

**AL-MARGHINANI'S JURISPRUDENTIAL METHODOLOGY BASED ON THE
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Annotation. This article examines the scholarly and intellectual legacy of the Hanafi school of jurisprudence that emerged in the Mawarannahr (Transoxiana) region, as well as its influence on subsequent centuries of juridical thought, through the example of Burhan al-Din al-Marghinani (d. 593/1197). The study elucidates al-Marghinani's juristic legacy, with particular emphasis on the historical development, source foundations, internal structure, and methodological characteristics of his works *Bidayat al-Mubtadi* and its commentary, *al-Hidayah*. The article demonstrates how *al-Hidayah* reflects a systematic exposition of legal issues through the integration of transmitted (naqli) and rational (aqli) evidences, the orderly presentation of intra-madhab juristic disagreements, and, where relevant, comparative engagement with Maliki and Shafi'i legal opinions, thereby underscoring its connection to the tradition of 'ilm al-khilaf (the science of juristic disagreement). Furthermore, the study analyzes the function of the technical terminology employed in referencing legal sources and explores how these terminological conventions establish an intertextual framework linking various juristic texts.

Keywords: Mawarannahr (Transoxiana), madhhab, fiqh, uşul and furū', rational proof, methodology, farā'id, fatwā, scholar ('allāma), compendium, scholarly heritage, commentary (sharḥ), marginal gloss (ḥāshiya).

Introduction.

Mawarannahr occupies a distinctive place in the history of Islamic civilization not only as a center of scholarship and intellectual enlightenment, but also as a robust scholarly tradition that shaped, systematized, and transmitted Hanafi legal thought to subsequent generations. Among the eminent scholars nurtured within this intellectual milieu, the name of Burhaniddin Marghinani is invoked with particular reverence. His scholarly legacy not only contributed to regulating the legal and socio-cultural life of his own era, but also established an exemplary tradition within the Hanafi

school for the systematic exposition, juridical substantiation, and pedagogically structured presentation of issues pertaining to “furū‘ al-fiqh”.

Material and Methods. A number of works are recorded in the sources concerning the scholarly legacy of Burhaniddin Marghinani (d. 593 AH / 1197 CE), and these writings clearly demonstrate his distinguished position and scholarly authority in the development of Hanafi jurisprudence (fiqh). Among the works attributed to him in the biographical and bibliographical sources are “Kitab Majma‘ al-Nawazil”, “Kitab al-Tajnis”, “Kitab al-Mazid”, “Kitab al-Fara‘id”, “Kitab al-Muntaqa”, “Bidayat al-Mubtadi’”, “Kifayat al-Muntaqa”, “Nashr al-Madhab” and “Manasik al-Hajj”, all of which are particularly recognized as significant contributions to the Hanafi legal tradition¹.

Among these works, Bidayat al-Mubtadi’, which presents juridical issues in a concise and systematic manner, together with al-Hidayah, the author’s own commentary on it, are regarded as among the most renowned and authoritative texts in the Hanafi legal tradition. Al-Hidayah is not merely an explanatory commentary on Bidayat al-Mubtadi’; rather, it constitutes a comprehensive legal exegesis that systematically elucidates the issues discussed in al-Quduri’s Mukhtasar and Muhammad al-Shaybani’s al-Jami‘ al-Saghir, while also presenting the relevant evidentiary foundations (adilla) and juristic disagreements (ikhtilafat) in an organized and methodical manner. It is also reported that al-Marghinani initially began composing Kifayat al-Muntahi as an extensive commentary on Bidayat al-Mubtadi’. However, recognizing that the work’s considerable length might render it difficult to use and less practically accessible, he chose not to complete it in full and instead authored the comparatively more concise and practically oriented al-Hidayah².

Results. To briefly describe the structure of Bidayat al-Mubtadi’, al-Bidayah is a compendium synthesizing al-Jami‘ al-Saghir and al-Quduri’s Mukhtasar, and its organizational structure closely follows that of al-Jami‘ al-Saghir. In addressing disputed legal issues, it first presents the opinion of Imam Abu Hanifa, followed by the views of the Sahibayn (Abu Yusuf and Muhammad al-Shaybani). Where the opinions of these jurists differ from one another, the legal positions are presented sequentially in the order of Abu Hanifa, Abu Yusuf, and Muhammad al-Shaybani. Notably, Bidayat al-Mubtadi’ does not engage with the views of jurists outside the Hanafi school.

¹ O.Qoriev. Marg‘iloniy mashhur fiqhshunos. – Toshkent: A.Qodiriy nomidagi xalq merosi nashriti, 2000. – B. 25.

² el-Hidâye. Türkiye Diyanet Vakfı İslâm Ansiklopedisi. – J. XVII. Istanbul: Türkiye Diyanet Vakfı Yayınları, 1998. – B. 471.

In the arrangement of the book, the legal issues derived from al-Quduri's Mukhtasar are presented first, followed by those from al-Jami' al-Saghir³. In instances where the wording ('ibarah) of al-Jami' al-Saghir does not correspond with that of al-Quduri, special attention is drawn to this distinction through the phrase: "In al-Jami' al-Saghir, it is stated as follows..." At the beginning of the work, the author himself writes the following regarding the book: "In my youth indeed, in even earlier years I longed for a book that would be concise in volume yet vast in substance, encompassing every category of legal issues. Eventually, during my extended travels, I encountered al-Quduri's Mukhtasar, which I found to embody precisely the form of book I had envisioned. Although concise, it was rich in content and composed in a highly commendable style. I also observed that the eminent scholars of the age were encouraging both the learned and the novice alike to commit al-Jami' al-Saghir to memory. Consequently, I resolved to combine these two works into a single volume and, seeing no necessity for additional material, to confine myself exclusively to the contents of these two books. Once the work was completed, I named it Bidayat al-Mubtadi'." The author initially began composing a commentary on Bidayat al-Mubtadi' under the title Kifayat al-Muntaha. Subsequently, he produced a more concise redaction of this commentary, which he entitled al-Hidayah⁴.

Discussion. In al-Hidayah, Burhan al-Din al-Marghinani employs a concise and methodologically consistent approach in referencing the principal texts of Hanafi jurisprudence. Within this framework, Bidayat al-Mubtadi' is presented as a unified legal source, synthesizing the juridical issues contained in al-Quduri's al-Mukhtasar and Imam Muhammad al-Shaybani's al-Jami' al-Saghir. In al-Hidayah, the author typically begins by citing the formulation and legal ruling (hukm) found in al-Quduri's text, and subsequently supplements it with the corresponding discussion or further elaboration from al-Jami' al-Saghir. Through this method, he identifies points of variation and intra-school juristic disagreement within the Hanafi madhhab. Where discrepancies arise between the two source texts, al-Marghinani explicitly highlights such differences, drawing particular attention to them through the citation formula "in al-Jami' al-Saghir...", thereby ensuring methodological clarity and textual precision in his legal exposition.

In this work, the scholar employs a distinctive methodological convention for referring to authoritative legal sources. By using the designation al-Aṣl (الأصل), he refers to Imam Abu 'Abd Allah Muhammad ibn al-Hasan al-Shaybani's al-Mabsut, while the term al-Mukhtasar (المختصر) indicates his reliance on al-Quduri's Mukhtasar. Likewise, whenever the term al-Kitab (الكتاب)

³ O.Qoriev. Marg'iloniy mashhur fiqhshunos. – Toshkent: A.Qodiriy nomidagi xalq merosi nashriti, 2000. – B. 27.

⁴ Burhoniddin Marg'iloniy. Al-Hidoya sharhi Bidayatu-l-mubtadiy. – Qohira: Dor kutub al-ilmiya. 1965. – J. I. – B. 11.

appears in the text, it serves as a reference to al-Jami' al-Saghir. The author generally follows a consistent method in presenting legal discussions: he first cites the relevant ruling or formulation from Mukhtasar al-Quduri, and subsequently presents the corresponding exposition found in al-Jami' al-Saghir. Where a discrepancy exists between these two foundational sources on a particular legal issue, he explicitly indicates this distinction by employing the phrase: "In al-Jami' al-Saghir, it is stated as follows...". This approach reflects al-Marghinani's systematic and textually rigorous methodology in structuring Hanafi legal discourse.

In al-Hidayah, while expounding legal issues, al-Marghinani presents not only the opinions of the Hanafi juristic authorities but also the views of Imam Malik (d. 179 AH / 795 CE) and Imam al-Shafi'i (d. 204 AH / 820 CE). In the discussion of legal evidence (adilla), particularly when responding to opposing positions, the author typically reserves the evidence supporting the view he considers preferable until the conclusion of the argument. Although he frequently gives precedence to the opinion of Abu Hanifa, there are also instances in which he demonstrates a preference for the views of the Imamayn—Abu Yusuf and Muhammad al-Shaybani. At the same time, al-Hidayah makes no reference to the juristic opinions of Ahmad ibn Hanbal (d. 241 AH / 855 CE). This may be attributable to the author's apparent perception of him primarily as a traditionist (muhaddith), rather than as a jurist whose legal positions warranted discussion within this framework. In certain passages, al-Marghinani also cites statements transmitted from prominent Companions such as 'Umar ibn al-Khattab, Ibn Mas'ud, and 'Ali ibn Abi Talib as supporting legal authorities. In composing the work, the author adopts an exceptionally concise and succinct style, expressing legal rulings through brief formulations that often assume the character of general juristic principles (qawa'id fiqhiyyah). In addressing legal problems, he engages, where relevant, not only with the Hanafi, Maliki, Shafi'i, and Hanbali schools, but also with the views associated with the Zahiri and Awza'i traditions. It is precisely in this respect that al-Hidayah constitutes an important source for the extensive study of 'Ilm al-Khilaf (the science of juristic disagreement), a discipline whose foundations were systematically laid by Abu Zayd al-Dabusi⁵.

In addition to Imam Abu Hanifa and his three prominent disciples among the Hanafi authorities, al-Hidayah also makes reference to notable jurists such as Hasan ibn Ziyad, al-Tahawi, Abu Bakr al-Razi (al-Jassas), al-Karkhi, and al-Sarakhsi. Al-Hidayah is regarded within the Hanafi tradition as a comprehensive legal compendium, encompassing nearly all branches of Islamic law with the exception of inheritance law. The exclusion of inheritance law (fara'id) is attributable to

⁵ Hidoya. Burhoniddin Marg'iloniy. Tarjimon va izohlar A.Qambarov, A.Ikromjonov, I.Bekmirzaev. – Toshkent: Hilol nashr, 2022. – J. I. – B.27.

the fact that Abu Hanifa had treated this field as a distinct discipline, separate from general jurisprudence (fiqh), under the designation Fara'id. For this reason, al-Marghinani did not incorporate this subject into al-Hidayah. However, given the significance he attached to this area of law, and since the topic of inheritance is not addressed in al-Hidayah, he authored a separate independent work entitled Kitab al-Fara'id dedicated specifically to this subject⁶.

Acknowledgement. Al-Hidayah exerted a profound influence on the subsequent development of fatwa compilations within the Hanafi legal tradition. In the Indian subcontinent, where the Hanafi madhhab held a dominant position, both the text of al-Hidayah and its distinctive exegetical methodology became foundational reference works for madrasa education, as well as for the practical legal activities of qadis and muftis. Among the major legal compilations produced during the Mughal period, al-Fatawa al-'Alamgiriyyah occupies a particularly distinguished position⁷. In scholarly literature, this collection is widely recognized as a codification of Hanafi legal rulings compiled during the reign of Emperor Aurangzeb ('Alamgir). Research has emphasized that the influence of al-Hidayah is clearly discernible in both the substantive content and organizational structure of al-Fatawa al-'Alamgiriyyah⁸. In many respects, the latter work sought to systematize and expand upon the thematic structure and juristic scope established in al-Hidayah, adopting its methodological framework as a model for covering the principal legal questions subject to fatwa issuance. Thus, the contribution of al-Hidayah to subsequent legal development was not confined merely to its role as a pedagogical text or as a basis for commentarial literature, rather, it also served as a methodological and structural foundation for major juridical compilations of the Mughal era.

Furthermore, Muhammad 'Abd al-Hayy al-Laknawi, in his renowned work al-Fawa'id al-Bahiyyah, classifies the scholars of the Hanafi madhhab into six categories and places Burhan al-Din al-Marghinani together with Abu al-Hasan Ahmad ibn Muhammad al-Quduri among the Ashab al-Tarjih that is, scholars vested with the authority to evaluate and accord preference to certain transmitted juristic opinions over others⁹.

Conclusion. Al-Hidayah is the commentary authored by Burhan al-Din al-Marghinani on his own work Bidayat al-Mubtadi', which itself represents a synthesis of the legal issues contained

⁶ Hidoya. Burhoniddin Marg'iloniy. Tarjimon va izohlar A.Qambarov, A.Ikromjonov, I.Bekmirzaev. – Toshkent: Hilol nashr, 2022. – J. I. – B.22.

⁷ *Religion and State in Late Mughal India: The Official Status of the Fatawa Alamgiri* // LUMS Law Journal. – 2016. – Vol. 3, № 1. – P. 39.

⁸ Guenther, A. M. "Hanafi Fiqh in Mughal India: The Fatawa-i 'Alamgiri'" // Eaton, Richard M. (ed.). *India's Islamic Traditions*. – Oxford: Oxford University Press, 2003. – B. 215-223.

⁹ Muhammad Abdulhay Laknaviy. Al-favoid al-bahiyya fi tarjim al-hanafiyya. – Bayrut: Dor al-Arqam, 1998. – B. 223.

in al-Quduri's al-Mukhtasar and al-Shaybani's al-Jami' al-Saghir. Prior to composing al-Hidayah, al-Marghinani had begun writing a commentary on Bidayat al-Mubtadi' under the title Kifayat al-Muntaha. However, when the work expanded to an excessive length, he concluded that its size might burden the reader and diminish its practical accessibility. Consequently, he resolved to compose a new and more concise commentary, which he entitled al-Hidayah. Al-Hidayah became one of the most widely accepted and extensively studied works within the Hanafi tradition. The abundance of surviving manuscript copies, together with the large number of commentaries (shuruh), marginal glosses (hawashi), and annotations (ta'liqat) produced on the work, provides compelling evidence of its exceptional significance in the history of Islamic legal scholarship. Its remarkable prominence can undoubtedly be attributed to the richness and reliability of its content, the elegance of its style, and its scholarly sophistication. Burhaniddin Marghinani emerges not merely as a jurist who viewed fiqh as a collection of legal rulings, but as a profound legal thinker who understood jurisprudence as a coherent logical system grounded in evidentiary reasoning, rational legal inference, and practical legal solutions responsive to the needs of social life. His al-Hidayah came to be recognized as a foundational text in Hanafi legal literature and served for centuries as a principal instructional manual in madrasas, inspiring dozens of commentaries and scholarly glosses. This enduring legacy clearly demonstrates the distinctive precision, systematic structure, and methodological sophistication that characterize Marghinani's juristic exposition.

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