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Ziyovuddin Mukhitdinovich Joraev

International Islamic Academy of Uzbekistan

Doctoral student DSc of the Department of "Islamic Studies and the Study of Islamic Civilization ISESCO",

Faculty of Islamic Studies;

Associate Professor PhD of "Source and Archival Studies", Faculty of History, National University of

Uzbekistan named after Mirzo Ulugbek,

juraev741@mail.ru

THE WORK “AL-AHKOM AS-SULTONIYYA VA-L-VALOYOT AD-DINIYYA” (“LAWS OF AUTHORITY AND RELIGIOUS GOVERNING”) BY AL-MAVARDI (X–XI CENTURIES) AS AN IMPORTANT SOURCE OF STATEHOOD

Abstract: This article describes the work of Abulhasan Movardi, who lived in the years 964-1058 which made a significant contribution to the development of the history of political and legal doctrine and the theory of public administration.

Key words: Qur'an, Islam, Ahkom, al-Mavardi, laws, government, election, sunna, Imam, Sultan.

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Introduction

Mavardi and his product “Al-ahkom as-sultoniya va-l-valoyot ” consists of 4 parts. The political situation, economic and cultural life of X – XI centuries is reflected in it. Owing to the risky political processes occurring in territory of Baghdad halifat, because of the easing of the centralized power of Abbosies, a high post of amir al-umaro, standing after the post of Caliph, along with Arabs, occupied also the outstanding persons of barbary, Persians and the Turkic people. The period of employment of a post of amir al-umaro of Khorasan Buvayhies 932 – 1055, is considered as the weakest period of Baghdad halifat. Emirs of regions, using the decline of halifat and the complicated situation created in capital, one after another started to declare their independence. The period of occupation of a post of amir al-umaro by Turkic Salzhukiya from Maverannahr (1055 - 1258) falls on the period of rising of arab-Muslim halifat. Both periods of employment of a post of amir al-umaro had fallen on the period of Mavardi life (946 - 974), and during this period were managing by

Caliphs Abbosiy Muti (946 - 974), Toyi (974 - 991), Kodir Billoh (991 - 1031), Koim Biamrilloh (1031 - 1075). Mavardi witnessed the powerlessness and loss of authority of the Abbosiy Caliphs. Witnessed subjection of Abbosiy Caliphs, as true toys, sometimes to Turkic tribes, sometimes Diylamiy Shia shahs, and finally subjection to Salzhukiy Sunni sultans. Abbosiy Caliphs should accept the legality of a post of military amir al-umaro, sat down on a throne grasped by force. By this time, halifat has been divided into three parts: Fotimiy halifat in the north of Africa, Umaviy halifat in Andalusia and, at last, Abbosiy halifat in Iraq. This position testifies to the degree of scale and deepness of political crisis in the Muslim world [1]. Despite it, it is known, that during the office years of Kodir Billoh and Koim Biamrillah at the state level the serious reforms in legal, public, economic spheres have been carried out. During this period, in the field of the political right on state administration, based on the ideological belief of the doctrine of a state administration, two sects have been advanced: Shiah and Sunna. In the life of Mavardi, the

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politically legal reforms concerning a state administration system of authority were carrying out in an extreme order. Mavardi product "Ahkom" is created with a view of the coverage of state administration experience of such regions as Bagdad, Arabian Peninsula, North Africa, Andalusia, Damascus, Khorasan and Maverannahr, which was formed through many centuries. Consolidation of isolated regions in one centralized strong state is a basis of this doctrine.

Materials and methods

In it, on the basis of the source the life and activity of the politician and scientist-jurist Abulkhasan Ali ibn Muhammad ibn Habib Mavardi (973 - 1058) who lived in X – XI centuries, are shined. The pupil of Mavardi Hatib Bagdadi, in the product "Tarihi Bagdad" about his birth in Basra in an intelligent family, has noted so: "Mavardi lived in the district "Darb al-zafaron" (manufacturers of rose water) who were engaged in trade and business of roses in Bagdad ". Mavardi, first studied the science of fiqh at his father, then at legal age took lessons of sciences of fiqh and hadis at great scientists of "Byte al - hikma" of his time. In particular, he took lessons of such great scientists of Maverannahr, as Bofiy Buhariy, Abu Hamid Isfaroniy. Mavardi, throughout his life and activity, on the basis of collected experience, has brought a huge contribution in the theory of politically legal sciences (fiqh). In research, the amendment is brought in the autobiography of Mavardi, and in conclusion, is drawn that he lived 86 years (978 - 1058). Throughout his life, he has passed official steps from the status of a student, a teacher, the head of "Byte al - hikma", an ambassador, the head of establishments of hisba (inspector), voliy al-kozi (regional cad), voliy ruaso al-kozi (the chief cad of 6 regions), the chairman of shofei school, the chairman of "ahl al-sunna ..." school, kozi al-kuzot (Supreme cad), akzo al-kuzot (the vizier of justice) to the status of vizier al-vuzaro (the main vizier). In necessary situations, namely, at delivery of sultan status to Turks of Gaznavi, at achievement of Saldzhukies of a post of amir al-umaro in Bagdad, at an establishment of diplomatic relations between Turks and Abbosiys, he was engaged in activity of the chairman of ambassadorial office (foreign relations), was the personal adviser of the head of the state, and also was engaged in political activity like that.

In it, the scientific heritage of Mavardi was studied on the basis of historical sources. The scientific heritage created by him is resulted in a chronological system and divided into four groups:

I. Spiritual products: "Tavsir al-kuron" ("Interpretation of Koran"), "Kitob al-hovy al-kabir" ("The Great encyclopedia"), "Kitob al-ikna fi-l-fikh al-shofei" ("The authentic book on Shofei fiqh", 1004), "Kitob fi-l-buyuu" ("The Book of trade"),

"Kitob alom al-nubuvva" ("The Book of state administration doctrine inherent to Prophet").

II. Political, legal products: "Kitob nasihat al-muluk" ("Training of viziers and the policy of padishahs", 1007), "Siyosat al-muluk" (" Policy of padishahs", 1034),

"Kitob tashil al-nazar va tajil al-zafar fi ahlok al-molik va siyosat al-muluk" ("The Book of great experiences and achievements of padishahs policy and ethics norms of the head of the state", 1041), "Al-ahkom as-sultoniya of va-l-valoyot ad-diniya" ("Sultan ahkoms and spiritual management", 1045), "Kavonin al-vizora va siyosat al-muluk" (" Policy of padishahs and laws of vizierness").

III. Literary works and dictionaries: "Kitob fi an-nahvi" ("The Book of the Arabian language grammar", 1004), "Kitob al-amsal va-l-hikam" ("The Book of problems and morals"), "Kitob adab ad-dunyo va ad-dyn" ("The Book of secular and religious good breeding", 1029).

IV. Other products to be a part of a scientific heritage: "Adab al-kozi" ("Good breeding of cadies"), "Kitob adab al-takallum" ("The Book of polite speech"), "Kitob marifat al-fazoil" ("The Book of scientists erudition"), "Ar-rutba fi talab al-hisba" ("The Ranks on demand of Hisba", 1000) [2].

In general, the quantity of the products making heritage of Mavardi is 17, from them, published – 8; 7 manuscripts are stored in various libraries of the world. But, the product concerning the first group, "Fi-l-buyuu" and product "Fi an-nahvi", concerning the third group, have not reached us. The most important product of Mavardi about the political science of fiqh is "Ahkom".

In the course of studying rare manuscripts of product "Ahkom", the isolated data about the author and product from bibliographic sources of scientists of "ahl al –sunna" are strengthened. Mavardi, with his heritage, added to science, till present has a high reputation in scientific circles. The theory of the state and the law of Mavardi and its product "Ahkom" concerning political, legal doctrines, has an incomparable scientific value in studying East Muslim statehood history. As, the position occupied by the product "Ahkom" among the politically legal sources, is very high. Comments and articles devoted to the product "Ahkom" show its high importance and recognition by scientists, namely, by jurists. The conducted researches of editions and the translations executed on Turkish, Persian and other languages, have proved its source value. These data in chronological order are stated in the research.

The second section of the thesis under the title "The source classification of manuscripts of product "Ahkom" consists of three parts, and its first part is devoted to the research of "Original features of manuscripts of product "Ahkom" stored in the Institute of Oriental studies of AS RUz, in Alisher Navoi National Library of Uzbekistan and world

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libraries". In it, the written sources in the Arabian language, existing in our country and abroad, the manuscripts of product "Ahkom" from Uzbekistan, Kuwait, Russia, Egypt, Ireland and some other countries are involved in the research, and also, the concreteness is brought in their historical sides. There are six manuscripts of product "Ahkom" in hand-written funds of libraries of the world now. A comparative analysis of codicological features and the structure of these manuscripts is made. The existence and safety of three manuscripts in Kuwait and St.-Petersburg at number 6737 is defined. Based on the researches spent on the Kuwaiti manuscripts, the scientists - experts of Chester Beatty Library, having counted the rareness of these manuscripts, have concluded that the first one (a photocopy: №4903) is autograph (it is written in V century on hidjra, in 1058 on a Christian calendar). On their idea, Mavardi before the death wrote himself some parts of the product, in particular, pages 42, 44, 46, 52, and consequently it is the original copy [2].

The second Kuwaiti manuscript has been copied in Bukhara, and as the result of research, the existence of important data on its cover revealed that it is written by calligrapher Ali ibn Mohammed in 1440 in Bukhara by order of akzo al-kuzot Sharafuddin Kosim Sobuny Buhariy [2]. In the thesis, the information on the third Kuwaiti manuscript and the Petersburg manuscript at number № 6737 are also supplied.

The first of the Tashkent manuscript of the product "Ahkom" is stored in the department of "Valuable and hand-written editions" of Alisher Navoi National Library of Uzbekistan. There are no data in sources about the given product. The manuscript is ancient, and its volume consists of 1a–185a-b pages. The size is 17 x 27,5 sm; the pictures, drawings and graphics do not exist. The quantity of lines is 21. The manuscript's method is naskh-sulkh, it is written by capital letters in the Arabian language. Except for the loss of the last 2a-b pages of the last eight chapters of the last section, this manuscript completely consists of 20 sections. The original feature of the text of the given manuscript is that it is not only free of defects, unlike the manuscript №7228/I from the fund of IOS AS RUz and the Kuwaiti manuscripts, but also is more perfect, than three times republished Egyptian, Beirut and Kuwaiti texts of product "Ahkom", including the property of its replenishment.

The second of the Tashkent manuscripts of product "Ahkom" is stored in the fund of manuscripts of IOS AS RUz at number 7228/I. Data on the characteristic of the given manuscript exist only in one place [3]. The manuscript of the product, being shabby, has not given the possibility of the definition of its copyist, time and a copying place.

But this product, undoubtedly, was in our country till XIV century. It has been found out that some hand-written copies have been made of it. The

size is 14 x 22,5 sm, the volume consists of 1a – 107b pages. But the most important, on the title page of this manuscript is the image of a rose which is a symbol of a pseudonym of Mavardi and a sign of the arms, and the stamp with a historical view as well. The same stamp is also on the manuscript at number №63 of AN NL RUz. (on page 82^a), such symbols in other manuscripts of the world do not exist. The case (Cover) of the manuscript is not present, the quantity of lines on a page - 21, a line spacing is close, it is written in the Arabian language, by small naskh-sulkh style.

Besides, that this text of product "Ahkom" consists of 20 sections (the manuscript at number 7228/I of IOS of AS RUz), during its restoration has been established that sections V, VI, VII, XII, XIII, XVII, XVIII and some chapters are mixed places [5]. It is revealed, that the lost pages [6] of some chapters from sections XII, XVIII, XIX, XX form 10 pages [4]. On a note from "The Copy-book of written books" of IOS of AS RUz, this manuscript has been transported from Bukhara to the library of Khiva, therefrom on September, 15th, 1945 to Tashkent, and at number 7228/I it is accepted on storage in the fund of IOS of AS RUz.

Therefore, in research, for the first time, the Tashkent manuscripts have been seriously studied and entered into scientific use. It is possible to tell, one of the reached important results is that both of Tashkent manuscripts of product "Ahkom" have the big scientific value, and also, their historicity and full value unlike other manuscripts of the product are proved. Proceeding from it, the conclusion on the expediency of creation of its new added variant based on the manuscript of product "Ahkom" at number № 63 of Alisher Navoi National Library of Uzbekistan from the point of text study view, is made.

It is necessary to underline on the foreign editions of product "Ahkom" that based on comparative research the possibility of Arabian and its Turkish editions to supplement each other is established.

The second part of the second section is devoted to "Sense, the historical importance and creation of product "Ahkom". In the book's prologue the detailed information on the reasons for product creation, content and structure, the matters of the state and law of the Middle Ages, the bases of creation and government by state, the politically legal doctrines collected in the product, is given. In particular, it is affirmed in it: "...the local hakims (heads) should submit to decrees of padishah. Only the decrees of the padishah not contradicting the rules of fiqh interfere with acceptance of important decisions by the managers who are engaged in a practical policy" [9]. Mavardi, on the basis of spiritual and secular sources, has ordered a state administration regime, legal doctrines and criteria of obedience to it. The analysis of content, structure and sense of product "Ahkom"

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shows that the author has turned great attention to statehood sources created before it. Leaning against the historical experience has created the high-grade collection of law norms of statehood bases, politically legal statuses of the head of the state and managers, a political system and ahkoms of the state, positions of ranks of a state administration. In Mavardi product the data about executive and judicial authority, the methods of legal and administration managerial control of society and regional establishments of the state, from the point of sense view are stated in detail. In particular, in the product, many legal problems, such as a requirement, an offer and conditions of appointment of emirs, viziers and imam – the head of the state, a designation of military operations direction, economic management, and establishment of order inactivity of *cadis*, a formation of supervision at *mazolim* [7] management over the state institutions, the basis of *nakib* establishment and an establishment of *nakib* management, distribution of the grasped trophies, an establishment of size of *jizya* and *hiradj*, definition of legal statuses of regions with various conditions, development of virgin lands, the institutes of *ikto* and meadows, management of *hadj* works activity, *divanbegi* and conditions of office creation, punishment definition for a crime and ensuring of its execution, and at last, an establishment of rigid control over improvement and strengthening of *muhtasib* office, are given. Mavardi, at product "Ahkom" creating, for the elimination of lacks of state administration system, separately asserted that he defines degrees of politically - legal powers and posts of state officials [10]. In the product, he has explained that for an exit of the government from decline, based on a combination of tendencies of secular and spiritual management, it is necessary to make work of a policy and *fiqh* jointly. The scientist stated so: "Therefore I, obeying the decree of the governor, has written the separate book about it in order that governors and managers defined their rights and obligations, politically – legal posts, powers and duties based on (political) *fiqh* and improved in this direction. Kept in any situation justice, and at generosity - measure" [11].

With such sight, Mavardi meant the necessity of the coordination of *fiqh* criteria of and stereotypes of a policy of its time, and in product "Ahkom" has developed the criteria of political *fiqh*. It is possible to tell that he aspired to the creation of the full secular and spiritual doctrine, giving the political status to the doctrine that for the sake of religion it is not necessary to forget of the world or for the sake of a frail world, it is not necessary to forget of the afterlife.

The third part of the second section is devoted to studying of "Source bases of product"Ahkom". In it based on the doctrines put into practice, the political experience and sights from history, the analysis of universal theories the creation of product "Ahkom" in the result of society management study, the creation

of the state, the creation of fair laws for settlement of public relations is proved [12,13].

In research the basic sources used in the product "Ahkom", divided into 4 parts:

1) Spiritually-legal sources: Koran, Hadis, religious narrations, ahkoms of Shariah, "ijmo" (the unanimous decisions which have been put forward by imams of four clans of sunna, an unanimous conclusion of members of council session), "ittifok" (solidarity of scientists). "ijtihad" (the scientifically-comparative approach to a problem), "kiyos" (at solving the problem, its comparison with the previous decision), "ray" (private scientific, free, intellectual knowledge), "fatvo" (an announcement of the decision on the public solution of the problem in practice) and others [14].

2) Secular – legal sources: the historical and life experience created by logic of mankind, the right of customs taken from habits, the experience of a state administration of Rasulullah (Do Allah bless and welcome him), the experience of government period of *hulafoi Roshidins*, the achievements of government period of *Umayyids* and *Abbasids*, created public rules.

3) The theoretically-practical source used at creation of shariah laws and politically-legal doctrines created by scientists-mujtahids [8] from four trends of "ahl al -sunna", products of *fiqh*, the logical methods of practice and others.

4) The law norms (institutes) of statehood doctrine, which basis include: "istehson" (the requirement of good hope or hope), "istisloh" (comprehensible reforming of problems), "istishorot" (instructions for practical work), "istinbot" (acceptance of new conclusions from Koran and Hadis at solving of problems which have no solution in practice), "istehkom" (creation of steady laws), "istihborot" (gathering of data on historical experience and forecasting), "istidlol" (representation of arguments from Koran and Hadis which are not demanding the arguments).

During the study of product "Ahkom", have been analyzed: politically - legal processes of the state in life period of Prophet, Hadisas, and statehood theories of *hulafoi Roshidins* period. Compared inter themselves the standard – legal documents, created by Islamic scientists, the historical experience of Islamic statehood of *Umayyids* and *Abbasids* period. The coordinated rules of law having in their basis the rules of *fiqh* and ahkoms of Shariah, are critically studied. Revealed the gathering of new scientific bases of the political law in the ensemble, having generalized the world policy and religious laws of *fiqh*. For the first time in this sphere, the important data created by Mavardi are proved.

Conclusion

Doing conclusion it is possible to tell that in this section the historical and scientifically – practical value of the Tashkent and foreign manuscripts of

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Mavardi product "Ahkom" is shined. The new scientific conclusions on structure, creation, source bases, and the history of this product's study are

presented. From the scientific point of view, it is proved, that "Ahkom" is an important historical source of statehood and a pearl of world culture.

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