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A Comparative Look at the Works of Akhisârî's *Sharhu Samti'l-Wusûl ilâ 'Ilmi'l-Usûl* and Hızır b. Muhammad al-Amâsî's *Tehyîj-u Ghusûni'l-Usûl*

Abstract

Abû Barakât al-Nasafî's work on Islamic legal methodology, titled *Manâru'l-anwâr*, has become arguably the most influential work of the Hanafi usûl al-fiqh literature in the contractor (post-classical) period. The work in question also has the distinction of being the last text written using the Hanafiyyun (Fuqahâ) method. The work, which is a kind of summary of the *Usûls* of Pazdavî and Sarakhshî, two Hanafi scholars of the classical period, was organized in accordance with Pazdavî's style and was composed according to the chapter-sections system. This work was taught as a textbook in madrasahs and many places in Islamic countries, and hundreds of summaries, commentaries, footnotes and translations were made on it. During the Ottoman period, which developed both the Balkans and Anatolia in terms of belief, culture, architecture, etc. during its nearly 600-year rule, the Bosnians, who continued to exist as a part of this empire for 400 years, and the scholars who grew up in that region, made efforts to combine Ottoman science and culture with their own local culture through scientific activities. In this context, in the 17th century, the scholar Hasan Kâfî Akhisârî, who lived in Bosnia and Herzegovina, which was an Ottoman land at the time, and grew up in that region, wrote a summary of the *Manâru'l-anwâr* in Arabic, called *Samtu'l-Wusûl ilâ ilmi'l-usûl* and then wrote a commentary on this summary, called *Sharhu Samti'l-Wusûl ilâ 'Ilmi'l-Usûl*. In the same period, the scholar from Amasia, Hızır b. Muhammad al-Amâsî, who lived in Anatolia, wrote a summary in Arabic called *Ghusûnu'l-Usûl* on Nasafî's *al-Manâr* and he himself commented on this summary with *Tehyîj-u Ghusûni'l-Usûl*. This research aims to comparatively examine the similar and different aspects of these two commentaries on the same work from the 17th century Islamic world. In the research, firstly, the work titled "*Manâr al-anwâr*" which is about Nasafî and the science of usûl al-fiqh is introduced, after giving information about Akhisârî and Hızır b. Muhammad, general information is given about the commentaries of *al-Manâr* written by both authors. Subsequently, the commentaries of both authors were examined comparatively in terms of their sources, arrangement and subject classification, methodology, content, and approach to the topics, revealing the similarities and differences between the two works within the context of usûl al-fiqh methodology. The 17th century is often referred to as the "Period of Taqlid" in the literature in terms of the history of fiqh, but it seems that sufficient research has not been done on this period until recently. Comparative studies of this kind

will help us to obtain more accurate information about the jurisprudential and methodological thought of that period. In addition, the comparative study of the two works in question, one written in Europe (Balkans) and the other in Anatolia, belonging to the same period and being commentaries on the same work, have a feature that fill the gap in the field in terms of revealing the reflections of the 17th century Hanafi usûl al-fıqh methodology and systematics in the East and West.

Keywords: Usûl of Fıqh, Commentaries of *Manâru'l-anvâr*, Akhisârî, *Sharhu Samti'l-Wusûl*, Hızır b. Muhammad al-Amâsî, *Tehyîj-u Ghusûni'l-Usûl*.

Akhisârî'nin *Şerhu Semti'l-Vüsûl* ve Hızır b. Muhammed el-Amâsî'nin *Tehyîc-u Gusûni'l-Usûl* Eserlerine Mukâyeseli Bir Bakış

Öz

Ebu'l Berekât en-Nesefî'nin İslam hukuk metodolojisine dair *Menâru'l-envâr* isimli eseri müteahhirûn (klasik sonrası) dönemde Hanefî usûl-i fıkh edebiyatının tartışmasız en etkili eseri olma hüviyetine sahip olmuştur. Söz konusu eser ayrıca Hanefiyyûn (Fukahâ) metodu ile kaleme alınmış son metin olma özelliğine sahiptir. Klasik dönem Hanefî fukahalarından Pezdevî ve Serahsî'nin *Usûl*'lerinin bir nevi özeti olma niteliğini taşıyan eserin konu tertibinde Pezdevî'nin tarzına bağlı kalınmış ve fasıl-bab sistemine göre oluşturulmuştur. Bu eser medreselerde ve İslâm beldelerinin birçok yerinde ders kitabı olarak okutulmuş ve üzerinde yüzlerce muhtasar, şerh, hâşiye ve tercüme faaliyetleri yapılmıştır. 600 yıla yakın hakimiyeti sürecinde gerek Balkanlar gerekse Anadolu'yu inanç, kültür, mimari vb. açılardan imar eden Osmanlı döneminde 400 yıl boyunca bu imparatorluğun bir parçası olarak varlığını sürdürmüş olan Boşnaklar ve o bölgede yetişen âlimler ilmî faaliyetler ve kendi yerel kültürleri ile Osmanlı ilim ve kültürünü birleştirme çabası içerisinde olmuşlardır. Bu minvalde 17. Yüzyılda o dönem Osmanlı toprakları olan Bosna-Hersek'te yaşayan ve o bölgede yetişen âlim Hasan Kâfî Akhisârî *Menâru'l-envâr*'a Arapça *Semtu'l-Vüsûl ilâ 'İlmi'l-Usûl* isimli bir muhtasar yazmış ardından bu muhtasar üzerine *Şerhu Semti'l-Vüsûl ilâ 'İlmi'l-Usûl*" isminde bir şerh kaleme almıştır. Aynı dönemde Anadolu'da yaşayan Amasyalı âlim Hızır b. Muhammed el-Amâsî de Nesefî'nin *el-Mênâr*'ı üzerine Arapça *Gusûnü'l-Usûl*" isimli bir muhtasar kaleme almış ve *Tehyîc-u Gusûni'l-Usûl* ile bu muhtasarını yine kendisi şerhetmiştir. Bu araştırmada 17. Yüzyıl İslâm dünyasının aynı esere dair kaleme alınmış olan bu iki şerhin benzer ve farklı yönlerinin mukayeseli olarak ele alınması amaçlanmıştır. Araştırmada öncelikle Nesefî ve usûl-i fıkh ilmi ile ilgili olan *Menâru'l-envâr* isimli eseri tanıtılmış, Akhisârî ve Hızır b. Muhammed

hakkında bilgilere yer verildikten sonra her iki müellifin kaleme aldıkları *Menâr* şerhleri hakkında genel bir bilgilendirme yapılmıştır. Ardından her iki müellifin şerhleri kaynakları, tertip ve konu tasnifi, yöntem (metod), muhtevâ (içerik) ve konuların ele alınış tarzları açılarından mukâyeseli bir şekilde ele alınarak usûl-i fıkıh metodolojisi bağlamında her iki eser arasındaki benzer ve farklı yönler ortaya konulmuştur. 17. Yüzyıl, fıkıh tarihi açısından literatürde daha çok "taklit dönemi" olarak isimlendirilmekte fakat yakın zamana kadar bu dönemle ilgili yeterli düzeyde araştırmalar yapılmadığı görülmektedir. Bu türden mukayeseli çalışmalar, o dönemin fıkıh ve usûl düşüncesi ile ilgili daha sağlıklı bilgilere ulaşmamıza yardımcı olacaktır. Ayrıca aynı döneme ait ve aynı eserin şerhleri olma özelliğine sahip biri Avrupa (Balkanlar) diğeri Anadolu'da kaleme alınmış söz konusu iki eserin mukayeseli bir şekilde ele alınması 17. Yüzyıl Hanefî usûl-i fıkıh metodolojisinin ve sistematığının doğu ile batıdaki yansımalarının ortaya konulması açısından alanda boşluğu doldurucu nitelikte bir özellik taşımaktadır. **Anahtar Kelimeler:** Fıkıh Usûlü, *Menâru'l-envâr* Muhtasarları, Akhisârî, *Şerhu Senti'l-Vüsûl*, Hızır b. Muhammed el-Amâsî, *Tehyîcu Gusûni'l-Usûl*.

Introduction

Summary of the works of Abu Barakat al-Nasafî (d. 710/1310), Pazdavî (d. 482/1089) "*Kanzu'l-wusûl*" and Sarakhshî's (d. 483/1090) work entitled "*al-Usûl*," written in the Hanafi (jurists) method¹ and adhering to Pazdavî's style in the arrangement of topics²,organised according to the chapter and section system, is an Islamic legal methodology work entitled "*Manâru'l-anwâr*" is undoubtedly the most influential work in post-classical Hanafi usûl literature³ and is the most studied text in the context of the history of usûl al-fıqh.⁴ In this regard, al-Nasafî's systematic

¹ The most important feature of the Fuqahâ method is that it derives rules from jurisprudential examples. In other words, it is a method that emphasises the inductive method in determining the rules. See Asım Köksal-İbrahim Kâfi Dönmez, "Usûl-i Fıkıh", *TDV İslâm Ansiklopedisi*. (Istanbul: TDV Yayınları, 2012), 42/201.

² Ömer Rıza Kehhale, *Mu'cemu'l-müellifin* (Beirut: s.n., n.y.), 4/102; Kâtib Çelebi, *Kashf al-Zunûn 'an Asâmi al-Kutub wa'l-Funûn*, ed. Şerefettin Yalpkaya-Muallim Rifat (İstanbul: s.n., 1360-1362), 2/1827.

³ Murteza Bedir, "Ebu'l Berekât en-Nesefî", *TDV İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 2006), 32/567.

⁴ Bedir, "Ebu'l Berekât en-Nesefî", 32/568. Nesefî wrote two commentaries on this work, one short and one long, entitled 'al-Munavvir' and 'Kashful-Asrar. See Yusuf b.

summarisation of all usûl al-fiqh topics, particularly for madrasa students, and his indication of the preferred opinions in the Hanafi school of thought using expressions such as 'preferred', "authentic" and 'according to the majority', as well as his inclusion of authentic opinions narrated from Abû Hanîfa in cases of disagreement, have been effective.⁵ As the last text written using the fuqaha method, it is considered one of the most influential texts of the classical period and contributed greatly to the expansion of the Hanafi school of thought.⁶ Although the work does not contain many technical terms, it covers all topics of fiqh in a concise and straightforward manner, and in this respect, it serves as an introduction to the methodology of fiqh.⁷ In his work, al-Nasafî didn't adhere to sectarianism; he included the views of the Ashari, Mu'tazila, Hanafi, Shafi'i and Hanbali schools of thought. After presenting the view preferred by the Hanafi school of thought on the subject, he compared this view with the views of Shâfi'î and other mujtahids.⁸

Nasafî was a Hanafi scholar of jurisprudence and a jurist, as well as an exegete and a theologian belonging to the Maturidi school.⁹ Due to his expertise in the subordinate and the fundamental areas of fiqh, he was described as a "mujtahid in the school of thought"¹⁰ and had a distinguished place among the jurists of the later period and he took lessons from important teachers and trained many students.¹¹

Tağrıberdî, *al-Menhelu's-Safî wa'l-Mustavfi* (Kahire: s.n., 1984); 7/72; Kınalızâde Ali Efendi, *Tabakâtu'l-fuqahâ*, ed. el-Hâc Ahmed Neyle, (Mshul: s.n., 1961), 2/188.

⁵ Kâtib Çalabı, *Kashf al-Zunûn*, 2/1823.

⁶ Mustafa Çil, "Respect and Criticism in Works on the Methodology of Islamic Jurisprudence: The Example of Ibn Melek's Sharh al-Manar", *Critical Culture and the Ethics of Tolerance in Islamic Thought-III*, Muş Alparslan University (İstanbul: Yayınları of the Islamic Sciences Research Foundation, 2021); 443.

⁷ Muhammad b. Kâsım al-Ghûrânî, *Sharhu Mukhtaşar al-Manâr fi Usûli'l-Fiqh*, (Cairo: s.n., 1988), 34.

⁸ See Abu Barakât al-Nasafî, *Manârü'l-envâr (along with Ibn Melek's Sharh al-Manâr)*, Critical ed. Ebu Bekir Abdülmübdi (Cairo: Dar al-Kitâb al-Islami, 1431).

⁹ Ahmet Yaman, "Ebu'l-Berekât en-Nesefî ve Bir Fıkıh Klasiği Kenzü'd-Dekâik", *Selçuk Üniversitesi İlahiyat Fakültesi Dergisi* 8 (1999), 346.

¹⁰ Abdülhay Leknevî, *al-Fawâ'id al-Bahiyya* (Beirut: Daru'l-Marife, n.y.), 102. Yaman, "Ebu'l-Berekât en-Nesefî ve Bir Fıkıh Klasiği Kenzü'd-Dekâik", 349.

¹¹ For detailed information about Nesefî's teacher and students, See Kılıç Aslan Mavil, "Bir Hanefî-Mâtürîdî Âlimi Ebü'l-Berekât en-Nesefî", *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* 22/1 (2013), 70-74.

The work titled *Manâru'l-envâr*¹² which was written by al-Nasafî¹³ during a period when the Mongol invasion affected the Islamic geography, was taught as a textbook in madrasahs and various places of the Islamic world for many years¹⁴ and many (nearly 100) summaries, commentaries, footnotes and translations were written on this work.¹⁵

Hasan Kâfî Akhisârî (d. 1024/1615), originating from Bosnia and Herzegovina and the subject of our research, wrote the work named *Samtu'l vusûl* in the style of the summary of *al-Manâr* and then wrote a commentary on this work with the name *Sharhu Samti'l-Wusûl ilâ 'İlmi'l-usûl*. Hızır b. Muhammad al-Amâsî (d. 1084/1673), who was originally from Amasia, produced the work named *Ghusûnu'l-Usûl*, which is the abbreviated form of *al-Manâr*, and he commented on this work with the name *Tehyîj-u Ghusûni'l-Usûl*.

In the comparative section of our research, the edition of Akhisârî's work titled *Sharhu Samti'l-Wusûl*, which was edited by Orhan Ençakar, will be taken as basis.¹⁶ The author stated that as a result of the examination and revision of Akhisârî's text and commentary copies, there were copies of a second version of both, and that she based her second version on the differences from the first version, as well as the *minhuvât* belonging to Akhisârî that were not included in the other editions, were

¹² For some manuscript copies of the work, see Süleymaniye Library, Fatih 1458, 1459/ 1; Yusuf Ağa 193; Cârîlullah 538; Laleli 757, 792, 795; Ayasofya 1010, 4790; Aşir Efendi 145/2; Bağdatlı Vehbi Efendi 343/1; Hâlet Efendi 142; Manuscript Donations 1653; Hasib Efendi 99.

¹³ İbrahim al-Lawâtî İbn Battuta, *Tuhfetü'n-Nuzzâr*, Critical ed. A. Murat Güven (İstanbul: s.n., n.y.), 178; Alaaddin Cüveynî, *Târîkh-i Jahân-Gushâ*, trans. Mürsel Öztürk (Ankara: s.n., 1999), 134-150.

¹⁴ Muhammad al-Sam'ânî, *al-Ansâb*, Critical ed. Abdurrahman b. Yahya (Cairo: s.n., n.y.), 5/486-487; İbn Tağrîberdî, *el-Menhelü's-sâfi*, 7/72; Temel Yeşilyurt, "Ebu'l-Berekât en-Nesefî ve el-'Umde Adlı Eseri", *Harran Üniversitesi İlahiyat Fakültesi Dergisi* 3 (1992), 183.

¹⁵ For details on the commentaries, marginal notes, summaries, and translations written on the work See Kınalızâde Ali Efendi, *Tabakâtu'l-fuqahâ*, 2/189; Kâtib Çelebî, *Kashf al-Zunûn*, 2/1823; Ferhat Koca, "Menâru'l-envâr", *TDV İslâm Ansiklopedisi* (Ankara: TDV Yayınları, 2004), 29/118; Orhan Ençakar, "Klasik Usûl-i Fıkıh Eğitiminde Kolaylık Arayışları: Menâru'l-Envâr Muhtasarları ve Akhisârî'nin Semtû'l-Vüsûl ilâ İlmi'l-Usûl İsimli Eseri", *Mevzu Sosyal Bilimler Dergisi, İslâmî İlimler Özel Sayısı* (2023), 578-586.

¹⁶ For detailed information on the first and second versions of the aforementioned copies See Akhisârî, *Şerhu Semti'l-vüsûl ilâ ilmi'l-usûl*, nşr. Orhan Ençakar (Ankara: İslâm Araştırmaları Merkezi (İSAM), Türkiye Diyanet Vakfı, 2024), 53-65.

shown in the footnotes.¹⁷ For the work of Hızır b. Muhammad al-Amâsî titled *Tehyîj-u Ghusûni'l-Usûl*, the edition revised by Ahmed b. Sa'id al-'Avâcî¹⁸ will be taken as basis.¹⁹

A comparative study of two works that are commentaries on the same work and belong to the same period is important in terms of showing us how the Hanafi school of jurisprudence methodology was reflected in the East and the West in the 17th century and also giving us an idea about the similarities and differences between the East and the West in the classification of the usul issues and the ways they were handled. Furthermore, it is noteworthy as a concise commentary on a leading, systematic work on methodology within the Hanafi school of thought. Following this introductory information, it would be appropriate to provide details about the authors of the two works under consideration in our research and the general characteristics of these works.

1. Hasan Kâfî Akhisârî and His Work Entitled *Sharhu Samti'l-Wusûl*

The summary and commentary written by Hasan Kâfî Akhisârî on Nasafî's work titled *Manâru'l-anwâr* was taught to students in madrasahs in Bosnia and Herzegovina and attracted great attention. Now we would like to provide some general information about Akhisârî's life and the work in question.

1.1. Hasan Kâfî Akhisârî (d. 1024/1615)

Hasan Kâfî Akhisârî, who authored works in the fields of jurisprudence, theology, ethics, politics, history, biography, philology²⁰

¹⁷ See Akhisârî, *Şerhu Senti'l-vüsûl*, 14.

¹⁸ See Hızır b. Muhammad al-Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, Critical ed. Ahmed b. Sa'id al-'Avâcî (Saudi Arabia: Medina Islamic University, Faculty of Sharia, Department of Usûl al-Fiqh, Doctoral Dissertation, 2011).

¹⁹ For the various manuscript copies and details of Hızır b. Muhammad al-Amâsî's abridged and annotated texts in libraries See Abdülkadir Tekin, Hızır b. Muhammed el-Amâsî (1084/1673) 'Gusûnü'l-Usûl' İsimli Eseri", *Uluslararası Amasyalı Âlimler Sempozyumu Bildiriler Kitabı-1* (Ankara: Kıbrıs Balkanlar Avrasya Türk Edebiyatları Kurumu (Kıbatek) Yayınları, 2017), 381, Fn. 81; Ömer Arık, *Hızır b. Muhammed el-Amâsî ve Gusûnü'l-Usûl Adlı Eseri* (İstanbul: Kitap Dünyası Yayınları, 2022), 41-46.

²⁰ For detailed information about Akhisârî's life See Mehmet İpşirli, "Hasan Kâfî Akhisârî ve Devlet Düzenine Ait Eseri Usûlü'l-Hikem fî Nizâmî'l-Alem", *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Enstitüsü Dergisi* (1980), 239-278.

and logic, was born in 1544 in the town of Akhisar (Prusac) in Bosnia and Herzegovina. He converted to Islam following the conquest of Akhisar by Sultan Mehmed the Conqueror (1463).²¹ He began his education at the age of 12 and came to Istanbul in 1556, where he received nine years of madrasa education.²² Akhisârî mentions among his teachers in his own book: Kara Yılan (Nicknamed the Black Snake) Şeyh Hacı Efendi (d. 983/1575), a student of Kemalpaşazâde; Bâlî b. Yusuf, Qadi of Sarajevo (d. 990/1582); Mir Gazanfer b. Cafer el-Hüseynî (d. 1000/1591), and Molla Ahmed el-Ensârî (d. 1009/1600).²³ Akhisârî returned to Akhisar in 1575 and wrote his books titled *Risâla fî tahkik-i lafzî Calabî* and *al-Kâfî* during this period.²⁴ After being appointed as the first judge to Akhisar in 1583, he was appointed as the judge to Srem Sanjak in 1590.²⁵

Hasan Kâfî, who left Akhisar in 1596 to join Mehmed III's Eğri campaign, presented his famous work, *Usûl al-hikem fî nizâm al-âlem*²⁶, which he wrote in Arabic and earned the sultan's compliment, to the statesmen and army commanders.²⁷ Hasan Kâfî returned to Akhisar in 1007 and spent the rest of his life occupied with writing works²⁸ and educating students. He died in his hometown in 1024 and was buried in

²¹ Fikret Karcic, "Hanefi Mezhebi Bosna'ya Nasıl Geldi?: Hasan Kâfî Akhisârî'nin Silsilesi Üzerine Bir Yorum", *Sahn-ı Semândan Dâru'l-fünûn'a Osmanlı'da İlim ve Fikir Dünyası, Alimler, Müesseseler ve Fikri Eserler, XVI. Yüzyıl, (Sempozyum Kitabı)*, (İstanbul: Seçil Ofset Matbaacılık, 2017), 105.

²² Muhammad Aruçi, "Hasan Kâfî Akhisârî", *TDV İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 1997), 16/326.

²³ Hasan Kâfî Akhisârî, *Nizâmu'l-'ulemâ ilâ hâtemi'l-enbiyâ*, Critical ed. Hassân Muhammad Saîd Şiblî (Cairo: Institute of Arabic Manuscripts, 1441), 70-74.

²⁴ Bursalı Mehmed Tahir, *Osmanlı Müellifleri*, Simplifying ed. Ali Fikri Yavuz-İsmail Özen (İstanbul: s.n., n.y.), 1/324-325.

²⁵ Aruçi, "Hasan Kâfî Akhisârî", 16/326.

²⁶ *Usûlü'l-Hikem* is Akhisârî's most renowned work on state organisation. For detailed information about the work, See Coşkun Yılmaz, "Hasan Kâfî Akhisârî'nin Yönetim Düşüncesi", *İlim ve Sanat Dergisi* 34 (1993), 43-46, for further details. Rıdvan Bayer, "Hasan Kâfî Akhisârî'nin Hayatı ve Siyasetname Alanı İle İlgili 'Usûlü'l-Hikem fî Nizâmî'l-Alem' Adlı Eseri Üzerine Bir Değerlendirme", *Hikmet Yurdu Sosyal Bilimler Araştırma Dergisi* 4/8 (2011), 138-143.

²⁷ Franz Babinger, *Osmanlı Tarih Yazarları ve Eserleri*, trans. Coşkun Ucak (Mersin: Kültür Bakanlığı Yayınları, 1992), 159.

²⁸ For the works written by Akhisârî, See: Mehmed Tâhir, *Osmanlı Müellifleri*, 1/325; Aruçi, "Hasan Kâfî Akhisârî", 16/327-328.

the tomb next to the madrasah next to the mosque he had built in Akhisar.²⁹ Akhisârî, who had a mosque, madrasah, lodge, inn, children's school and fountain built in Akhisar, allocated foundations for these.³⁰

Akhisârî wrote a concise text of the Hanafi usûl called *Samtu'l-vusûl ilâ ilmi'l-usûl* based on the text called *Manâru'l-anwâr* on the classical period's usul written with the jurists' method, which is the subject of our research, and he commented on this work with the name *Sharhu Samti'l-Wusûl*.

1.2. *Sharhu Samti'l-Wusûl*

Hasan Kâfî Akhisârî first wrote a summary specific to his own style called *Samtu'l-vusûl ilâ ilmi'l-usûl* for the work titled *Manâru'l-anwâr* by Nasafî, which is one of the most fundamental texts of the usûl al-fiqh in the Hanafi literature, and then he wrote a commentary on this summary called *Sharhu Samti'l-Wusûl ilâ 'Ilmi'l-usûl*. There isn't hesitation or controversy regarding the affiliation of the works to Akhisârî. Akhisârî started writing his memoir titled *Samtu'l-vusûl* during the time he was a judge and a teacher in the Srem district - located between Croatia and Serbia today - and he was able to complete it in 1000/1592 during his pilgrimage. When he returned to Istanbul from the pilgrimage, he was advised by the scholars to comment on the work, and thereupon, in 1004/1596, during his time as a professor in his hometown Akhisar, he was able to complete the commentary on the work under the title *Sharhu Samti'l-Wusûl*.³¹

Akhisârî's summary titled *Samtu'l-vusûl* is a work that reflects the views of scholars such as Dabûsî (d. 430/1039), Pazdavî (d. 482/1089), Sarahshî (d. 483/1090), Nasafî, Sadru's-Şerîa (d. 747/1346), who were the representatives of the Hanafi school of Bukhara between the 5th and 8th centuries of the Hijra, on the usûl-i fiqh. He wrote the commentary of the *Mukhtasar* by making use of the commentaries of *al-Manâr* and, to a lesser extent, the works of Sadru's-Şerîa called *al-Tenkîh*, *al-Tavzîh* and Taftazânî's *al-Telvîh*. Ençakar, on the other hand, states that the main source of the commentary is Ibn Melek's (d.821/1418) commentary on *al-*

²⁹ Mehmed Tâhir, *Osmanlı Müellifleri*, 1/324.

³⁰ Aruçi, "Hasan Kâfî Akhisârî", 16/327.

³¹ Akhisârî, *Nizâmu'l-'ulemâ*, 75.

Manâr and emphasizes that the work is a summary of Ibn Melek's commentary.³²

The main feature of Akhisârî's summary and commentary is that it is prepared in a way that can be easily memorized and understood by students who are at the beginning level of the science of usûl al-fiqh. While writing the work, he emphasized the necessity of the science of usûl al-fiqh in the introduction, and stated that Nasafî's *al-Manâr* was the easiest and most common text to understand and that he preferred this work for this reason, and that he removed the parts that he considered difficult to understand, excessive and would distract from the target after consultations.³³

Akhisârî's summary of the usûl al-fiqh titled *Samtu'l-vusûl* was published in 2020.³⁴ The commentary of the work was defended by Muhammad Ramadan as a master's thesis in the Department of Sharia at al-Azhar University in 1986 and was published³⁵ in Beirut in 2010. Another edition of the commentary was made by Şâmil Şahin in 2008.³⁶ There is also a master's thesis on the commentary defended by Muhammad b. Salih Debdûb at the Islamic University of Medina in 1991.³⁷ In 2023, another publication of the commentary was made by Luey b. Abdurraûf.³⁸ In our country, a critical edition of Akhisârî's aforementioned work was

³² See Akhisârî, *Sharhu Samti'l-Wusûl*, ed. Orhan Ençakar, 44.

³³ Akhisârî, *Sharhu Samti'l-Wusûl* (İstanbul: Beyazıt Library, 1851), 10b-11a; Ençakar, "Klasik Usûl-i Fıkıh Eğitiminde Kolaylık Arayışları: Menârü'l-Envâr Muhtasarları ve Akhisârî'nin Semtü'l-Vüsûl ilâ İlmi'l-Usûl İsimli Eseri", 86.

³⁴ See Akhisârî, *Samtu'l-vusûl ilâ ilmi'l-usûl* (Cairo: Dar al-İhsân, 2020).

³⁵ See Akhisârî, *Sharhu Samti'l-Wusûl*, ed. Muhammad Ramadan (Beirut: Dar Ibn al-Jawzi, Master's Thesis, 1431/2010).

³⁶ See Akhisârî, *Sharhu Samti'l-Wusûl*, ed. Şâmil Şahin (Damascus: House of the Stranger Hira, 2008).

³⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, ed. Muhammad b. Salih Debdûb (Medina: The Islamic Community, Master's Thesis, 1991).

³⁸ See Akhisârî, *Sharhu Samti'l-Wusûl*, ed. Lüey b. Abdurraûf (Amman: Maktaba al-Qanîm, 2023).

published by İsam Yayınları in 2024, critical edited³⁹ by Orhan Ençakar. Ençakar also wrote an article on this work.⁴⁰

2. Hızır b. Muhammad al-Amâsî and His Work Entitled *Tehyîj-u Ghusûni'l-Usûl*

The summary and commentary written by Hızır b. Muhammad al-Amâsî on Nasafî's work in the usûl al-fıqh genre called *Manâru'l-anwâr* attracted great attention and was highly appreciated in its own time and in later periods. Now we would like to provide general information about the life of Hızır b. Muhammad and his work in question.

2.1. Hızır b. Muhammad al-Amâsî (d. 1084/1673)

Hızır b. Muhammad al-Amâsî, who has a deep knowledge of jurisprudence, usûl al-fıqh, theology, tafsir, Arabic language and meanings and who has produced many works in these fields,⁴¹ is a Hanafi scholar, originally from Amasia,⁴² as can be understood from his surname. He was born in Amasia in 1006/1597.⁴³ Hızır b. Muhammad, whose father Mehmed b. Cafer is said to have been a great scholar,⁴⁴ first studied under his father and Harşenalı İbrahim Efendi. He then took lessons from Zileli Abdurrahman, Kadı-zâde Mehmed, Hoca Saduddin Efendi's (d. 1008/1599) eldest son Mehmet Efendi and el-Hâcc Hasan Efendi and received his ijazah.⁴⁵

Amâsî, who spent most of his life in Amasia, taught jurisprudence, tafsir, hadith and Arabic to more than 200 students for 7 years and gained great prestige, influence and fame with the fatwas he issued in the city.⁴⁶

³⁹ See Akhisârî, *Sharhu Senti'l-Wusûl*, Critical ed. Orhan Ençakar (Ankara: İslâm Araştırmaları Merkezi, Türkiye Diyanet Vakfı, 2024).

⁴⁰ Orhan Ençakar, "Klasik Usûl-i Fıkıh Eğitiminde Kolaylık Arayışları: Menârü'l-Envâr Muhtasarlari ve Akhisârî'nin Senti'l-Vüsûl ilâ İlmi'l-Usûl İsimli Eseri", *Mevzu Sosyal Bilimler Dergisi, İslâmî İlimler Özel Sayısı* (2023), 571-603.

⁴¹ Muhammad al-Bağdâdî, *Hediyetü'l-ârifin* (Beirut: Dar al-İhyâ Turas al-Arabî, 1951, 1/347; Ömer Nasuhi Bilmen, *Tabakâtu'l-mufasssîrin* (Erzurum: Bilmen Yayınevi, n.y.), 2/698.

⁴² Bursalı, *Osmanlı Müellifleri*, 1/295.

⁴³ Abdîzâde Hüseyin Hüsâmeddin Yaşar, *Amasya Tarihi*, ed. Mesut Aydın-Güler Aydın (Amasya: Amasya Belediyesi Kültür Yayınları, 2007), 1/168.

⁴⁴ See Kâtib Çelebî, *Kashf al-Zunûn*, 2/1807.

⁴⁵ Abdîzâde, *Amasya Tarihi*, 9/168.

⁴⁶ Bilmen, *Tabakâtu'l-müfesssîrin*, 2/698.

Hızır b. Muhammad served as assistant teacher of the Amasia Sultan Bâyezid Mosque in 1020, as teacher of Yörgüçpaşa in 1041, and as an "al-kassâm"⁴⁷ in 1043. He served as a professor in Istanbul in 1049, and in 1058, he was appointed as a professor to Sultan Bâyezid after becoming the Mufti of Amasia.⁴⁸ Amasî, who was dismissed from his duties and exiled due to the false iftars attributed to him, was appointed as the Amasya Mufti and the tutor of Sultan Bâyezid for the fourth time when Ebu's-Suud Efendi, who was the Mufti of Amasya at that time, passed away in 1078.⁴⁹

Having trained students who received the necessary permissions, such as his sons Ibrahim and Yakub Efendi, his son-in-law el-Hâcc Osman Efendi, Darendeli Hamza Efendi, Karabâdî Ahmet Efendi, Tefsirî Mehmet Efendi, and Ali b. Osman,⁵⁰ Hızır b. Muhammad died in Amasia in 1084.⁵¹ Although there are ten works that Hızır b. Muhammad has written in various fields, four of them haven't survived to the present day.⁵²

2.2. *Tehyîj-u Ghusûni'l-Usûl*

His short work titled *Ghusûnu'l-Usûl*, which means the branches of the science of Usul, based on the work titled *al-Manâr* written by Hızır b. Muhammad, Nasafî using the Hanafiyyûn (fuqahâ) method, was started in Ramadan in 1062/1651, when he was a mufti in Amasia and a lecturer in the Sultan Bâyezid Mosque, and he completed his work towards the end of this month (August 25, 1952).⁵³ Afterwards, in line with the requests of his students, he commented on this work under the name of *Tehyîj-u Ghusûni'l-Usûl*, starting at the beginning of the month of Shaban in the

⁴⁷ Kassâm is the name given to the religious official who resolves issues related to inheritance matters and renders a ruling. See Mehmet Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü* (İstanbul: y.y., 1946), 2/ 209.

⁴⁸ Abdizâde, *Amasya Tarihi*, 9/168.

⁴⁹ Abdizâde, *Amasya Tarihi*, 9/169.

⁵⁰ Hüseyin Yazıcı, "XVII. Asır Arap Edebiyatının Kısa Bir Değerlendirmesi ve Hızır b. Muhammed el-Amâsî", *Nüsha: Şarkiyât Araştırmaları Dergisi*, 1/2 (2001), 60.

⁵¹ Abdizâde, *Amasya Tarihi*, 9/170.

⁵² For detailed information about the works of Hızır b. Muhammad that have survived to the present day and those that haven't, See Yazıcı, "XVII. Asır Arap Edebiyatının Kısa Bir Değerlendirmesi ve Hızır b. Muhammed el-Amâsî", 61-63; Tekin, "Hızır b. Muhammed el-Amâsî (1084/1673) 'Gusûnü'l-Usûl' İsimli Eseri", 378-381.

⁵³ Kâtib Çelebî, *Kashf al-Zunûn*, 2/1823.

same year and completing it at the end of the month of Dhul-Hijjah (December 1, 1952).⁵⁴

Hızır b. Muhammad didn't mention *al-Manâr* at all in his *Ghusûnu'l-Usûl*, he included some information not in this work but didn't mention its sources, and stated that it was an introductory work on the Hanafi method of jurisprudence.⁵⁵ He expresses his purpose in writing the work as follows: to create a text that is small in volume but covers all the usual topics, which can be easily memorized upon the request of his students.⁵⁶ In the commentary of the work, *Tehyîj-u Ghusûni'l-Usûl*, the author used a fluent style that was unique to him. There isn't debate or hesitation in the literature about the affiliation of both works to Hızır b. Muhammad.⁵⁷

Doctoral dissertation has been written by Ahmed b. Sa'id al-'Avâcî, based on the work of Hızır b. Muhammad al-Amâsî entitled *Tehyîj-u Ghusûni'l-Usûl* on the methodology of Islamic jurisprudence, through its verification and teaching.⁵⁸ In our country, there is a study by Hüseyin Baysa on Amâsî's abridged work⁵⁹ entitled *Ghusûnu'l-Usûl* along with a

⁵⁴ Tekin, "Hızır b. Muhammed el-Amâsî (1084/1673) 'Gusûnü'l-Usûl' İsimli Eseri", 382.

⁵⁵ For detailed information about the locations of the aforementioned manuscript in our country See Tekin, "Hızır b. Muhammad al-Amâsî (1084/1673) His Work Titled 'Gusûnü'l-usûl'", 382.

⁵⁶ Hızır b. Muhammad al-Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, Copy. Abdülhalim b. Ali Amâsî (Amasya: İl Halk Kütüphanesi, Archive no: 05 Ba 409/1), 1b.

⁵⁷ See Kehhale, *Mu'cemu'l-müellifin*, 4/102; Kâtib Çelebî, *Kashf al-Zunûn*, 2/1827.

⁵⁸ Hızır b. Muhammad al-Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, Critical ed. Ahmed b. Sa'id el-'Avâcî (Saudi Arabia: Medina Islamic University, Faculty of Sharia, Department of Usûl al-Fıqh, Doctoral Dissertation, 2011).

⁵⁹ See Hüseyin Baysa, "Hızır b. Muhammed el-Amâsî'nin 'Gusûnü'l-Usûl' Adlı Muhtasarının İncelenmesi", *Uluslararası Amasyalı Âlimler Sempozyumu Bildiriler Kitabı-1* (Ankara: Kıbrıs Balkanlar Avrasya Türk Edebiyatları Kurumu (Kıbatek) Yayınları, 2017), 433-439.

translation,⁶⁰ a study by Abdülkadir Tekin on '*Tehyîj*'⁶¹ and a book⁶² by Ömer Arık on the abridged version containing the author's manuscript.

3. A Comparison of *Sharhu Samti'l-Wusûl* and *Tehyîj-u Ghusûni'l-Usûl*

In this section of the study, Akhisârî's *Sharhu Samti'l-Wusûl* and Hızır b. Muhammad al-Amâsî's *Tehyîj-u Ghusûni'l-Usûl* will be compared in terms of their sources, arrangement and subject classification, methodology, content, and approach to the subjects.

3.1. In Terms of Resources

Akhisârî's work titled *Sharhu Samti'l-Wusûl* consists of a concise text and its commentary in which the views of Dabusî (d. 430/1039), Pazdavî (d. 482/1089), Sarakhshî (d. 483/1090), Nasafî (d. 710/, 1310) and Sadruşşerîa (d. 747/1346), who are the representatives of the Bukhara Hanafi school of jurisprudence that formed the mainstream of the Hanafi school between the 5th-8th centuries of the AH (11th-14th centuries of the AD), on the usûl al-fiqh developed within the school are reflected. Akhisârî himself stated that he prepared this commentary⁶³ by drawing on Sadruşşerîa's works entitled *al-Tenkîh* and *al-Tavzîh*, which are commentaries on Nasafî's work entitled *al-Manâr*. However, it is evident that the primary source of the commentary is Ibn Melek's (d. 821/1418) commentary on *al-Manâr*. Ençakar also says he has identified⁶⁴ that Akhisârî's commentary is a summary of Ibn Melek's commentary on *al-*

⁶⁰ See The author based the translation on the author's copy of *Gusûnü'l-Usûl*, archived under number 19 HK 1624/2 in the Çorum Hasan Paşa Yazma Eserler Ktp. (93b-103b). Furthermore, it has been stated that the text was examined in comparison with the National Library's copy no. 06 Mil MS A 1062/2 and 'Manar' for verification purposes. See Baysa, "Translation of *Gusûnü'l-usûl* from the Abridged Versions of *Menâru'l-envâr*", *Journal of Islamic Law Studies* 29 (2017), 539-563.

⁶¹ See Tekin, "Hızır b. Muhammed el-Amâsî (1084/1673) '*Gusûnü'l-Usûl*' İsimli Eseri", 373-388.

⁶² At the end of the third chapter of his book, the author has compiled a critical text based on the author's own manuscript written in his own hand by Hızır b. Muhammad, registered under number 4439/8 at the Çorum Hasan Paşa Yazma Eserler Ktp. See Ömer Arık, *Hızır b. Muhammed el-Amâsî ve Gusûnü'l-Usûl Adlı Eseri* (İstanbul: Kitap Dünyası Yayınları, 2022), 59-218.

⁶³ Akhisârî, *Sharhu Samti'l-Wusûl*, (Süleymaniye Kütüphanesi, Yazma Bağışlar, no. 1575), fol. 10b.

⁶⁴ Akhisârî, *Sharhu Samti'l-Wusûl*, Critical ed. Orhan Ençakar, 65.

Manâr and that Akhisârî has reproduced Ibn Melek's statements almost verbatim throughout the commentary, noting that he has only very rarely drawn on Teftazânî's (d.?) *al-Telvîh* and Sadru'ş-Şerîa's works *al-Tenkîh* and *al-Tavzîh* in his critical edition. In this context, as Ençakar also states, it is possible to say that the main source of Akhisârî's commentary is Ibn Melek's commentary.

Amâsî, in his commentary, relied heavily on Ibn Melek's commentary on *al-Manâr* but didn't mention this in his work. In some places, he has made additions with direct quotations from *al-Manâr* and has generally expressed these with the phrase 'know that'.⁶⁵ Amâsî has included the names of the sources he occasionally used in his commentary. For example, when dealing with the topic of plural masculine markers; if a person requesting security says, 'protect my children,' and they have sons and daughters, the protection applies to all of them. However, in the example of 'protect my daughters,' protection doesn't apply to sons, he has referred⁶⁶ to Muhammad b. Hasan's work entitled *Siyer al-kabîr*.⁶⁷ When discussing al-gâye and reference of metaphor and allegory, he used⁶⁸ Muhammad b. Hasan's work entitled *al-Ziyadât* as a source.⁶⁹ While discussing the topic of mutawatir hadith, he referred to⁷⁰ Jassâs's work⁷¹ entitled *al-Fusûl fi'l-usûl*. When discussing analogy, it states that Pazdavî restricted⁷² the derivation of rulings through analogy to three main methodological principles, and that this was to prevent⁷³ rational analogy. Referring to Ghazâlî's work entitled *al-Mustasfâ*⁷⁴, he states that the

⁶⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 66, 196.

⁶⁶ Muhammad b. Hasan al-Shaybânî, *Siyeru'l-kebîr*, ed. Selahaddin al-Munajjid-Abdulaziz Ahmed (Cairo: s.n., 1425), 2/241.

⁶⁷ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 188.

⁶⁸ Muhammad Nasûriddin al-Nakîb, *el-Mezhebü'l-Hanefî*, (Riyadh: Maktabat al-Rashid, 1422), 1/340.

⁶⁹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 175.

⁷⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 72.

⁷¹ Ahmed b. Ali al-Râzî al-Jassâs, *al-Fusûl fi'l-usûl*, ed. Câsim al-Neşemî (Kuwait: Ministry of Endowments and Islamic Affairs), 3/48.

⁷² Fahu'l-Islam Muhammad b. Hüseyin al-Pazdavî, *Usûlu'l-Pezdevî (Kenzü'l-vüsûl ilâ Ma'rifeti'l-Usûl)*, (Karachi: Mir Muhammad Library Yayınları, n.d.), 5.

⁷³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 67.

⁷⁴ Ghazâlî, *al-Mustasfa min 'Ilmi'l-Usul*, ed. Muhammad Tamir (Cairo: Dar al-Hadith, 1432), 3/379.

narration attributed to Ibn Abbas regarding the validity of a separate exception isn't authentic.⁷⁵ He mentioned Shâfi'î's view, which doesn't accept the use of the word 'sunnah' in naming the word 'sunnah' except for the sunnah of the Prophet.⁷⁶ He also stated that Semerkandî shared the same view, referring to his work entitled *Mîzân al-usûl* as 'the owner of *Mîzân*'.⁷⁷ When presenting the Hanafi school's view⁷⁸ on the concept of laqab, attribute, and condition, he referred to Sadru'ş-Şerîa's work entitled *al-Vikâya*.⁷⁹

Amâsî didn't cite the sources of the hadiths and statements of the Sahaba (companion) and later scholars he included in his work, and rarely indicated whether they were strong or weak. Relying on sectarian sources, he didn't undertake to investigate the degree of authenticity of the hadiths and companions' sayings he took from these works, and he included many of the hadiths in his work not verbatim but in spirit.⁸⁰

3.2. In Terms of Arrangement and Subject Classification

In his work entitled *Samtu'l vusûl*, Akhisârî retained the main headings of *al-Manâh*, namely the Qur'an, sunnah, ijma and qiyas, but changed the order, removed some topics from the main text either completely or partially, and has made choices regarding the order of presentation in the subheadings. Akhisârî, however, hasn't explained the reason for this, trusting in the reader's discernment.⁸¹ The work, consisting of an introduction, two chapters and a conclusion, includes an introduction at the beginning quoting from *al-Tenkîh* and *al-Tavdîh* on fundamental concepts, and makes certain omissions in the main text. In the introduction, he defined fundamental concepts such as 'religion', 'fiqh', 'sharia', 'usûl', 'provision', 'principle', 'fiqh methodology'. He named the first chapter "Edille" (methodology) and addressed the issues of the book, sunnah, ijma, and qiyas under four subheadings. When dealing with the subject of circumcision, he reorganised the topic differently from 'al-

⁷⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 254.

⁷⁶ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 213.

⁷⁷ Muhammed b. Ahmed al-Samarkandî, *Mizânul-Usûl*, Critical ed. Abdulmalik Abdurrahman (Mecca: s.n., n.d.), 448.

⁷⁸ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 202.

⁷⁹ Ubeydullah b. Mes'ud al-Mahbûbî Sadru'ş-Şerî'a, *Sharh al-Vikâya fi'l-fiqh*. ed. Mahmud b. Reşid al-Attar (Beirut: Dâru'n-Nevâdir, 1433), 129.

⁸⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 245, 250, 263, 321.

⁸¹ Akhisârî, *Sharhu Samti'l-Wusûl*, 66.

Manâr', naming the second section "provisions". It has summarised matters relating to the provision in a single chapter, but under four subheadings. In the concluding section, he has addressed the subject of taxpayers and taxpayer faults under four categories and made the headings more systematic. Kâtib Çelebî stated that he found Akhisârî's arrangement quite successful.⁸²

It is evident that Hızır b. Muhammad al-Amâsî largely preserved the systematics of *al-Manâr* in his work, making very few changes to the subject matter, headings, and arrangement.⁸³ As in *al-Manâr*, he didn't use subheadings, but addressed topics under the main heading. Throughout his work, Amâsî summarised the topics concisely and succinctly in his own words, using a fluid language and style. He didn't use topic headings, but instead transitioned to each new topic by placing the heading 'fasl' at the beginning of each section. While many topics are discussed with examples in *al-Manâr*, Hızır b. Muhammad, presumably with the aim of keeping the work concise, hasn't included examples in most of the rulings.

In terms of defining concepts and providing examples, Amâsî largely adhered to *al-Manâr*. From time to time, he has made additions in some places. For example, when listing the types of licences, he stated that there were four, as in *al-Manâr*, but added 'Azimet', bringing the number of licence types to five.⁸⁴

3.3. In Terms of Content

The methodological topics addressed in Akhisârî's commentary (sharh) and their main and subheadings are as follows:

Introduction: Definitions of Certain Concepts Related to Methodology

Chapter One: On Methodology

First Principle: The Book; Definition of the Book,

First Section: Parts of Meaning and Composition:⁸⁵

1- Hâss (Specific): a. Command;⁸⁶

b. Prohibition;⁸⁷

⁸² Kâtib Çelebi, *Kashf al-Zunûn*, 2/1823.

⁸³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 39.

⁸⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 211.

⁸⁵ Akhisârî, *Sharhu Samti'l-Wusûl*, 155-165.

⁸⁶ Akhisârî, *Sharhu Samti'l-Wusûl*, 165-183.

⁸⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, 183-188.

2- Âmm (General wording);

3- Ambiguous (Wording with more than one meaning)

4- Interpretable⁸⁸ (Subject to interpretation)

Part Two: Forms of Expression in the Qur'an:

According to Clarity: 1- al-Zâhir, 2- al-Nas, 3- al-Mufessar, 4- al-Muhkam

According to Obscurity: 1- al-Hafî, 2- al-Muskhîl, 3- al-Mucmel, 4- al-Mutaşâbih⁸⁹

Part Three: Forms of Poetic Expression:

1-Truth, 2- Metaphor, 3- Explicit, 4- Implied⁹⁰

Part Four: Forms of Poetic Rules:

1- The Expression of the Text, 2- The Indication of the Text, 3- The Implication of the

Text, 4- The Requirement of the Text⁹¹

Chapter: On the Subject of Issuing Invalid Rulings;

1- Mafhûm al-muhâlafa, 2- The transfer of the absolute to the relative when two rulings are the same, 3- Joining two sentences in a poem with the conjunction 'vav', 4- Joining the reference to the community.⁹²

Second Principle: Sunnah; the definition of Sunnah, the parts of Sunnah, (Continuous: 1- Mutawatir, 2- Famous, 3- Single Narration, Disconnected: 1- al-Zâhir, 2- al-Bâtin),⁹³

Section on Explanation: Explanation of confirmation (al-takrîr), explanation of interpretation (al-tafsîr), explanation of alteration (al-zarurat), explanation of necessity (al-tebdîl), explanation of change,⁹⁴

Third Principle: Consensus (al-Icma),⁹⁵

Fourth Principle: Analogy,⁹⁶

Section: On Ijtihad,⁹⁷

⁸⁸ Akhisârî, *Sharhu Samti'l-Wusûl*, 188-195.

⁸⁹ Akhisârî, *Sharhu Samti'l-Wusûl*, 195-205.

⁹⁰ Akhisârî, *Sharhu Samti'l-Wusûl*, 205-213.

⁹¹ Akhisârî, *Sharhu Samti'l-Wusûl*, 213-221.

⁹² Akhisârî, *Sharhu Samti'l-Wusûl*, 221-227.

⁹³ Akhisârî, *Sharhu Samti'l-Wusûl*, 227-249.

⁹⁴ Akhisârî, *Sharhu Samti'l-Wusûl*, 249-255.

⁹⁵ Akhisârî, *Sharhu Samti'l-Wusûl*, 255-263.

⁹⁶ Akhisârî, *Sharhu Samti'l-Wusûl*, 263-273.

⁹⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, 273-275.

Section: On Conflict (Te'âruz) and Preference;⁹⁸

Second Chapter: On Matters Established in Usûl al-Fiqh;

First Section: Obligatory Acts (Azimet); obligatory (al-fard)-prohibited (al-haram), obligatory (al-vacib)-disliked (al-makruh), sunnah, supererogatory (al-nafl)-permissible (al-mubah),⁹⁹

Second Section: Permission; types of permission: real permission, metaphorical permission; types of prohibition,¹⁰⁰

Third Section: Other Rulings: Types of rulings, parts of the pure right of Allah (public), principal and successor in matters of rights, reasons for rulings,¹⁰¹

Section Four: Matters Related to (Connected to) Sharia Rulings;

1- Cause, 2- Reason (al-Illat) 3- Condition, 4- Sign,¹⁰²

Conclusion: Competence;

1- Types of capacity;

2- Impairments of Capacity: Impairments arising outside of one's will;

Acquired impairments;¹⁰³

The methodological topics addressed in Hızır b. Muhammad al-Amâsî's commentary and their main and subheadings are as follows:

Introduction:

Usûl al-şer', Book (Qur'an); definition of the book, basmala at the beginning of surahs, the name of the Qur'an in terms of meaning and composition,¹⁰⁴

Parts of Meaning and Composition:

First Part: Types of Words in Terms of Their Meaning;

1- Hâss (Specific),¹⁰⁵

First Type: Command,¹⁰⁶

⁹⁸ Akhisârî, *Sharhu Samti'l-Wusûl*, 275-279.

⁹⁹ Akhisârî, *Sharhu Samti'l-Wusûl*, 279-284.

¹⁰⁰ Akhisârî, *Sharhu Samti'l-Wusûl*, 284-289.

¹⁰¹ Akhisârî, *Sharhu Samti'l-Wusûl*, 289-297.

¹⁰² Akhisârî, *Sharhu Samti'l-Wusûl*, 297-309.

¹⁰³ Akhisârî, *Sharhu Samti'l-Wusûl*, 309-332.

¹⁰⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 61-74.

¹⁰⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 74-86.

¹⁰⁶ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 86-120.

Second Type: Prohibition,¹⁰⁷

Second Section: Âmm (The General),¹⁰⁸

Part Three: The shared (al-mustarak); its definition, ruling, the generality of the shared wording,¹⁰⁹

Part Four: The Muavval; its definition, ruling,¹¹⁰

Part Two: Parts of Verse and Meaning; Types of Words in Terms of Clarity and Ambiguity of Meaning,

1- al-Zâhir,

2- al-Nas,

3- al-Mufassar,

4- al-Muhkam,

The Conflict Between These Four Types of Expressions,

The Opposite of These Four Types of Expressions,

1- al-Hafî,

2- al-Muşkıl,

3- al-Mucmal,

4- al-Mutaşâbih,¹¹¹

Part Three: Types of Words in Terms of Their Implied Meaning

1- Literal Meaning; its definition, ruling,

2- Metaphorical Meaning,

Meaningful Letters, Cer Letters, Conditional Letters

The ruling on the plural masculine form bearing the masculine marker,

3- Explicit (al-Sarih),

4- Implied (al-Kınaya),¹¹²

Part Four: Words in Terms of Their Form of Implication

1- Deriving rulings from the explicit wording (direct wording) of the text,

2- Deriving rulings from the indication of the text,

3- Deriving rulings based on the indication of the text,

4- Deriving rulings based on the necessary of the text,

¹⁰⁷ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 120-130.

¹⁰⁸ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 130-141.

¹⁰⁹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 141-142.

¹¹⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 142-144.

¹¹¹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 144-155.

¹¹² Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 155-190.

The conflict between the meaning of the text and the requirement of the text, the generality of the requirement.¹¹³

Chapter: The Concept and Its Varieties:

The concept of suitable (mafihûm al-muwafaqa),

The concept of contradiction (mefihûm al-muhâlafa),

Ways of Deriving Invalid (Corrupt) Rulings,¹¹⁴

Legitimate Acts,

Azimat (the provisions laid down at the outset), obligatory (farz), necessary (wacib), the disagreement that has arisen regarding the synonymy of farz and wâcib

Circumcision (sunnah);

Permission (ruhsat); types of permission,¹¹⁵

The Reasons for the Enacted Rulings

Section: Sunnah and Its Types; naming the Sunnah, explaining the types of Sunnah

Part One: Types of Sunnah in Terms of How They Reached Us;

1- Mutawatir,

2- Mashur;

3- Single narration (haber al-vâhid);

Second Part: Types of Sunnah in Terms of Discontinuity (Inkita'):

1- Mursal;

2- Batin Inkita',

Third Part: Types of Sunnah in Terms of the Location of the Narration Containing Evidence (Hujjat):

Fourth Section: Types of Sunnah in Terms of the Explanation of the Narrative Text:

Chapter: Types of News;¹¹⁶

Chapter: Contradiction of Evidence;¹¹⁷

Chapter: About Explanation (al-Beyan; types of explanation (al-takrir, al-tafsir, al-tağyir), exception of munfasil (separate), explanation of necessity, change and abrogation (naskh), conditions of abrogation,¹¹⁸

¹¹³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 190-196.

¹¹⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 196-203.

¹¹⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 203-216.

¹¹⁶ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 216-243.

¹¹⁷ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 243-253.

¹¹⁸ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 253-268.

Chapter: Acts of the Prophet, the Prophet's ijtiḥad,¹¹⁹
Chapter: The law of those before us, word of the of Companions,
Word of the Tabi'un, types of reports,
Chapter: Ijma;¹²⁰
Chapter: Analogy (Qiyas);¹²¹
Chapter: al-Istihsan;
Chapter: Ijtiḥad;
Objections raised against the analogy argument;¹²²
Section: Types of Conflict;
Section: Preference;¹²³
Section: Matters Established by Evidence: Rulings;
Section: Matters Related to the Ruling: Cause, reason (illat),
condition, sign,¹²⁴
Section: Competence;
Section: Defects in Competence:
1- Involuntary competence: 2- Voluntary competence;¹²⁵

In his work, Akhisârî addresses topics in a manner that students new to the science of fiqh can easily understand. In this context, he conveys the definitions and classifications of the most fundamental topics of fiqh methodology without entering into any debate or citing evidence. Where deemed necessary, he has provided a few simple examples related to the topics to enable students to better understand the subject matter. Akhisârî, in order to avoid causing confusion, didn't include controversial issues within the sect of thought or between sects of thought regarding matters of procedure in his work. For example, while there are ten controversial issues regarding the word *hass* wording in *al-Manâir*, Akhisârî only gives the example of "ta'dîl al-erkân" (being humble in prayer) under the subject of "order", which is the subheading of the subject of *hass* wording.¹²⁶

¹¹⁹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 268-273.

¹²⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 273-285.

¹²¹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 285-315.

¹²² Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 315-330.

¹²³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 330-343.

¹²⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 343-351.

¹²⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 351-375.

¹²⁶ Akhisârî, *Sharhu Samti'l-Wusûl*, 167.

Hızır b. Muhammad al-Amâsî has written his work, which he has divided into various sections, in a very fluent, simple language and style, avoiding unnecessary elaboration, endeavouring to keep its length as concise as possible, and summarising the principles of usûl al-fıqh concisely and at a beginner's level for the benefit of students. He hasn't included in his work complex issues that could cause confusion or topics that are not particularly useful for a beginner-level student, but has addressed the subjects in a systematic and coherent manner.

3.4. From a Methodological Perspective

Akhisârî made some changes to the order of topics in his work *al-Manâh*. After explaining the reasons for writing the basmala, hamdala, salvela and commentary in the introduction, he defined concepts such as 'evil', 'shar', 'method of fıqh', 'method', 'analogy', 'religion', 'fıqh', "provision" and 'method of fıqh'¹²⁷ and also included definitions of concepts such as 'haram/forbidden', 'makruh/disliked' and "mubah/missible",¹²⁸ which don't appear in *al-Manâh*. Akhisârî, as in the definition of 'Kitâb' (Qur'an)¹²⁹ has economised on the wording of the main text in such a way as not to distort the meaning when defining certain concepts. In the definitions of certain concepts, such as 'müşkil' and "şart",¹³⁰ he has also added explanatory points, drawing on the definitions in *al-Manâh* and the commentaries he has used. Again, although concepts such as 'cünun' (insanity), 'ateh' (senility), and "nisyân" (forgetfulness),¹³¹ which are accepted as licence defects, aren't defined in *al-Manâh*, they are included in its commentary.

When covering the fundamental topics in his commentary, Akhisârî avoided delving into details and controversies, presenting definitions and classifications in a manner that students could easily understand and memorise without getting bogged down in evidence. Furthermore, after providing definitions of fundamental concepts, he supported these with several examples and finally stated his ruling. He didn't mention any of the different sectarian views on procedural matters discussed in *al-Manâh*;

¹²⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, 155, 156, 157, 158.

¹²⁸ Akhisârî, *Sharhu Samti'l-Wusûl*, 280, 281, 283.

¹²⁹ Akhisârî, *Sharhu Samti'l-Wusûl*, 161.

¹³⁰ Akhisârî, *Sharhu Samti'l-Wusûl*, 201, 303.

¹³¹ Akhisârî, *Sharhu Samti'l-Wusûl*, 315, 316.

rather, he added definitions of certain concepts not found therein—such as permissible, forbidden, and disliked—to the text.¹³²

He has defined certain concepts mentioned in *al-Manâir* but not explained, such as 'licence'; however, he hasn't provided definitions for concepts such as 'forgetfulness', 'dementia', and 'insanity', even though they appear in *al-Manâir*, and has included their definitions in the commentary in response to objections raised. By following this method, Akhisârî made his work more systematic in terms of subject arrangement, headings, concept definitions, division, rulings and examples.¹³³ It is observed that he thus deviates from *al-Manâir*'s systematics and makes certain omissions in the text and commentary. Kâtib Çelebî stated¹³⁴ that Akhisârî's *al-Manâir* was summarised in a highly systematic manner through the additions made by *al-Tenkîh* and *al-Tavzîh*.

In his commentary, Akhisârî didn't touch upon issues that cause disagreement in the usûl al-fiqh, such as the letters of cer, the letters of reference, the adverbs, the letters of meânî, and the specification of the word âmm.¹³⁵ This situation stands out as a deficiency. While the interpretation of absolute terms and mefhûm al-muhâlafa are important topics in all schools of thought, Akhisârî has limited himself to expressing these topics in a single sentence, refraining from entering into the disagreements and debates between the schools.¹³⁶ He has also addressed the topic of analogy in broad terms, touching briefly upon it in the commentary, without including topics such as types of causes/reasons and methods of determining the grounds for a ruling in the main text.¹³⁷

In the introduction to his commentary, Hızır b. Muhammad al-Amâsî also explains the reason for writing the commentary and naming the work after the basmala, hamdala, and salwala in the introduction of his work.¹³⁸ Amâsî, however, adopted a mixed method (writing the text and commentary together) in his commentary, which made it difficult to

¹³² Ençakar, "Akhisârî'nin Semtû'l-Vüsûl ilâ İlmi'l-Usûl İsimli Eseri", 588.

¹³³ Akhisârî, *Sharhu Samti'l-Wusûl*, 46.

¹³⁴ Kâtib Çelebi, *Kashf al-Zunûn*, 2/1823; Akhisârî, *Sharhu Samtu'l-Wusûl*, 67.

¹³⁵ Akhisârî, *Sharhu Samti'l-Wusûl*, 46.

¹³⁶ Akhisârî *Sharhu Samti'l-Wusûl*, 67.

¹³⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, 67; Ençakar, "Akhisârî'nin Semtû'l-Vüsûl ilâ İlmi'l-Usûl İsimli Eseri", 589.

¹³⁸ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 66.

separate the main text from the commentary. At this point, separating the text from the commentary is only possible by referring to the main text manuscript.¹³⁹ However, the author has remained faithful to the main text and hasn't made any statements contrary to it. In his commentary on Amâsî, he didn't go into excessive detail in addressing the topics and dealt with the issues using various examples. When discussing topics, he has generally used explanatory phrases such as (i.e., know that, more than that).¹⁴⁰ Amâsî, who favoured the question-and-answer method in many places in his commentary, applied this method of explaining topics by responding with phrases such as 'if it is said', 'if you say so', 'I say', 'we say'.¹⁴¹ The author, who is competent in the field of rhetoric and language, has occasionally addressed topics from the perspective of Arabic language and rhetoric, supporting them with examples. Hızır b. Muhammad provided definitions for the technical terms used in the text and also emphasised this point by explaining these concepts with examples. However, he rarely mentioned the lexical meanings of the terms he defined in the text. For example, when describing the book (Qur'an), he also mentioned its linguistic meaning.¹⁴²

Hızır b. Muhammad has mentioned both the linguistic and technical meanings of certain concepts appearing in the text, such as "sharia", "salat" (prayer) and "hezl" (joke).¹⁴³ In his commentary on Amâsî, his preference for concise expression in order to avoid prolonging the topics has resulted in the meaning of many topics not being explained. In this regard, it can be pointed out that Amâsî didn't provide examples for many of the rulings given in his work.

Amâsî has clarified the points of contention in his commentary on certain controversial methodological issues. Among these are the absolute commandment indicating repetition, whether non-believers are subject to the rules of religion, and issuing rulings without evidence.¹⁴⁴ Amâsî presents his preferred view on a controversial issue first, whether it aligns

¹³⁹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 40.

¹⁴⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 211, 212, 344.

¹⁴¹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 114, 153, 218, 295, 344.

¹⁴² Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 70.

¹⁴³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 66, 153, 368.

¹⁴⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 95, 118, 306.

with his own school of thought or not.¹⁴⁵ While discussing the topics, he occasionally referred to verses and touched upon points of disagreement between Abû Hanîfa and his students Abû Yusuf and al-Karhî. Amâsî occasionally referred to the views of other schools of thought on the subject, but he made a choice by stating the view that forms the basis of the fatwa in the Hanafi school of thought, expressing it as.¹⁴⁶ On a contentious issue, he presents the views of Abû Hanîfa, Abû Yusuf, and Muhammad b. Hasan, as well as those of Zufer, Jassâs, and al-Karhî.¹⁴⁷ In his work Amâsî, he generally compared the views of the Hanafi and Shafi'i schools of jurisprudence, but occasionally also included the views of mujtahids such as Imam Malik, Ibn Abî Laylâ, and Avza'î.¹⁴⁸ At times, Rafizî even touched upon the views of the Mu'tazilah and practices in different religions such as Judaism.¹⁴⁹ al-Avâcî states that Amâsî, who took care to accurately convey the views of the Hanafi school on certain controversial fiqh issues, failed to convey the views of other schools.¹⁵⁰ It is possible to clearly see Amâsî's adherence to his sect in certain matters. For example, he expressed¹⁵¹ the concept of combining literal and figurative meanings (a word having both literal and figurative meanings at the same time) in a single sentence: 'Combining literal and figurative meanings is impossible.'

Amâsî, in many issues related to fiqh, first presented the evidence for the opposing views that he did not favour, then began with *ولنا* (in our opinion) to present the views and evidence that he favoured.¹⁵² He has mostly responded to the evidence presented by opposing views, addressed the points he objected to, and presented evidence supporting his preferred view in the nature of a response.¹⁵³

It has been observed that Akhisârî utilised concepts such as comprehension, definition, classification and exemplification in a more

¹⁴⁵ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 151, 154, 164, 170.

¹⁴⁶ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 262.

¹⁴⁷ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 72, 82, 102, 188.

¹⁴⁸ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 123, 251, 315, 367.

¹⁴⁹ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 163, 173, 259.

¹⁵⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 41; for examples, see 111, 131, 210.

¹⁵¹ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 157.

¹⁵² See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 170, 195, 204.

¹⁵³ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 89, 264.

comprehensive and successful manner. While Akhisârî defined¹⁵⁴ almost all concepts in his work, Amâsî didn't adopt such a method. Akhisârî explained fundamental concepts such as the original, the branch, the province, religion, fîqh, and the methodology of fîqh by providing examples. He even defined and illustrated concepts such as haram, makruh, and mubah, which aren't found in *al-Manââr*'. Although Amâsî's work contains more topics than Akhisârî's, the lack of organisation of these topics, the absence of certain concepts, and the lack of definitions are noticeable shortcomings. In addition, while the definition of licence isn't provided in *al-Manââr*, this concept is defined in the work of Amâsî.¹⁵⁵

The most successful aspect of Akhisârî's work is the organisation of the topics and the completeness of the definitions and examples. In this respect, he hasn't merely summarised '*al-Manââr*', but has reorganised the scattered topics, provided examples of some concepts not mentioned in *al-Manââr*, and made the work suitable for beginner-level students. The weak points of Akhisârî's work, however, are that he didn't include some important methodological issues in his work, even though he mentioned them in *al-Manââr*. Although he addressed some of these issues in his work, he didn't address certain issues in his commentary at all.

3.5. In Terms of Examples of How the Topics are Handled

Akhisârî in his commentary divided the Islamic legal evidence into two parts: those from Allah (the Qur'an) and those from others (the Messenger and the community), and summarised them into four categories: 'the Book', 'the Sunnah', "ijma" and 'qiyas'.¹⁵⁶ When defining the word 'Book' (Kitâb), he mentioned both its lexical meaning (to collect) and its technical meaning (the words of Allah written in the mushafs). He also described the Qur'an as 'the book revealed to the Messenger, which has been transmitted to us through a continuous chain of transmission.'¹⁵⁷ He then discussed the types of delâlet under the heading "parts of meaning and composition" and examined the words in terms of their meaning, dividing them into the categories of "hâss/specific", "âmm/general", "mustarak/shared" and "muavval/interpreted".¹⁵⁸

¹⁵⁴ Akhisârî, *Sharhu Samti'l-Wusûl*, 66.

¹⁵⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 214.

¹⁵⁶ Akhisârî, *Sharhu Samti'l-Wusûl*, 159.

¹⁵⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, 161.

¹⁵⁸ Akhisârî, *Sharhu Samti'l-Wusûl*, 165.

Akhisârî states that, apart from the Prophet's invitation to all humanity to embrace faith, non-Muslims are subject to rulings concerning faith, punishments such as hadd and qisas, and rulings concerning worldly matters. Regarding the responsibility of worship, Akhisârî states: 'Although they are not believers and therefore have no responsibility to perform acts of worship in this world, they will be held accountable in the hereafter and will be punished.'¹⁵⁹

Akhisârî stated that the general term that hasn't been restricted (contrary to Shâfi'î) is definitive. According to Shâfi'î, however, (there is almost no general wording that hasn't been specified) and like the specific, it also contains doubt. Akhisârî also states that the specific can be abrogated by the general, citing as an example the abrogation of the hadith 'Ureyne'¹⁶⁰ by the later general phrase 'stay away from urine'¹⁶¹ because of the definite article 'al' (alif-lam) in the word 'al-bul' (urine), which indicates a specific type. He gave the text of the Ureyne hadith in his commentary.¹⁶²

Akhisârî stated the following regarding 'umûm al-mustarak' (the use of a word with multiple meanings simultaneously): "In our view", a shared word cannot be used to convey multiple meanings simultaneously, but according to Shafi'i, "it is permissible to use a word with two meanings simultaneously as long as there is no contradiction (contradiction), it is permissible to use two meanings of a word simultaneously."¹⁶³

Akhisârî divided revelation into two parts: the apparent (the revelation of the Qur'an) and the hidden (that which falls upon the heart, that which occurs in the heart). He adhered to the main text by adopting the view that the Qur'an is apparent revelation and the Sunnah is hidden revelation. It states that the Prophet's ijihad (to give a judgment) on matters not revealed to him (after a three-day waiting period) is equivalent to revelation, and that it isn't permissible to oppose this ruling.¹⁶⁴

¹⁵⁹ Akhisârî, *Sharhu Samti'l-Wusûl*, 188.

¹⁶⁰ For the hadith of Ureyne, see Muhammad b. Ibrahim al-Cûfi al-Bukhârî, *al-Câmi'us-Sahîh*, ed. Zuhayr b. Nasr (S.I.: Daru Tavki'n-Necat, 1422), 'Wudu'. 66; 'Medicine', 5, 6.

¹⁶¹ Abdullah b. Yusuf al-Zeylâi, *Nasbu'r-râye li ehâdîsi'l-Hidâye*, (Jeddah: al-Mektebe al-Mekkiyye, 2008), 1/128.

¹⁶² Akhisârî, *Sharhu Samti'l-Wusûl*, 189.

¹⁶³ Akhisârî, *Sharhu Samti'l-Wusûl*, 193.

¹⁶⁴ Akhisârî, *Sharhu Samti'l-Wusûl*, 227, 228.

Akhisârî has divided the Sunnah into three categories in terms of continuity: 'mutawatir', 'mashur/well-known' and 'habar al-vâhid/single report'; and into two categories in terms of interruption: "explicit" and 'implicit'. He states that the famous Sunnah initially (during the period of the Companions) was considered to be a single report, then gained fame during the periods of the Tabi'ûn and Tebe'u Tabi'in, that it contained definitive knowledge, that it should be acted upon, and even that adding to the Qur'an with the famous Sunnah is permissible. Furthermore, since the attributes of justice are established by the testimony of the Prophet, it states that the Sunnah of the Companions and the Tabi'un (al-mursal) are evidence according to the Hanafis, and that they should take precedence over analogy in the Tabi'un and later periods. However, according to Karhî from the Hanafi school, analogy may be preferred over the words of the Companions. Because it is within the realm of possibility that the companions may have made erroneous interpretations (judgment).¹⁶⁵

Akhisârî states that the words of the Companions are evidence. However, according to Karhî from the Hanafis, analogy may be preferred over the words of the Companions. Because the companions' ijtihad is subject to error, it doesn't bind others as a provision. Akhisârî continues: 'Among our companions, the scholars Abû Hanîfa and Abû Yusuf agree that in matters where a provision can't be reached by analogy, it is necessary to follow the words of the companions.'¹⁶⁶

Akhisârî addressed the topic of 'istihsân' within the sections on "qiyas" (analogy), dividing analogy into two types in this context: celî (explicit) and hafî (implicit), and stated that implicit analogy is 'istihsân'. For example, it has given the case of scavenger birds being considered clean. By open analogy, the meat of birds of prey is unclean, like the meat of other predatory animals, and must be forbidden. However, by implicit comparison (through istihsân), the remains of birds of prey are clean. Because the remains of predatory animals are not impure in and of themselves. Because they eat or drink things that are unclean with their tongues, filth mixes with their saliva along with water. As for birds of prey, they aren't considered unclean because they feed with their beaks, which are made of bone. While the bone of a dead person isn't considered

¹⁶⁵ Akhisârî, *Sharhu Samti'l-Wusûl*, 229, 230, 232.

¹⁶⁶ Akhisârî, *Sharhu Samti'l-Wusûl*, 243.

dirty, it is more appropriate that the bone of a living thing is not considered dirty. This is also called *al-istihsân*.¹⁶⁷

Akhisârî divided the term 'azîmat' from the offer provision into four categories: 'fard', 'wajib', 'sunnah' and "nafl", but also included 'mubah' under the heading of *nafl*. While dealing with the subject of *azîmat*, he dealt with the *fard* and the *haram*, the obligatory and the *makruh* (dislike), the *sunnah* under one heading, and the *naflah* and the permissible together.¹⁶⁸

After discussing the types of licences, it explains with examples that some provisions containing commands and prohibitions are subject to causes and conditions. The reason for faith is 'the creation of the universe, that is, the existence of the Creator'; the reason for prayer is 'the appointed time'; its condition is 'purity/ablution'; the reason for *zakat* is 'possessing the *nisab* amount of wealth'; the reason for fasting is 'the days of Ramadan'; the reason for *fitr* charity is 'head/thanksgiving'; the reason for Hajj is the Kaaba (House of Allah), the reason for *kharaj* and *ushr* (taxes on agricultural produce collected from non-Muslims and Muslims) is income-generating land, the condition for transactions such as marriage and trade is consent, and in criminal law, the reason for retribution is intentional murder.¹⁶⁹ The author hasn't addressed the topic of "mânî" (the thing that prevents the ruling) among the parts of the *vaz'* (premise-dependent) provision. In the concluding section, Akhisârî completes his commentary by briefly addressing the topics of types of taxpayers and tax liabilities, providing short examples.

Hızır b. Muhammad al-Amâsî also he defined the concepts of "usûl al-şer'", "fer'", "şer'", and after stating that the *usul al-şer* consists of "kitâb", "sunnah", "ijma' of the ummah" and "qiyas",¹⁷⁰ he described the book and then discussed the types of words. In this context, he has addressed the terms by dividing them into sections as follows: "in terms of the meaning they are assigned", "in terms of the clarity or obscurity of their indication of meaning", "in terms of the usage of their indication of meaning", and "in terms of the form of their indication of meaning".¹⁷¹

¹⁶⁷ Akhisârî, *Sharhu Samti'l-Wusûl*, 247.

¹⁶⁸ Akhisârî, *Sharhu Samti'l-Wusûl*, 280-284.

¹⁶⁹ Akhisârî, *Sharhu Samti'l-Wusûl*, 294-296.

¹⁷⁰ Amâsî, *Tehyîj-u Ghusûni'l-Uşûl*, 67.

¹⁷¹ Amâsî, *Tehyîj-u Ghusûni'l-Uşûl*, 74-190.

Amâsî stated the Hanafi methodological view on this matter, saying, 'In our opinion, it isn't permissible to add to the specific wording of a single report.'¹⁷² Amâsî, addressing the issue of non-Muslims being subject to Sharia law, states that unbelievers are accountable for their faith, that the laws of muâmalât and criminal law apply to them, that they will be held accountable for these matters in the hereafter, but that they are not required to perform acts of worship while in this world.¹⁷³

Hızır b. Muhammad states that it is not permissible to restrict the general wording with a single report and analogy, but that the general ruling can be abrogated with specific wording.¹⁷⁴ Then Amâsî, who is also a linguist, explains the subject by giving examples around concepts such as singular, plural, definite, indefinite, adjective¹⁷⁵, etc.

The ruling divides the obligation into four categories: 'fard', 'wajib', 'sunnah' and "nafl", but adds 'mubah' as a fifth category. According to Shâfi'î, it expresses that fard and wajib are synonymous.¹⁷⁶ Amâsî explains with examples that some commands and prohibitions are conditional and contingent upon certain reasons and circumstances, following the types of permissions. These examples correspond exactly to the examples given in Akhisârî's commentary. That is to say; the reason for faith is the creation of the universe, the reason for prayer is the appointed time, its condition is cleanliness/ablution, the reason for zakat is ownership, the reason for fasting is the days of Ramadan, the reason for fitr charity is the head/thanksgiving, the reason for Hajj is the Kaaba, the reason for Haraj and Ushr is income-generating land, the condition for transactions such as marriage and trade is mutual consent, and in criminal law, the reason for retribution is intentional murder.¹⁷⁷ The author has not addressed the topic of "mânî" among the parts of the vaz' (premise-dependent) ruling, as is the case with Akhisârî.

In the classification of Sunnah, however, unlike the majority, he preferred a three-tiered classification, arranging them as 'mutawatir,' 'well-known,' and 'ahad.' He stated that the well-known Sunnah is of the

¹⁷² Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 76.

¹⁷³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 118.

¹⁷⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 131, 132.

¹⁷⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 134, 135, 136.

¹⁷⁶ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 212.

¹⁷⁷ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 216, 217.

same status as mutawatir, and therefore contains definitive knowledge, and that acting upon it is obligatory, thus aligning himself with the Hanafi school of thought. He has addressed the conditions for acting upon a single-chain narration within the framework of the person narrating it and the conditions required for narration, and to the extent that the narration isn't interrupted.¹⁷⁸

Amâsî explains the methods to be followed in the event of a conflict between two religious texts that are equal in terms of time and place but differ in terms of ruling, in accordance with the Hanafi school of thought's sequence and views.¹⁷⁹ Hızır b. Muhammad occasionally states the Hanafi school of thought's view on certain issues where there is disagreement among the schools of thought, using phrases such as 'in our view'. For example, when discussing abrogation, he states that abrogation is valid in the Qur'an and Sunnah, that addition to the text is 'specification' according to Imam Shafi'i and abrogation according to Abû Hanîfa, saying 'in our opinion'.¹⁸⁰

Like Akhisârî, Amâsî also approached revelation in two parts, the apparent and the hidden, adhering to the view that the Qur'an is the apparent revelation and the Sunnah is the hidden revelation, thus remaining faithful to *al-Manâr*. According to him, when the Prophet didn't receive revelation, his primary duty was to wait for revelation. If revelation didn't come after the waiting period (three days), the Prophet would act according to his own opinion (ijtihad).¹⁸¹ Regarding the companions' statements based on ijtihad, the majority hold that these are a more authoritative source of evidence than analogy, whereas according to Karhî of the Hanafi school, the companions' opinions come after analogy due to the possibility of error in their views.¹⁸² According to Shâfi'î, the words of the Companions aren't an absolute proof, whereas according to the Hanafis, since there is a possibility that the Companions heard this from the Prophet, the words of the Companions take precedence over opinion and must be acted upon.¹⁸³

¹⁷⁸ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 220.

¹⁷⁹ See Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 243-253

¹⁸⁰ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 262, 266.

¹⁸¹ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 271.

¹⁸² Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 274.

¹⁸³ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 274.

Hızır b. Muhammad addressed “istishâb al-hâl” within the context of analogy and defined this concept as ‘ruling that a situation that existed in the past continues to exist in the present.’ He then stated that, according to the Hanafis, this isn’t accepted as evidence in terms of “proof” (in terms of ruling on the existence of something that doesn’t exist); rather, it is accepted as evidence in terms of leaving what exists as it is, thereby presenting the view of the Hanafis. In the Shafi'i school, it has been stated that both aspects of “istishâbu'l-hâl” serve as evidence.¹⁸⁴

Amâsî, however, defines ‘istihsân’ as “turning from celî (open) analogy to hafî (hidden) analogy”. It has been stated that istihsân, which is contrary to qiyas (the general principles of Sharia), is evidence; in this context, the selem contract (a type of transaction where payment is made in advance and goods are delivered later) is permissible by istihsân due to nass (hadith), while the istisna’ (order) contract is permissible by istihsân due to ijma.¹⁸⁵ Amâsî, like Akhisârî, concluded his work by addressing the topics of types of obligations and breaches of obligations.

Conclusion

The work entitled *Manâru'l-anwâr* by al-Nasafî, which is undoubtedly the most influential work of Hanafi jurisprudence literature in the post-classical period and is considered the last text written using the fuqaha method, has had a significant impact in Anatolia and the Balkans, as well as in all Islamic regions. The work in question was taught as a textbook in madrasas in many Islamic countries, and hundreds of commentaries were written on it. In this context, the work in question was summarised in a concise manner in Europe (the Balkans) by the Bosnian scholar Hasan Kâfî Akhisârî in his work entitled *Samtu'l vusûl*, after which the author wrote a commentary on his own summary entitled *Sharhu Samti'l-Wusûl*. In Anatolia, a concise text entitled *Ghusûnu'l-Usûl* was written by Hızır b. Muhammad al-Amâsî, who was considered one of the great scholars of his time and distinguished himself in the fields of usûl al-fiqh, Arabic grammar, and semantics, using the Hanafi (jurists) method and the author has annotated his own work at the request of others under

¹⁸⁴ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 302, 303.

¹⁸⁵ Amâsî, *Tehyîj-u Ghusûni'l-Usûl*, 315, 316.

the title *Tehyîj-u Ghusûni'l-Usûl*. The two works we have examined focus on the methodology and content followed by the Hanafi school of jurisprudence in *usul al-fiqh*. The findings of our research, which compares the aforementioned commentaries written during the same period (17th century), one in the Balkans and the other in Anatolia, are as follows:

Akhisârî structured his work as an introduction, two chapters and a conclusion, and gathered the topics expressing rulings scattered throughout *al-Manâr* under a single chapter. Hızır b. Muhammad al-Amâsî, in his commentary divided into an introduction and various sections, summarised the topics concisely in his own words, didn't use topic headings, and moved on to the next topic by placing the heading 'fasl' at the beginning of each topic. Hızır b. Muhammad didn't use subheadings as in *al-Manâr*, but addressed topics under the main heading. In his work, Akhisârî retained the main headings of *al-Manâr* —book, sunnah, ijma, qiyas—unchanged, but altered the arrangement, removing some topics from the main text either entirely or partially, and changing the order of the subheadings. Hızır b. Muhammad al-Amâsî, however, preserved the arrangement in *al-Manâr* exactly as it was and summarised the topics according to this arrangement.

As noted by Ençakar, who published the annotated critical edition of the work, the primary source for Akhisârî's commentary is Ibn Melek's *al-Manâr* commentary, and that Akhisârî has reproduced Ibn Melek's statements almost verbatim throughout the commentary, with only a few instances where he has drawn upon Taftezânî's *al-Telvîh* and Sadru'ş-Şerîa's *al-Tenkîh* and *al-Tavzîh* works. Amâsî also relied heavily on Ibn Melek's commentary on *al-Manâr* in his commentary, but didn't mention this in his work. In some places, he made additions with direct quotations from *al-Manâr* and usually expressed these with the phrase 'know that'.

In his work, Akhisârî addresses topics in a manner that students new to the science of *fiqh* (al-mubtadi) can easily understand. In this context, he conveys the definitions and classifications of the most fundamental topics of *fiqh* methodology without entering into any debate or citing evidence. Hızır b. Muhammad has written his work in a very fluent, simple language and style, avoiding unnecessary elaboration and summarising the principles of *usûl al-fiqh* concisely and at a beginner's level for the benefit of students. He hasn't included in his work complex

issues that could cause confusion or topics that are not particularly useful for a beginner-level student, but has addressed the subjects in a systematic and coherent manner. In order to keep the volume of the work small, he hasn't included examples in most of the provisions. In terms of concept definitions and examples, it largely adheres to *al-Manââr*. Akhisârî, however, didn't merely summarise *al-Manââr*; he reorganised the scattered topics, completed the definitions and examples, provided examples for some concepts not mentioned in '*al-Manââr*' and made the work suitable for beginner-level students. It is possible to say that Akhisârî is more successful than Amâsî in this respect. The weak points of Akhisârî's work, however, are that he didn't include some important usûl (methodological) issues in his work, even though he mentioned them in *al-Manââr*. Although he has addressed some of these issues, he hasn't addressed certain issues in his commentary at all.

While Akhisârî's work doesn't cover topics such as the limitation of the word 'âmm' (general), adverbs, prepositions, reference letters, letters of meaning, types of illets, and ways of identifying them, Hızır b. Muhammad al-Amâsî has included these topics in his work. In this respect, it can be said that Hızır b. Muhammad al-Amâsî was more successful than Akhisârî in terms of the abridged tradition.

In terms of understanding concepts, defining them, categorising them and providing examples, it has been observed that Akhisârî utilised these techniques in a more comprehensive and successful manner. While Akhisârî defined almost all concepts in his work, Amâsî didn't adopt such a method. Akhisârî explained fundamental concepts such as 'principle', 'fer' (rule), 'judgement', 'religion', 'fiqh', and 'usûl al-fiqh' by providing examples. He even defined and gave examples of concepts such as 'haram' (forbidden), 'makruh' (disgusting) and 'mubah,' (permission) which aren't found in *al-Manââr*. Although Amâsî covered more topics than Akhisârî in his work, the lack of organisation of these topics, the omission of certain concepts, and the absence of definitions are noticeable shortcomings in his commentary. In this respect, the commentary on Akhisârî appears to be more systematic in terms of subject arrangement, headings, concept definitions, division, rulings and examples.

In order to avoid causing confusion among the people of Akhisârî, he didn't mention any of the different sectarian views found in *al-Manââr* regarding matters of procedure, but when dealing with Amâsî topics, he

occasionally touched upon points of disagreement between Abû Hanîfa and his students Abû Yusuf and al-Karhî. Amâsî occasionally referred to the views of other schools of thought on the subject, but made a choice by citing the view that forms the basis of fatwa in the Hanafi school of thought. Amâsî, who was also knowledgeable in the fields of rhetoric and language, analysed Arabic language and grammar while addressing the topics and supported his arguments with examples. The fact that he included important intra-sectarian and inter-sectarian disputes in his work and addressed the topics by providing grammatical analyses can be counted among the characteristics that make Hızır b. Mumammed more successful than Akhisârî.

While Akhisârî and Hızır b. Muhammad addressed the topic of 'sunnah' using similar headings and classifications, it is evident that Amâsî dealt with the subject in a more comprehensive manner. For example, while Amâsî dealt with the topic of 'types of Sunnah in terms of the locality of evidence-based reports' in a comprehensive manner with subheadings, Akhisârî didn't address this topic in his work under the heading 'Sunnah'. Akhisârî again limited himself to expressing the topics of 'the attribution of the absolute meaning to the recorded meaning' and 'mefhûm al-muhâlafâ' which are among the most important topics in the methodology of Islamic jurisprudence, in a single sentence, refraining from entering into the disagreements and debates between the schools of thought. Amâsî, however, devoted more space to the aforementioned topics in his work and touched upon different views. While Akhisârî didn't address the topic of 'al-istishâb' in his work, Hızır b. Muhammad discussed the topic of 'istishâb al-hâl' under the section on analogy.

In conclusion, although they have certain advantages and some shortcomings in the aspects mentioned above, it has been concluded that both works successfully summarise and comment on Nasafî's *al-Manâir* in a concise manner, using their own styles and the fuqaha method, for those new to the science of fiqh usûl.

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