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## AL-ISBIJABI'S COMMENTARY ON AL-JAMI' AL-SAGHIR AS AN EXAMPLE OF HANAFI LEGAL LITERATURE FROM CENTRAL ASIA

**Abstract.** The purpose of this article is to present and academically introduce the legacy of Abu al-Azhar Muḥammad ibn Aḥmad al-Isbijabi (d. 500 AH/1106 CE), a distinguished Hanafi jurist of Central Asia and the author of the commentary *Sharḥ al-Jāmi' al-Ṣaghīr*. The significance of the study lies in the fact that al-Isbijabi's work is a rare source of Islamic law, preserved solely in manuscript form and never before subjected to critical academic analysis. The novelty of this research consists in the detailed examination of the structure and content of the commentary, the identification of its sources and methodological features, as well as the evaluation of al-Isbijabi's contribution to the development of the Hanafi legal tradition. The research tasks include identifying the specific features of the commentary, analyzing the interpretive methods employed by the author, and determining the practical significance of his legacy for contemporary Islamic legal studies. Its practical value lies in introducing the text and related information into academic circulation, thereby opening new perspectives for comparative studies of fiqh and the history of Islamic jurisprudence. The methodology of the study is based on the examination and comparison of two manuscript copies, applying the principles of *taḥqīq* (critical edition) and academic analysis. This approach has allowed the clarification of the text's content and the identification of its unique characteristics. The results demonstrate that al-Isbijabi's commentary represents a highly valuable source for the study of Hanafi jurisprudence and provides essential material for future comparative research in the field of Islamic law.

**Keywords:** al-Isbijabi; al-Jāmi' al-Ṣaghīr; fiqh; Hanafi school; manuscripts; Islamic law; *taḥqīq* (critical edition); Central Asia; Islamic scholarship; legal tradition.

### Introduction

This study is devoted to the scholarly legacy and critical edition of the work of the distinguished Hanafi jurist of Central Asia, Abū al-Azhar Muḥammad ibn Aḥmad al-Isbijabi (d. 500 AH/1106 CE), the author of *Sharḥ al-Jāmi' al-Ṣaghīr*. Preserved exclusively in manuscript form, this commentary represents a unique monument of Islamic jurisprudence that, for centuries, remained outside the scope of scholarly attention. Its significance lies not only in its rich legal content but also in its reflection of the intellectual and juristic traditions of Transoxiana during the flourishing period of Islamic civilization.

The relevance of this research stems from the fact that al-Isbijabi's commentary has never been subjected to critical analysis or academic publication, despite its place among the important works of the Hanafi school. This study seeks to fill this gap by introducing into academic circulation a rare source of Islamic law, preserved in a very limited number of manuscript copies.

It is important to emphasize that the al-Jāmi' al-Ṣaghīr of Imām Muḥammad al-Shaybānī (d. 189/805), on which al-Isbijabi wrote his commentary, is regarded as one of the foundational texts of Hanafi jurisprudence. Together with works such as al-Aṣl, al-Jāmi' al-Kabīr, and al-Siyar al-Kabīr, it constitutes the “*zāhir al-riwāya*” corpus, which has been transmitted with exceptional scholarly care across centuries (Yavuz, 1993: 112). Among these works, al-Jāmi' al-Ṣaghīr is distinguished

by its concise formulation of legal issues (*masā'il*), systematically arranged by topics, as well as by its role as a teaching manual studied at the initial stages of Hanafi training (Boynukalin, 2009: 11).

Modern scholarship further emphasizes that *al-Jāmi' al-Ṣaghīr* may be considered the first concise legal compendium in Islamic jurisprudence devoted solely to *fiqh* matters, unlike earlier works that combined *ḥadīth*, opinions of the Companions and Successors, and juristic discussions. Its systematic structure reflects a methodological shift toward codifying Hanafi law in a concise and pedagogical form. According to *al-Kawtharī*, the very reason for its composition lies in the request of *Abū Yūsuf*, who asked his student *Muḥammad al-Shaybānī* to prepare a work that would serve as a brief yet comprehensive guide focused exclusively on legal questions (*al-Kawtharī*, 1998: 63).

Owing to its brevity and comprehensiveness, the text became a cornerstone of Hanafi pedagogy and attracted a large number of commentaries (*shurūḥ*) and glosses (*ḥawāshī*) throughout the Islamic world. The commentary of *al-Isbijabi* thus not only preserves the interpretative legacy of the Hanafi school in Central Asia but also provides insight into how *al-Jāmi' al-Ṣaghīr* was received, explained, and transmitted in the intellectual milieu of Transoxiana. By examining his commentary, we can better understand the methodology of early Hanafi jurists in the region, their pedagogical approaches, and their engagement with both substantive law (*furū'*) and legal theory (*uṣūl*).

The primary aim of this research is to prepare a critical edition of a portion of *Sharḥ al-Jāmi' al-Ṣaghīr* based on two extant manuscripts, comparing their texts, correcting scribal errors, and analyzing the structure and content of the work. Special attention is devoted to *al-Isbijabi's* methodology in presenting *fiqh* issues, the distinctive features of his argumentation, and his style of commentary.

Thus, the study constitutes an important contribution to the investigation of a little-known monument of Islamic law and opens new opportunities for further academic research on Hanafi jurisprudence and the history of Islamic scholarship in Central Asia.

### Materials and Methods

The primary sources for this study are two surviving manuscript copies of *Abū al-Azhar al-Isbijabi's Sharḥ al-Jāmi' al-Ṣaghīr*. These manuscripts formed the basis of the critical edition, enabling the identification of textual variations, the correction of scribal errors, and the reconstruction of the most reliable version of the work.

The methodological framework of the research is grounded in the principles of *taḥqīq* (critical edition), which involve collating manuscript variants, conducting textual analysis, documenting discrepancies, and employing annotations and footnotes to clarify difficult passages. In addition, philological methods, a historical-contextual approach, and the comparative study of Hanafi legal terminology and concepts were applied.

To contextualize and verify the content of the commentary, classical Hanafi sources, including other commentaries on *al-Jāmi' al-Ṣaghīr*, as well as additional works of *fiqh* and *uṣūl*, were consulted. Furthermore, modern academic studies on Islamic law and the manuscript tradition of Central Asia were incorporated to enrich the analysis and situate the work within a broader scholarly context.

Thus, the combination of *taḥqīq* methods, textual criticism, and the use of both classical and contemporary literature ensured a comprehensive approach to the study of *al-Isbijabi's* work and highlighted its significance as a valuable source for the history of Islamic jurisprudence.

### Discussion

The present study demonstrates that *Abu al-Azhar al-Isbijabi's* commentary on *al-Jāmi' al-Ṣaghīr* constitutes a unique source of the Hanafi legal tradition of Transoxiana — one that remained virtually unnoticed by the academic community for more than nine centuries. Although *al-Isbijabi's*

commentary has not attracted comprehensive or systematic scholarly attention, the *matn* of *al-Jāmi' al-Ṣaghīr* itself, along with several of its classical commentaries, has previously been the subject of partial academic investigations.

The most substantial contribution in this direction is the critical edition of the *al-Jāmi' al-Ṣaghīr* “*matn*” prepared by Professor Mehmet Boynukalin, which has provided a solid foundation for subsequent text-critical and comparative legal studies within the Hanafī school. In addition, several master’s theses at Umm al-Qurā University (Saudi Arabia) have focused on the critical editing of selected sections of al-Bazdawī’s commentary on *al-Jāmi' al-Ṣaghīr*; however, these works address only limited portions of the text and do not constitute a comprehensive study of the commentary as a whole. A significant contribution to the study of Hanafī exegetical literature is also represented by the critical edition of al-Sarakhsi’s commentary, carried out by Professor Ertugrul Boynukalin. Complementing this scholarly corpus is a more recent doctoral dissertation at King Abdulaziz University, which examines and critically edits Zahir al-Din al-Tamurtashi’s commentary on *al-Jāmi' al-Ṣaghīr*, covering the text from the beginning of the book through the end of the section on “*Kitāb al-Salāh*”.

Despite the undeniable value of these contributions, it should be emphasized that none of them address al-Isbijabi’s commentary, which remains the only substantial extant *sharh* on *al-Jāmi' al-Ṣaghīr* that has not yet been introduced into academic circulation through a comprehensive critical study. In this context, the present research fills a significant scholarly gap: for the first time, the two surviving manuscript witnesses are systematically examined, the internal structure of the work is delineated, the author’s methodological features are identified, and the position of al-Isbijabi’s commentary is reassessed within the broader tradition of classical interpretations of *al-Jāmi' al-Ṣaghīr*.

## Research Results

### *Biographical Note on Abū al-Azhar al-Isbijabi*

The full name of the scholar is Muḥammad b. Aḥmad al-Khujandi al-Isbijabi, known by his kunya Abū al-Azhar and most commonly referred to by the nisba “al-Isbijabi” (Hājji Khalīfa, 1943: 562). This designation derives from the city of Isbijab, one of the prominent cultural and religious centers of Transoxiana, known today as Sayram in the Turkistan region of Kazakhstan. An alternative attribution, “al-Khujandi,” connects him to the ancient city of Khujand, located in what is now northern Tajikistan, which in the medieval period also played a notable role as a center of scholarly and educational life.

A point of particular interest is the variation in his nisba found in manuscript copies. In some copies of *al-Jāmi' al-Ṣaghīr* attributed to al-Isbijabi, the title page records his nisba differently: “al-Khujandi” in one instance and “al-Khuzandi” in another (al-Isbijābī, Ms., no. 1695.) Such inconsistency illustrates the challenges of medieval manuscript transmission, where copyists’ errors and regional variations in spelling could alter authorial attributions. Kātip Çelebi (d. 1067/1657) in his encyclopedic work *Kashf al-Zunūn* also refers to “Imām Abū al-Azhar al-Khujandi,” estimating his death to have occurred around 500 AH (Hājji Khalīfa, 1943: 562). Nevertheless, the available biographical and historical sources provide no reliable evidence that this scholar resided in or taught at Khujand.

By contrast, the overwhelming majority of references describe him as “al-Isbijabi”, which strongly suggests a primary connection to Isbijab (al-‘Aynī, 2000: 395), (al-Ṣighnāqī, 2015: 162). It is therefore reasonable to assume that this nisba reflects his geographic origin, while the variant “al-Khujandi” may have been linked to certain aspects of his scholarly trajectory. However, the coexistence of these two attributions remains an unresolved issue requiring further scholarly inquiry.

It is also noteworthy that the nisba “al-Isbijabi” frequently creates confusion in attributing authorship to various works, particularly in the field of fiqh. During the 5th/11th–12th centuries, several scholars bore the same nisba, making it difficult to assign specific texts with certainty. One striking example is the question of the commentary on al-Ṭaḥāwī’s *Mukhtaṣar*, the authorship of which will be analyzed in the following section.

#### *Al-Isbijabi’s Scholarly Activity and Works*

Available biographical and ṭabaqāt sources do not provide reliable information regarding the birth date, early life, academic activity, teachers, or students of Imām Abū al-Azhar al-Isbijabi. This lacuna is likely due to the loss of parts of the manuscript tradition as well as the limited dissemination of his biography among historians. Nevertheless, close examination of his only extant work—the commentary *Sharḥ al-Jāmi‘ al-Ṣaghīr*—reveals a high level of legal grounding and methodological maturity, indicating his substantive standing within the Hanafī school.

In addition to this commentary, the title *al-Mabsūṭ* is attributed to al-Isbijabi by Ḥusām al-Dīn al-Sighnāqī (d. 717 AH) in *al-Nihāya fī Sharḥ al-Hidāya*. In the same work, al-Sighnāqī cites *Sharḥ al-Jāmi‘ al-Ṣaghīr* with the formula “qāla al-imām al-Isbijābī,” and these quotations correspond exactly to the verified text of the commentary. This convergence strongly supports the conclusion that both references to “al-Isbijabi” concern Abū al-Azhar al-Isbijabi himself. (al-Sighnāqī, 2015: 223, 161-162).

Two works should therefore be regarded as lost: *Sharḥ Mukhtaṣar al-Ṭaḥāwī* and the aforementioned *al-Mabsūṭ*. The existence of the former is corroborated by the author’s self-references in several passages of his *Sharḥ*, where he explicitly mentions a commentary on al-Ṭaḥāwī’s *Mukhtaṣar*. The latter is ascribed to “al-Isbijabi” by al-Sighnāqī; taken together with his citations from the *Sharḥ*, this makes it highly probable that the author in question is Abū al-Azhar al-Isbijabi. Consequently, the only work that has fully come down to us is *Sharḥ al-Jāmi‘ al-Ṣaghīr*, a valuable monument of the Hanafī legal tradition. A separate subsection will be devoted to its description and analysis.

Our examination has identified a manuscript preserved at the Beyazıt State Library under no. 18868, containing a *Sharḥ Mukhtaṣar al-Ṭaḥāwī* across 385 folios. The title page reads: “هذا الكتاب شرح الطحاوي للإمام الفقيه محمد بن أحمد الخجندی المعروف بالإسبيجاني”. However, a visual inspection of the text raises substantial doubts regarding its attribution to Imām Abū al-Azhar al-Isbijabi. The more likely author appears to be ‘Alī b. Muḥammad al-Isbijabi (d. 535 AH). A definitive resolution requires a comprehensive textual investigation: collating all available witnesses, identifying stable formulae and stylistic markers, and mapping the internal network of references.

The probable cause of the misattribution lies in cataloging practices that rely primarily on paratextual elements (title pages, preliminary leaves, ownership notes) without sufficient engagement with the text itself. Such reliance on external indicators fosters descriptions built on superficial formal cues and overlooks the critical intratextual analysis indispensable for reliable authorship assignment.

Complicating matters further is the shared nisba “al-Isbijabi” among several near-contemporary scholars active in closely related fields—particularly within the commentary tradition on *Mukhtaṣar al-Ṭaḥāwī*. Among those cited are ‘Alī b. Muḥammad al-Isbijabi (d. 535 AH) (Süleymaniye Library: MS no. 562). Aḥmad b. Manṣūr al-Isbijabi (d. 484 AH) (Süleymaniye Library: MS no. 682.), and Muḥammad b. Aḥmad al-Isbijabi (d. after 500 AH) (Beyazıt State Library: MS no. 18868). Presently, information about these three figures remains highly fragmentary, largely limited to names, approximate dates of death, and the titles of certain works; comprehensive, critically verified biographies are yet to be produced.

Accordingly, future research should prioritize the systematic consolidation of biobibliographical data, exhaustive textual comparison, and rigorous intratextual attribution of



manuscripts to their rightful authors among the scholars known by the nisba “al-Isbijabi.” Such efforts will help correct cataloging inaccuracies and yield a more dependable account of the manuscript tradition.

#### *Description of the Manuscripts and Their Copies*

The investigation of the surviving manuscripts of Imām Abū al-Azhar al-Isbijabi’s commentary *Sharḥ al-Jāmi‘ al-Ṣaghīr* has revealed only two extant copies, both preserved in Istanbul libraries.

The first manuscript is catalogued under no. 760 in the Feyzullah Efendi Collection at the Millet Library (*Millet Kütüphanesi*). It consists of 246 folios, each containing 25 lines of text. The title page reads: “*Sharḥ al-Jāmi‘ al-Ṣaghīr, authored by Shaykh Abū al-Azhar al-Khujandi, known as al-Isbijabi, arranged according to the method of al-Za‘farānī for al-Jāmi‘ al-Ṣaghīr, organized by ‘Alī b. al-Ḥasan b. Muḥammad.*” The colophon provides details of completion and the name of the scribe: “*This book was completed with the will and help of God Almighty, and its transcription finished on Sunday, the 19th of Rabī‘ al-Awwal, in the year 541 AH, by Abū ‘Alī b. al-Ḥasan b. Muḥammad, who asks God for benefit from it and from other words.*” In the upper-right corner appears a seal inscription: “*Shaykh al-Islām, the humble servant, al-Sayyid Fayzullāh Efendi, may God forgive him and his parents, on the condition that it not leave the madrasa he founded in Constantinople in 1113 AH.*”

The second manuscript, no. 1695, is part of the al-Fātiḥ Collection at the Süleymaniye Library. It consists of 202 folios, each with 23 lines. Unfortunately, it contains no indication of the completion date. The opening page records only the title and author’s name, alongside a note at the bottom: “*In the name of God, the Most Merciful, the Most Compassionate. Muḥammad b. Muḥammad b. Aḥmad b. ‘Umar b. ‘Alī b. Aḥmad b. Muḥammad b. Maṣṣūr al-Barābī was born on Saturday, the 17th of the blessed month of Muḥarram, in the year 610 AH.*” This note most likely refers not to the work itself but to one of its owners.

Both manuscripts lack an authorial introduction, making it difficult to ascertain the objectives or circumstances behind al-Isbijabi’s composition of the commentary. Nevertheless, at the end of manuscript no. 760, a noteworthy pedagogical supplement is found spanning three folios. It contains moral exhortations, sayings of prominent scholars, and transmitted words from prophets and Companions, thereby imparting an additional ethical and spiritual dimension to the work.

It should be noted that manuscript no. 760 is incomplete: it lacks the opening portion of the text, particularly the first seven questions from the chapter “*What Invalidates Ablution and What Does Not.*” In contrast, manuscript no. 1695 preserves the beginning of the commentary on these questions, yet it omits a substantial portion of the work, extending from the chapter “*Kitāb al-Ḥudūd*” to the end of “*Kitāb al-Waṣāyā (Bequests)*,” which represents nearly half the material preserved in manuscript no. 760.

During the preparation of the critical edition, only those chapters found in both manuscripts were incorporated, allowing for parallel comparison and precise textual analysis. These include ten principal sections ranging from *Kitāb al-Ṣalāh (The Book of Prayer)* to *Bāb al-Karāha (The Chapter on Reprehensible Acts)*.

Based on the comparison, it was determined that the total number of legal issues commented upon by Imām al-Isbijabi amounts to approximately 1,200. In manuscript no. 760, these are distributed across 19 books and 170 chapters. The largest of these sections is *Kitāb al-Ṭalāq (The Book of Divorce)*, comprising 16 chapters. It is also noteworthy that *Kitāb al-Ṭahāra (The Book of Purification)* is subsumed within *Kitāb al-Ṣalāh*, consisting of 22 independent chapters.

For the purposes of the critical edition, manuscript no. 1695 was selected as the primary basis due to the clarity of its script and relative ease of reading. Nevertheless, it should be emphasized

that this version differs considerably from manuscript no. 760 in terms of internal structure and the order of chapters. These divergences will be analyzed in detail in subsequent sections of the study.

#### *Attribution of the Work to Its Author*

The question of attributing *Sharḥ al-Jāmiʿ al-Ṣaghīr* to Imām Abū al-Azhar al-Isbijabi presents no substantial scholarly difficulty. A body of both internal and external evidence firmly confirms his authorship.

First, the title pages of both extant manuscripts (nos. 760 and 1695) explicitly state that the work is a commentary authored by Shaykh Abū al-Azhar al-Khujandī, known by the nisba “al-Isbijabi”.

Second, the biographical literature on leading Hanafi jurists explicitly records that Abū al-Azhar al-Isbijabi composed a commentary on *al-Jāmiʿ al-Ṣaghīr*. (Hājji Khalīfa, 1943: v. 1, 563).

Third, numerous authoritative Hanafi legal works contain references and direct quotations from this commentary, explicitly naming al-Isbijabi as the source—thus providing further confirmation of its attribution. Taken together, the manuscript evidence, historical-biographical references, and cross-references in Hanafi jurisprudential literature leave little doubt regarding the authorship of this commentary.

Illustrative examples can be found in major works. Badr al-Dīn al-ʿAynī, in his *al-Bināya fī Sharḥ al-Hidāya*, writes: “*In al-Isbijabi’s al-Jāmiʿ, used water is of three categories: one is pure by consensus, such as water used for washing inherently pure objects; another is impure by consensus, such as water used upon impure objects...*” (al-ʿAynī, 2000: v.1, 395).

Similarly, Ḥusām al-Dīn al-Sighnāqī in *al-Nihāya fī Sharḥ al-Hidāya* notes: “*In al-Jāmiʿ al-Ṣaghīr of Imām al-Isbijabi, may God have mercy on him, four issues are discussed in which the opinions diverge: in three of them Muḥammad agrees with Abū Ḥanīfa and Abū Yūsuf, and in one with Abū Yūsuf alone against their position...*” (followed by detailed discussion). (al-Sighnāqī, 2015: 223, 161-162).

The presence of such direct citations demonstrates that *Sharḥ al-Jāmiʿ al-Ṣaghīr* was well known and utilized by subsequent Hanafi authorities, thereby confirming with a high degree of certainty its attribution to Imām al-Isbijabi.

#### *The Structure and Arrangement of the Sharḥ al-Jāmiʿ al-Ṣaghīr*

Examining the sequence and arrangement of books and chapters in Imām Abū al-Azhar al-Isbijabi’s commentary on *al-Jāmiʿ al-Ṣaghīr* constitutes an important dimension of the study of this work. It should be noted that the original *al-Jāmiʿ al-Ṣaghīr* underwent multiple reorganizations in the Hanafi tradition, with several jurists developing their own systems of classification and ordering. Among the most prominent figures in this regard are:

1. Imām Abū ʿAbd Allāh al-Zaʿfarānī,
2. Imām Abū Ṭāhir al-Dabbās,
3. Imām Abū al-Ḥusayn al-Karkhī,
4. Imām Abū Jaʿfar al-Hinduwānī,
5. Imām Shams al-Aʿimma al-Ḥalwānī.

When comparing the two extant manuscripts of al-Isbijabi’s commentary, differences in organizational principles become evident. Manuscript no. 760 (Millet Library, Feyzullah Efendi Collection, no. 760) follows the order established by Abū ʿAbd Allāh al-Zaʿfarānī. The title page explicitly states: “... *arranged according to al-Zaʿfarānī’s order for al-Jāmiʿ al-Ṣaghīr...*”. This structure is characterized by clear methodology and logical progression in the presentation of legal issues, providing coherence to the text and facilitating its use as both a teaching tool and a scholarly reference.

The manuscript catalogued as no. 1695 (Süleymaniye Kütüphanesi, Fatih 1695) exhibits a markedly different organizational scheme from that of manuscript no. 760. It presents notable variations in the arrangement of chapters and in the structuring of legal issues within each chapter. The comparative analysis demonstrated that the arrangement of this version is closest to the system adopted in the commentaries of al-Sarakhsi and al-Bazdawī, particularly with regard to the sequence and internal structure of the sections. It should also be noted that, in addition to this, further comparative analyses were conducted on the texts of al-Jāmi' al-Ṣaghīr as cited in the commentary on al-Hidāyah by Imam Qiyām al-Dīn al-Itqānī, entitled *Ghāyat al-Bayān*. In this work, al-Itqānī reproduced approximately 480 legal issues (masā'il) in their original form as transmitted by Imam Muḥammad al-Shaybānī in al-Jāmi' al-Ṣaghīr. (Al-Itqānī, 2023: v.1. 184). Given al-Itqānī's well-known precision and commitment to the authentic text of al-Shaybānī, it was considered appropriate to compare these citations with the versions found in other authoritative commentaries, such as those of al-Bazdawī, al-Sarakhsi, al-Isbijābi, and al-Dabbūsī. The purpose of this analysis was to determine which of these commentaries most closely aligns with the original text of al-Shaybānī, as well as to assess the degree of textual accuracy achieved by each author. Over 300 masā'il were cross-examined, enabling the identification of differences in wording, order of presentation, and nuances of meaning. Special attention was given to the work of al-Isbijābi, since the primary aim of this comparison was to establish whether al-Isbijābi adhered to the original text of al-Jāmi' al-Ṣaghīr in his commentary or introduced modifications in the process of transmission. Once the commentary that most closely reflects al-Shaybānī's original text was identified, the corresponding versions of the masā'il were included alongside the passages from al-Isbijābi's commentary within the taḥqīq section of this dissertation. This approach made it possible to clearly demonstrate the extent of agreement and divergence between the text of al-Jāmi' al-Ṣaghīr as cited by al-Isbijābi and the original recension of al-Shaybānī.

Furthermore, manuscript no. 1695 is distinguished by the presence of several abbreviations: certain legal issues are presented in a more concise form while preserving their meaning, and some sections conclude with the remark "*and the next issue is a repetition*". (Al-Isbijābī, n.d.: no.1695:120a). In addition, this manuscript employs the term "*Bāb*" (*chapter*) to denote major sections, such as "*Bāb al-Zakāt*" (*Chapter on Zakāt*), whereas other versions use the term "*Kitāb*" (*book*). Unlike manuscript no. 760, the 1695 version does not include detailed subdivisions, further underscoring its divergence from al-Za'farānī's order.

This arrangement of issues can be traced back to Imām Muḥammad b. al-Ḥasan al-Shaybānī himself, who, as is well known, did not seek strict systematization of legal material by subject. His method consisted of presenting issues in sequence without grouping all related questions under a single thematic heading. Consequently, later Hanafī scholars considered it necessary to reorganize *al-Jāmi' al-Ṣaghīr* and restructure its contents into distinct books and chapters.

Qāḍikhān (d. 592 AH), in the introduction to his commentary on *al-Jāmi' al-Ṣaghīr*, explicitly remarked: "*The compiler of this book (al-Shaybānī) assigned each book a separate chapter but did not organize its issues. It was the jurist Abū 'Abd Allāh al-Ḥasan b. Aḥmad al-Za'farānī, may God have mercy on him, who arranged them. We follow this order*" (Al-Qāḍikhān, 2022: v.1. 25).

This observation is confirmed by al-Lakhnawī, who stated: "*Al-Za'farānī arranged al-Jāmi' al-Ṣaghīr in an excellent manner, distinguishing Muḥammad's own opinions from those transmitted from Abū Yūsuf, gathering them in the best possible sequence, and structuring them into chapters. Before this, al-Jāmi' had neither division into chapters nor an organized order of issues*" (al-Lakhnawī, 1985: 56,67).

Most contemporary copies of the *Sharḥ al-Jāmi' al-Ṣaghīr* follow the order established by Abū Ṭāhir al-Dabbās. Nevertheless, there are several commentaries that adhere to the original arrangement attributed to Imām Muḥammad b. al-Ḥasan al-Shaybānī himself. Among these are the

commentaries of al-Bazdawī, al-Sarakhsī, and al-Isbijabi, as demonstrated through structural comparison and manuscript analysis. (al-Sarakhsī, 2021: 24).

The comparison between al-Dabbās's system and that of al-Za'farānī reveals no fundamental differences, though some variations can be observed in the phrasing of headings, stylistic formulation, and editorial additions. The parallel between al-Dabbās's text and Qāḍīkhān's commentary, which follows al-Za'farānī's order, further confirms this.

Manuscript no. 760, arranged according to al-Za'farānī's system, generally corresponds with the structures adopted by Qāḍīkhān and al-Dabbās. However, al-Isbijabi's text is substantially larger in volume: whereas Qāḍīkhān tends to be concise, al-Isbijabi provides detailed elaboration on numerous issues. In other cases, he simply refers the reader to discussions previously included in his *Sharḥ Mukhtaṣar al-Ṭahāwī*.

Another notable feature of al-Isbijabi's style is the occasional difficulty in distinguishing between the matn and the commentary, leading at times to ambiguity between the original text and his explanatory additions.

In conclusion, analysis of manuscript no. 1695 suggests that its structure and arrangement align closely with that of al-Sarakhsī, thereby linking it to the original version of *al-Jāmi' al-Ṣaghīr* compiled by Imām Muḥammad al-Shaybānī himself. This view is supported by Professor Muḥammad Boynukalın, who holds that the order employed by al-Sarakhsī and al-Bazdawī most accurately reflects al-Shaybānī's original composition. (Boynukalın, 2008: 10). The second version, though based on al-Za'farānī's order, distinguishes itself by its expansiveness and detailed commentary, which makes it superior in content to other works following the same arrangement.

#### *Al-Isbijabi's Methodology in Sharḥ al-Jāmi' al-Ṣaghīr*

Unfortunately, the surviving manuscripts of Imām Abū al-Azhar al-Isbijabi's commentary on *al-Jāmi' al-Ṣaghīr* do not contain an author's preface where one would normally expect a statement of objectives and methodology. As a result, the precise motives for composing this commentary and the method followed by the author remain unknown. To fill this gap, we undertook an internal analysis of the text itself, which reveals several methodological features characteristic of al-Isbijabi's approach.

1. Form of exposition. Al-Isbijabi typically introduces issues with the formula "*Mas'ala: 'an Abī Ḥanīfa*" (Issue: from Abū Ḥanīfa) or simply "*Mas'ala*" (Issue), then cites the text of *al-Jāmi' al-Ṣaghīr* and immediately provides his commentary.

2. Relation between text and commentary. Unlike many other commentators, he does not consistently distinguish the matn from his gloss. The formula "*qāla*" (he said) usually signals Muḥammad al-Shaybānī's words. Often, however, the text is paraphrased rather than quoted verbatim, blurring the boundary between the original and the commentary.

3. Treatment of disagreements. When differences of opinion arise, al-Isbijabi sets out the variant views and discusses them using expressions such as "*hādhā 'ayn al-ikhtilāf*" (this is the very disagreement), "*fa-innahu yunẓar*" (it should be considered), and "*aṣl al-ikhtilāf*" (the root of the disagreement). For example, he records disputes among later jurists regarding whether blood renders vinegar impure. Elsewhere, he notes: "*If after slaughter only a small measure of life remains, the meat is impermissible; if more remains, it is permissible. Thus reported from Muḥammad b. al-Ḥasan.*" His focus is primarily on the three Hanafī imams—Abū Ḥanīfa, Abū Yūsuf, and Muḥammad al-Shaybānī. Instances of tarjīḥ (preference) are rare, marked by phrases such as "*al-ṣaḥīḥ*" (the correct view) or "*hādhā al-qawl aṣaḥḥ*" (this opinion is sounder). He also cites Zufar and Ibn Abī Laylā. (Al-Isbijābī, n.d.: Ms. no.1695: 2b, 6b, 8b, 51a, 118a, 124b, 25b, 50a, 67a, 132a).



4. Engagement with the Shāfi'īs. Al-Isbijabi frequently mentions Imām al-Shāfi'ī's positions—over 120 references in total—introduced with phrases such as “*iḥtajja al-Shāfi'ī*” (al-Shāfi'ī argued) or “*wa-fī qawl al-Shāfi'ī*” (according to al-Shāfi'ī).

5. Use of ḥadīth. Around 550 prophetic traditions appear in his commentary, mostly without isnāds or authenticity gradings, and sometimes paraphrased.

6. Breadth of sources. Though firmly Hanafī in orientation, al-Isbijabi also cites Imām Mālik, Sufyān al-Thawrī, al-Ḥasan al-Baṣrī, Ibrāhīm al-Nakha'ī, al-Awzā'ī, and 'Abd Allāh b. al-Mubārak. Notably, Imām Aḥmad b. Ḥanbal is never cited.

7. Style. His prose is clear and flexible. At times he begins with practical applications, then traces the issue back to its principle, using expressions such as “*al-aṣl fī ḥādhā*” (the principle in this matter) (Al-Isbijābī, n.d.: Ms. no.1695: 123a, 93a, 78b, 51a).

8. Modes of citation. Sometimes he cites sources generally (“*‘alā riwāyat al-Aṣl*” – “according to the transmission in al-Aṣl”), while at other times he specifies names (“*wa-qāla Muḥammad*” – “Muḥammad said”) (Al-Isbijābī, n.d.: Ms. no.1695: 5a, 17b, 21a, 23a, 23b, 200a).

9. Referencing sources. He employs phrases such as “*hākadhā dhakarahu*” (thus it was mentioned), “*dhukira fī*” (recorded in), “*qālū fī*” (they said in), and when citing his own work: “*‘alā mā dhakarnā*” (as we have mentioned) (Al-Isbijābī, n.d.: Ms. no.1695: 14a, 19a, 72b, 80b, 80b, 123a).

10. Proofs and rhetoric. His reasoning rests on Qur'ān, Sunnah, ijmā', qiyās, and istiḥsān. Rhetorically, he uses question-answer structures: “*fa-in qīla*” (if it is said) followed by “*qīla lahu*” (it is said to him). He also compares *al-Jāmi' al-Ṣaghīr* with other works of al-Shaybānī, such as *al-Jāmi' al-Kabīr* and *al-Siyar al-Kabīr* (Al-Isbijābī, n.d.: Ms. no.1695: 2b, 13a, 22b, 26b, 27a, 109b, 130b, 145b, 194a).

Thus, al-Isbijabi's methodology combines loyalty to Hanafī tradition with breadth of sources, a clear style, and systematic reasoning.

#### *The Sources Relied upon by Imām al-Isbijabi in His Commentary on al-Jāmi' al-Ṣaghīr*

In composing his commentary, Imām al-Isbijabi relied on the rich legacy of the Hanafī legal school, drawing extensively from the works of earlier jurists and making them the foundation of his explanations. The study of the surviving manuscripts of *Sharḥ al-Jāmi' al-Ṣaghīr* indicates that his sources largely correspond to those employed by al-Sarakhsī and al-Bazdawī in their own commentaries.

The main sources include:

1. al-Amālī – by Imām Abū Yūsuf Ya'qūb b. Ibrāhīm al-Anṣārī (d. 182 AH).
2. al-Siyar al-Kabīr – by Imām Muḥammad b. al-Ḥasan al-Shaybānī (d. 189 AH).
3. al-Jāmi' al-Kabīr – by al-Shaybānī.
4. al-Ziyādāt – by al-Shaybānī.
5. al-Mabsūṭ (al-Aṣl) – one of the most important works of al-Shaybānī.
6. al-Mujarrad – by al-Ḥasan b. Ziyād al-Lu'lu'ī (d. 204 AH).
7. Mukhtaṣar al-Ṭaḥāwī – a compendium of law by Imām Abū Ja'far al-Ṭaḥāwī (d. 321 AH).
8. Mukhtaṣar al-Karkhī – a summary of legal opinions by Imām Abū al-Ḥasan al-Karkhī (d. 340 AH).

In conclusion, the works listed above represent the core sources upon which Imām al-Isbijabi relied in composing his commentary. Nevertheless, the scope of his references extends far beyond these foundational texts. A close reading of his commentary reveals numerous additional quotations and references to Hanafī scholars of various generations. These citations significantly enhance the scholarly value of the work, making it not only a commentary on *al-Jāmi' al-Ṣaghīr* but also a broader compendium of Hanafī legal thought. It is precisely this characteristic that renders al-

Isbijabi's commentary an indispensable source for understanding the development of Hanafi jurisprudence in Transoxiana and within the wider Islamic legal tradition.

The present research has produced the first academic examination and partial critical edition of the commentary of Imām Abū al-Azhar al-Isbijabi on al-Jāmi' al-Ṣaghīr by Muḥammad al-Shaybānī. Through the study of the two surviving manuscript copies preserved in Istanbul, it has been possible to establish their specific characteristics, to identify textual losses and to determine the extent of the text available for scholarly analysis. The comparison of the manuscripts has shown that the copy preserved in the Millet Library under number 760 is more extensive in content, while the Fatih 1695 manuscript of the Süleymaniye Library presents a clearer text but lacks a substantial portion of the work from Kitāb al-Ḥudūd to Kitāb al-Waṣāyā. The collation of these witnesses allowed the reconstruction of the text for ten principal chapters ranging from Kitāb al-Ṣalāt to Kitāb al-Karāhiyya, containing approximately twelve hundred legal issues distributed across nineteen books and one hundred and seventy chapters.

The analysis of the commentary revealed distinctive methodological features. Al-Isbijabi introduces legal issues with the formula “mas’ala” and then follows the text of al-Jāmi' al-Ṣaghīr with his own explanation. He rarely separates the matn from his gloss and often paraphrases the original, which shows his didactic approach to transmission. In matters of disagreement he records the positions of Abū Ḥanīfa, Abū Yūsuf and Muḥammad al-Shaybānī, occasionally citing Zufar and Ibn Abī Laylā. His practice of tarjīḥ is rare and appears only in limited contexts. A remarkable feature of the commentary is the frequent engagement with al-Shāfi'ī, whose views are mentioned in more than one hundred and twenty places, generally introduced with the expressions “iḥtajja al-Shāfi'ī” or “wa-fi qawl al-Shāfi'ī”. The commentary also preserves about five hundred and fifty prophetic traditions, usually without isnād or assessment of authenticity, and often transmitted by meaning rather than exact wording.

The range of authorities cited is not restricted to the Ḥanafī school. Al-Isbijabi occasionally refers to Imām Mālik, Sufyān al-Thawrī, al-Ḥasan al-Baṣrī, Ibrāhīm al-Nakha'ī, al-Awzā'ī and 'Abd Allāh b. al-Mubārak, which indicates the breadth of his intellectual horizon, although there is no reference to Imām Aḥmad b. Ḥanbal. His style is characterized by clarity and flexibility, sometimes beginning with the practical application of an issue before presenting its underlying principle, and his rhetorical method includes the frequent use of question and answer structures. In addition, he compares al-Jāmi' al-Ṣaghīr with other works of al-Shaybānī such as al-Jāmi' al-Kabīr and al-Siyar al-Kabīr.

The sources of the commentary correspond to the central works of the Ḥanafī madhhab, including al-Amālī of Abū Yūsuf, al-Mabsūṭ (al-Aṣl), al-Jāmi' al-Kabīr, al-Siyar al-Kabīr and al-Ziyādāt of al-Shaybānī, al-Mujarrad of al-Ḥasan b. Ziyād, as well as the Mukhtaṣar of al-Taḥāwī and the Mukhtaṣar of al-Karkhī. Beyond these, the text is replete with numerous citations of later Ḥanafī jurists, which makes the commentary a valuable repository of the legal and doctrinal debates of the school.

### Conclusion

The study of al-Isbijabi's commentary on al-Jāmi' al-Ṣaghīr has demonstrated that this work is not only a gloss on a foundational text of the Hanafi school but also a significant testimony to the legal and intellectual tradition of Transoxiana. As the only surviving work of al-Isbijabi, its critical edition fills an important lacuna in the history of Hanafi jurisprudence in Central Asia and provides access to a previously neglected source. The commentary illustrates the methodological discipline of the Hanafi school through its reliance on qiyās and istiḥsān, its careful attention to intra-madhhab differences, and its constant dialogue with the opinions of al-Shāfi'ī.

The richness of the text is reflected in its large number of references, including hundreds of ḥadīth and citations from both Hanafi and non-Hanafi authorities. These features underscore its

value not only as a legal commentary but also as a historical record of the scholarly environment of the eleventh and twelfth centuries. The novelty of the present research lies in the systematic collation of the manuscripts, the identification of the author's methodological features, and the determination of his place within the Hanafi tradition.

The results provide a basis for future comparative studies with the commentaries of al-Sarakhsī, al-Bazdawī and other major jurists, as well as for the broader integration of the manuscript heritage of Central Asia into the global field of Islamic legal studies.

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### **ӘЛ-ИСБИДЖАБИДІҢ ӘЛ-ДЖАМИ АС-САГИРГЕ БЕРІЛГІЕН ЕСКЕРТПЕЛЕР ОРТАЛЫҚ АЗИЯДАҒЫ ХАНАФИ ҚҰҚЫҚ ӘДЕБИЕТІ РЕТІНДЕ**

**Аңдатпа.** Мақаланың мақсаты – Орталық Азияның көрнекті ханафи фақиһы, «Шарх әл-Жами‘ ас-Сагир» атты түсіндірменің авторы Әбу әл-Әзһар Мұхаммед ибн Ахмад әл-Испиджабидің (х. 500/1106 ж.) ғылыми мұрасын таныстыру және ғылыми айналымға енгізу. Зерттеудің маңызы – әл-Испиджабидің еңбегі ислам құқығының сирек кездесетін дереккөзі болып табылады, ол тек қолжазба күйінде сақталған және осы уақытқа дейін сыни зерттеуге ұшырамаған. Зерттеудің жаңалығы – еңбектің құрылымы мен мазмұнын жан-жақты талдау, автор сүйенген дереккөздері мен әдістемелік ерекшеліктерін анықтау, сондай-ақ ханафи мазхабының құқықтық дәстүрін дамытуға қосқан үлесін бағалау. Ғылыми міндеттерге түсіндірменің ерекшеліктерін ашу, автор қолданған түсіндіру әдістерін талдау және оның мұрасының қазіргі исламтану ғылымы үшін практикалық мәнін айқындау жатады. Жұмыстың практикалық құндылығы – мәтін мен оған қатысты мәліметтерді ғылыми айналымға енгізу арқылы фикһты салыстырмалы тұрғыдан зерттеуге жаңа мүмкіндіктер ашу. Зерттеу әдістемесі екі қолжазба нұсқасын қарастыру мен салыстыруға, тахқиқ қағидалары мен академиялық талдауды қолдануға негізделген. Бұл тәсіл мәтін мазмұнын нақтылауға және оның өзіндік ерекшеліктерін анықтауға мүмкіндік берді. Зерттеу нәтижелері әл-Испиджабидің еңбегі фикһ тарихының құнды дереккөзі болып табылатынын және ислам құқығы саласындағы болашақ салыстырмалы зерттеулер үшін маңызды материал екенін көрсетеді.

**Кілт сөздер:** әл-Испиджаби; әл-Жами‘ ас-Сагир; фикһ; ханафи мазхабы; қолжазбалар; ислам құқығы; тахқиқ; Орталық Азия; ислам ғылымы; құқықтық дәстүр.

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### **КОММЕНТАРИИ АЛЬ-ИСБИДЖАБИ К АЛЬ-ДЖАМИ АС-САГИРУ КАК ПРИМЕР ХАНАФИТСКОЙ ПРАВОВОЙ ЛИТЕРАТУРЫ ИЗ ЦЕНТРАЛЬНОЙ АЗИИ**

**Аннотация.** Целью статьи является представление и научное введение в оборот личности и труда выдающегося ханафитского факиха Центральной Азии – имама Абу аль-Азхара Мухаммада ибн Ахмада аль-Испиджаби (ум. 500 г.х./1106 г.), автора комментария «Шарх аль-Джами‘ ас-Сагир». Значение исследования заключается в том, что труд аль-Испиджаби является редким источником исламского права, сохранившимся только в рукописной форме и до настоящего времени не подвергавшимся критическому изучению.



Новизна исследования состоит во внимательном анализе структуры и содержания данного труда, выявлении его источников и методологических особенностей, а также в оценке вклада аль-Испиджаби в развитие правовой традиции ханафитского мазхаба. Задачи исследования включают выявление особенностей комментария, анализ используемых автором методов толкования и определение практического значения его наследия для современных исламоведческих исследований. Практическая значимость работы заключается в том, что введение текста и сведений о нём в научный оборот открывает новые перспективы для сравнительного изучения фикха. Методика исследования основана на изучении и сопоставлении двух рукописных копий, применении принципов тахкика и академического анализа, что позволило уточнить содержание текста и выявить его особенности. Результаты исследования показывают, что труд аль-Испиджаби обладает высокой ценностью как источник по истории фикха и как материал для будущих сравнительных исследований в области исламского права.

**Ключевые слова:** аль-Испиджаби; аль-Джами‘ ас-Сагир; фикх; ханафитский мазхаб; рукописи; исламское право; тахкик; Центральная Азия; исламская наука; правовая традиция.

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