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Studying Of Mavardi's Work «Al-Ahkom As-Sultoniyya Va-L-Valoyot Ad-Diniyya» The Oriental State Governing And Political – Legal Doctrine

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ABSTRACT

This article discusses studying of Mavardi's work «Al-ahkom as-sultoniyya va-l-valoyot ad-diniyya» the oriental state governing and political – legal doctrine. The main aim of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» was reforming of public problems and enrichment of political rights by comprehensively proved doctrines. The given work acquired the status of the constitutional doctrine, the legal doctrine for the Abbasids state in XI century, and carried out function of the basic aid on the subjects of statehood and political rights.

KEYWORDS

Movardi, ahkam, imam, sultan, amir, qazi, mazalim, naqib, zakat, namaz, quran, hadith, fiqh, sharia, doctrine, kingdom, governorship, religion, rasulullah, prophet, politics, state, law, crime, punishment, etc.

INTRODUCTION

Scientifically - comparative studying of the work of Mavardi «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» [1] means to clarify to the

Medieval political system of the East, political ethics, a governing system, stages of state administrative institutes, the appointment and

the terms of accepting to work of such governmental officials, as the padishah, a viewfinder, kadi (lawyer), mazolim, the deputy, the emir, mufti, nakib etc., their functions and responsibilities, duties before the state, political- legal power.

THE MAIN RESULTS AND FINDINGS

By his work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» Mavardi has made a great contribution to the science about Shari'at (Islamic legislation) laws such special concepts which are connected with social - political governing, the state, the power, the finance and the right [2]. As a result, the questions on the laws concerning directly to science about Shari'at laws acquire the political - legal status. Thus, the first work about state governing in the Muslim world has been created.

For this reason the work of Mavardi is considered the most well-known in the Medieval Muslim countries among his works which devoted to the government and laws of Shari'at on social and political - legal subjects. This book is about the charter of the government, the terms of the requiring for the employment of the post of the head of the state, viloyats (a district), dependent on the state and local government. Besides them, the problems of vizier, kadi and their categories, collecting of taxes and zakyat, donations, their distribution in improvement of tax system and economic sphere, to fix the norms of collecting of djizya and kharadj (a land tax), solving of the land and water problems are considered in «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya».

The kinds of emirates and emirs, to lead armed forces to a regular army, liquidation of plots in the country, prevention of criminality, punishment for a crime and its execution, the rights of administrative institutes, constituting

the general control of states " are defined in «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya».

The control of religious establishments, paying attention to the problems of education, governmental laws, their system, the methods of governing state established on the basis of furu – al fikh -and usul -al-fikh, which is considered as important branch of the Muslim law is widely discussed in it. There wasn't any definite doctrine about the creating and governing the state in Islam world before creation of Mavardi's «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya».

The scientists used Ahkom" as the main theoretical source in creating of their works on state governing. So, for estimating the Medieval Muslim statehood and it's sources the studying of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» as a historical source is being an urgent task.

The interest to the life, activity and scientific legacy of Mavardi, especially to the work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» has begun during the lifetime of the scientist. His works were recognized by many scientists from Maveranahr, Khurasan, Africa and other continents. For example, bibliographic works of Abu Osim (has died in 1068), Abu Ishak Al-Shirazi (has died in 1086), Ibn Salah Al-Shahrivarzi (has died in 1253)[3] are the proof of above mentioned our opinion. In these works Mavardi's doctrine of statehood and it's contribution to the development of political science, written legacy, especially scientific-practical importance of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is revealed.

In many theological sources in solving certain problems the scientists frequently addressed to «Al-Ahkom as-sultoniyya va-l-valoyot ad-

diniyya». Scientists who carried out scientific activity in educational institutions of such countries of the Arabian and Persian world, as Baghdad, Damascus, Medina, Egypt, Tus, Shiraz, Nishapur, Ustuv, Marv, Bukhara, paid special attention to this work of Mavardi as a special theoretical source... This source was served as an important political – legal doctrine in state governing in the Middle ages.

As it is said in the introduction of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya», it has been commented under the request of Abbasids rulers Kadyr Billah and Koim Biamrillah[4] It is known that Turkish sultans Tugrulbek and Malikshah Seldzhuki, Amir Timur and Timurides, Babur and Baburids, khans of Bukhara, Kokand and Khiva khanates in the organization of government affairs used «Ahkom» as a practical guidance.

For such well-known scientists of the Middle Ages as Abu Ya'la, Nizamulmulk, Abu Bekir Shashi, Burhaniddin Marginani, ibn Ruzbehan, Mavardi's "Ahkom was a valuable source in creating works about shari'at[5], and doctrines about statehood. For example, Abu Bekar ibn Ahmed (has died in 1461) in his work «Mavardi's «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya»» paid special attention to the posts of "imam" (the head of the country), "viewfinder", «kadi», «sakhib shurta» (the supervisor of internal affairs), «mazolim» (the inspector of imperial officials), «kaid al-zhajsh» (commander-in-chief), «umm al-imam» (officials of the government), «vulotukhu» (supervisors regional and regional khakimyats), «ash-shuun al-izhtimoija al-omma» (social management). In particular, he said that mukhtasyb (the inspector of putting order and keeping social relations, shikhna, mikhna, (the supervisor of accounts department) its political, legal power, freedom

and obligations, actions had been classified in the work[6].

The scientist Mustafa as-Sakko who has prepared Mavardi's work "Adab ad -dunyo of va-d-dyn" to the edition appreciated him saying that Mavardi's «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» was one of the innovations and decisions concerning on political state governing were described in of as proportional law of a Fikkh science[7]. And any other scientists before him did not give political meaning to a Fikkh science.

And Mukhy Hilal who has prepared the edition of the scientist's work "Adab al-kadi", emphasized that «Ahkom» was well-known among the oriental scientists and any other scientists had not written the work about such important subjects on statehood in the history of Islamic culture yet. Scientists have been creating legal works using widely the work of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya»[8].

Gibb, who wrote the special article about Mavardi's state theory said that: "Mavardi is the scientist who studied the legal proves on Shari'at accepted by the head of the state and explained that controlling administrative governing of such posts as the ministry, religious organizations, , mazolim - justice, military commands are all the dutial of the imam – head of the state" [9].

The editor of the work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» a Kuwait scientist Ahmad Mubarak Baghdadi's following opinion is also noteworthy: "the Book of Mavardi «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is useful for studying of moral aspects, political-legal doctrines, criterias and processes. The importance of the work is that it serves as a main source in revealing scientific-philological

problems of the Arabic language ,the Koran science, study of imparting, Ijma', Kiyasa (comparison) and Shari'at not only for experts but also for public or few people who deal with science.” [10]

According to the above mentioned opinions we can say that the work of Mavardi «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» reflects itself the essence of state administrative branches as a social- economic, political - legal source of statehood of the Middle Ages.

There are determined the state governing establishments, the degrees of posts, the dependence to the head of state and the ways of performing all cases under control of imam-sultan, the only ruler of the state. Editions to the work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» in the Arabic language were printed in the East for several times[11].

A.Shafak has made its edition and complete translation into the Turkic language in Europe. It has been editing the translations of some chapters of the work Ahkom concerning to state governing into the French, English, German languages by such scientists as A.Enger, A.Fagnan, K.L.Ostrorogin, A.V. Kremer, M. Gartmann, S.Kaizer, H.F.Amedrous, D.Mai[12].

We can see that K.K.Brokkelmann, V.V.Bartold, I.P.Petrushevskiy, M.Stepanyants, N.S.Kiraboev, A.Ugur, S.M.Hotamy in their works also were seriously interested in Mavardi's laws of state governing. It is also necessary not to forget and study short information on studying of Mavardi's work of the Uzbek scientists such as A.Zokhidov, M.Imomnazarov, A.Saidov, A.Zhuzzhony, H.M.Mukhammedov, Z.M.Islomov[13] and Z.M.Zhuraev[14].

Monographs: In 1882 "Mavardi's monograph on the theme of “Political ethics” [15] was published in Istanbul. In 1853 M.Adolf in his monograph “Political constitution of Mavardi” published «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» in the style of facsimile[16].

In 1929 Abdulaziz Hanzhiny published his monograph about “Ministerial obligations of Mavardi”. And in 1946 Akhtar Ahmad Miyon Gazy published his monograph, concerning to the doctrine of Mavardi in India[17].

In 1901 L.Ostrorog published his monograph (from 90 pages) “ Mavardi's «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» [18] about public law system of the Muslim people in Paris.

In 1915 and 1982 Fagnan published his monograph “About statuses, obligations and the rights of political constitutional state administration of Mavardi” in France[19].

In 1960 the National Library of New York in the United States of America[20] regularly registering scientific works of foreign researchers on studying of a scientific legacy of Mavardi in card-indexes published the collection of card-indexes in the form of the facsimile, which had been collected in the catalogue “Oriental manuscripts” [21].

Articles: By the beginning of XX century, in the result of increasing the interest to a scientific legacy of Mavardi, especially, to the work "Ahkom" had been published tens of articles by the scientists... A great attention was paid to research and the analysis of political-legal themes of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» in these articles. For example, the article which was published in 1909 in Egypt “ Public administrative themes of the rights of the Haliph”[22] and the article by Ashur Said

Abdulfattah “ The work of Mavardi «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya»”.

In 1910 in England H.F.Amedrous studying seriously the following chapters of the work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya»: “The post of Kadi. Justice affairs. Legal statuses” (chapter 6) [23] in 1911 “Legal sides of emergency states” (chapter 7)[24], in 1916 “Legal statuses of Hisba institution”, published three scientific articles[25].

In 1846 the article which was written on the basis of Turkic translation of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» [26] was in the collection “Researches of reforming state system in the Muslim countries”,

In 1940 G. Edward published his article “ Mavardi’s «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya»” in the magazine of the Chicago University “Processes of the Islamic rights” in America[27].

In 1958 by A.I.J. Roosentaa published his article “Political ideas of the Middle Ages” in Cambridge. In 1962 G.A. Gibb published his article named “Mavardi’s theory of imamat” in the magazine “Studying the civilization of Islamic development in London”. In 1974 D.Littel gave information about Al-ahkom as-sultonija’s new manuscripts in the magazine “ the Muslim world” [28].

K.Khan wrote his article on the theme of “The theory of statehood of Mavardi” and in 2001 has written the scientific work on the theme “Studying political views of Mavardi by special notes to the legitimating concept” [29]

In 1968 I. Michel has published his article “Mavardi: the example of Islamic political thinking ” at Harvard University[30].

In 1981 K.S.Lombton published the article “Problems of state and power in the Middle Ages” in Oxford University,”[31]. In 1986 H. Laost in his published article gave information on “Political acts of Mavardi” [31].

In 1986 Norman Salder published his scientific article “Friday’s pray and legal theory of the government: Saraxsiy, Sheroziy, Mavardi’s political acts” [32].

In 1986 H.Laost in his published article has given an information on “Political acts of Mavardi”[33].

The “Islam encyclopedia dictionary” which was published in 1991 in Moscow also addressed to Mavardi’s work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya». Such terms of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» as khukm akd, bay’a, akhd, akhli kitab, vazir, mukhokama, shokhid, zulm, zakyat, sadaka, fay, kharam, ghanima[34] were stated in it.

Several articles were published about studying of Mavardi and his scientific legacy by the researchers of Moscow and Sankt Petersburg. A.A.Ignatenko’s article “Mavardis social political views (the best direction of research work) which was published in 1989[35], T.G.Tumanyan’s articles, “Mavardi is the theorist of Muslim political activity”, (2004) “The Statehood and power in Mavardi’s view” (2006). “Medieval Muslim jurist (lawyer) Mavardi and his creative legacy” (2008) and his research work “Religion and power in Islamic social – philosophical thinking” (2009) [36].

The short summary of the work: We have told that the work of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» had been published in Kuwait. As the editor said in the begining of the edition, Mavardi considered the following ayah as his slogan (Iza akhkamtum baynan-nasi an

takhkum bi-l-adl) “ Allah rules, while sentencing people, pronounce a sentence with justice” (Qur’an 4:58: surah Niso). This ayah at the same time is criteria of justice in this source. According to the contents and structure of the work, we can divide it into three parts: the first – imam’s duties; the second – vizier’s duties; the third – imorat[37].

Mavardi’s in his work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» gave valuable and detailed information on three branches of the government - legislative, executive and judicial and entered scientific and positive-methodical innovations in state governing system [38].

Further on, we take up short point on the sections and their themes on state institutions worked out and planned by Mavardi.

The first chapter of the work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» named *akd al-imoma*: *imomat* - the right of state governing [the agreement of imam (the head of the state), the agreement and obligations, legal statuses][39] consists of 15 sections...

The second chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is “*fi taklid al-vizier*” (appointment of the ministry and determination of its powers) [40] consists of 4 sections...

The third chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about creation of emirates in regions[41] and appointment of emirs [appointment of heads of area, assistants to area] [42], consists of two sections ...

The fourth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about appointment of emirs (*imorat*) for *djihad* (military

movements against the enemy)” [43] consists of 6 sections...

The fifth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» consists of information concerning conditions of making [44] agreement in military campaigns, and consists of three sections...

In the sixth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is given information about *kadi's* institution (justice) [45], and it consists of 8 sections...

The seventh chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is named “*Mazalim*” management of struggle against violence and injustice [46], it consists of six sections...

The eighth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is called governing the affairs) *al-ansob, nufus*] (high society *nakib* (public castes) [47], and divided into two sections...

The ninth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» about instructors of managing of *namaz* [48], consists of four sections...

The tenth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about Pilgrimage management [49], consists of two sections in which is told about conducting of Pilgrimage[50], management and execution the provision of Pilgrimage[51].

The eleventh chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about *zakyat* management[52], consists of seven sections...

The twelfth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about

distribution of property and plunder which is taken from wars[53], consists of 4 sections...

The thirteenth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about the fixing conditions of djizya and khirodj (tax) [54] it consists of 4 sections...

The fourteenth chapter, about the countries in which conditions of akhkama (law) are different[55] it also consists of 4 sections ...

The fifteenth chapter is about development of virgin lands and melioration[56], consists of 3 sections ...

In the sixteenth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» has been given data about djaylau [reserves, meadows] and irfak [57] (additional [the rights] economy, manors) which consists of two sections...

The seventeenth chapter is about ahkom ikto' [the state lands and the hereditary lands from parents, about problems of property privatization owners of the ground areas], the rights, system of conditions, issue of the state lands as privatization, to citizens in an ikto kind[58], consists of three sections...

The eighteenth chapter of the work is called foundation of secretary and zikra ahkom[59], and it consists of eight sections...

The nineteenth chapter is about the rights of crimes, on the basis of the established laws, according to the condition punishment methods of criminals, [60] consists of 4 sections...

The twentieth chapter of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is about khishb's ahkom[61], consists of ten sections in which the concrete information is supplied about general rules of peoples behaviour...

In the conclusion of the «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» it has been told: “ It is revealed information about the themes which are not stated or stated by jurists in short in this book. We revealed completely the themes which had not been mentioned by today, short themes have stated in detail and clearly. I'll wait salvation and pieties from the supreme Allah”.

As a result of the above-stated analyses we have come to the following conclusions: speaking on the basis of the above mentioned, Mavardi in his «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» has stated the methods and scientifically-practical bases of creation of the fair centralized state. From the point of statehood view, the base of Mavardi's "«Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» is a statehood source, consecutive continuation of traditions of statehood both majestic laws and state governing methods, historical and positive results, from earlier created work “ Ahl al-sunna va-l-jamoa”.

In Mavardi's «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» the state administration methods are stated in 20 chapters and 109 sections[62] As a result of carrying out of researches, he, being proved on istinbot, istisloh, islokhhot he could create the «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya». While writing of «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya», he relied, at an ideological basis of statehood, - on the doctrine of Farabi, and at religious beliefs - on ideological bases of Abu Mansur Maturidi.

CONCLUSION

Mavardi's work «Al-Ahkom as-sultoniyya va-l-valoyot ad-diniyya» consists of 20 chapters and 109 sections which content and structure of the themes are given completely and logically

consequently. Information about the traditions of governing political - legal centralized state of Medieval human society is widely given in it. Laws, criteria, conditions, supply and demand, the choice and appointment of the candidates to state governing posts are specified there.

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