

# Murteza Bedir, ed., Abū Ḥafṣ Najm al-Dīn ‘Umar al-Nasafī’s *Tahṣīl Uṣūl al-Fiqh wa Tafṣīl al-Maqālāt fihā ‘alā’l-Wajh*

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Murteza Bedir’s edition of the relatively unknown *Tahṣīl Uṣūl al-Fiqh wa Tafṣīl al-Maqālāt fihā ‘alā’l-Wajh* by the renowned scholar Abū Ḥafṣ Najm al-Dīn ‘Umar al-Nasafī (d. 537 AH/1142 CE) is a welcome addition to the sources available for the study of Islamic legal theory. The text itself is a short treatise on the basics of *uṣūl al-fiqh*, written in a concise and efficient manner to summarize the main points of the discipline for the average madrasa student in twelfth-century *mā warā’ al-nahr* (Transoxania). For this reason, the *Tahṣīl* has the potential to be an excellent teaching resource for twenty-first century Islamic law classrooms that would rival the enduring popularity of Imam al-Ḥaramayn Ḍiyā’ al-Dīn ‘Abd al-Malik al-Juwaynī’s (d. 478 AH/1085 CE) *Waraqāt*. The *Tahṣīl* is also a fascinating research source in its own right, especially as knowledge of its existence—and the existence of al-Nasafī’s larger anthology of which it is a part, *Maṭla’ al-Nujūm wa Majma’ al-‘Ulūm*—has long been limited to a small group of scholars. The *Maṭla’*—and consequently, the *Tahṣīl*—is found in only two copies, one held at the Biruni Institute in Tashkent, Uzbekistan, and another at the Raza Library in Rampur, India. Written within the chronological, geographic, and intellectual vicinity of ‘Alā’ al-Dīn al-Samarqandī’s (d. c. 540 AH/1145 CE) *Mizān al-Uṣūl fī Natā’ij al-‘Uqūl* and Abū ‘l-Thana’ Maḥmūd al-Lāmishī’s (d. after 539 AH/1144 CE) *Kitāb*

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*fi Uşul al-Fiqh*, the *Taḥşil* offers us the opportunity to understand how one of the greatest Ḥanafī scholars of Samarqand understood and taught *uşul al-fiqh* alongside his Samarqandī colleagues. Bedir's edition of the *Taḥşil* facilitates readers' engagement with this important work by providing not only a clear, organized text, but also an insightful analysis of the extant manuscript copies and a crucial argument for the place of this work in the history of Ḥanafī *uşul al-fiqh*.

The first introduction to the volume provides readers with a vital understanding of the historical and intellectual context of the *Taḥşil*. Bedir situates the *Taḥşil* as one of only a few texts written in the Ḥanafī-Māturīdī approach to legal theory. Established by 'Alā' al-Dīn al-Samarqandī in his *Mizān al-Uşul fi Natā'ij al-'Uqūl*, the Ḥanafī-Māturīdī approach to legal theory consciously integrates Ḥanafī-Māturīdī theological concerns into legal theoretical discussions. Al-Samarqandī's project is what I have termed the "theological turn" of the fifth and sixth centuries AH/twelfth century CE, as his students and colleagues al-Nasafī and al-Lāmishī also utilize this approach in their works of legal theory.<sup>1</sup> The theological turn represents a marked departure from the juristic approach of earlier Ḥanafī legal theorists such as Abū Bakr Muḥammad al-Sarakhsī (d. 483 AH/1090 CE) and the Bazdawī brothers, Abū 'l-Ḥasan 'Alī (Fakhr al-Islām, d. 482 AH/1089 CE) and Abū 'l-Yusr Muḥammad (d. 493 AH/1100 CE). Al-Nasafī's *Taḥşil* and al-Lāmishī's *Uşul* continue al-Samarqandī's efforts to integrate theology and legal theory, primarily by rearticulating the same main points in a more succinct fashion. I agree with Bedir's assertion that al-Samarqandī's work, in particular, as well as those of al-Nasafī and al-Lāmishī, indicate the beginning of a Māturīdī Ḥanafī identity that defines itself as distinct from the Mu'tazilī, juristic Ḥanafī, or the Ash'arī legal-theological approaches. Abū Manşūr al-Māturīdī (d. 333 AH/944 CE) had been considered a leading figure in Ḥanafī theology and law up to this point, but it is with al-Samarqandī that we see the conscious and systematic use of al-Māturīdī's name throughout the *Mizān* to indicate the connection between Ḥanafī legal theory and al-Māturīdī's theological contentions.

Bedir's second introduction—which represents the distillation of his distinguished career in Islamic legal theory—expands on his earlier assertions through his discussion of the *Taḥşil*'s place in the history of

1 Dale J. Correa, "Taking a Theological Turn in Legal Theory: Regional Priority and Theology in Transoxanian Ḥanafī Thought," in *Locating the Shari'a* (Brill, 2019), pp. 111-126; Dale J. Correa, "Testifying Beyond Experience: Theories of Akhbār and the Boundaries of Community in Transoxanian Islamic Thought, 10<sup>th</sup>-12<sup>th</sup> Centuries CE," Ph.D. (United States -- New York: New York University, 2014), <https://search.proquest.com/pqdtglobal/docview/1615128773/abstract/68792FF4566B4A08PQ/1>.

Ḥanafī legal theory and its relationship to the *Mizān*. The introduction is essential reading for the *Tahṣīl*'s audience, as it situates the *Tahṣīl* among al-Nasafī's other famous and not-so-famous works, as well as among Ḥanafī works of legal theory. We glean from Bedir's account of the impact of al-Nasafī's *Al-'Aqīdah al-Nasafīyah*, *al-Manzūmah fi 'l-Khilafiyāt*, and *Al-Taysīr fi 'l-Tafsīr*—which stand out among other known but not as well-studied works—that al-Nasafī was dedicated to pedagogy and enhancing student learning. This is an essential point to bear in mind for what follows: it is only here, in this edition's introduction, that we come to understand that the *Tahṣīl* is most likely al-Nasafī's summary (in many cases, word-for-word) of al-Samarqandī's larger and more complex opus, *Mizān*. Bedir offers two potential explanations for the verbatim crossover between the two works: (1) Both al-Samarqandī and al-Nasafī drew from the scholarship of the same teacher, most likely Abū 'l-Mu'in Maymūn al-Nasafī (d. 508 AH/1114 CE), and wrote similar works; or (2) al-Nasafī, admitting in the *Maṭla'* that he composed the work towards the end of his life, summarized al-Samarqandī's existing, dominant text of legal theory as an expeditious way to compile all of the necessary Islamic disciplines into one anthology. The latter explanation is more persuasive for Bedir, and for me, as al-Nasafī would not have had time to write each work of the anthology himself if he knew he had to complete the project in a short time period. Another piece of compelling evidence for this explanation is that some of the works included in the *Maṭla'* belong to other authors. Al-Nasafī was clearly not opposed to gathering together the needed scholarship, even if it came from other writers. Thus, as Bedir rightly argues, instead of reinventing the legal theory wheel, al-Nasafī summarized the reigning text in the field with which he most agreed. Although most likely derivative, the *Tahṣīl* takes the honored place of being the second *uṣūl al-fiqh* work composed with the Ḥanafī-Māturidī approach.

It is curious to note, as Bedir does, that al-Nasafī utilizes the Ḥanafī organization of an *uṣūl al-fiqh* text by placing the section on *ḥukm* at the end of the *Tahṣīl*, while al-Samarqandī organized his text with the section on *ḥukm* at the beginning, like the Ash'arīs were wont to do. Beyond that, the *Mizān* and the *Tahṣīl* are remarkably similar and employ certain phrasings throughout verbatim. Bedir and his team drew on the relationship between the *Tahṣīl* and the *Mizān* to use the *Mizān* to elucidate topics in the *Tahṣīl* that might seem initially inaccessible for students starting out in *uṣūl al-fiqh*. Rather than irreparably breaking with the conventions of modern editing practice, I believe that Bedir's efforts to offer clarity from a peer text make the *Tahṣīl* all the more useful in a classroom setting. In-sightfully, Bedir argues that the *Mizān* functions essentially as yet another copy of the *Tahṣīl*, which lends it credibility for this explanatory role.

The edition itself is masterfully done, particularly in consideration of the additions that Bedir has made to the text in order to facilitate a beginner's understanding of the complex topics. A table of symbols allows us to understand from which manuscript a particular word, phrase, or section arose and any issue associated with it in that copy. Included in this table, as well, are symbols that elucidate the copies' pagination and where and how Bedir made additions to the text. Bedir has broken the *Taḥṣīl* into two main sections: on *adillah* and on *aḥkām*. Each part begins with a title page that includes a table of main divisions. The title pages and tables of contents are Bedir's additions to the text and provide waymarking for both readers who may already be familiar and expecting a certain order to a work of *uṣūl al-fiqh*, as well as those who are just starting to understand the discipline. The first part on *adillah* has seven main divisions, each comprising numerous subtopics. The second part on *aḥkām* has two main divisions with numerous subtopics. The *Taḥṣīl* ends with Abū 'l-Ḥasan al-Karkhī's *Uṣūl (Faṣl fī 'l-Uṣūl allatī 'alayhā Madār Masā'il Aṣḥābinā)*. Bedir helpfully provides six indices—for Qur'anic verses, hadith, scholars, books, various groups, and terminology—and an ample bibliography.

There are only two areas in which I would offer critique. First, it would be helpful to have an indication of where the *Mizān* was employed for the additions to the text, as that is currently lacking in the table of symbols and abbreviations. Although we understand from the introduction that the *Mizān* is being used in this way, it would enhance the advanced reader's experience of the text to know where Bedir and his team found it helpful to use the *Mizān* as a third copy of the *Taḥṣīl*. Additionally, it would be informative and would expand upon the current excellent offering to have the marginalia included in the edition. In the case of the Tashkent copy, in particular, the marginalia offer helpful insights and potential lines of inquiry for readers. Transcribing the marginalia is an effort in and of itself, but it would be a remarkable addition (especially if made available in a digital format).

Murteza Bedir's edition of Abū Ḥafṣ Najm al-Dīn 'Umar al-Nasafī's *Taḥṣīl Uṣūl al-Fiqh wa Tafṣīl al-Maqālāt fihā 'ala 'l-Wajh* is an essential contribution to the sources and study of Islamic legal theory. This work will be of interest to students and scholars of all levels and accessible for use as a classroom textbook. The *Taḥṣīl* offers many opportunities for the expansion of Ḥanafī scholarship and education at both Muslim and non-Muslim institutions of learning, and I hope to see more publications on the Ḥanafī-Māturīdī approach to legal theory in the future because of this edition.