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***Jung – the collection of practicing traditional judge of Central Asia***  
***(end of 16<sup>th</sup> century – 19<sup>th</sup> century)***

In the collections of oriental manuscripts throughout the world, one can frequently find compendia that were mainly composed of poetry and prose works, as well as other disciplines of various forms. These compendia were known as *jung*, *safina*, *bayaz*, *majmua*, *kashkula* and etc. *Jung* collections occupy special place in Persian and Turkic speaking worlds. In many Persian glossaries of 17<sup>th</sup> and 18<sup>th</sup> centuries, the word is defined as “an enormous ship” (*kesht kalon*) and “a huge collection of poetry” (*bayod buzurg*)<sup>1</sup>. Many researchers considered that *Jung* was a collection of poets’ selected works, small forms of prosaic works or their small fragments<sup>2</sup>, albums of pictures or illustrations<sup>3</sup>. These collections contain satiric humorous utterances (*latifa*), anecdotes, storybooks of famous poets, etc<sup>4</sup>.

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<sup>1</sup>Modern edition. Burhān, Muḥammad Ḥusayn ibn Ḥalaf Tabrizī, 17th cent. Burhān-i qāṭi‘. Bā muqābilih-i nusuh-i muti‘adid-i haṭṭī wa ḥāpī wa taṣḥīḥ, wa tawḍīḥ-i waḡh-i iṣṭiqāq, wa dīkr-i ṣawāhid, wa afzudan-i luḡāt-i bisīyar wa taṣawwīr wa naqṣahā, bi-ihtimām Muḥammad Mu‘īn; Muqaddamahhā bi-qalam-i ‘Alī Akbar Dihḥudā, Ibrāhīm Pūr Dāwūd, ‘Alī Asḡar Ḥikmat, Sa‘īd Nafīsī. Vol.II. Tihrān : Kitābhānah-yi Zawwār, 1331 [1952]. P. 592.

<sup>2</sup>O.F.Akimushkin. Opisanie persidskih i tadjikskih rukopisey Instituta vostokovedeniya. Vpusk. 10. Poeticheskiye sborniki, albomi. M.: Nauka. 1993. P. 3; Jung-i rubā‘ī: bāzyābī va taṣḥīḥ-i rubā‘īyāt-i kuhan-i Pārsī / pizhūhish va vīrāyish-i Sayyid ‘Alī Mīr Afḍalī. [Preface: Iraj Afshar] Tihrān: Intishārāt-i Sukhan, 1394 [2015]. P 12; F. Abdullaeva. What’s in Safina // The Treasury of Tabriz. The great Il-Khanid Compendium. Edited by A.A.Seyed-Gohrab& S. McGlinn. Amsterdam, The Netherlands – West Lafayette, Indiana USA: Rozenberg, Publishers & Purdue University Press. P. 60–61.

<sup>3</sup>David J. Roxburgh *Jong* // Encyclopedia Iranica. Volume. XV. Editor: Ehsan Yarshater. New York, 2011.P. 11– 14. The researcher defined Jung as literary miscellany of Persian prose and poetry, and album of pictures and illustrations.

<sup>4</sup>Orhan Şaik Gökyay. Cönk // Türkiye Diyanet Vakfı İslām ansiklopedisi, cilt 8. İstanbul: Türkiye Diyanet Vakfı, 1995. P. 73.

The catalogue of manuscripts studied from various funds<sup>5</sup> showed that the geographic range of *jungs* was the Middle East (Iran and Azerbaijan)<sup>6</sup>, Afghanistan, Pakistan and Turkey. The *jungs* of these manuscript funds differed in content and functions, according to their regional aspects. Repertoire of these collections might contain one or several themes, depending on the order of collectors, readers or particular group of people. It is rather difficult to signify the concrete meaning of this word. David J. Roxburgh stated: “The term itself does not appear to reference a specific type of anthologizing book ... but rather to connote foremost a gathering of texts”<sup>7</sup>. It being considered that this word in regional context becomes obvious how widespread it was used in regard with different collections of varieties of the topic. It should be noted that Central Asian *Jungs* differed significantly concerning their subject matter.

The purpose of this article is to characterize Central Asian *jungs*, their functions, who their compilers were as well as to discuss social and religious issues of the life in Central Asia.

**Central Asian *jungs*.** The collection of manuscripts of Al Beruni Centre of Oriental Manuscripts of the Republic of Uzbekistan contains several tens of compendia which are also known as *jungs*. However, these *jungs* differ from the ones of Iran and Turkey by their meaning. The reason is that majority of Central Asian *jungs* were devoted to *fiqh* (*al-masa'il al-fiqhiyya*) and contain copies, formulas of juridical documents, sometimes even the juridical documents (*rivaya*) with seals of Islamic jurists (*qadi*, *mufti*) and *mudarris*, as well as different records

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<sup>5</sup> The author expresses particular gratitude to professor Maria Szuppe and Francis Richard for world-wide support and assistance in the operation at the library Bulac in Paris.

<sup>6</sup> A brief review of Iranian manuscripts catalogue showed that there were more than 2000 *jungs* in Iran.

<sup>7</sup> David J. Roxburgh *Jong*// Encyclopedia Iranica. Volume XV. Editor: Ehsan Yarshater. New York: New York. 2011. Pp. 11-14. The researcher defined *jung* as literary miscellany of Persian prose and poetry, and album of pictures and illustrations

(especially from compilers). These *jungs* were not included in the catalogue of “Sbornik Vostochnykh Rukopisei (Collection of Oriental Manuscripts - SVR)”. It is more likely that for Soviet cataloguers *jungs*, like other manuscripts<sup>8</sup>, were considered as literatures which contradicted to Soviet ideology of that period. *Jungs* were brought to this collection from different libraries, especially from the Central library of Bukhara and from private owners of these collections.

*Jungs* were not unfamiliar to local people, especially for *ulama*’, they were the source of juridical information. Particularly, Mirzo Muhammad Sharif Sadr-i Ziya’s (1867–1935) catalogue contains several *jungs* from his private library<sup>9</sup>. Some reformers such as Abdurauf Fitrat criticised *qadis* for being limited with *jungs* while solving social problems<sup>10</sup>. There were such cases when *qadi* substantiated his own *jung* with juridical reference to other *jung*’s collections.

In these cases *jungs* acted as synonym for “*majmua’ al- masa’il*”. So, in Central Asia a *jung* was understood as a collection on *fiqh* “*majmua’ al-masa’il*”, and used by *qadi*, as a source of solving problems in judicial practices.

The results of initial researches on Central Asian manuscript collections “*Jung*” notify that they were mostly composed at the end of 16<sup>th</sup> till the of 19<sup>th</sup> centuries. As it is known today, compositions on *fiqh* were formed by solving contradictions on practical rights of *Hanafi madzhab*, practical issues of qualification and eliminating contradictions between leading *imams* (*ilm al-khilaf or mukhtalif ar-rivaya*),

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<sup>8</sup>Short catalogue of *Sufi* works dated 18<sup>th</sup> – 19<sup>th</sup> centuries from the collections of Al Beruni Institute of Oriental Studies, Uzbekistan Academy of Science / Compilers S. Gulomov, Sh. Ziyadov, G.Karimov, X. Madraimov, A. Muminov, N. Toshev, Sh. Tosheva. Editors coll.: B.Babadjanov, A.Kremer, J.Paul. Publisher J.Paul. Berlin: Das ArabischeBuch, 2000. C.iv.

<sup>9</sup>Shodmon Vohidov, Zoir Choriyev. Sadr-i Ziya i yego biblioteka. Tashkent: “Yangi asr avlod”, 2007.S. CXLII.

<sup>10</sup>P. Sartori, «*Ijtihad* in Bukhara: Central Asian Jadidism and Local Genealogies of Cultural Change» Journal of the Economic and Social History of the Orient 59 (2016).P. 220.

forming compendia (*mukhtasar*) and comments to famous compositions, such as “*Hidaya*”<sup>11</sup>. From the end of 16<sup>th</sup> century collections on *fiqh*, known as *jungs* had appeared. They were various religious-juridical regulations of complex compositions. Based on them *qadi* could adjudicate daily juridical decisions. The main basis at that time was *Sharia*.

The preface of some *jungs* points that the collection had practical religious-juridical decisions (*ma'mulat*) from compositions on *fiqh* (Muslim jurisprudence). Accordingly, they contained initially collected religious and juridical prescriptions which were derived from certain works on *fiqh*. However derivations from other various sources on *fiqh* were also regulated. In this regard the *Qadi* made a list of categories of sources where the main attention was given to juridical decisions.

**For whom and why *Jungs* were composed.** *Jung* compilers acknowledged that they would include into their compendia prescriptions which were in practice. In general the compilers were practicing judges (*qadiy/quddat*), theologians who occupied various positions in the established hierarchy of jurists - *A'lam* and *Mufti*. In the beginning *jungs* were created and used only by *qadis* and *muftis* as a part of their daily office routine. Then, on the basis of certain compendium of *jung*, copies (with some addenda) were taken for the clerks of *qadihana*. In the creation of *jungs* the compilers considered the factor of demand for juridical substantiation and evidences in legal procedures.

According to the preliminary researches achieved by us, *jungs* contained of the most actual texts to solve juridical issues of a certain period - *qadiya*<sup>12</sup>. In the appendices of some *jungs* there are various

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<sup>11</sup>Some *Hanafi* traditional compositions were expounded in our book about facsimile publication of “*Matla' an-nujum va majma' al-ulum*” by Abu Hafsa An-Nasafi. Tashkent: “Toshkent Islom universiteti” nashriyot-matbaa birlashmasi”, 2015. – P. 880.

<sup>12</sup> Well-known specialist on Islam of Central Asia professor Ashirbek Muminov, talking with us, expressed relatively another position about *jungs* goal in Central Asia. In his opinion, *Jungs* compilers

copies, sequence of creating *mahzar* – legally based claims and *riwayats* - written conclusions of *mufti* on juridical acts, one or another issues, legal acts, *riwayats* and *mahzars*. They help to trace the system in the context of *qadi* chancellery of Central Asia, style and form of documents, the meaning of various juridical forms, etc.

Let us consider some *jung* manuscripts stored at the Fund of the Institute of Oriental Manuscripts. More than 40 volumes, titled as *jung* were recorded in a file cabinet of its main fund. However, the study showed that their number reaches several dozens.

***The general structure of jungs.*** Sequence order of *jung* collections is very similar to *Hanafi* compositions. As an example, we can cite the content of “*Mukhtasar al-viqaya*” of ‘Ubaydullah bin Mas’ud al-Mahbubi al-Bukhari (died in 747/1348) was often used by *qadis*. Most *jungs* follow the same procedure: at first, as usual, the subject concerning the question of ritual norms (*ibadat*): ablution book (*tahara*), prayer (*salat*) and etc, then social practical issues (*muamalat*): *bay’*, *vaqf*, *siyar*.

Some *jung* collections, for example, under inventory number 8412 avoids of these norms; the text begins with the chapter on marriage “*Kitab an-nikah*”. Our initial researches showed that the presence of a separate sections as *mahzarat* (copies of *qadi* documents) in *jung* collections, and sometimes *syjillat* (copies of the register) make these collections special.

**Attribution of *jung* collections and their compilers.** In many *jungs* there is no preface by the compiler (with the exception of some), where one could learn about the title of the collection and extract information about the intended goal of the compiler. On the flyleaf sheets

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were apprentices of *qadi* or *mufti*, by whose order the *Jungs* were compiled and used as a text-book for students. Perhaps, there were *Jungs* compiled by apprentices, but *Jungs* that we had researched, on the whole, were compiled by *qadi* or *mufti* themselves. Some *jungs* took the name of *qadi*, for example, *Jung-i Amir Baqi*, *Jung Habibullah*, etc.

of the *jungs*, where the content (*fihrist*) of the work is sometimes given (they are apparently composed by copyists), the title of the work and the name of the compiler are rarely noted. Colophons can also give us important information about the compilers of the *jungs*. For example, the colophon and the notes on the flyleaf sheets of the *jung* manuscript under number 4926<sup>13</sup> give us an opportunity to learn about Mavlavi Amir Baqi b. Amir Sharif b. Amir Muhammad b. Amine, a native of Fergana from the village of Kandbadam who was the compiler of this collection. He was also a representative of the highest *qadi* court (*A'lam*) of Samarkand city. The composition was rewritten by Muhammad Ismail b. Hazrat Ishan Amir Ibrahim in 1116/1704-05, i.e. during the rule of Ashtarkhanids. The composition has the name "*Jung* of Mavlavi Amir Baqi".

Considering another *jung*, under number №8732<sup>14</sup>, on the flyleaf, a modern paper which contains a short text about the author of the collection is attached. It is an Arabic script in Uzbek made by an unknown person on February 11, 1946. The note states that the author of the work was Qadi al-Abd al-Hayy Khwaja b. Qadi Mirakshah. From 1111 / 1699 till the middle of 1121/1709 he was a *qadi* in Bukhara. Copies of the legal documents (*fatva*) given in this book (*jung*) refer to 1113/1701-02, 1128/1715-16, 1135/1722-23, 1136/1723-24, 1146/1733-34, 1157/1744-45 and 1192/1778-79. As can be seen, these *fatvas* were collected for 81 years, i.e. from the beginning of the activity of Qadi al-'Abd al-Hayy Khwaja. Therefore, the collection was called "*Jung* of *qadi* al-'Abd al-Hayy Khwaja". At the end of this text, the name of Mufti Muhammad Khwaja b. Nar Khwaja Tashkandi was signposted. The latter

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<sup>13</sup>Manuscript. Tashkent. Center of Oriental Manuscripts (COM). № 4926. p.711<sup>b</sup>.

<sup>14</sup>Manuscript. Tashkent. COM. №8732.

apparently became the owner of this *jung* and used it for his service purposes.

In the next collection of "*jung*" manuscript № 12336, there is a colophon. There, the copyist Mirza Sayyid 'Ali Khujandi informed, that the (collection) of legal cases on *fiqh* (*al- masa'il al-fiqhiyya*) was completed in 1277<sup>15</sup>. It should be noted that at the beginning (of flyleaf sheet) and at the end of the manuscript there are two seals with the following legends: 1) "Mirza Sayyid Ali b. Mirza Sayyid Munavvar Mufti, 1237/1821-22"; 2) "Mirza Sayyid Ali b. Mirza Sayyid Munavvar *A'lam*, 1242/1826-27". It is assumed that the rewriter and the owner of the seals are the same person, then his father Mirza Sayyid Munavvar Mufti who once held the post of *Mufti* became *A'lam*. It is not excluded that the process of compiling this *jung* was a family issue and was transmitted by a hereditary way. A similar picture can be traced with a manuscript № 4798<sup>16</sup>.

In the *jung* № 8412, there is no preface and compiler's name. The name of the composition is given only above the *fihrist* and is indicated as "*Fihrist Juyang*". *Jung* was completed in 1305/1887. During the research on the *jung*, we found another copy of this *jung*, under number 8470. This *jung* turned out to be an earlier one. Its compiler was Muhammad Rasul of *A'lam* of Khorezm who finished his working on the collection in 1876. The difference between these two *jungs* is that the *jung* № 8412 was supplemented, but it was not indicated who supplemented it.

*Jung* compilers did not give definite names to their collections, however, they were named after the name of their compiler among *ulama* such as: *jung* of Mulla Baqi, *jung* of Muhammad Rasul, etc. As for the

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<sup>15</sup>Manuscript. Tashkent. COM. №12336, p. 357<sup>a</sup>.

<sup>16</sup>Manuscript. Tashkent. COM. №4798, p.1b, 490<sup>a</sup>.

compilers, they could be an *a'lam*, a *qadi*, *mufti* or even a *mudarris*. However, mostly they were drafted by judges.

**Conditional classification of the *jung*** (by content, volume and other features). According to our observations, the collections of *jungs* differ greatly in content, structure and other criteria. For example, the classical example of a book on *fiqh* was distinguished by a clearly allocated structure.

Based on the filing of legal issues in *jungs*, they can be conditionally classified into the following groups.

1. *Jungs* (collection) of *riwayats* and *mahzarats* (*jung ar-riwayat va al-mahazirat*)
2. *Jungs* of issues on *fiqh* (*jung al-mas'ail al-fiqhiya*).

The first group includes *jungs* which contain a genuine data set and form of legal documents. Documents are arranged by the order of filing the topics in the compositions on *fiqh*. For example, the manuscript № 9749 includes 445 genuine documents. 422 of these are *riwayats* and 23 are different documents. Besides, the collection contains 53 sheets of text part, referring to the forms of the *qadi*'s documents<sup>17</sup>. This category also includes *jungs* in which legal issues are drawn up in the form of *riwayats*, or collections of incidents (*waqiat*) and answers with reference to legal writings. *Riwayats* are arranged by chapters and sections, the order of composition's topic on Muslim jurisprudence: beginning with the ritual ablution and ending with inheritance according to the will. These include the composition of *Jung* or *Jami' al-masa'il* of Mir Habibullah b. qadi Mir Jalal al-Husayni (17<sup>th</sup> century). (Tashkent manuscripts № 2802, 8887). This composition is quite widespread in Central Asia.

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<sup>17</sup>This collection was researched by S. Gulomov in his article: "O nekotrix podlinnix dokumentakh iz kolleksii rukopisnikh proisvedenij fonda IV AN Ruz"//Istorija i kul'tura Sentral'noj Azii. Tokio, 2012. P.141.

The second group includes the *jungs* on *fiqh* (*jung al-masa'il al-fihiya*), represented by two types. The first of them consists of notes from various questions on *fiqh* with references to authoritative legal compositions. For example, the folio of the manuscript № 8412 is presented in 344 sheets in the format of 26x15 cm. The text is written in black ink by one hand. Many questions (*masa'il*) are set out in Arabic and Persian. There are some copies of documents in the Turkic language. At the beginning of the manuscript the content (*fihrist*) is given. At the end of the *fihrist*, there is a note that the questions (*masa'il*) widely circulated (*ma'mulat*) among imams are collected in this work and date: 1305/1888.

Judging by the number of *masa'il* on a particular topic of *fiqh* in this *jung*, one can see the relevance of these topics in public in that period. For example, the chapter on blamed people (*kitab al-karahiyat*) contains approximately 20 questions on *fiqh*; in the chapter on hunting (*kitab as-sayd*) - only three questions; in the chapter on coercion (*kitab al-ikrax*) - 26 questions; in the chapter on vaqf (*kitab al-vaqf*) - 800 questions on *fiqh*; in the chapter on judging (*kitab al-qada*) - 443 questions; in the chapter on sale (*kitab al-bay'*) - 546 questions.

*Jungs* of this kind are written in cursive handwriting. One can rarely find genuine documents there. Perhaps, the *jungs* of this group were used as a manual for *madrassa* students.

The manuscript № 6186 contain of 482 sheets (15 fly-leaf sheets) (format– 33x20 cm). The great number of questions on *fiqh* was written in Arabic, but Persian was also used. Besides, there were attached sheets with different sizes whose the number exceeds 400. Thus, the volume of the collection has 900 lists. There are contents on the flyleaf sheets the contents (*fihrist*) with the indication of pages. All questions on *fiqh* are arranged according to chapters and sections, the order of the themes of

the works on Muslim jurisprudence: beginning with the ritual ablution and ending with inheritance according to the will. This *jung* consists of 50 chapters. At the end, there are several pages that contain the themes "*mahzar*" and "*syjillat*". Some sheets were empty, despite the fact that the top of the sheet shows the title of the chapters or sections only, for example, manuscript № 6186 Ablution (*tahara*), Fasting (*savm* with the exception of the chapter *sadakati al-fitr*), Pilgrimage (*hajj*), Bail (*kafala*), marriage (*fi nikaha al-fasid, tasarrufat fasid, dava'an-nikah-i nasab*). Other chapters, such as *salat, bay', al-qada, vaqf, karahiya*, etc., there are a lot of questions with references to authoritative works on *fiqh*, as well as *riwayats* with certified impressions of seals or legends of seals, sometimes simply with no seal. These all testified to the fact that the *qadi* collected the questions that he often encountered. The compiler, in addition filed a lot of sheets of different forms, in which *riwayats* were written, as well as copies of *qadi*'s documents (90 ones) with the phrase – "*Harrarahu al ustaz ma' hatmihi*" (the document was confirmed by the teacher with his seal) or "*Muzayyan li muhr shayx al-islam va ustad raside*" (the document was sealed by Shayx Islam and a teacher). Similar phrases are often found, but the teacher's name. In two such phrases, we can also see the date: (sh.84<sup>a</sup>) "*Harrarahu al-ustaz ma' khatmihi*" 1236. ("The document was confirmed by the teacher with his seal 1236/1820). The date 1233/1817 is mentioned in another phrase. Hence, it becomes clear that the teacher of the compiler lived during the reign of Bukharin ruler Amir Khaydar (1214-1242 / 1800-1826). Perhaps he held a post in one of the courts and the compiler of the collection collected the *riwayats* of his teacher, for use as legal prescriptions in judicial litigation.

As for the second type of *jungs*, the questions are given in parallel with the text of compositions on *fiqh*, more often with *Mukhtasar al-*

*wiqaya*, rarely with *Fatawa-i Aminiyya*, *Fatawa-i 'Aliyya*<sup>18</sup>, etc. It is known that these compositions were considered manuals on practical *Hanafi* law among the *mudarrises* and students in the Bukhara khanate. They were created in Mawara al-nahr and were very popular in the local environment. Therefore *jungs* were often composed together with these compositions. The title of *jungs* depended on the title of accompanying compositions' text. For example, "*Jung ma' mukhtasar wiqaya, Fatawa al-aminiyya ma' jung*". This category of *jungs* includes manuscripts in numbers 8799, 10989, 11806, 4832, 7987, 6182, 12336, 4926<sup>19</sup>. Basically, they are of a large volume and sometimes even a format. As it was mentioned before, questions on *fiqh* are accompanied with the text of "*Mukhtasar al-wiqaya*" in the manuscripts (manuscripts № 5967, 10989, 6199), rarely with the texts "*Fatawa-i Aminiyya*" (№P.3127) and "*Fatawa-i 'Aliyya*".

For example, in the *jung* №4926 questions on *fiqh* are compiled together with the text of "*Mukhtasar al-wiqaya*". So, in this *jung* on flyleaf sheets (01a-02i), there is a complete table of contents, indicating the sheets. In the *jung*, the text "*Mukhtasar al-wiqaya*" was enclosed in a narrow rectangular frame and questions on *fiqh* are placed next to it, each of which is highlighted with a red line. (manuscript №4926). It has the text of "*Mukhtasar al-wiqaya*" served only as a guide for the user who was looking for the question of interest to him. In this *jung*, there are neither seals, nor genuine documents, except for an extract from genuine documents, for example, *fatva* on taxation. There are the legends of the seals written out as *Mufti Nizam ad-din Muhammad Hiravi* and *A'lam*

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<sup>18</sup> This composition on *fiqh* was written in Persian language in Samarkand. The full description of presented lists. Look COM. VIII. № 5870, 5871.

<sup>19</sup> All this manuscripts are kept in the Center of Oriental Manuscripts under the Tashkent State Institute of Oriental Studies.

*Muhammad Amin al-Muminabadi*, who were supreme judges at the end of the Shaibanids rule in Central Asia.

Some chapters and sections of these *jungs*, for example, manuscript №4926 (pages 127b-134a) “the chapter about pilgrimage” (*hajj*), “the chapter about coercion” (*ikrah*) and “the chapter about hermaphrodite” (*hunasa*) remain empty. Apparently, questions, related to these topics, were the least affected in the society. One can also see the difference in the number of other questions on *fiqh* (*al-masa'il al-fiqhiyya*). For example, there are about 110 questions in this *jung* in the chapter on fasting (*massaala*), about *waqf* – more than 250, about *karahiyat* – over 350, about *nikah* - more than 200 questions.

***About lithographic publications of the jung.*** Center of Oriental Manuscripts under the Tashkent State Institute of Oriental Studies also maintained lithographic publications of the *jung*. There are two types of *jungs*. One of them is called “*Mukhtasar al-wiqaya ma' Jung*” [composition] “*Mukhtasar al-wiqaya*” together with *jung*), the other is – “*Jung fatva va mahazarat*” (“*Jung* (collection) *fatva and mahazarat*”). The publication “*Mukhtasar al-wiqaya ma' jung*” (the book was published in Bukhara at publishing house “Kogon” in 1327/1909) contains the preface of the publisher. It notes that the list that served as the basis for this publication was guided by scholars of the time of deceased Abdullah Khan. Here one can see questions about the *fiqh* of that period. The supreme *qadi* of Bukhara (*qadi ul-quddat*) deceased Mirza Inayatulla *qadi*, known as “*Qadi Kalan tahti Minari*” (died in 1273/1856-57) and his son Parsa Khwaja Mufti-yi askar collected questions about *fiqh* of that period and included them in that list. During the reign of Sayyid Amir Abdullah al-Bahadur khan (1885–1910), this list, with the assistance of Mulla Muhammadiy Makhdam was published

as an extract from the *jung* that was used by legal scholars of Bukhara city.

There is another lithographic publication called “*Jung-i fatawa wa mahazarat*”. It does not contain the preface of the publisher, but at the end of the list, which served as the basis for the publication, a colophon is placed. It notes that the list was completed during the reign of Sayyid Amir Abdul Ahad khan. The copywriter was Nazrullah b. Mulla Mirza Muhsin Bukhari. He reported that the re-writing was done from the list of 1326/1908, which belonged to deceased Mullah Mir Hisam ad-Din Mufti.

Based on this information, we can conclude that the lithographic publications of the *jungs* were carried out on the basis of a certain *jung*. Thus, publishing these *jungs*, the representatives of the judiciary of the Bukhara Emirate sought to subordinate the *qadi* who were to follow their common leadership in the process of judicial practice.

Some issues illustrated in *jungs* and their brief characteristics.

1. **Political *fatvas*.** In the "repertoire" of some *jungs* from the Sunni milieu, there are anti-Shiite *fatvas*, more precisely, forms of justification for external expansion, as well as religious assessments. For example, the Shaibanid governor ‘Ubaydallah Khan (1533-1539) addressed to a well-known scholar Shams ad-din Muhammad Kuhistan<sup>20</sup> (died in 962/1554) with question: “is the city of Hirat dar al-harb (territory of war) or dar al-islam (territory of Islam)”<sup>21</sup>. This question is followed by the detailed answers-explanations of Shams ad-din Muhammad Kuhistan. Such *fatvas* are practically not found in other

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<sup>20</sup> He was born in Hurasan, moved to Kuhistan..., than in 944/1537 came to Bukhara to the Palace of Shaibanid ‘Ubaidullah Muhammad khan, who patronized him as zealous sunnit and appointed well-known legal scholar as mufti of the whole Mawara un-nahr. Described in *SVR IV*. Tashkent, Fan. 1957. № inventory 3135.

<sup>21</sup> This question was raised up linking with the fact, that Shaibanids (1500–1599) should legitimate their conqueror of Hirat. Particularly, shaibanids governor ‘Ubaidullah khan’s substantiations about his main goal -to widen his own government and to reconstruct Temurid’s empire were mostly interested.

Hanafi works. This is a convincing evidence that the *jung* is an important source in the study of the history of Islamic issue (broader history of statehood) in the region.

2. **Theological views.** Theological views of the legal scholars of Mawara al-nahr can be traced not only in texts on *fiqh*, but also in some *jungs*. The researchers usually study Muslim theology by theological texts, since in Islam there is no clear division between scholastic theology (*kalam*), religious law (*fiqh*) and ethics (*ahlak*). For this reason, theological texts of the *jung* are not involved in scientific circulation.

3. **Legitimacy of Sufi rituals.** A review of the Central Asian sources containing with a legitimation of the vocal form of the Sufi (*dhikr-i jahr*) and ritual chants (*sama'*), scientific literatures showed to what extent for many centuries they remained as a discussed problem among local Sufi leaders. In some *jungs*, there are Shari‘at clues to the vocal *dhikr*, ritual chants and dances (*dhikr-i jahr*, *sama'* and *raqs*).

4. **Political influence on the change of “repertoire” of the *jung*.** As noted, the *jungs* contained traditional subject (*mawzu'*), as in the well-known *Hanafi* compositions<sup>22</sup>. After the conquest of Central Asia by the Russian empire, the number of *jung* subjects began to decline or some chapters began to drop out of their content which immediately reduced their relevance. In some *jungs*, new *fatvas* and prescriptions appeared, specified by new historically modernized conditions, that forced lawyers to seek solutions to new precedents from the life of the community. In addition, the *jungs* began to address issues such as innovation, occult knowledge and education in Islam.

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<sup>22</sup> As it was mentioned, some Hanafi traditional compositions were expounded in our book about facsimile publication of Najm ad-din Abu Hafs ‘Umar b. Muhammad b. Ahmad an-Nasafi *Matla‘ an-nujum wa majma‘ al-‘ulum* Prepared for the press with a preface and indices by S. *Muhammadaminov* Tashkent: Rustam Print, 2015, 900pp. [in arabic]. Introduction in Uzbek, English and Russian.

All of the above materials will help in covering various aspects of the social and economic life of Central Asia in the context of religious prescriptions, as well as in studying the history of the manuscript on the *Hanafi Fiqh* of Central Asia.

**Key words:** *Islamic jurisprudence, fiqh, qadi, manuscripts, leadership.*