



جامعة الموصل
كلية العلوم الإسلامية
قسم الشريعة

**شرح ملتقى الأبحر شمس الدين محمد أفندي الحلبي (ت ١١٠٤هـ)
من (كتاب المضاربة) إلى (نهاية باب ما يجب فيه الشفعة)
- دراسة وتحقيق وتعليق -**

رسالة مقدمة إلى
مجلس كلية العلوم الإسلامية - جامعة الموصل
وهي جزء من متطلبات نيل شهادة الماجستير
في
تخصص الفقه وأصوله

من قبل الطالبة
خنساء حسن عبد المجيد

بإشراف
الأستاذ الدكتور
هيثم حازم عبد

المستخلص

الحمد لله الكريم العليم، الوهاب العظيم، وأصلي وأسلم على المبعوث رحمة للعالمين سيدنا وسندنا وقودتنا محمد صلى الله تعالى عليه وعلى آله الطيبين وصحابته الغر الميامين.

أما بعد:

تتناول الرسالة تحقيق كتاب من الكتب المهمة في الفقه الحنفي ، لأحد أبرز الشيوخ في القرن الثاني عشر الهجري وهو الشيخ محمد بن محمد الحلبي الذي ذاع صيته في جميع الأقطار والأمصار، تضمنت الرسالة دراسة عن الحياة الشخصية والعلمية للشيخ الحلبي الحنفي، والتعريف بكتابه (شرح الملتقى) من حيث نسبته للمؤلف ومنهجه فيه وأهم المصادر التي اعتمد عليها في كتابه، ونماذج من المخطوط، والقسم الثاني: النص الحق، وشمل كتاب المضاربة الى نهاية باب ما يجب فيه الشفعة ، وقد خلص البحث إلى مجموعة من النتائج منها: علو مكانة الشيخ محمد بن محمد الحلبي، في العلوم العقلية والنقلية ، ومن أهمها الفقه ، تمكن الشيخ من بقية العلوم كالعقيدة والتصوف وغيرها، كما خلصت الدراسة إلى إحاطة الشيخ محمد بن محمد الحلبي بأغلب كتب الأحناف خاصة وكتب الفقه بصورة عامة، فقد تنوعت هذه المصادر بين متون وشروح وحواشي، وفتاوى، ومنها أنّ الشيخ محمد الحلبي لم يسهب في شرحه لعبارات ملتقى الأبحر بل أوجز في ذلك، وقد استعمل الفنون الأخرى في محلها إذ اعتمد على كتب اللغة في المواطن التي يحتاج إلى علم اللغة لبيائها ، كما أنه استشهد بالآيات والاحاديث الشريفة في مواضع متفرقة.

Abstract

Islamic jurisprudence (fiqh) is among the noblest and most significant sciences in Islam, occupying a central position in regulating human life and guiding individuals toward righteous conduct. Through fiqh, acts of worship are properly understood, transactions are organized, and individuals are enabled to distinguish between lawful and unlawful matters. This ensures that a lives with clarity and awareness, avoiding doubtful matters and seeking the pleasure of Allah. The Prophet Muhammad (peace be upon him) emphasized the virtue of acquiring knowledge in religion, stating: “*Whomever Allah wills good for, He grants him understanding of the religion.*” Thus, fiqh serves as the foundation for structuring the relationship between and his Lord, as well as his interactions with others.

In light of this importance, the preservation and revival of Islamic heritage emerge as a scholarly necessity. The intellectual legacy left by Muslim scholars reflects the depth of Islamic civilization and the authenticity of its methodological foundations. While all nations take pride in their heritage, the Islamic bears a greater responsibility to preserve, study, and critically edit its scholarly works. This contributes not only to honoring past scholars but also to enriching the Islamic academic library with verified and accessible texts.

Motivated by this objective, the present study undertakes the critical edition (taḥqīq) of a portion of the manuscript “*Sharḥ Multaqā al-Abḥur*” by Imam Shams al-Din Muhammad Efendi al-Halabi, a distinguished work in the Hanafi school of jurisprudence. The researcher has adhered to established scholarly methods in manuscript editing, striving to produce a reliable and accurate text. This work is undertaken with the hope that it will benefit scholars and students and contribute meaningfully to the field of Islamic studies.

The selection of this topic is based on several considerations. First, it reflects a desire to gain practical expertise in the art of manuscript verification while serving the heritage of Islamic scholarship, particularly since the manuscript has not been previously edited. Second, the subject matter—specifically the Book of Muḍārabah (profit-sharing partnership)—is of great practical importance due to its direct relevance to contemporary economic and social life. Third, manuscript editing is

regarded as a noble academic endeavor, as it revives valuable knowledge, facilitates access for researchers, and preserves it for future generations.

The significance of this study lies in the scholarly value of the manuscript itself, which presents a wide-ranging treatment of jurisprudential issues within the Hanafi tradition. The manuscript demonstrates particular in the topic of muḍārabah, addressing numerous related to it. Moreover, the author relies on a rich array of sources, including both printed works and unpublished manuscripts, indicating the depth and breadth of his scholarship.

This study aims to highlight the importance of Islamic sciences, particularly in areas related to financial jurisprudence, and their role in organizing individual and societal life. It also seeks to contribute to the academic field by producing a verified edition of an original fiqh source, making it accessible to researchers. Additionally, the study enhances the researcher's skills in manuscript editing through engagement with classical juristic texts and methodologies. Another key objective is to assess the value of the manuscript by comparing multiple handwritten copies and establishing a reliable text.

A thorough investigation revealed that this manuscript had not been previously edited, despite its importance. Consequently, the work was undertaken collaboratively by a group of graduate students in the Department of Sharia at the College of Islamic Sciences, University of Mosul. Each researcher was assigned a specific section of the manuscript for study, verification, and annotation.

Like most academic research, this study faced several challenges. Among them was the author's reliance on numerous sources, some of which remain in manuscript form and are difficult to access or decipher due to paleographic issues such as unclear handwriting or lack of diacritical marks. Additionally, the manuscript contains a large number of juristic branches and variant narrations attributed to Imam Abu Hanifa and his students, requiring extensive verification from authoritative Hanafi sources. Other difficulties included unclear words in certain manuscript copies, the of internal references requiring detailed tracing, and the scarcity of biographical information about the author in classical sources.

The scope of this study was determined in coordination with relevant academic departments, and official approval was granted by the

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Graduate Committee at the University of Mosul. The researcher was assigned to edit the eighth section of the manuscript, comprising forty-one folios, covering the text from the Book of Muḍārabah to the end of the chapter on pre-emption (shuf'ah).

The structure of the thesis is divided into two main parts. The first part (the study) includes three chapters: the first introduces Imam Ibrahim al-Halabi, discussing his biography, teachers, works, and death; the second presents Imam Shams al-Din Muhammad Efendi al-Halabi, including his life, scholarly contributions, teachers, and sources; and the third examines the manuscript itself, including its authentication, importance, methodology of editing, and a detailed description of the manuscript copies. The second part consists of the edited text, which includes several jurisprudential books such as muḍārabah, deposit (wadi'ah), loan ('ariyah), gift (hibah), lease (ijarah), and others, concluding with the chapter on shuf'ah.

The thesis concludes with a summary of the most important findings and recommendations. It is supplemented with comprehensive indexes of Qur'anic verses, Prophetic traditions, proper names, places, and subjects, as well as a bibliography of sources cited in both the manuscript and the critical edition. The researcher hopes that this effort, though modest, contributes to the Islamic scholarship and is accepted with sincerity and good intention.

University of Mosul
College of Islamic Sciences
Department of Sharia



**Explanation of Multaqa Al-Abhar by Shams
Al-Din Muhammad Effendi al-Halabi (d. 1104
AH) from (The Book of Mudarabah) to (The End
of the Chapter on What Requires Preemption)
-Study, Verification, and Commentary-**

To
The Council of College of Islamic Sciences - University of Mosul
As a part of the requirements for the degree of M. Sc.
in
jurisprudence and its origins

A Thesis Submitted
By
Khansaa Hassan Abdul Majeed

Supervisor
Prof. Dr.
Haitham Hazem Abd