naḥḥāt*, edited by Abū al-Wafā' al-Afghānī (al-Şadr al-Shahīd, 2023:28–29). The remaining commentaries, on *Mukhtaṣar 'Iṣām*, *al-Kāfī*, *Mukhtaṣar al-Taḥāwī* and *al-Ziyādāt*, are known from references in later literature; for example, the commentary on *al-Kāfī* is mentioned in many Ḥanafī works, but no copy has yet been found.

Short treatises. The third group consists of monographs on specific questions. *Kitāb al-tarāwīḥ* is cited by Ibn 'Ābidīn, who notes that Imām Ḥusām al-Dīn devoted a separate work to this prayer and its rulings (Ibn 'Ābidīn, 1992:2/43); it was published by 'Abd Allāh b. Nāṣir al-Salmī (al-Şadr al-Shahīd, 2023:29). *Kitāb al-tazkiya*, preserved in the Süleymaniye Library (Esad Efendi 3541), opens with the statement that while the author was writing his commentary on *Mukhtaṣar al-Kāfī*, jurists asked him to

explain eight books not included in that abridgement, and that he began with *al-Tazkiya* because it was the shortest of them (al-Ṣadr al-Shahīd, *Tazkiya* MS: 33). Other treatises in this group are *Masā'il al-shuyū* ' on undivided shared property (Uygur, 2022:145–179), *Ṭabkh al-‘aṣīr* on the boiling of grape juice, whose copy Brockelmann located in Leiden, *al-Waqf wa-l-ibtidā* ', *al-Ḥayḍ*, *Zallat al-qāri* ', *al-Ḥīṭān* and *Masā'il da'wā al-ḥīṭān wa-l-ṭuruq wa-masā'il al-mā* ', a work in nineteen chapters on disputes over walls, roads and water, whose copies in the Köprülü and Şehid Ali Paşa libraries go back to the copy of al-Ḥaṣīrī (al-Ṣadr al-Shahīd, 1977:2/534). *Al-Takmila* belongs to this group only nominally: it is sometimes attributed to him, but it is in fact the work of Ḥusām al-Dīn 'Alī b. Aḥmad al-Rāzī (d. 598 AH) (al-Ṣadr al-Shahīd, 2023:33).

Works of doubtful attribution. Four works are attributed to al-Ṣadr al-Shahīd without sufficient evidence: *Tadhkirat al-nawādir*, *al-Taḥqīq fī al-tafsīr*, *Risāla fī bayān al-aḥādīth al-mawḍū'a* and *Jawāhir al-farā'id*. Hakimi has examined the last two and shown that their attribution rests on cataloguing errors (Hakimi, 2019:389–409).

2.6. Problems of attribution: the case of *Ḥayrat al-fuqahā* '

The problems of attribution are well illustrated by *Ḥayrat al-fuqahā* ', a collection of juristic riddles (*alghāz*). In catalogues the title appears in distorted forms such as *Khayrat al-fuqahā* ', *Khibrat al-fuqahā* ' and *Khayrāt al-fuqahā* '. The work is attributed to at least five authors: al-Ṣadr al-Shahīd, Tāj al-Dīn 'Abd al-Ghafūr al-Kardārī (d. 562 AH), Abū Bakr Muḥammad b. Surāqa (d. 662 AH), Rukn al-Dīn al-Kirmānī (d. c. 565 AH) and 'Alī b. Muḥammad al-Bartuwānī. A comparison of the copies attributed to al-Ṣadr al-Shahīd and to al-Kardārī shows that they are identical, which excludes the existence of two different books with the same title. The earliest quotation from the work is found in Burhān al-Dīn Maḥmūd's *al-Muḥīṭ al-Burhānī*, where a question on wiping over leather socks is cited from *Ḥayrat al-fuqahā* '; the same question is found in the extant text, which proves that the work existed before 616 AH (al-Ṣadr al-Shahīd, 2023:30–32). Similar confusion surrounds *al-Muntaqā*, which al-Laknawī attributes to al-Ṣadr al-Shahīd, although a work of the same title is known to have been written by al-Ḥākim al-Shahīd (al-Laknawī, 1998:122).

CONCLUSION

The study leads to the following conclusions. First, al-Ṣadr al-Shahīd was the product of an exceptional family education and of a chain of transmission that linked Bukhara to the founders of the Ḥanafī school through al-Sarakhsī and al-Ḥalwānī. His

participation in the debates of Khurasan, his contacts with Baghdadi scholars and his teaching of figures such as al-Marghīnānī, Burhān al-Dīn Maḥmūd and Raḍī al-Dīn al-Sarakhsī made him one of the central links in the transmission of Ḥanafī law in the sixth/twelfth century.

Second, his death at Qaṭwān in 536/1141, recorded by chroniclers such as Ibn al-Athīr, Ibn Taghrībirdī and al-Kutubī, reflects the political role of the *ṣadrs* of Bukhara, who accompanied rulers on campaigns and were regarded as representatives of the Muslim community.

Third, the thirty-four works attributed to him fall into four groups: eleven independent compositions, nine commentaries, ten treatises and four works of doubtful attribution. They cover fatwa, substantive law, legal theory, judicial procedure, inheritance, juristic disagreement and practical questions of urban life such as walls, roads and water rights. Many of them are still in manuscript, and several are known only from quotations.

Fourth, the analysis confirms that much of the information in modern catalogues and reference works about al-Ṣadr al-Shahīd is inaccurate, mainly because of careless cataloguing and uncritical repetition of earlier data. A reliable inventory of his manuscripts and the critical edition of his unpublished works, particularly the longer commentary on *al-Jāmi‘ al-ṣaghīr*, *al-Fatāwā al-kubrā* and *al-Wāqī‘āt*, are therefore necessary for the study of the Bukharan school of law. Uzbekistan’s manuscript collections, which preserve early copies of his writings, can play an important role in this work.

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