

From Transoxiana to Ottoman Amasya: Tracing the Evolution of Ḥanafi Fiqh Through the Commentaries of *al-Wiqāyah*

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From Transoxiana to Ottoman Amasya: Tracing the Evolution of Ḥanafī Fiqh Through the Commentaries of *al-Wiqāyah*

Abstract

The principle that “The alteration of legal rulings due to the change of time is an established principle that cannot be denied” (*ezmānın teğayyürüyle ahkāmın teğayyürü inkār olunamaz*), which reflects the dynamic nature of Islamic law, constitutes one of the foundational principles of fiqh. This study aims to demonstrate its practical manifestations beyond mere theoretical articulation. Within this framework, it comparatively analyzes the *kitāb al-karāhah* (chapter on disliked acts) sections of two commentaries written in different periods on *al-Wiqāyah*, a seminal text in Ḥanafī fiqh. The analysis centers on *Sharḥ al-Wiqāyah* by Sadr al-Sharīʿa al-Thānī, representing the 14th-century Transoxianan tradition, and *Maḥzan al-Fiqh* by the Ottoman jurist Muṣliḥ al-Dīn Mūsā of Amasya, reflecting the 16th-century understanding of fiqh. Although written two centuries apart, these texts serve as original and primary sources for tracing the historical transformation of fiqh, particularly through their methodological, structural, and contextual differences. The results of the comparative analysis reveal that Sadr al-Sharīʿa adheres to the traditional methodology of commentary. His approach exhibits a classical pattern characterized by fidelity to the source text, an emphasis on theoretical discussions, and the systematic presentation of intra-school disagreements. In contrast, Muṣliḥ al-Dīn Mūsā employs the original text merely as a framework, aiming to transform it into a comprehensive, practice-oriented guide. The most distinctive feature of *Maḥzan al-Fiqh* is the expansion of the scope of fiqh beyond traditional legal norms to encompass new domains. The work encompasses a broad spectrum of topics within the fiqh agenda, ranging from the etiquette (*ādāb*) of the road and public baths to matters of political ethics, surgical interventions, and codes of social conduct. This approach profoundly transforms both the scope and function of fiqh. The distinctions between the two commentaries go beyond matters of style or detail; they also clearly reveal fundamental differences in mentality regarding the purpose, scope, and social function of fiqh. The findings demonstrate that fiqh is a living tradition, reconstructed in every generation, and that this tradition cannot be evaluated independently of the historical, social, and political context in which it is formed. The research also concretely demonstrates the explanatory power of micro-level textual analyses for understanding the historical and societal transformation of fiqh.

Keywords: Fiqh, *al-Wiqāyah*, Comparative Textual Analysis, Commentary Tradition, *Kitāb al-Karāhah*.

Mâverâünnehir'den Amasya'ya *el-Vikâye* Şerhleri Üzerinden Fıkıhtaki Değişimin İzini Sürmek

Öz

İslam hukukunun dinamik karakterini yansıtan “ezmânın teğayyürüyle ahkâmın teğayyürü inkâr olunamaz” prensibi, fıkıhın en temel ilkelerinden biridir. Bu çalışma, söz konusu ilkenin yalnızca teorik değil, aynı zamanda pratik düzeydeki yansımalarını ortaya koymayı amaçlamakta; bu çerçevede Hanefî fıkıhının klasik metinlerinden *el-Vikâye* üzerine farklı dönemlerde yazılmış iki şerhin “kitâbü'l-kerâhe” bölümlerini karşılaştırmalı olarak incelemektedir. Çalışmanın odağında, Sadrüşşerîa es-Sânî'nin 14. yüzyıl Mâverâünnehir geleneğini temsil eden *Şerhu'l-Vikâye* adlı eseri ile Amasyalı fakih Muslihuddîn Musa'nın 16. yüzyıl Osmanlı fıkıh anlayışını yansıtan *Mahzenü'l-fikh*'ı yer almaktadır. İki asır arayla kaleme alınmış bu metinler arasındaki metodolojik, yapısal ve içeriksel farklılıklar, fıkıhın tarihsel seyir içerisindeki dönüşümünü takip etmek açısından özgün ve birincil birer kaynak niteliği taşımaktadır.

Karşılaştırmalı analiz sonuçları, Sadrüşşerîa'nın geleneksel şerh metodolojisine bağlı kaldığını göstermektedir. Onun yaklaşımı; metne sadakat, teorik tartışmaların öne çıkarılması ve mezhep içi görüş ayrılıklarının sistematik biçimde sunulması esasına dayanan klasik bir karakter taşımaktadır. Buna karşılık Muslihuddîn Musa, aslî metni yalnızca bir çerçeve olarak kullanmakta ve onu kapsamlı, uygulamaya dönük bir rehberle dönüştürmeyi hedeflemektedir. *Mahzenü'l-fikh*'ta en belirgin biçimde gözlemlenen fark, fıkıhın kapsamının geleneksel hukuki normların ötesine geçerek yeni alanları kuşatmasıdır. Eser; yol ve hamam âdâbından siyasî etik meselelerine, cerrahî müdahalelerden sosyal davranış kodlarına kadar geniş bir yelpazeyi fıkıhın gündemine dâhil etmektedir. Bu yaklaşım, fıkıhın hem alanını hem de işlevini derinlemesine dönüştürmektedir. İncelenen iki şerh arasındaki ayrımlar yalnızca üslup ya da ayrıntı düzeyinde kalmamakta; fıkıhın amacı, kapsamı ve toplumsal işlevine dair temel zihniyet farklarını da açık biçimde ortaya koymaktadır. Elde edilen bulgular, fıkıhın yaşayan ve her nesilde yeniden inşa edilen bir gelenek olduğunu; bu geleneğin, olduğu tarihsel, sosyal ve siyasal bağlamdan bağımsız değerlendirilemeyeceğini göstermektedir. Araştırma ayrıca, metinler düzeyindeki mikro analizlerin, fıkıhın tarihsel ve toplumsal düzeyde dönüşmesini

anlamak açısından ne derece açıklayıcı olabileceğini somut biçimde göstermektedir.

Anahtar Kelimeler: Fıkıh, *el-Vikâye*, Karşılaştırmalı Metin Analizi, Şerh Geleneği, *Kitabu'l-Kerahe*.

Introduction

Islamic law is a dynamic discipline grounded in the Qur'an and the Sunnah. Enriched by legal reasoning (*ijtihād*) and interpretation throughout the historical process, it has demonstrated the capacity to address the challenges of every age. Contrary to the view that fiqh is a static and immutable body of rules,¹ one of its core principles is the legal maxim that "The alteration of legal rulings due to the change of time is an established principle that cannot be denied" (*ezmânın teğayyürüyle ahkâmın teğayyürü inkâr olunamaz*).² This maxim clearly reveals that fiqh possesses a self-renewing structure, that adapts itself to social, cultural, and political conditions into account.

In the literature of Islamic law, the issues discussed under the heading *kitāb al-karāhah* (the chapter on disliked acts) offer a significant field of observation for tracing the dynamic nature of fiqh. Unlike the categories of *ḥarām* (forbidden) and *ḥalāl* (permissible), which are defined by sharp boundaries, the concept of *makrūh* (disliked) points to an intermediate status shaped primarily by social custom (*'urf*), moral sensibilities, and the etiquette of daily life (*ādāb*).³ In this respect, the domain of *makrūh* acts is one of the fields where the changes and transformations in juristic thought can be most clearly traced. For as social norms and moral perceptions change according to time and place, the meaning and scope of the acts included in this category are also directly affected by this change.

¹ For these claims and the responses to them, see Saffet Köse, *İslam Hukukuna Giriş* (Konya: Hikmetevi Yayınları, 2015), 26–46.

² Ahmed Cevdet Paşa, *Mecelle-i Ahkām-ı 'Adliyye* (Dersaadet: Alem Matbaası, 1314 [1896/97]), 27 (Article 39).

³ Ferhat Koca, "Mekruh," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (Ankara: TDV Yayınları, 2003), 28/581.

This study comparatively examines two important commentaries (*sharḥ*) on *Wiqāyat al-Riwāyah fī Masā'il al-Hidāyah*, one of the foundational texts (*al-mutūn al-arba'a*) of Ḥanafī fiqh, specifically focusing on the *kitāb al-karāhah* sections of these commentaries, each reflecting distinct historical contexts. The source text, *al-Wiqāyah*, was authored in the 14th century by Burhān al-Sharī'a Maḥmūd (d. 730/1329–30), who lived in the intellectually turbulent environment brought about by the Mongol invasions. With its condensed and memorization-oriented structure, this work aims to transmit the accumulated juristic knowledge to subsequent generations in a secure and standard format. In this respect, it can be considered a text that directly reflects the impact of the period's unstable political and social conditions on the tradition of fiqh writing.

The first commentary to be examined in this comparison is *Sharḥ al-Wiqāyah*, authored by Sadr al-Sharī'a al-Thānī (d. 747/1346), the grandson of Burhān al-Sharī'a Maḥmūd the author of the source text. This work aims to preserve the text, clarify its ambiguities, and present the evidence for its rulings.⁴ *Sharḥ al-Wiqāyah* is regarded as a touchstone for all subsequent commentaries on *al-Wiqāyah* and has become one of the most authoritative examples representing the methodological approach of the 14th-century Transoxianan legal tradition.⁵ This work by Sadr al-Sharī'a exhibits the distinct characteristics of the classical commentary tradition. It is shaped around objectives such as strict adherence to the text, incorporating theoretical discussions, and the systematic presentation of intra-school disagreements.

The second commentary, which is the subject of comparison and the main focus of this study, is the work entitled *Maḥzan al-Fiqh*, authored by Muşliḥ al-Dīn Mūsā al-Amāsī (d. 938/1532), who served as chief judge (*qāḍī*) in 16th-century Amasya, an important center of learning in the Ottoman Empire. The period of its authorship was a time when, alongside the Ottoman institutionalization process, the need for fiqh to move beyond

⁴ 'Ubaydullāh b. Mas'ūd b. Tāj al-Sharī'a 'Umar b. Sadr al-Sharī'a al-Awwal Sadr al-Sharī'a al-Thānī, *Sharḥ al-Wiqāyah*, thk. Salah Muhammad Abu'l-Hajj (Amman: Dār al-Warrāq, 2006), 2/5.

⁵ Şükrü Özen, "Sadrüşşer'a," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (Istanbul: TDV Yayınları, 2008), 35/429.

being merely a theoretical discipline and to turn toward practical legal applications became increasingly evident. During this period, the increasing integration of fiqh with the state's justice system provided the ground for works like *Maḥzan al-Fiqh* to be written as functional legal guides.

The central hypothesis of this study may be stated as follows: Sadr al-Sharīʿa authored a commentary that prioritizes theoretical discussions and adheres strictly to the source text. Conversely, Muṣliḥ al-Dīn Mūsā, with his *Maḥzan al-Fiqh*, did not merely produce a commentary but instead reconstructed the scope and function of fiqh in accordance with the needs of his era. Within this comparative framework, Sadr al-Sharīʿa stands as a commentator who preserves and systematizes the text. Muṣliḥ al-Dīn Mūsā, on the other hand, assumes the role of a practitioner-compiler, with the encouragement of the Shaykh al-Islām of his time, half a century of judicial experience, and his project of synthesizing ten foundational fiqh texts. *Maḥzan al-Fiqh*, instead of engaging in theoretical discussions, focuses on identifying the positions considered authoritative for issuing fatwās (*muftā bih*) and transforms fiqh into a broad practical guide that extends from the details of daily life to political ethics, and from medical ethics to public regulations. This approach also clearly reveals the historical role shift in the function of the jurist (*faqīh*).

The methodological framework of this research aims to systematically observe the transformations in juristic thought through the method of comparative textual analysis. In this context, centering the work of a scholar educated in Amasya—a city known as a “cradle of scholars” with a deep-rooted scholarly tradition extending from the Seljuks to the Ottomans—provides a significant foundation for understanding both the city's intellectual heritage and the impact of the Ottoman institutional structure on the discipline of fiqh. The study aims to show that the principle of “The alteration of legal rulings due to the change of time is an established principle that cannot be denied” is not merely a theoretical tenet but a living orientation with concrete counterparts in the literature of fiqh. The comparison of two commentaries written in different periods and geographies reveals that fiqh is a living and mutable tradition, reinterpreted by each generation. This comparison concretely demonstrates that micro-level textual analyses can serve as an effective

key for understanding the macro-level changes in the history of Islamic law.

1. The Works and Authors Used in the Study

1.1. *Wiqāyat al-Riwāyah fī Masā'il al-Hidāyah (al-Wiqāyah)*

The primary text examined in this research is the section entitled *kitāb al-karāhah of al-Wiqāyah*. As one of the foundational fiqh texts of the Ḥanafī school, this work holds a prominent position among the abridged fiqh texts (*mukhtaṣarāt*). It is included in the text groups known as the three texts (*al-mutūn al-thalātha*),⁶ the four texts (*al-mutūn al-arba'a*),⁷ and the six texts (*al-mutūn al-sitta*).⁸ The historical value of *al-Wiqāyah* is not limited solely to its pedagogical function; it is also closely connected to the mission of preserving the intellectual heritage of a critical period.

The author of the work is Burhān al-Sharī'a Maḥmūd b. Sadr al-Sharī'a al-Awwal, a member of the Maḥbūbī family, one of the deep-rooted scholarly families of Bukhara. Discrepancies regarding the author's identity are found in some sources concerning his name and honorific title (*laqab*). Some sources mention his name as Maḥmūd, while others as 'Umar; similarly, his *laqab* is recorded in some places as Burhān al-Sharī'a and in others as Tāj al-Sharī'a. Although Aḥmad Maḥmūd al-Shahādah, who prepared the critical edition (*taḥqīq*) of the work the subject of his doctoral dissertation, refers to the author by the *laqab* Tāj al-Sharī'a,⁹ the explicit statements of his grandson, Sadr al-Sharī'a al-Thānī, and modern academic studies confirm that the author's name is Burhān al-Sharī'a Maḥmūd.¹⁰

⁶ Qudūrī's *Mukhtaṣar*, al-Nasafī's *Kanz al-Daqa'iq*, and Burhān al-Sharī'a's *al-Wiqāyah*.

⁷ Nasafī's *Kanz al-Daqa'iq*, Burhān al-Sharī'a's *al-Wiqāyah*, al-Mawṣilī's *al-Mukhtār*, and Ibn al-Sā'ātī's *Majma' al-Baḥrayn*.

⁸ The collection becomes the *mutūn-i sitte* when al-Marghīnānī's *al-Hidāyah* is added to the five works mentioned above.

⁹ Ahmed Mahmoud al-Shahada, *Wiqāyat al-riwāyah fī masā'il al-Hidāyah (Min awwal al-kitāb ilā ākhirih)*: *Dirāsah wa-taḥqīq wa-ta'līq* (Omdurman: Omdurman Islamic University, Faculty of Sharia and Law, PhD Dissertation, 2007), 30.

¹⁰ Orazsahet Orazov, "Vikāyetü'r-Rivāye fī-Mesā'il'l-Hidāye Adlı Eserin Müellifinin İsim ve Lakabının Tespiti", *İslam Hukuku Araştırmaları Dergisi* 31 (April 2018): 694.

The scholarly biography of Burhān al-Sharīʿa is one of the examples that reveals how the political and intellectual disarray caused by the Mongol invasions in the Islamic world was reflected in the individual lives of scholars. When his hometown of Bukhara was invaded by the Ilkhanids in 671/1273, he was forced to migrate to Kerman and dedicated the final years of his life to teaching and authoring works in Herat and Bukhara. This geographical mobility enabled him to establish direct contact with various scholarly circles and to familiarize himself with different jurisprudential traditions.¹¹

The author explicitly states the reason for composing *al-Wiqāyah* in the introduction to the work. Accordingly, his goal was to author a text for his grandson, ʿUbaydullāh, to direct him toward the science of fiqh. This text was to be based on the legal issues (*masāʾil*) from *al-Hidāyah*, summarizing the preferred opinions without entering into the evidence.¹² This method reflects an authorial approach that simplifies the theoretical dimensions of fiqh and prioritizes practical needs. The distinct structural feature of the work is that it was composed in a dense, complex style suitable for memorization.

In this respect, *al-Wiqāyah* was adopted as a textbook in the madrasas of regions where Ḥanafī populations lived densely and was widely taught. It also served as a practical handbook, frequently consulted by the judges (*qāḍīs*) of the period for daily legal matters.¹³

This distinctive structure of *al-Wiqāyah* can be largely explained by the academic and social atmosphere of the post-Mongol invasion period. During this period, the dispersion of classical centers of learning and the risk of weakening jurisprudential accumulation paved the way for the

¹¹ Abū al-Ḥasanāt Muḥammad ʿAbd al-Ḥayy al-Laknawī, *al-Fawāʾid al-Bahīyyah fī Tarājīm al-Ḥanafīyyah*, thk. Muḥammad Badr al-Dīn Abū Firās al-Naʿsānī (Cairo: Maṭbaʿat al-Saʿādah, 1324 [1906]), 207; Ömer Faruk Atan, “Burhānūʿş-Şerīʿa’nın *Vikāyetü’r-rivāye fī Mesāʾil-Hidāye* Adlı Eserinin Tahkik ve Tahlili” (Bursa: Uludağ University, Institute of Social Sciences, PhD Dissertation, 2015), 5–11.

¹² Maḥmūd b. ʿUbaydullāh b. İbrāhīm al-Maḥbūbī, Tāj al-Sharīʿa, *Wiqāyat al-Rivāyah fī Masāʾil al-Hidāyah*, ed. Aḥmad Maḥmūd al-Shahādah (Istanbul: al-Maktabah al-Ḥanafīyyah, 2017), 34–35.

¹³ Ömer Faruk Atan, “Hicrî VII. Yüzyıl Hanefî Fakihlerinden Burhānüşşerīʿa’nın *Vikāye Adlı Eseri*”, *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* XXV, no. 2 (2016): 129.

emergence of condensed and standardized texts, such as *al-Wiqāyah*. It can be read as a systematic project for preserving the tradition, aimed at securely transmitting this accumulation to subsequent generations. In this context, the work is considered not only pedagogical but also a historical “scientific intervention” and an effort of “tradition preservation.” This text, a typical manifestation of the scientific productivity that emerges in times of crisis, while initially authored with an individual educational goal, over time it transformed into a foundational text that carries an entire fiqh tradition.

1.2. *Sharḥ al-Wiqāyah*

The first commentary written on *al-Wiqāyah* was composed by the author's grandson, Sadr al-Sharī'a al-Thānī, 'Ubaydullāh b. Mas'ūd (d. 747/1346). According to Sadr al-Sharī'a's statement, his grandfather composed this work to facilitate his memorization.

This information shows that the text was written not only with a scholarly but also with a familial pedagogical mission. Sadr al-Sharī'a did not only commented on *al-Wiqāyah* but also abridged it under the title *al-Nuqāyah*, reorganizing it into a format suitable for different teaching levels. *Sharḥ al-Wiqāyah* is a commentary on both the source text and this abridgment and thus has a multi-layered structure.¹⁴

Although many commentaries on *al-Wiqāyah* have been authored over time, when the phrase *Sharḥ al-Wiqāyah* is used, it refers directly to this work by Sadr al-Sharī'a al-Thānī. Among the author's reasons for composing the work were the fact that the text of *al-Wiqāyah* had been corrupted by some people and his wish to improve the fiqh education of his son, Maḥmūd.¹⁵ *Sharḥ al-Wiqāyah* quickly became one of the foundational sources taught in madrasas, and numerous supercommentaries (*hawāshin*), glosses (*ta'līqāt*), and treatises (*rasā'il*) were written upon it. This demonstrates that the work served as a central text that encouraged academic productivity and fed the commentary tradition.

In his commentary, Sadr al-Sharī'a not only clarified the obscure points of *al-Wiqāyah* but also adopted the method of grounding the

¹⁴ Sadr al-Sharī'a al-Thānī, *Sharḥ al-Wiqāyah*, 1/60 (in the introductory study).

¹⁵ Sadr al-Sharī'a al-Thānī, *Sharḥ al-Wiqāyah*, 2/4–5.

relevant issues in ḥadīths and the juristic reasoning (*ijtihād*) of renowned fuqahā' (*jurists*). This methodological choice transformed his scholarly identity into a multi-layered structure. Sadr al-Sharī'a stands out not merely as a commentator (*shāriḥ*), but also as a mudallil (one who supports the text with evidence) and a muṣannif (a compiler who systematically classifies intra-school opinions). Consequently, *Sharḥ al-Wiqāyah* became the foundational reference text against which all subsequent commentaries on *al-Wiqāyah* would be compared, and it is considered one of the most distinguished examples reflecting the intellectual level of the 14th-century Transoxianan legal tradition.

1.3. *Mahzan al-fiqh*

The second commentary at the focus of this research is the work entitled *Mahzan al-Fiqh*, which belongs to the 16th-century Ḥanafī jurist Muṣliḥ al-Dīn Mūsā b. Mūsā al-Amāsī (d. 938/1532), who lived in Amasya.¹⁶ This work not only reflects the author's scholarly accumulation but also serves as a concrete manifestation of the transformation that the discipline of fiqh underwent during the institutionalization process of the Ottoman Empire.

Muṣliḥ al-Dīn Mūsā was raised in Amasya during an era when the city was known as the *qubbat al-'ulamā'* (dome of the scholars), and scholarly production had reached its peak. He received his foundational education in this city and later took lessons from the prominent scholars of the time through his travels to 'Ajam and Arab lands.¹⁷ The network of relationships the author established with various scholarly centers reveals the intellectual background of the eclectic and synthetic style that is evident in *Mahzan al-Fiqh*. It is reported that the author, who is known to have shown a special interest in the sciences of *uṣūl al-fiqh* (legal theory)

¹⁶ 'Umar Riḍā Kaḥḥālāh, *Mu'jam al-Mu'allifin* (Beirut: Maktabat al-Muthannā, 1957), 13/48; Khayr al-Dīn al-Ziriklī, *al-A'lām* (Beirut: Dār al-'Ilm li-l-Malāyīn, 2002), 7/329; Muḥibb al-Raḥmān al-Kumullā'ī, *al-Budūr al-Muḍiyyah fī Tarājim al-Ḥanafīyyah* (Cairo: Dār al-Ṣalāḥ, 2018), 19/23. For the critical edition of the work, see Muṣliḥ al-Dīn Mūsā b. Mūsā al-Amāsī, *Mahzenü'l-fıkh fī fūrû'l-Ḥanefiyye*, thk. Murat Polat (Istanbul: Dāru'n-Nidā, 2021).

¹⁷ Muṣṭafā b. 'Abd Allāh, Ḥājī Khalīfah, Kātib Çelebi, *Sullam al-Wuṣūl ilā Ṭabaqāt al-Fuḥūl*, thk. Maḥmūd 'Abd al-Qādir al-Arnā'ūt (Istanbul: IRCICA, 2010), 3/359.

and *furū' al-fiqh* (substantive law), authored *Maḥzan al-Fiqh* with the encouragement of Shaykh al-Islām Zanbillī 'Alī Efendi (d. 932/1526).¹⁸

His service as a *qāḍī* (judge), spanning nearly half a century,¹⁹ deepened Muşliḥ al-Dīn Mūsā's experience in harmonizing theoretical knowledge with practice. This long-term administrative accumulation forms one of the fundamental bases of the practice-oriented approach clearly observed in *Maḥzan al-Fiqh*. The author's position among the prominent *fuqahā'* (jurists) of Amasya also indicates the esteem he gained among his contemporaries. Indeed, he was known by honorific titles such as *ḥāfiẓ al-kutub* (the preserver of books) and "Shaykh Muşliḥ al-Dīn."²⁰

The most distinctive aspect of *Maḥzan al-Fiqh* is its encyclopedic structure, which earned it its name meaning "the treasury of books." The work brings together numerous foundational sources of the Ḥanafī legal tradition concisely and systematically. Within this framework, works such as Ibn al-Sā'ātī's *Majma' al-Baḥrayn*, al-Mawṣilī's *al-Ikhtiyār*, Abū al-Barakāt al-Nasafī's *Kanz al-Daqa'iq*, Qiwwām al-Dīn al-Kākī's *Uyūn al-Madhāhib*, Mullā Khusraw's *Durar al-Ḥukkām*, Ḥusām al-Dīn al-Rāzī's *Takmilat al-Qudūrī*, Badr al-Dīn Simāwī's *Laṭā'if al-Ishārāt*, Sadr al-Sharī'a's *al-Nuqāyah*, and al-Marghīnānī's *al-Hidāyah* have been processed with a holistic approach in *Maḥzan al-Fiqh*.

The purpose of the work's composition was directly linked to the needs of the 16th-century Ottoman legal system. The aim of facilitating *qāḍīs* (judges) in rendering judgments and contributing to the codification efforts of the period highlights the pragmatic aspect of the work. This situation shows that Muşliḥ al-Dīn Mūsā's methodology differed fundamentally from the approach of Sadr al-Sharī'a. While Sadr al-Sharī'a continued the classical commentary tradition with the aim of preserving and explaining a single text, Muşliḥ al-Dīn Mūsā used *al-Wiqāyah* merely as a framework and aimed to synthesize the greater part of the later Ḥanafī literature around the structure of this text.

¹⁸ Murat Polat, "Muslihiddin Musa b. Musa el-Amasi (938/1532) ve 'Mahzenü'l-Fıkh' Adlı Eseri", *Uluslararası Amasya Âlimleri Sempozyumu I* (2017): 445.

¹⁹ Amāsī, Muṣṭafā Wāḍiḥ b. Ismā'īl. *Balābil al-Rāsiyah fī Riyāḍ Masā'il al-Amāsiyyah*. (Amasya: Amasya Beyazıt Kütüphanesi, Amasya Beyazıt, 813), 84a.

²⁰ Kumullā'ī, *al-Budūr al-Muḍiyyah*, 19/23.

2. A Comparison of the Commentaries Centered on Kitāb al-Karāhah

In this section, the differences in approach between the two commentaries will be comparatively analyzed through the issues discussed under the heading *kitāb al-karāhah* (the chapter on disliked acts). This comparison aims to the historical trajectory of juristic thought will be traced.

2.1. Approaches to the Conceptual Framework: The Interpretation of the Concept of Makrūh

The text of *al-Wiqāyah* begins the *kitāb al-karāhah* section by emphasizing the disagreements within the Ḥanafī school regarding the concept of *makrūh* (disliked).²¹ Sadr al-Sharīʿa, drawing attention to this conceptual distinction, explains in detail the fundamental differences between *makrūh taḥrīmān* (prohibitively disliked) and *makrūh tanzīhan* (reprehensibly disliked).²² This method clearly reflects the priority he gives to theoretical foundations and his aim of preserving the doctrinal integrity of the school (*madhhab*).

On the other hand, *Maḥzan al-Fiqh* is content with merely transmitting the source text, without focusing on this conceptual difference in detail.²³ This difference reflects not only a stylistic choice but also the scholarly expectations and intellectual needs of two different eras. The fact that such conceptual distinctions had not yet been fully established and needed explanation in the 14th century necessitated this emphasis in *Sharḥ al-Wiqāyah*. By contrast, by the 16th century, the distinctions between concepts had become established in the fiqh literature, which reduced the need for them to be repeated in *Maḥzan al-Fiqh*. This situation can be considered a concrete indicator that Ḥanafī fiqh had matured at the conceptual level over time.

2.2. Methodological Differences in Matters of Eating and Drinking

The issues pertaining to eating and drinking constitute one of the areas where the methodological differences between the two

²¹ Tāj al-Sharīʿa, *al-Wiqāyah*, 483.

²² Sadr al-Sharīʿa al-Thānī, *Sharḥ al-Wiqāyah*, 5/93.

²³ Amāsī, *Maḥzan al-fiqh*, 626.

commentaries can be most clearly observed. Sadr al-Sharī'a, adhering to the source text, systematically addresses the juristic principles upon which it is based, the intra-school disagreements, and the evidence based on ḥadīth. Particularly on controversial topics such as camel's urine and donkey's milk, he compares the view of Abū Ḥanīfa (d. 150/767) with those of Abū Yūsuf (d. 182/798) and Imām Muḥammad (d. 189/805) regarding the permissibility of their use for medicinal purposes, within the framework of the principle of *ḍarūrah* (necessity) and the ḥadīth that states, "Your cure is not in what has been forbidden to you."²⁴ This type of comparison highlights the text's effort to be compatible with intra-school systematization.

In contrast, *Maḥzan al-Fiqh*, proceeding from the same textual basis, opens to a broad, practice-oriented juristic framework. Muşliḥ al-Dīn Mūsā does not limit himself with merely transmitting the text; he goes beyond it to create a comprehensive interpretive space. One notable example of this approach is his introduction of an exception for "women who wish to gain fullness/weigh" to the ruling that overeating is makrūh (disliked).²⁵ This exception is closely related to the social perceptions of the period. In that era, corporeal fullness short of obesity was associated with health, fertility, and feminine aesthetics.²⁶ This example concretely demonstrates that juristic rulings can be shaped by time, culture, and societal values.

Continuing this expansive approach, Muşliḥ al-Dīn Mūsā touches upon numerous new issues not addressed in *Sharḥ al-Wiqāyah*, ranging from the ruling on begging in mosques to that on eating fallen fruit, and from the *ādāb* (etiquette) of applying musk to feeding animals.²⁷ This indicates that, in his view, fiqh encompasses not only theoretical rulings but also a comprehensive regulatory framework that governs all aspects of social life.

²⁴ Sadr al-Sharī'a al-Thānī, *Sharḥ al-Wiqāyah*, 5/93–94.

²⁵ Amāsī, *Maḥzan al-fiqh*, 626.

²⁶ Sami Akbıyık, "Osmanlı modernleşmesinde Beyaz Köleler: 'Güzel kadın' algısı, şişman kadından zayıf kadına nasıl dönüştü?", *Independent Türkçe*, June 15, 2022.

²⁷ Amāsī, *Maḥzan al-fiqh*, 626–27.

A distinct methodological difference between the two commentaries also emerges in matters concerning luxury consumer goods, such as gold and silver vessels. Sadr al-Sharī‘a, continuing the classical commentary tradition on these topics, presents the evidence systematically.²⁸ However, Muṣliḥ al-Dīn Mūsā focuses directly on determining the ruling and addresses the issues through contextual application. For instance, his inclusion of specific situations not found in *Sharḥ al-Wiqāyah*—such as eating with a spoon, applying kohl, or using a decorated turban²⁹—shows that his juristic approach is more sensitive to the social realities of the period. This methodological difference constitutes a concrete example of the direct reflection of socio-economic developments and changing lifestyles in juristic texts. The increasing level of prosperity and diversifying consumption habits of 16th-century Ottoman society directed jurists towards more detailed and specific regulations. This, in turn, paved the way for the composition of more functional and practice-oriented works such as *Mahzan al-Fiqh*.

2.3. Differences in Approach Regarding the Validity of a Single Person's Statement in Transactions (Mu‘āmalāt)

In Islamic law, the issue of the validity of information given by a single person in daily commerce and legal transactions constitutes an important example for observing the methodological differences exhibited between the two commentaries. In this context, both works’ attitude toward this matter reveals how juristic thought was shaped in line with the periodic needs.

Sadr al-Sharī‘a addresses the acceptance of single statements in the domain of transactions (*mu‘āmalāt*) within a theoretical framework. For example, he explains that the reason a non-Muslim's statement that the meat he slaughtered is permissible (*ḥalāl*) is considered valid is the prevalence of trade relations in society and this becoming a societal necessity.³⁰ This approach reflects his method of going beyond merely stating the ruling, but also systematically revealing the underlying general principles and the legal rationale upon which these principles are based.

²⁸ Sadr al-Sharī‘a al-Thānī, *Sharḥ al-Wiqāyah*, 5/94.

²⁹ Amāsī, *Mahzan al-fiqh*, 627.

³⁰ Sadr al-Sharī‘a al-Thānī, *Sharḥ al-Wiqāyah*, 5/95.

Conversely, Muşlih al-Dîn Mūsā adopts a more pragmatic and practice-oriented methodology when addressing the same topics. He prefers to detail the existing rulings through concrete examples. For instance, concerning the acceptance of a non-Muslim's statement about meat, instead of engaging in the analytical reasoning Sadr al-Sharī'a, he explicitly expands the scope of the ruling by adding the phrase "even if he is a Zoroastrian (*Majūsī*)."³¹ This situation reveals that during the period when the second commentary was composed, as both legal transactions and social relations grew more complex, jurists encountered an increasing need to produce more concrete, applicable, and practical solutions. The dense commercial relations with non-Muslims in cities like Amasya—situated within the multi-religious and multi-ethnic structure of the Ottoman Empire and located on international trade routes—drove jurists to develop such practical solutions.

2.4. The Transformation in the Understanding of Clothing (*Libās*) and Etiquette (*Ādāb*)

When it comes to the chapter on clothing (*libās*), the fundamental differences between the two commentaries become even more evident. Sadr al-Sharī'a meticulously follows the normative structure of the text, systematically explaining the prohibition on men wearing silk and the "four-finger" exception within the framework of relevant ḥadīth narrations. Particularly on topics such as the use of silk in warfare or its evaluation in items such as bedding and pillows, he presents in detail the disagreements between Abū Ḥanīfa and his disciples, Abū Yūsuf and Imām Muḥammad, along with their rationales.³² This stance clearly reveals his aim of teaching theoretical fiqh and the logical foundations of intra-school debates.

In contrast, *Maḥzan al-Fiqh* largely leaves these theoretical discussions in the background; after stating the established ruling with the phrase "according to the soundest opinion," it systematically expands the practical application domain of the topic. His addition of new areas of permissibility not found in Sadr al-Sharī'a's work reveals an approach that is sensitive to the social and cultural needs of the period. For example, his

³¹ Amāsī, *Maḥzan al-fiqh*, 628.

³² Sadr al-Sharī'a al-Thānī, *Sharḥ al-Wiqāyah*, 5/96.

statement that silk could be used as a curtain or hung at a door³³ shows how fiqh responded to the enriching interior culture of 16th-century Ottoman society. More importantly, against the view that only silver is permissible, he cites a narration (*riwāyah*) from Imām Muḥammad permitting gold as well, stating that a tooth may be bound not only with silver but also with gold.³⁴ This reveals that Muṣliḥ al-Dīn Mūsā assumed the role of a jurist (*faqīh*) who presents not only the dominant opinion but also valid alternatives within the school to the reader.

Maḥzan al-Fiqh's most original contribution to the text is its transformation of the topic of clothing into a comprehensive treatise on etiquette (*ādāb*) and morals (*akhlāq*), going beyond the boundaries of the *al-Wiqāyah* text. Muṣliḥ al-Dīn Mūsā enriches the topic with aesthetic and moral dimensions, establishing principles not found in Sadr al-Sharīf's commentary, such as the fundamental purpose of clothing being to cover the private parts (*awrah*) and to protect from heat and cold. He states that adornment and wearing beautiful clothes are permissible (*mubāḥ*), but that becoming arrogant through them is disliked (*makrūh*); he recommends colors like white and black while considering red and yellow disliked. His inclusion of different opinions regarding how long the end of a turban should hang is also an indicator of his consideration of fiqh as a domain intertwined with social and cultural practices.³⁵ This stance of Muṣliḥ al-Dīn Mūsā reveals how the aesthetic sensibilities, social status indicators, and Sufistic tendencies of 16th-century Ottoman society were reflected in juristic texts.

This comparison also reveals how the category of makrūh expanded within the history of fiqh. The theoretical ḥarām-ḥalāl distinction emphasized by Sadr al-Sharīf focuses gives way, in Muṣliḥ al-Dīn Mūsā's approach, to a much more comprehensive evaluative framework that includes moral preferences and social appropriateness criteria. This transformation is one of the clearest indicators of fiqh's evolution from being merely a legal discipline into a comprehensive guide for life that encompasses all its aspects.

³³ Amāsī, *Maḥzan al-fiqh*, 630.

³⁴ Amāsī, *Maḥzan al-fiqh*, 631.

³⁵ Amāsī, *Maḥzan al-fiqh*, 630–31.

The most radical difference between the two works, however, emerges at the structural level. While Sadr al-Sharī'a, as a faithful commentator (*shāriḥ*), strictly adheres to the thematic order of the *al-Wiqāyah* text, Muşliḥ al-Dīn Mūsā directly intervenes in this structure. He adds an entirely new and comprehensive section on speech and discourse “faşlun fī al-kalām” not found in the original text, within the chapter on clothing. In this section, numerous topics are addressed, from serious discourses such as lying, gossip, and excommunication (*takfīr*), to the etiquette of greeting (*salām*).³⁶ This structural intervention shows that *Mahzan al-Fiqh* goes beyond being a classical commentary, becoming an original composition (*ta'lif*) that addresses issues the author deemed urgent and important for the Muslims of his time—especially creedal (*'aqā'id*) and social identity debates—on the foundation of an existing fiqh text. The addition of the chapter on kalām in this manner reflects how vital the religious and social fractures, sectarian tensions, and the distinctions between innovation (*bid'ah*) and tradition (*sunnah*) were seen by jurists in 16th-century Ottoman society.

2.5. Transformations in the Chapter on Naẓar (Looking) and Lams (Touching)

The chapter on looking (*naẓar*) and touching (*lams*) provides one of the most striking examples of how the methodological differences between the two commentaries demonstrate the evolution of fiqh from a theoretical plane to practical and moral dimensions. Sadr al-Sharī'a defines the boundary of nakedness (*'awrah*) in a man looking at another man through the established view of the Ḥanafī school (the knee is *'awrah*, the navel is not) and its difference from the Shāfi'ī school, thereby drawing a normative and inter-school framework.³⁷ His approach is to clarify legal boundaries and to demonstrate their legitimacy through supporting evidence.

On the other hand, *Mahzan al-Fiqh* does not limit itself to merely transmitting the established view on the same subject; it also includes other, more flexible opinions not found in the source text, such as “the *'awrah* consists only of the private parts, not the thigh.” More importantly,

³⁶ Amāsī, *Mahzan al-fiqh*, 631–35.

³⁷ Sadr al-Sharī'a al-Thānī, *Sharḥ al-Wiqāyah*, 5/98.

Muṣliḥ al-Dīn Mūsā adds a practical moral supervision rule regarding how this juristic ruling should be applied in social life: a mild verbal warning to one who exposes his knee, a firmer response for exposing the thigh, and in case of repeated exposure of the private parts, a physical intervention if necessary.³⁸ This elaboration offers a concrete contribution—not found in Sadr al-Sharī‘a’s theoretical analysis—towards the function of fiqh in regulating public order and social morality.

The way the two works handle a subjective condition such as “being secure from lust” is extremely illuminating in terms of demonstrating the evolution of the moral depth of juristic thought. Sadr al-Sharī‘a makes the license (*rukhsah*) for looking at a close relative (*maḥram*) conditional upon the man “being secure from his own desire” and he states in technical terms that this condition is waived in cases of necessity (*ḍarūrah*) (e.g., testimony, medical treatment, security inspections, etc.).³⁹ This reflects the method of the classical fiqh tradition of regulating subjective conditions with objective criteria.

Maḥzan al-Fiqh, however, takes this condition to a more holistic and psychological dimension. By making the condition bilateral, he adds with the phrase (*shahwatihā*) that the man must be secure not only from his own lust but also from hers.⁴⁰ Muṣliḥ al-Dīn Mūsā’s expansive interpretation on this point reveals that fiqh developed a more comprehensive moral principle by considering not only individual behavior but also the social risks that could arise from mutual interaction. This type of evaluation provides a powerful example of the representation of Ottoman society’s social fabric within fiqh. Similarly, his treatment of the issue of “looking at a handsome young boy”—a topic Sadr al-Sharī‘a does not mention at all—with the same concern for desire is clear evidence that Muṣliḥ al-Dīn Mūsā adopted a more sensitive and courageous juristic approach toward the social realities and moral anxieties of his period.⁴¹ His decision to openly discuss an issue that usually remained at the level of implication in classical fiqh texts makes *Maḥzan al-Fiqh* a work that pushes the

³⁸ Amāsī, *Maḥzan al-fiqh*, 636.

³⁹ Sadr al-Sharī‘a al-Thānī, *Sharḥ al-Wiqāyah*, 5/99.

⁴⁰ Amāsī, *Maḥzan al-fiqh*, 636.

⁴¹ Amāsī, *Maḥzan al-fiqh*, 636.

boundaries of the classical commentary tradition and possesses a high degree of originality.

One of Muşlih al-Dîn Mūsā's most notable contributions to the chapter on *naẓar* and *lams* is that he did not content himself with merely interpreting this section, but also structurally expanded it and created new topics. While Sadr al-Sharīʿa remains faithful to the limits of the *al-Wiqāyah* text, *Mahzan al-Fiqh* incorporates new topics into this chapter, such as the “etiquette of the public bath (*ḥammām*)” and the “prophetic practices of cleanliness,” which, although only indirectly related to the topics of *naẓar* and *lams*, were considered important in terms of contemporary social practices.⁴²

Behind this choice, the need to regulate public baths—which occupied a central place in Ottoman urban culture—from a religio-legal perspective seems to have been influential. The detailed treatment of topics such as covering one's nakedness (*ʿawrah*) in the bath, rules of cleanliness, the use of water, and greeting etiquette reveals that Muşlih al-Dîn Mūsā did not view *fiqh* as consisting of abstract rulings but instead addressed it in a way that encompasses all aspects of daily life. Similarly, the presentation of personal grooming practices such as clipping nails, shaving, and weekly bathing within a juristic framework shows that *Mahzan al-Fiqh* functions not only as a commentary but also as a manual of etiquette (*ādāb*) and a catechism (*ʿilmihāl*) concerned with regulating an individual's body and life in accordance with the Sunnah. This structural and content expansion reveals that Muşlih al-Dîn Mūsā positioned himself not merely as a commentator who explains the text, but as an author and educator who reorganizes the religious and social needs of his age.

2.6. Differentiation on the Axis of Theory and Practice in the Topic of *Istibrāʿ*

The topic of *istibrāʿ*⁴³ is one of the areas that most clearly demonstrates the difference in mentality between the methodologies of the two commentaries. When addressing this issue, Sadr al-Sharīʿa does

⁴² Amāsī, *Mahzan al-fiqh*, 637.

⁴³ *Istibrāʿ*: The waiting period for a female slave to ascertain whether she is pregnant, during which she refrains from sexual relations with her new master. Mehmet Erdoğan, *Fıkıh ve Hukuk Terimleri Sözlüğü* (Istanbul: Rağbet Yayınları, 1998), 207.

not limit himself with merely citing the ruling; he also focuses on constructing the philosophical foundation of legal legitimacy that supports it. Within this framework, he delves deeply into the distinction between the ‘wisdom’ (*ḥikmah*) behind *istibrāʾ* (the protection of lineage) and the ‘legal cause’ (*ʿillah*) that serves as the basis for the ruling (the re-establishment of ownership). Furthermore, to demonstrate that this ruling is general and unconditional, he resorts to a powerful analogy—such as the prohibition of wine.

This methodology indicates that he views fiqh as a universal and systematic structure in which every part is internally coherent.⁴⁴

In contrast, *Maḥzan al-Fiqh* almost never enters such deep theoretical discussions. In the 16th-century Ottoman world in which Muṣliḥ al-Dīn Mūsā lived, the fundamental principles of fiqh had already been established, and the real need was to determine how these principles should be applied to the complex situations of practical life. For this reason, he not only mentions the different opinions on specific issues—such as the waiting period for a woman who has ceased menstruation—but also, as a scholar of the later period (*mutaʾakhkhirūn*), provides practical guidance for judges (*qāḍīs*) and students by specifying which opinion is “authoritative for fatwā” (*muftā bih*) in practice.⁴⁵

2.7. Miscellaneous Issues (Mutafarriqāt)

Maḥzan al-fiqh’s treatment of numerous contemporary and practice-oriented issues not included in Sadr al-Sharīʿa’s commentary concretely reveals the expansion of scope that fiqh underwent in the course of history. The topic of “hand-kissing” (*taqbīl al-yad*), which Muṣliḥ al-Dīn Mūsā incorporates into the text, transcends being a mere detail and becomes a symbol establishing the juristic legitimacy of the social order. His inclusion of the *ʿālim* (scholar), the pious person, and the just ruler (*sultān ʿādil*) among those whose hands may be legitimately kissed shows that Muṣliḥ al-Dīn Mūsā aimed to ground the ideal social order on juristic foundations based on knowledge, piety, and justice.

Going even further, he touches on an extremely sensitive issue: the “prostration of reverence” (*sujūd al-taʿẓīm*) before great personages. His

⁴⁴ Sadr al-Sharīʿa al-Thānī, *Sharḥ al-Wiqāyah*, 5/100–101.

⁴⁵ Amāsī, *Maḥzan al-fiqh*, 638.

discussion of whether this constitutes disbelief (*kuf*)—citing an authority like Imâm al-Sarakhsî—demonstrates that he is not merely a commentator, but also a jurist (*faqîh*) who seeks answers from the classical juristic heritage for the most complex moral and doctrinal (*'aqîdah*) questions of his age.

Similarly, his statement that “there is no harm for one who has fulfilled his obligatory duties to enjoy beautiful sights or the company of female slaves,”⁴⁶ indicates that he approached fiqh not merely as a system of prohibitions but as an art of living that embraces aesthetic pleasures as well. This expansive approach clearly illustrates that fiqh served to legitimize the aesthetic values and lifestyles characteristic of Ottoman elite culture.

One of the areas in which Muşlih al-Dîn Mūsâ most distinctly expanded the juristic horizon of fiqh is in matters of political and medical ethics. In a striking departure from Sadr al-Sharî'a's commentary, his discussion on the legitimacy of fighting against the “assistants of tyrannical rulers” reveals how the political tensions and justice-oriented sensitivities of the time were reflected in juristic discourse.⁴⁷

Furthermore, the detailed juristic framework he developed for vital issues in the field of medical ethics—such as the amputation of a gangrenous limb or risky surgical interventions—shows that his work engaged in dialogue with the scientific knowledge of the period and sought to transform fiqh into a kind of bioethical discipline. Based on medical opinion, he permits intervention if there is hope for healing but advises against it if it would only cause pain. This demonstrates that fiqh can develop a deep moral perspective on the limits of human life.⁴⁸

The inclusion of such issues in the text shows that *Mahzan al-Fiqh* became not merely a commentary explaining *al-Wiqāyah*, but a comprehensive guide to social, political, and moral conduct for 16th-century Ottoman society. Muşlih al-Dîn Mūsâ's effort to enrich the text with contemporary concerns and adapt it to social realities earned it a unique place within the fiqh tradition.

⁴⁶ Amāsî, *Mahzan al-fiqh*, 639.

⁴⁷ Amāsî, *Mahzan al-fiqh*, 639.

⁴⁸ Amāsî, *Mahzan al-fiqh*, 645.

Conclusion

This comparative study of the *kitāb al-karāhah* sections in *Sharḥ al-Wiqāyah* and *Maḥzan al-Fiqh*—two commentaries on the foundational Ḥanafī text *al-Wiqāyah*—has revealed not only content-based and methodological differences but also concretely demonstrated the transformation of Islamic legal thought over time. The contrast between Sadr al-Sharīʿa's 14th-century theoretical and text-centric approach and Musliḥ al-Dīn Mūsā's 16th-century practical, encyclopedic, and socially responsive method illustrates that fiqh is not a static body of knowledge but an evolving discipline shaped by historical contexts. This evolution provides a compelling example of the maxim, "The alteration of legal rulings due to the change of time is an established principle that cannot be denied", as reflected in the legal literature.

The fundamental divergence between the two works becomes most apparent in their structural and methodological orientation. While Sadr al-Sharīʿa, as a classical shāriḥ, adheres strictly to the original structure of *al-Wiqāyah*—clarifying ambiguous expressions, presenting evidence systematically, and classifying intra-school views—Musliḥ al-Dīn Mūsā stretches and reconfigures that structure. By incorporating new chapters and reorganizing dispersed issues, he acts not merely as a commentator but as a *muṣannif* (author-compiler) responding to the evolving needs of his time.

This structural transformation in *Maḥzan al-Fiqh* shifts fiqh from a discipline confined to legal norms to a multidimensional knowledge system encompassing all aspects of personal and social life. While Sadr al-Sharīʿa's work remains grounded in legal principles and theoretical justifications, Musliḥ al-Dīn Mūsā expands the scope of fiqh into spheres such as etiquette (*ādāb*), politics, public morality, medical ethics, and aesthetics—addressing issues like public baths, tyrannical governance, bribery, bodily care, and artistic sensibilities. Thus, fiqh evolves from a system that answers questions of permissibility and prohibition into a holistic life discipline that outlines the contours of ethical living.

Naturally, this expansion redefines the role and function of the faqīh as well. The first key conclusion of this study is that the jurist's role is historically contingent. Sadr al-Sharīʿa appears as a "systematizing founder," reconstructing the intellectual foundations of the madhhab in the aftermath of the Mongol invasions, whereas Musliḥ al-Dīn Mūsā

emerges as a “practitioner-educator” who offers practical rulings, determines the opinion to be followed in fatwā (*muftā bih*), and contributes to madrasa pedagogy and legal practice in the Ottoman context.

The second important conclusion is that a fiqh text cannot be properly understood without attending to the historical, social, and intellectual context in which it was produced. While Sadr al-Sharī'a's commentary reflects the scholarly legacy of Transoxiana and the intellectual rebuilding after the Mongol devastations, Maḥzan al-Fiqh serves as a window into the cultural and political climate of 16th-century Amasya. Both works bear the imprint of the political stability, economic conditions, and academic atmosphere of their respective periods.

Methodologically, this study underscores the effectiveness of detailed textual comparison for revealing large-scale shifts in Islamic legal history. It is evident that applying the same comparative approach to other sections of fiqh—such as *ibādāt* (acts of worship) or *mu'āmalāt* (transactions)—would enrich our understanding of jurisprudential development. Whether the encyclopedic and practice-oriented character of *Maḥzan al-Fiqh* represents a broader trend in the period or is unique to Muslih al-Dīn Mūsā remains a fertile question for further research.

Ultimately, the intellectual dialogue between these two works reveals that fiqh should not be regarded merely as a historical corpus but as a living tradition, continually reinterpreted considering changing realities. The dialectic between the theoretical depth of Sadr al-Sharī'a and the practical breadth of Muslih al-Dīn Mūsā demonstrates the enduring vitality of comparative textual analysis in understanding the trajectory of Islamic law affirming the rich potential this methodology offers for future scholarship.

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