

Received-Makale Geliş Tarihi 01.01.2025
Published-Yayınlanma Tarihi 28.02.2025
Volume-Cilt (Issue-Sayı), ss/pp 12 (116), 239-247

Research Article/ Araştırma Makalesi
10.5281/zenodo.14957688

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The Place of Ahmed Ziyaüddin Gumushkhanawī, One of the Scholars of the Ottoman Period, in The Science of Fiqh

Osmanlı Dönemi Alimlerinden Ahmed Ziyaüddin Gumushkhanawī'nin Fıkıh İlmindeki Yeri

ABSTRACT

Adopting an understanding of life full of asceticism and piety, Gümüşhanevî was one of the important figures in the history of Sufism. His Excellency Gumushkhanawī, who lived in a turbulent and depressed period of the Ottoman Empire in the nineteenth century, has an influence and reputation that still maintains its vitality today, with its understanding of the sect, its lodge, works on Sufism, fiqh and hadith, and the caliphs he sent to various parts of the world. It is his mystical personality that brought Gumushkhanawī its real fame. However, it is possible to see his works on fiqh in his fiqh lessons.

Ahmad Ziyāuddīn Gumushānawī influenced the Ottoman sultans during his lifetime and gained their favour. He was the most beautiful representative of the Ottoman State both inside and outside the Ottoman Empire, drawing the portrait of a true scholar by revealing how Islam should be understood and lived both in zāhir and bāṭin, and by carrying out irshād activities for his followers and the society he lived in. Gümüşhanevî is one of the leading figures of the Shari'ah and Sufism, which is the internalisation of the Shari'ah and its internalisation, by revealing the zāhir and bāṭin meanings of the provisions of Islam and how the balance between the world and the hereafter should be in his own life, seyr-i sulūk. He is a man of knowledge, idea and heart who wrote various works in Islamic sciences, who was knowledgeable and guided those who came after him. All his endeavours were for the correct understanding and living of Islam. Because knowing the purposes of the Shari'ah means understanding its lofty goals. In this study, in which we focus on Gümüşhanevî's jurisprudence, we draw attention to this aspect of him in order to open a window. Therefore, it would be useful to touch upon Gümüşhanevî's interest in the sciences of fiqh as a Sufi.

Keywords: Fiqh, Sufism, Ottoman state, Ahmet Ziyaeddin Gumushkhanawī, Scientific Person.

ÖZET

Zühd ve takva dolu bir hayat anlayışını benimseyen Gümüşhanevî, tasavvuf tarihinin önemli simalarından biri olmakla beraber fıkıh alanında da dersler okutmuş ve ilmi eserler ortaya koymuştur. *Câmi'u'l-menâsık alâ ahseni'l-mesâlik (hac ibadetini konu alır)*, *Kitâbu'l-abir fi'l-ensari ve'l-muhacir* gibi eserleri fıkha dair kaynaklar arasında zikredilir. Ondokuzuncu yüzyılda Osmanlı Devleti'nin çalkantılı, buhranlı bir devrinde yaşamış olan Gümüşhanevî hazretleri, tarikat anlayışı, tekkesi, tasavvuf, fıkıh ve hadise dair eserleri ve dünyanın çeşitli bölgelerine gönderdiği halifeleriyle günümüzde de halen canlılığını muhafaza eden bir tesir ve şöhrate sahiptir. Gümüşhanevîye asıl ününü kazandıran tasavvufi şahsiyetidir. Ancak onun fıkıhla ilgili çalışmalarını verdiği fıkıh derslerinde görmek mümkün.

Ahmed Ziyāuddīn Gümüşhānawī, yaşadığı dönemde Osmanlı padişahlarını etkilemiş ve onların teveccühünü kazanmıştır. O, İslam'ın zāhiren ve bātinen nasıl anlaşılıp yaşanması gerektiğini ortaya koyarak sâliklerine ve yaşadığı topluma irşād faaliyetlerinde bulunarak, gerçek bir âlim portresi çizmiş, Osmanlı Devletinin içte ve dışta en güzel temsilcisi konumunda olmuştur. Gümüşhanevî, İslam'ın hükümlerinin zāhir ve bāṭin anlamlarının, dünya ve ahiret dengesinin nasıl olması gerektiğini kendi yaşamı olan seyr-i sulūkünde ortaya koyarak, şeriatın ve onun içselleştirilmesi olan tasavvufun yaşadığı zamana göre önde gelen isimlerinden biridir. İslami ilimlerde çeşitli eserler yazan, ilmiyle âmil ve kendisinden sonra gelenlere yön veren bir ilim, fikir ve gönül adamıdır. O'nun bütün çabası İslam'ın doğru anlaşılıp yaşanması içindir. Çünkü şeriatın maksatlarının bilinmesi, ulvi hedeflerinin anlaşılması demektir. Gümüşhanevî'nin fikhî yönünü konu edindiğimiz bu çalışmada onun bu yönüne bir pencere açmak amacıyla dikkat çekmektir. Dolayısıyla bir tasavvuf ehli olarak Gümüşhanevî'nin fıkıh ilimlerine göstermiş olduğu alakaya temas etmek yararlı olacaktır.

Anahtar Kelimeler: Fıkıh, Tasavvuf, Osmanlı devleti, Ahmet Ziyaeddin Gumushanevî, İlmi Şahsiyeti.

1. INTRODUCTION

Although fiqh and tasawwuf are two complementary sciences, their means and means are different. The source of both is the Qur'an and the Sunnah. However, the science of fiqh follows the path of deduction and demonstration with the intellect, while Sufis follow the path of spiritual experience and al-muhāshifa (al-Nadwī, 2009; Ögke, 2004; Yılmaz, 2004). The reason for the distinction is that fiqh is concerned with the external rulings pertaining to worship, customs and transactions, that is, it is the science that regulates the external life of human beings, whereas tasawwuf is the science of disciplining the soul, satisfying the heart, in short, regulating the internal aspect (Köksal, 1999). Al-Ghazālī, as a scholar who combined the paths of jurisprudence and Sufism, became a true jurist at this point. This is because Islamic sciences cannot be in conflict with each other. Just as there is an outward form of worship and the provisions related to it constitute the subject matter of fiqh, there is such an inward condition of peace of heart, hudu and awe that it constitutes the subject matter of Sufism.

2. TASAWWUF and FIQH

Sufism is the spiritual life of Islam and the spiritual authority represented by the Prophet of Islam in his person, institutionalized and spread until today. Fiqh, on the other hand, according to Imam-i Azam Abu Hanifa, is "*knowing what is for and against the soul*" (Ögke, 2004). In other words, fiqh is the science of knowing one's rights, powers and obligations. The aim of fiqh is to regulate the relations between man and man, man and society, and man and things. Since the sciences had not yet become independent during the period of the tâbiin and taba-i tâbiin, the word "*fiqh*" was generally used to mean "*absolute science*". However, later on, the term "*al-Fiqh al-Akbar*" became the name of the science of al-'aqidah and tawhid; "*al-Fiqh al-wujdani*" or "*Fiqh al-bâtin*" and "*Ilm al-kulub*" became the name of the science of soul cleansing, moral education and Sufism; and only "*Fiqh*" or "*Fiqh al-zâhir*" became the name of the science that examines the Sharī'ah provisions regarding worship, conduct and punishments, and the zâhirī part of actions pertaining to the organs. Therefore, while fiqh deals with the physical aspect of worship, Sufism has undertaken the spiritual/heart dimension and as a result, the distinction between fiqh al-zahir¹ and fiqh al-batin² has been realized (Köksal, 1999; al-Nadwī, 2009).

While the jurists analyzed and codified the rules of worships such as prayer, fasting, and pilgrimage, as well as the legal acts such as marriage, talaq, trade, and qisas, the Sufis endeavored to present the bâtinī ethics such as zuhd, taqwa, and ihlās to the public as living examples and tried to fill the gap left by the jurists. In a sense, Sufism wanted to understand and explain from the inside what fiqh examined from the outside. Just as there is an outward form of worship and the provisions related to it constitute the subject matter of the science of fiqh, there is such an inward condition of peace of heart, hudud and hushû that it constitutes the subject matter of tasawwuf.

In conclusion, although fiqh and tasawwuf are two complementary sciences, their means and means are different. The source of both is the Qur'an and the Sunnah. However, the science of jurisprudence follows the path of deduction and demonstration with the intellect, while Sufis follow the path of spiritual experience and al-muqāshafah (Yılmaz, 2004). The reason for the difference is that jurisprudence is concerned with the external rulings pertaining to worships, customs and transactions, that is, it is the science that regulates the external life of human beings, whereas Sufism is the science of taming the soul, satisfying the heart, in short, regulating the internal aspect (Köksal, 1999).

3. THE SCHOLARLY PERSONALITY OF GUMUSHKHANAWĪ

Ahmad b. Mustafa b. Abdurrahman al- Gumushkhanawī was born in the Emirler neighborhood of Gümüşhane and became famous with the name Gumushkhanawī (Gündüz, 1996; Yazıcı, 2007). Although there are different information about his birth date in the sources, it is known that he was born in 1813 (Vassaf, 1999). Gumushkhanawī's talent in knowledge manifested itself at an early age, he recited the Holy Qur'an at the age of five, and at the age of eight, he received an icazet by reciting *Kasīd*, *Delâil*, and *Hizb-i Azam* (Kazan, 2014). It is possible to say that *Sheikh Salim*, *Sheikh Ömer al-Bagdadī*, *Sheikh Ali al-Wafâi* and *Sheikh Ali*, whom he mentioned in these icazetnames, were his teachers in Gümüşhane (Gündüz, 1992; Yılmaz, 1997). Gumushkhanawī lived in Gümüşhane until he was ten years old, and then his family went to Trabzon for trade, and he continued his education there, taking lessons on sarf, nahiv and fiqh from various scholars (Ibn Numan, 1985; Tahir Efendi, ty; Vassaf, 1999).

¹ It is the name of the science that studies the external part of the organs related to the shari'ah rulings and deeds related to worship, conduct and punishments.

² The name of the science of soul cleansing, moral education and Sufism.

His father, who was aware of Gumushkhanawī's fondness for knowledge, told him to help his brother until he returned from the military service and then he would send him to Istanbul for the study of science, whereupon Gümüşhanevî, patiently waiting for his father's promise, started to knit and sell money bags to save money (Gündüz, 1992; Gümüşhanevî, 1986; Yılmaz, 1997). After a while, Gumushkhanawī who went to Istanbul for trade under the supervision of his uncle, found the land of knowledge and wisdom he was looking for and enrolled in the Beyazıd Madrasah, never returning to Trabzon. Gumushkhanawī, who said, "*Allah is enough for me as a helper and friend*," became initiated into a sheikh here and studied wisdom, ahbar, Sufism and science sciences. He then settled in Mahmutpaşa Madrasah. He attended the classes of *Hafiz Mehmed Emin*, the teacher of Sultan Abdülmecid, *Hafiz Mehmed Emin*, the teacher of Mahmut II, *Abdurrahman Harbutî* and *Laz Osman* at the Süleymaniye Mosque, the leading scholars of the time (Bilgen, 2015; Ece, 1978; Gündüz, 1992). Gumushkhanawī who worked as a muderris in Mahmutpaşa and Bayezıd madrasas and gave icazet, expanded his teaching circles, and also started to write works that would last for thirty years (Ece, 1978; Gündüz, 1992).

Gumushkhanawī, who started to receive Sufi education from a young age, continued his relations with Sufi circles throughout his education in Istanbul and became a follower of the Halidi sheikh Ahmad al-Arvādî, who was famous as the mufti of Tripoli. In 1848, after two halvahs in his cell in Mahmud Pasha Madrasah, he received his caliphate from al-Arwādî¹⁵. Gumushkhanawī, who said that he was a Naqshbandî by tariqa and a Shazeli by mashreb, carried out an intensive irshad activity within the framework of the procedures and manners of Naqshbandiyya and Shazeliyya. It is known that Gumushkhanawī who published his first work *Najātu'l-Gâfilîn* in 1847 and his last work *Levâmiu'l-ukûl* in 1875, continued his scholarly works until he moved to the tekke (Fatma Sultan Mosque) (Bilgen, 2015; Gündüz, 1992).

Who endeavored to respond to every need of the society, had a charity and loan fund established by gathering the securities held by his followers as an alternative to the interest-bearing banks that were being established at that time. These idle savings were collected and became a capital to be used for mutual aid and investment purposes.

Gumushkhanawī purchased a large printing house with the capital accumulated in the charity and investment fund he established in his lodge and endeavored to make science more efficient and widespread by distributing scientific works free of charge to scholars. With the foundations of five hundred gold coins each allocated from the same capital, four separate libraries of eighteen thousand volumes were established in Istanbul, Bayburt, Rize and Of, and efforts were made to ensure the spread of science in Anatolia (Kara, 2009; Yazıcı, 2007).

In Gumushkhanawī's understanding of tariqa and Sufism, we see that while the goal of raising perfect people in the individual plan is pursued, social life is never neglected. In fact, the main goal he wanted to achieve with his tariqa activities and Sufi education was to create an ideal society composed of conscious Muslims who were perfected with their ideas, faith and morals (Aydoğdu, 2008; Yazıcı, 2007).

4. GÜMÜŞHANEVÎ'S INTELLECTUAL ASPECT

Gümüşhanevî, who we understand from his own statements that he started his education in a Sufi environment since his childhood, attached importance to the study of the spiritual sciences and stipulated that his caliphs must first and foremost have scientific competence. Gumushkhanawī, the piri and founder of the Ziyâiyye branch of the Khalidiyya, was not only an author and Sufi who authored many works, but also a murshid who had more than a hundred people wear the crown of caliphate.

Gumushkhanawī, who emphasized the importance of learning religious sciences and following the Sunnah, emphasized the teaching of hadith in his lodge, so that many statesmen came to his lodge, which became both a lodge and a dârü'l-hadith in his time, from time to time and participated in his conversations and lectures (Aydınlı, 1992; Gündüz, 1996). Gumushkhanawī, who states that the purpose of worship and creation is to attain the unity of Allah Almighty, sees knowledge as one of the main reasons that lead the person to this goal.

Gümüşhanevî, who adopted a life full of zuhd and piety, was one of the important figures in the history of Sufism, but he also studied and taught jurisprudence. Some of the fiqh books that Gumushkhanawī who studied fiqh in his madrasa years and received his ijazat, especially taught are as follows: Şürünbülâlî, Timurtâşî, Remlî, Hasköyî, Lâkânî, Münâvî, Halebî, Ibn Mâlik Ibn Hisham, Ibn Ukayl, Shaykh Khalid al-Azharî, Jürjânî, Taftazânî, Isamuddin, Molla Jami, Adud, Sadru al-Sharia, Molla Hüsrev and Merğınai,

-Commentaries on Hidayah by Ruhi, Qurayshî and others, Kadikhan, Saati, Abu'l-bahâ, Mawşilî,

All the works of al-Rūmī, Ibn Humām, al-Nafṣī, al-Qudūrī, Maturudī and al-Ash'arī,
 -Ibn Hajar al-Askalani's Fath al-Bāri, Aynī's Umdat al-Qāri.
 -Suyūṭī's works (Aydoğdu, 2008; Gümüşhanevî, 1986).

Although his most famous work is *Râmûzu'l-Ahâdis*, he also wrote works on al-qa'id, fiqh, ethics and mysticism. Thus, Gumushkhanawî Hazretleri, who brought together the intellectual and spiritual sciences together, has the characteristic of being a scholar of complementarity. He combined fiqh al-zahirî and fiqh al-batinî in his person (Türer, 1992; Yılmaz, 1997). He demonstrated this both in his interpretation of fiqh hadiths in *Levâmîi al-ukûl* and in his work on the mysteries of pilgrimage, *Câmi al-menâsik alâ ahseni al-mesâlik*. This work of Gumushkhanawî is one of the most important works on the mysteries of hajj. In this work, the wisdom of almost all acts of pilgrimage are explained. For this reason, this work is one of the best examples of the relationship between jurisprudence and Sufism and the wisdom of Hajj (Kahraman, 2013). This work, which deals with the worship of Hajj and describes in detail the menâsik and rukuns of Hajj, is 432 pages long and was printed in Istanbul in 1289 (Gümüşhanevî, 1289).

Hajj is the only worship of a lifetime, as it is an obligation of servitude in which the verse "Today I have perfected your religion for you, I have completed My favor upon you and I have chosen Islam as your religion" (al-Ma'idah, 5/3) was revealed and in which religion is completed, Gumushkhanawî (Gümüşhanevî 1273), who describes it as the greatest pillar of the Islamic religion and an obligation that gives life to the heart and the bosom, explains the etiquette, evsâf and manners of pilgrimage in twenty chapters with jurisprudential explanations, including tawaaf, ihram, count, waqf, Muzdalifa and all the menasiki of pilgrimage. From time to time, the work also includes Sufi interpretations and a chapter on the virtues of Haramayn.

In this work, Gumushkhanawî enumerates the main rules of the pilgrimage from the beginning to the end in twenty chapters. These chapters list the following titles:

- 1- Verses and hadiths about Hajj, the holiness of Mecca and Medina, the virtue of being a neighbor of the Prophet,
- 2- The obligatory nature of Hajj, its timing, conditions and rules,
- 3-Time of the Hajj,
- 4-Ihram and its conditions,
- 5-The things to be done while in ihram, the aspects of Hajj and ihram, and the entry of the insane and the insane into ihram,
- 6- The etiquette of Hajj, waqf, tawaaf and its affairs,
- 7-Terms and obligations of 'Umrah,
- 8-Hajj for pirates and dividend pilgrimage,
- 9- Murders,
- 10-Hunting,
- 11-Trespassing the Miqaat (violating the rules of the Miqaat),
- 12-Is attributing one ihram to another,
- 13-Ihsar,
- 14-The power of pilgrimage,
- 15- Hajj will,
- 16-Hajj performed on behalf of another person,
- 17-Kurban,
- 18- Nezir (Adak)
- 19-Visiting the grave of the Prophet,
- 20-The mystery of the pilgrimage (Ece, 1978).

In the hadith book compiled by Gumushkhanawî *Râmûzu'l-Ehâdis*, there are hadiths on every subject that will regulate the life of a Muslim in all aspects. Among these, those pertaining to jurisprudence constitute a large number. Although Gumushkhanawî included different sects when necessary in the explanation of

fiqh hadiths, he preferred the Hanafi sect to which he belonged. In the explanation of such hadiths, he used the terminology of fiqh and *usul al-fiqh* with proficiency (Altuntaş, 2014; Kahraman, 2013).

In his work titled *Câmi'u'l-mütûn*, Gumushkhanawî emphasized the worship and obligations to be performed in daily life. At the end of the work, some universal principles from Mecelle are mentioned and their application is given in the face of some situations encountered in daily life. It is possible to see Gumushkhanawî's jurisprudential aspect in this work, which was written on the Ahl al-Sunnah creed (Gümüştanevî, 1273). In his work titled *Kitâb al-âbir fi al-ensâri wa'l-muhajir*, Gumushkhanawî discusses the subject of hijrah and jihad in the light of verse, hadith, ijma and qiyas and includes Sufi interpretations. In the book, jihad is defined as migrating to the land of faith and Islam, from disbelief to faith, from evil to goodness, from the temporary and temporary charms of the world to the permanent pleasures of the hereafter, leaving the first ones aside and preferring the second ones. On the subject of jihad in the work, fighting against disbelief with all one's might for the sake of the word of Allah is considered as normal jihad, while the importance of jihad against the nafs is emphasized with verses.

In this treatise consisting of nine chapters, *Kitabu matlabu'l mujâhidin* (*Kitabu matlabu'l mujâhidin*), which is included in *Kitâb al-âbirin* (*Kitâb al-âbirin*), Gumushkhanawî dealt with the subjects of consultation, prayer, the virtue of mujâhids, the superiority of the shuhada over other dead, the virtue of keeping watch, and the religious responsibility of fleeing from the front. In the event of general mobilization, it is pointed out that it is obligatory to actually participate in the war. Another work included in *Kitâb al-âbir* is a treatise titled *Risâlatun Maqbulatun fi Hakki'l-mujaddid*. This small one-page treatise deals with the hadith that *a mujaddid* will come *at the beginning of each century*. At the end of *Kitâb al-âbir*, Gumushkhanawî gives two pages of advice to his disciples (Gümüştanevî, 1276).

5. GÜMÜŞHANAWÎ'S APPROACH TO SOME INTELLECTUAL HADITHS

With the idea that his knowledge of fiqh can be best understood through his works, we will first discuss some fiqh hadiths in Gümüştanevî's *Râmûzu'l-Ahâdis*, and in this section we will discuss his fiqh views.

5.1. Status of A Woman who Leaves Home Without Her Husband's Permission

"A woman who leaves her home without her husband's permission will be cursed by everything on which the sun and the moon rise until she returns home or her husband is pleased with her" (Hz. Anas) (Gündüz, 1992). Gumushkhanawî explained this hadith in the commentary of *Râmuz* as follows:

"If a Muslim woman leaves her place of residence without a Shari'ah necessity and without her husband's permission, everything on which the sun and the moon rise will curse her during the time she leaves, until her husband is pleased with her or she repents and returns. If she leaves because of her husband's fear of doing evil, then the matter is reversed and the curse belongs to the husband" (Gumushkhanawî, 2019).

In short, Gumushkhanawî interpreted the legitimate ways for women to leave the house as learning religion, i.e. getting an education, visiting her healthy and sick parents, practicing her profession as a midwife, teaching at a sibyan school³ and preventing her husband's evil deeds. In fact, when these interpretations are taken into consideration, it can be said that they also cover today's conditions and shed light on these conditions to a great extent. The noteworthy interpretation here is that if the wife, who will be persecuted by her husband, leaves the house for justified reasons and for self-protection, the curse will be on the husband until she returns home. This balanced approach also condemns the wrong and unjust understanding that the husband is always right (Fidan, 2014; Gümüştanevî, 2014; Kahraman, 2013).

5.2. Adorning The Woman

"If a woman goes out wearing a fragrance and passes by a group of people to make them feel her scent, she has committed adultery. Every eye (that looks at the forbidden) has committed adultery. (Hz. Abu Musa)" (Tirmidhi, "Edeb", 35; Nesai, "Zinet", 35). Gumushkhanawî explains this hadith about women's adornment and showing their adornment to others as follows:

If a woman wears a fragrance that can be smelled openly and then leaves her house and walks past strangers with the intention of making them smell her, she is guilty of adultery. Here, a woman who wears fragrance and leaves her house to attract the attention of men is likened to one who invites adultery. However, this is an exaggeration, a threat and an indication of how dangerous it is. In other words, even if she did not actually commit adultery, she is considered to have done so because she created a means to lead to it.

³ Pre-school education.

"Every eye commits adultery". That is, every eye that looks at a woman who is forbidden to him has committed adultery. Based on this hadith, some Malikis considered it haram to smell the fragrance worn by a foreign woman with pleasure. This is because when Allah forbids something, the Shari'ah forbids its close resemblance. Some of the Salaf scholars went to extremes in this regard. For example, Ibn 'Umar forbade sitting where a woman stood until the heat was gone.

As for the issue of a woman's adornment and perfume towards her husband, it is a good and desirable thing. It has been said that it is one of the strongest reasons for establishing affection and love between them, and not forbidding or hating them. Because the eye is the explorer and observer of the heart. When it sees a beautiful sight, it immediately conveys it to the heart. As a result, affection arises. When the eye sees an ugly sight in terms of clothing, etc., it dislikes it and conveys this dislike to the heart, resulting in dislike and hatred. That is why Arab women used to advise each other as follows: "Beware lest your husband's eyes linger on something on you that he does not like, or smell something that he does not welcome!" (Gumushkhanawī, 2019).

5.3. Status of A Woman Who Marries Without Parental Consent

"The marriage of a woman who marries without the permission of her guardian is void, void, void. If zifafah has taken place, she has the right to receive mehr from him because she has benefited from his sexuality. If they disagree, the sultan (public authority) is the guardian of the woman who has no guardian" (Hadrat 'A'isha and Hadrat Ibn 'Abbas) (Abu Dawud, "Nikâh", 20; Tirmidhi, "Nikâh", 14; Ibn Mâja, "Nikâh", 15).

Gumushkhanawī explains this hadith on guardianship as follows: The marriage of a woman who does not obtain the permission of her guardian, whether he is near or far, is null and void. The fact that the phrase "the marriage is null and void" appears three times in the hadith means that the marriage will be annulled from its original form. Indeed, according to Imam Shafi'i, such a marriage is fundamentally invalid and its validity does not depend on the consent of the guardian (mawkuf). The fact that this phrase is repeated three times shows that this marriage will be annulled after the contract has been made, after zifafah has taken place, after a long period of time has passed, and even after childbirth. If a woman marries in such a marriage and has zifafah, or if there is true halât between them, then she is entitled to mahr. When the mahr is required, the generation becomes fixed and the punishment for adultery is canceled (since there is a suspicion of marriage) (Fidan, 2014; Gümüşhanevî, 2019).

If the guardians who are authorized to marry the woman disagree among themselves about the order of priority, the authority to marry her passes to the judge. This is because the sultan/jadi is the guardian of the one who has no special guardian. This hadith proves the authority to marry women. The general wording of the hadith includes all women, virgins, widows, women of high and low status. According to the Shafi'is, this hadith shows that a woman cannot marry on her own, i.e. without the permission of her guardian. If the woman's declaration of will was valid in marriage, it would have been stated that she could marry on her own decision in case of disagreement and disagreement among the guardians, and the authority would not have been delegated to the sultan. The view of the Hanafis on this issue is as follows: The hadith refers to the little girl, the concubine and the slave. In other words, only these women and girls cannot marry without the permission of the guardian (Bayhaqi, VII/127; Tirmidhi, "Nikâh", 21; Darimi, "Nikâh", 40). According to the Hanafis, an older girl and woman who has reached the age of puberty can marry on her own, as well as being able to make other dispositions (Acar, 2022).

5.4. The Status of the Slave Who Marries Without the Master's Permission

"A slave who marries without the permission of his master commits adultery" (Bayhaqi, VII, 127; Tirmidhi, Nikâh, 21; Darimi, Nikâh, 40). Gumushkhanawī interprets this hadith as follows: "This hadith is a clear proof of the nullity of the marriage of a slave who marries without the permission of his master. The fact that a slave who marries in this way is considered to have committed adultery indicates that his marriage is null and void. According to Imam Shafi'i, even if the slave's master gives his consent to the marriage later, the marriage is still not valid. According to the Hanafis, a slave or a concubine is the same whether she is a slave, a freed slave or a slave. If a slave, a freed slave and an umm al-walad marry without the permission of their master, their marriage is mawkuf. If he gives his permission, their marriage is valid. If he refuses, it is void. Because this is a defect. But if he gives permission later, it is makrooh for him to have sexual intercourse without remarrying. The master here means the person who has the custody of marriage even if he is not the owner of the slave." (Aslan, 2015; Gümüşhanevî, 2019).

5.5. The Status of Veled-i Zina

"If a man commits adultery with a free man or a concubine, the child becomes a walad al-adultery. For this reason, he can neither inherit nor be inherited" (Hz. Anas) (Abu Dāwud, "Farāiz", 9; Ibn Māja, "Farāiz", 14). Gumushkhanawī interprets this hadith as follows:

Because the Shari'ah has severed the link between the child and the adulterer. The child can only inherit from his mother's side. Because of the separation between the adulterer and the child, no one can inherit from the father's side. Since his lineage is established through his mother, he inherits from his mother and his relatives on his mother's side inherit him (Gümüṣhanevî, 2019; Bukhârî, "Jihâd", 149).

5.6. Ruling on Apostasy

"If any man turns away from Islam, call him back to Islam. If he repents, accept his repentance. If he does not repent, behead him" (Bukhari, Jihâd, 149).

Gumushkhanawī explained this hadith in terms of words, deeds, or a sign of disbelief. If the apostate is a man, he is obligatorily asked to repent. If he does not repent, he will be killed by ijmaa. Similarly, if it is a woman who apostatizes, she will be killed according to the three Imams. According to Abu Hanifa, the woman is not killed. Because she has a protector, and that is that she is a woman. Because the Prophet forbade killing women. Gumushkhanawī gives the following hadith in this regard. *"If a woman turns away from Islam, invite her to Islam. If she repents, accept her repentance. If she does not repent, enslave her"* (Abu Dawud, "Jihâd", 121; Gümüṣhanevî, 2019).

6. EVALUATION and CONCLUSION

Ahmed Ziyaüddin Gumushkhanawī as a scholar who grew up in the 19th century during the last period of the Ottoman Empire, is a figure who played an important role in the political, social and religious life of Turkey, especially in terms of Sufism. His understanding of tariqa is an active understanding that deals with the individual and society as a whole and organizes both worldly and ethereal life. He established a balanced relationship between jurisprudence and Sufism in his life, and he preferred to guide his followers through hadith and sunnah and to spread and sustain Islam in this way by dividing duties among the tekkes of his time. He played an active role in every aspect of life with the disciples he trained, the works he wrote, the libraries he established, the publishing house, and the charity funds. It can be seen that he kept alive an understanding of religion and Sufism that was intertwined with social life from the practice of avariz chests he established to protect against interest and to keep the institution of charity alive. This understanding of his was influenced by the Naqshī-Khalidī tradition to which he belonged.

Although Gumushkhanawī who wrote works in the fields of fiqh, al-qa'id, and hadith in addition to his Sufi works, is especially famous for his hadith, it is possible to see his fiqh aspect in his fiqh views in his works. In Levā'im al-uqūl, the commentary of Rāmuz, which he compiled in the field of hadith, he based his commentary on the views of the Hanafī madhhab, but he also included the views of other madhhabs where he deemed necessary. In the explanation of fiqh hadiths, he also makes Sufi interpretations in addition to relying on the fiqh literature. In this respect, it is possible to see the effects of his jurisprudential personality more clearly in his work on fiqh, *Jāmi al-menāsik alā ahseni al-masālik*. In this work, Gumushkhanawī endeavored to present his jurisprudential views while presenting the rulings on pilgrimage. By combining fiqh al-'zāhī and fiqh al-'abīnī, he has presented the best example of the relationship between fiqh and Sufism in this work. Gumushkhanawī, who wrote all his works in Arabic, can be considered to have demonstrated his knowledge of Arabic as well as his scholarly prowess.

Gumushkhanawī, with his personality, practices and life described here, is an Islamic scholar who is worthy of being an example for today's Islamic scholars in particular and for the people of our age in general. Gumushkhanawī, whose influence continues to this day in all four corners of the world, has guided the society with his deeds, pen and theology. Programs introducing him and his path are very important for today's stressed and depressed people to get to know themselves. However, as a figure who played an important role in the political, social and religious life of Turkey, detailed periodical studies have been conducted on the Sufism aspect of the subject centered on Gumushkhanawī, but deeper research is needed in terms of the science of fiqh. In conclusion, we can say that there is no doubt that it would be very beneficial for humanity to revisit and write down the fiqh interpretations made by Hazrat Gümüṣhanevî in his commentaries on hadiths.

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