



## Şemseddin Timurtâşî'nin Risâle fi'n-Nükûd İsimli Eseri\*

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### Öz

Hanefî mezhebinin önemli fakihlerinden olan Şemseddin Timurtâşî (v.1599) yaşamış olduğu dönemin parasal istikrarsızlıklarına dair bir risale kaleme almıştır. Risâletü Bezlî'l-mechûd fi tahrîri es'ileti tegayyürî'n-nükûd ismini verdiği ve kısaca Risâle fi'n-Nükûd olarak geçen bu risaleyi Hüsamüddin Affane tahkik edip neşretmiştir. Elinizdeki bu makale, bu risaleyi tanıtmakta ve Timurtâşî'nin fikhî yaklaşımını dönemin tarihi verilerinin ışığında ele alarak anlamaya çalışmaktadır. Müellif, bu risalede 16. yüzyılın sonlarına doğru Osmanlı yönetimi tarafından yapılan tağşişlerin yol açtığı mübadele meselelerini tasnif ve tahlil eder. 16. yüzyılın sonlarında ve 17. yüzyılın başlarında Osmanlı coğrafyasında sikkelerin tedavülden kalkması, piyasadan çekilmesi ya da değerinin değişmesi gibi parasal meseleler söz konudur ve akitlerde ödemelerin nasıl yapılacağına dair anlaşmazlıklar vardır. Dahası, Timurtâşî'nin verdiği bilgilere göre dönemin ulemasının sözü edilen meselelerde hukuki ihtilaf içinde olduğu anlaşılmaktadır. Timurtâşî bu risalede Osmanlı coğrafyasında tedavül eden akçe ve şâhî gibi sikkelerin istikrarsızlıkları nedeniyle ortaya çıkan anlaşmazlıkların hallinde mahkemelerin yeknesak bir hüküm etrafında karar vermeleri ve bu amaçla müftülerin ihtilafı ortadan kaldırmak için Hanefî mezhebindeki fetva usûlünü izlemeleri gerektiğini ileri sürmektedir.

### Anahtar Kelimeler

Şemseddin Timurtâşî • Nükûd Risalesi • Tağşiş • Hukuk ve tarih • Fetva usûlü

### Shamsaddin Timurtâshî's (d.1599) Treatise *Risâlah fi'n-Nuqûd*

### Abstract

Shamsaddin Timurtâshî, a prominent Hanafî jurist, wrote a legal treatise entitled briefly *Risâlah fi'n-Nuqûd*, on monetary inconsistencies of his time. Husamuddin Affane from Quds University studied the treatise and published it as a book. The purpose of this paper is to introduce *Risâlah fi'n-Nuqûd* and to examine the important historical data that will allow us to understand this legal text. In the treatise, Timurtâshî classifies and analyzes exchange issues generated by the debase-ments implemented by the Ottoman government in the late 16th century. Among others, Timurtâshî addresses the legal dispute on how to make payments when coins are taken out of circulation or withdrawn from the market, or when the coin values change. He emphasizes that it is still an ongoing problem among his contemporary colleagues. To eliminate this dispute, he suggests following the Hanafî methodology of fatwa.

### Keywords

Shamsaddin Timurtâshî • *Risâlah fi'n-Nuqûd* • Devaluation • Law and history • Methodology of fatwa

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### **Extended Summary**

Shamsaddin Timurtâshî, a prominent Hanafî jurist, wrote a legal treatise entitled *Risâlah fi'n-Nuqûd* on monetary inconsistencies of his time. Husamuddin Affane from Quds University studied the treatise and published it as a book. Affane successfully tackles the issues mentioned in the text from the view of *fiqh* and specifies Timurtâshî's resources; yet he does not examine the historical data in detail. The purpose of this paper is to introduce *risâlah* and to examine the important historical data in detail so that we can better understand this legal text.

Timurtâshî classifies and analyzes exchange issues generated by the economic crises in the late 16th century. He first states that problems with payments exist, mostly in credit and borrowing contracts, due to the monetary problems of his time. In this case, so many *fatwas* are being asked and a legal dispute exists on this issue among his contemporary colleagues. He states that the aim of the *risâlah* is to eliminate this dispute by offering to follow the Hanafi methodology of fatwa.

According to the *risâlah*, there are four possible situations that can arise when a buyer has not yet delivered the coins after a contract has been completed. These are *kesâd al-âmm*, *kesâd al-juz'î*, *inkitâ'*, and *teghayyur*. *Kesâd* means that a certain type of coin is no longer accepted as money. If it is not accepted in only the place where the parties live, this is referred to as *kesâd al-juz'î*. But if the situation is the same everywhere, it is referred to as *kesâd al-âmm*. According to Abu Hanifa, in the case of *kesâd al-âmm*, if the sale is cancelled, Abu Yusuf and Imam Muhammad say that other coins can be used to pay. According to Abu Yusuf, the acceptable value is the value of the contract day. However, Imam Muhammad considers the last usage of that coin. In the case of *kesâd al-juz'î*, the sale is not cancelled, but if the seller wishes to receive the money in the currency in which it was negotiated, he will receive it. *Inkitâ'* describes the situation where a certain type of coin can be found in the house but not found at the market. This occurs because some of the coins are more valuable, so they are replaced with less valuable coins in the market. *Teghayyur* means the change in the value of coins. If the value of the coins changes after the contract is written but before the payment, the contract is not cancelled. There is no dispute between *imâms* on this issue. There are, however, disagreements about which coins payment will be based on. According to Abu Hanifa, the change in value is not taken into account. And, Abu Yusuf's first vision was in agreement. But Abu Yusuf's view changed later, when he said that the value changes must be considered. After describing these controversial views, Timurtâshî notes that Abu Hanifa's opinion is considered at the area of fatwa, but that Abu Yusuf's view is stronger in several aspects and therefore should be considered. Timurtâshî describes the issue broadly.

Timurtâshî does not mention when he wrote this *risâlah* but he points to a devaluation made by the Ottoman sultan. Affane estimates that he is Murad the 3rd based on the monetary crises dates and Timurtâshî's date of death. In fact, there was a debasement of *akçe* in 1585 that caused its value to decrease by half. *Teghayyur* rightly suits this debasement. Also, some currencies were withdrawn from the market or banned, so those are related to *kesâd* and *inkitâ'*. Considering the decisions made, it is possible that he wrote it either during the reign of Murad the 3rd or that of Mehmed the 3rd.

This information is essential for understanding the *risâlah*. By the time of the devaluation of 1585, the ratio of the debasement was more than the whole of the debasements before that time. The value of the *akçe* decreased against the other currencies. The value of the *sultâni*, the golden coin of the empire, rose from 60 *akçe* to 120 *akçe*. This explains how significant its effects were on the contracts of time. Besides, the 1585 debasement basically related with *akçe*. But the *shâhî* and *sharafî* coins are mentioned in the *risâlah*. When we look at these two coins, we see that both were subjects of some former debasements and were either pulled out of the market over time or banned. Hence, mentioning these two is not random, but meaningful. These factors all contribute to the explanation for why he chooses only four monetary problems among the others that already exist in Hanafi jurisprudence. What is noteworthy here is that he takes the appropriate ones from the traditional descriptions because of their importance for *fatwa*.

This paper deals with *Risâlah fi'n-nuqûd*, a fiqh text, within historic and economic contexts. The issues mentioned in the treatise are more meaningful when they are considered together with the money and exchange movements of the late 16th century, the devaluation of 1585, and changes in exchange rates and values. The monetary conditions Timurtâshî discusses in his treatise are more meaningful when they are examined as part of the whole system.