Introduction

> Fine distinctions among groups attain an importance that appears exaggerated to observers outside a particular time and place but reflects participants' certain knowledge that they are struggling not just over symbolic markets but over the very structure of rule.
>
> – Lauren Benton, *Law and Colonial Cultures*[1]

In 1535, soon after the Safavid army evacuated the city, Ottoman troops, led by Sultan Süleymân (r. 1520–66), marched into Baghdad. The Ottoman excitement about this military achievement is understandable: within a time period of twenty years, all the major cities and the most important learning centers of the eastern part of the Arabic-speaking world had come under Ottoman rule. Baghdad was a prestigious addition to the expanding Ottoman Empire for another reason – it was there that the eponymous founder of the Ḥanafī school, Abū Ḥanīfa (d. 767), was buried. Sixteenth- and seventeenth-century chroniclers did not fail to recognize the symbolic significance of the seizure of the tomb of the Greatest Imam (al-Imām al-Aʿẓam). Some describe in detail how the sultan himself visited the tomb upon its conquest and ordered its purification, for, in Sunnī Ottoman eyes, it was contaminated by the heretical Safavids.[2]

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[1] Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History 1400–1900* (Cambridge: Cambridge University Press, 2002), 2.

[2] Naṣūḥü's-Silāḥī (Maṭrāḳçī), *Beyān-ı Menāzil-i Sefer-i ʿİrāḳeyn-i Sulṭān Süleymān Ḫān* (Ankara: Türk Tarih Kurumu, 1976), 46b–61a; Celālzāde Muṣṭafā (Ḳoca Nişāncı), *Ṭabaḳāt ül-Memalīk ve Deracāt ül-Mesālik* (Wiesbaden: Franz Steiner Verlag GMBH, 1981), 258b–259a; Eyyûbî, *Menâḳib-i Sulṭān Süleyman (Risâle-i Pâdişâh-nâme)* (Ankara: Kültür Bakanlığı, 1991), 88; İbrâhîm Peçevî, *Târîḫ-i Peçevî* (Istanbul: Maṭbaʿa-i ʿÂmire, 1865–67), 1:184–85; (Aḥmad Çelebi b. Sinān) al-Qaramānī, *Taʾrīkh salāṭīn Āl ʿUthmān*

2   Introduction

This symbolic reconstruction of the tomb of Abū Ḥanīfa was the third
of its kind within less than a century. During the siege on Constantinople,
Meḥmet the Conqueror is said to have discovered the grave of Abū Ayyūb
al-Anṣārī, one of the companions of the Prophet Muḥammad who died
when he tried to conquer Constantinople in the seventh century.[3] Later, in
1516, the Ottoman seizure of another tomb, that of the famous yet con-
troversial Sufi master Muḥyī al-Dīn b. al-ʿArabī, in the Ṣāliḥiyya suburb of
Damascus, was celebrated with great pomp, and Sultan Selîm I, the con-
queror of Syria and Egypt, ordered the restoration of the tomb and the
construction of the mausoleum complex.[4] These ceremonial reconstruc-
tions of important tombs, as real acts and narrative tropes, are intriguing
not only because members of the Ottoman dynasty play an important
role but also because each of the three figures whose tombs were discov-
ered and reconstructed represent a pillar of what some modern schol-
ars have called "Ottoman Islam."[5] Abū Ayyūb al-Anṣārī embodies the
Ottoman dynasty's ideal of holy war against the infidels; Ibn al-ʿArabī
was one of the most prominent figures in the Ottoman pantheon of Sufi
masters; and Abū Ḥanīfa was the founder of the school of law (madhhab)
that the Ottoman dynasty adopted as its official school. In other words,
the discovery-reconstruction of their tombs was an act of appropriation.
In this book, I am particularly interested in the third pillar – the Ottoman
Ḥanafī school of law.

(Damascus: Dār al-Naṣāʾir, 1985), 45; Gülru Necipoğlu, *The Age of Sinan: Architectural
Culture in the Ottoman Empire* (Princeton, NJ: Princeton University Press, 2005), 60–64;
Zeynep Yürekli, *Architecture and Hagiography in the Ottoman Empire: The Politics of
Bektashi Shrines in the Classical Age* (Farnham, Surrey, UK: Ashgate, 2012), 17–18.The
seizure and reconstruction of the tomb is also mentioned in other genres and documents.
See, for example, the preamble of the endowment deed of Süleymân's wife: *Waqfiyyat
Khāṣakī Khūram (Ḥürem) Sulṭān ʿalā al-Ḥaramayn al-Sharīfayn Makka al-Mukarrama
waʾl-Madīna al-Munawwara* (al-Karak: Muʾassasat Rām lil-Tiknūlūjiyā waʾl-Kumbiyūtar,
2007), 39. In addition to Abū Ḥanīfa's grave, the new Ottoman rulers became the custo-
dians of numerous other tombs of great significance, both for Sunnīs and Shiʿīs.

[3] Çiğdem Kafescioğlu, *Constatntinopolis/Istanbul: Cultural Encounter, Imperial Vision, and
the Construction of the Ottoman Capital* (University Park: Pennsylvania State University
Press, 2009), 45–51.

[4] Çiğdem Kafescioğlu, "'In the Image of Rūm': Ottoman Architectural Patronage in
Sixteenth-Century Aleppo and Damascus," *Muqarnas* 16 (1999): 70–96. Selîm I also
commissioned a polemical treatise to defend Ibn al-ʿArabī's teachings, which stood at
the center of a heated debate among jurists and scholars across the empire. Şeyh Mekkî
Efendi and Ahmed Neylî Efendi, *Yavuz Sultan Selim'in Emriyle Hazırlanan İbn Arabi
Müdafaası* (Istanbul: Gelenek, 2004).

[5] See, for example, Tijana Krstić's recent study: Tijana Krstić, *Contested Conversions to
Islam: Narratives of Religious Change in the Early Modern Ottoman Empire* (Stanford,
CA: Stanford University Press, 2011).

Süleymân's seizure and reconstruction of Abū Ḥanīfa's grave captures broader developments that predate the conquest of Baghdad. Since the early fifteenth century (and possibly even earlier), the Ottoman dynasty had gradually developed a distinctive branch within the Sunnī Ḥanafī school of law, one of the four legal schools of Sunnī Islam. The development of a distinctive branch that was exclusively associated with the dynasty was coupled by another important development: the rise of an imperial learned hierarchy. Although the institutional aspects of the development of an imperial hierarchy have been studied in detail, the doctrinal dimensions of this development have received considerably less attention.[6] Furthermore, despite the fact that the Ottoman adoption of the Sunnī Ḥanafī school is almost a scholarly truism among students of Islamic societies, the implications of this adoption – a radical innovation in Islamic legal history – remain fairly understudied.

One of the few exceptions is Rudolph Peters's short yet thought-provoking article, in which he raises the question that guides my inquiry: "What does it mean to be an official madhhab?"[7] In this article, Peters points to the instrumental role the Ottoman state played in the emergence of the Ḥanafī school as the official and dominant school in the Ottoman domains and to its intervention in regulating, to some extent, the school's doctrines. Following some of Peters's insights concerning the pivotal role the Ottoman dynasty played in the emergence of the official madhhab, the present study pursues his investigation further by looking at multiple sites, discourses, and practices that formed the Ottoman Ḥanafī school over the course of the fifteenth through the eighteenth centuries.

The rise of an Ottoman official legal school may be also seen as a new chapter in the history of canonization of Islamic law. In recent years, several studies have looked at Islamic legal history, especially at its earlier

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[6] Richard C. Repp, *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (London: Ithaca Press, 1986); Abdurrahman Atcil, "The Formation of the Ottoman Learned Class and Legal Scholarship (1300–1600)" (PhD diss., University of Chicago, 2010). As to the doctrinal aspects of this development, see Colin Imber, *Ebu's-Su'ud: The Islamic Legal Tradition* (Stanford, CA: Stanford University Press, 1997); Rudolph Peters, "What Does It Mean to Be an Official Madhhab? Hanafism and the Ottoman Empire," in *The Islamic School of Law: Evolution, Devolution, and Progress*, ed. Peri Baerman, Rudolph Peters, and Frank E. Vogel (Cambridge, MA: Islamic Legal Studies Program, Harvard Law School, distributed by Harvard University Press, 2005), 147–58; Snejana Buzov, "The Lawgiver and His Lawmakers: The Role of Legal Discourse in the Change of Ottoman Imperial Culture" (PhD diss., University of Chicago, 2005); Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State University of New York, 1994).

[7] Peters, "What Does It Mean to Be an Official Madhhab?"

4   Introduction

centuries, through this lens.[8] But while canonization is pivotal to the
emergence of any tradition, legal or otherwise, it may assume different
forms. *The Second Formation of Islamic Law* focuses on the particular
features of the canonization practices that the Ottoman dynasty and its
learned hierarchy employed to shape an Ottoman madhhab and com-
pares them with other canonization mechanisms and perceptions of legal
canons that prevailed in earlier centuries, as well as in various scholarly
circles throughout the Ottoman Empire.

   My investigation of the history of the Ottoman official madhhab
oscillates between the provincial and the imperial levels. At the pro-
vincial level, this study examines the encounter between the followers
of different branches and traditions within the Ḥanafī school of law in
the Ottoman province of Damascus (Bilād al-Shām, or Greater Syria,
roughly modern day's south and central Syria, Lebanon, Palestine/Israel,
and parts of Jordan) in particular, although much of what will be said in
the following chapters may be applied to other Arab provinces as well.
At the imperial level, it seeks to draw attention to how the conquest and
subsequent incorporation of the Arab lands into the empire produced a
clearer articulation of the boundaries of the learned hierarchy and, more
generally, of the branch within the Ḥanafī school that members of the
dynasty were expected to follow.

   I have chosen the Ottoman province of Damascus for three reasons.
First, although the Arab provinces were conquered over the course of
the sixteenth century, their incorporation assumed different forms.[9]
Moreover, sixteenth- to eighteenth-century sources often differentiate
between the various districts that constituted the "Arab lands" of the

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[8] Brannon M. Wheeler, *Applying the Canon in Islam: The Institutionalization and
Maintenance of Interpretive Reasoning in Ḥanafī Scholarship* (Albany: State University
of New York Press, 1996); Ahmed El Shamsy, *The Canonization of Islamic Law: A Social
and Intellectual History* (Cambridge: Cambridge University Press, 2013).

[9] Haghnar Zeitlian Watenpaugh, *The Image of an Ottoman City: Imperial Architecture and
Urban Experience in the 16th and 17th Centuries* (Leiden: Brill, 2004); Doris Behrens-
Abouseif, *Egypt's Adjustment to Ottoman Rule: Institutions, Waqf, and Architecture in
Cairo, 16th and 17th Centuries* (Leiden: Brill, 1994). This was even the case in later
centuries as various Arab provinces were integrated differently into the empire, some
significant similarities notwithstanding. See, for example, Amy Singer, *Palestinian
Peasants and Ottoman Officials: Rural Administration around Sixteenth-Century
Jerusalem* (Cambridge: Cambridge University Press, 1994); Jane Hathaway, *The Politics
of Household in Ottoman Egypt: The Rise of the Qazdağlıs* (Cambridge: Cambridge
University Press, 1997); Dina Rizk Khoury, *State and Provincial Society in the Ottoman
Empire: Mosul, 1540–1834* (Cambridge: Cambridge University Press, 1997); Charles L.
Wilkins, *Forging Urban Solidarities: Ottoman Aleppo 1640–1700* (Leiden: Brill, 2010).

empire. Therefore, it is necessary to pay attention to the particularities of
each province. Second, since a major concern of this study is the organi-
zation of the Ottoman legal administration, it is convenient to preserve
the provincial setting. Third, as Kenneth Cuno has demonstrated, there
were, at times, significant doctrinal differences between the Ḥanafī jurists
of each province.[10]

That said, this study seeks to undermine the rigidity that the focus on
the imperial administration implies. Accordingly, the term "the Ottoman
province of Damascus" – and, more generally, the term "Arab lands" – is
used to demarcate a territory in which the encounters and exchanges
between people, ideas, and traditions occurred. To be sure, certain tradi-
tions and practices were rooted in these regions, as many sixteenth- to
eighteenth-century jurists and chroniclers observed. Yet it is necessary to
differentiate between the territory and certain cultural practices, albeit for
analytical ends. This approach also enables us to account for the multiple
contacts and ties between the disparate parts of the empire and between
certain provinces and other parts of the Islamic world. For example, one
has to account for the fact that some of the Greater Syrian jurisconsults
received questions from neighboring provinces as well as from the central
lands of the empire. Moreover, many jurists traveled to and from other
learning centers across the Arab lands (namely, Cairo and the holy cit-
ies in the Hijaz) and the imperial capital. In addition, the circulation of
texts and students tied Greater Syrian jurists to other provinces across the
empire and beyond.

The book's chronological framework is from the second half of the
fifteenth century though the late eighteenth century. The relatively long
time frame enables us to trace the gradual incorporation of Greater Syria
into the empire and to examine the impact of this incorporation on differ-
ent perceptions of the legal school.[11] Furthermore, examining the history

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[10] Kenneth M. Cuno, "Was the Land of Ottoman Syria Miri or Milk? An Examination of
Juridical Differences within the Hanafi School," *Studia Islamica* 81 (1995): 121–52.

[11] Dror Ze'evi has suggested considering the seventeenth century as the "Ottoman century."
In his words, "The second century of Ottoman rule, forming the time frame for this study,
is perhaps the clearest manifestation in this region of the 'Ottoman way' – the distinct
set of norms and methods that represents the empire's rule in all realms." Dror Ze'evi,
An Ottoman Century: The District of Jerusalem in the 1600s (Albany: State University
of New York Press, 1996), 4–5. For the purposes of this study, Ze'evi's periodization is
somewhat rigid and essentialist. Instead, I seek to draw attention to the complex dynam-
ics that characterized the incorporation of the Arab lands into the empire, processes that
are, to some extent at least, open-ended, yet equally "Ottoman." Other studies of the
incorporation into the empire of the Arab provinces in general and of Greater Syria in

of the official madhhab up to the late eighteenth century may provide
a better understanding of the more widely studied developments of the
nineteenth century.

The Madhhab

In order to appreciate the novelty of the rise of the official school of law,
the main development this book aims to describe, it would be helpful to
introduce – admittedly, in very broad strokes – the notion and features of
the pre-Mongol Sunnī madhhab. As I have suggested above, this notion
of the school did not disappear in the post-Mongol period, and jurists in
certain circles adhered to this understanding of the school of law.

The pre-Mongol madhhab (plural *madhāhib*, *mezheb* in Turkish) was
a fairly loose social organization whose main function was to regulate
the legal interpretation of divine revelation and to determine the author-
ity of a given interpreter to do so. The word "madhhab" is derived from
the Arabic root *dh-h-b* (generally associated with walking or following
a path) and means "a way, course, or manner, of acting or conduct."
More generally, the term is used to denote a doctrine, tenet, or an opinion
concerning a certain issue. In certain cases "madhhab" may refer to the
opinion of a leading jurist on a specific issue, but it may also denote, as is
more commonly the case, a general hermeneutic approach.[12]

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particular have tended to focus on the sixteenth-century consolidation and organization
of Ottoman rule in the newly conquered territories. Among these studies are Muhammad
ʿAdnan Bakhit, *The Province of Damascus in the Sixteenth Century* (Beirut: Librarie du
Liban, 1982); Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of
Aintab* (Berkeley: University of California Press, 2003); Astrid Meier, "Perceptions of a
New Era? Historical Writing in Early Ottoman Damascus," *Arabica* 51, no. 4 (2004):
419–34; Timothy J. Fitzgerald, "Ottoman Methods of Conquest: Legal Imperialism and
the City of Aleppo, 1480–1570" (PhD diss., Harvard University, 2009). Nevertheless, as
this study intends to show, an examination of the last decades of the sixteenth century
and the seventeenth century highlights significant dimensions of the incorporation that
are not easily discernable in the sixteenth century.

[12] The literature on the formation of the schools of law is vast. Among the most important
works on this issue are Christopher Melchert, *The Formation of the Sunni Schools of
Law, 9th–10th Centuries CE* (Leiden: Brill, 1997); Jonathan E. Brockopp, *Early Maliki
Law: Ibn ʿAbd al-Hakam and His Major Compendium of Jurisprudence* (Leiden: Brill,
2000); Wael B. Hallaq, *Authority, Continuity and Change in Islamic Law* (Cambridge:
Cambridge University Press, 2001); Nimrod Hurvitz, *The Formation of Hanbalism:
Piety into Power* (London: Routledge Curzon, 2002); Nurit Tsafrir, *The History of an
Islamic School of Law: The Early Spread of Hanafism* (Cambridge, MA: Islamic Legal
Studies Program, Harvard Law School, distributed by Harvard University Press, 2004);
El Shamsy, *The Canonization of Islamic Law*.

During the late ninth and tenth centuries, the madhhab emerged as a legal discourse, or canon, around which a community of jurists galvanized. Moreover, much greater efforts were invested in regulating the range of permissible opinions within each school, and, perhaps more importantly, in limiting the authority of later followers of the schools to employ independent discretion or reasoning (*ijtihād*) and new hermeneutic approaches to derive new rules. This does not mean that jurists of later centuries did not employ independent reasoning to solve new problems they encountered, but that, discursively, followers of the schools emphasized their commitment to the doctrines of their schools' respective founders and leading authorities. Later jurists affiliated with a school were expected to derive new rules on the basis of the rulings and doctrines of the school's founder, the hermeneutic principles he set, and those developed by his disciples and later authorities within the school. The commitment to these hermeneutic and doctrinal principles is what made a jurist a follower (or an imitator, *muqallid,* the performer of *taqlīd*) within a school.[13]

As part of the evolution of the madhhab as a communal legal discourse, since the late tenth and eleventh centuries, and even more so in the following centuries, all four Sunnī schools of law developed a hierarchy of authorities. This hierarchy of authorities was often reflected in a growing textual body of chronological typologies of the jurists who were affiliated with the different schools. Generally, in most typologies, jurists of later centuries were limited in their authority to exercise independent discretion, although many of them, in practice, did. By establishing a hierarchy of authorities, the schools emerged as a corpus of doctrines and arguments that their followers had to study and memorize. These typologies drew on, and were accompanied by, an extensive biographical literature (known as the *ṭabaqāt* literature) whose main purpose was to serve as reference works for the schools' followers by documenting the intellectual genealogies of the schools (most commonly starting with the eponym), mapping out the schools' leading authorities, and reconstructing the genealogies of authoritative opinions and doctrines within the schools.

The typologies, as we shall see in Chapters 2 and 3, vary in structure and scope. Some are quite comprehensive, while others only outline general principles. Moreover, some typologies begin with the highest

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[13] Hallaq, *Authority*, chaps. 2 and 4; Mohammad Fadel, "The Social Logic of Taqlīd and the Rise of the Mukhtaṣar," *Islamic Law and Society* 3, no. 2 (1996): 193–233.

rank of *mujtahid*s. The utmost *mujtahid* may derive new rules when
he encounters new cases by resorting to the revealed texts. The epony-
mous founder of the school and often his immediate companions are
included in this category. Other typologies start from the perspective
of the follower least qualified to employ independent discretion, the
utmost imitator, the *muqallid*. In any case, the typologies reflect a fairly
wide and complex range of juristic activity in terms of the authority to
employ independent reasoning, which is not limited to the dichotomy
of independent reasoning versus imitation. Between the utmost *mujta-
hid* and the utmost *muqallid* are jurists who are allowed to use limited
forms of *ijtihād* (known as *takhrīj*) as long as they conform to the
hermeneutic principles set by their schools' eponym and his immedi-
ate followers. In most typologies, this form of judicial activity was
performed by the jurists who studied with the founder and his imme-
diate successors, but jurists of this category can be found, albeit to a
lesser extent, in later centuries. Later jurists, who usually lived in the
fourth and fifth Islamic centuries (tenth and eleventh centuries CE),
were mostly concerned with weeding out weaker and less authoritative
opinions and arguments while making other opinions preponderant
(hence this activity is termed *tarjīḥ*, literally meaning to prefer). They
did so on the basis of their understanding of their interpretation of the
teaching of their predecessors. All the jurists who followed a school,
except the founder of the school, performed *taqlīd* to varying degrees,
as they followed hermeneutic and legal principles that already existed.
Jurists of later centuries, for the most part, were considered utmost
*muqallid*s, although they, too, practiced at times different forms of
takhrīj and *tarjīḥ*.[14]

Despite the consolidation of the legal schools around specific legal
discourses and hermeneutic principles, at what Wael Hallaq calls the
microlevel of the school, there were multiple opinions. Over the centu-
ries, the Sunnī schools of law developed discursive conventions and other
institutional practices to guide their followers through the different opin-
ions of the schools and to point out what opinions and doctrines were
considered more authoritative. These conventions were instrumental in
articulating the schools' canons. While many of the less authoritative
opinions, or the minority opinions, were preserved in the schools' texts
and manuals, the authoritative opinions served as pedagogical tools that
guided followers of the school to extrapolate and derive new rules on the

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[14] Hallaq, *Authority*, chaps. 1 and 2.

basis of the hermeneutic principles that their more authoritative prede-
cessors developed.[15]

For our purposes here, it is important to stress that, doctrinally, the
evolution of the schools of law and the regulation of their jurisprudential
content were not a state-sponsored enterprise. This is not to say that states
and sovereigns did not contribute to the dissemination of the schools by
extending support, employment, and patronage to specific jurists or did
not in practice shape doctrine. As early as the seventh and the eighth cen-
turies, the Umayyad (661–750) and the ʿAbbasid (750–1258) dynasties
supported eminent jurists and appointed jurists to different positions in
their realms.[16]

In other cases, while not intervening directly in the content of the law,
rulers and sovereigns adopted a school (and sometimes several schools)
to provide authoritative legal counsel. In the Ayyubid and the Mamluk
sultanates, for example, it was fairly common that the sultan was a fol-
lower of the Shāfiʿī school of law, the most popular school in Egypt at
the time.[17] In the Mamluk sultanate during the reign of Sultan al-Ẓāhir
Baybars (d. 1277), the state constituted a legal system in which all four
schools were represented and specific cases were directed to judges of dif-
ferent schools, according to the relative advantage of the most common

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[15] On the preservation of minority opinions, see Hallaq, *Authority*, 121–65; Eyyup Said
Kaya, "Continuity and Change in Islamic Law: The Concept of Madhhab and the
Dimensions of Legal Disagreement in Hanafi Scholarship of the Tenth Century," in
Baerman, Peters, and Vogel, *Islamic School of Law*, 26–40. On the pedagogical use of
authoritative opinions, see Wheeler, *Applying the Canon in Islam*.

[16] For example, Steven C. Judd, "Al-Awzāʿī and Sufyān al-Thawrī: The Umayyad Madhhab?,"
in Baerman, Peters, and Vogel, *Islamic School of Law*, 10–25; Tsafrir, *History of an
Islamic School of Law*. There were also a few instances in early Islamic history, it is
worth mentioning, in which caliphs or members of the ruling elite sought to promulgate a
standardized legal code. Ibn al-Muqaffaʿ (d. ca. 756), a courtier at the court of the eighth-
century ʿAbbasid caliph al-Manṣūr, compiled a treatise in which he encouraged the caliph
to promulgate a standardized legal code because legal diversity among the various jurists
was too inconvenient, in the courtier's mind, for running the vast empire. In response to
this treatise, the eminent jurist and the eponymous founder of the Mālikī school, Mālik
b. Anas (d. ca. 795), allegedly wrote his own treatise in which he defied any attempt by
a single person, even by a prominent jurist, to draw a binding legal code. Instead, he
endorsed plurality and diversity in legal matters. As a result of the events of the following
decades, and especially the ʿAbbasid inquisition (the miḥna) during the reign of Hārūn
al-Rashīd's son, al-Maʾmūn (r. 813–833), jurists increasingly asserted their independence
from the state in regulating the content of Islamic law. Muhammad Qasim Zaman, "The
Caliphs, the ʿUlamāʾ and the Law: Defining the Role and Function of the Caliph in the
Early ʿAbbasid Period," *Islamic Law and Society* 4, no. 1 (1997): 1–36.

[17] Sherman Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb
al-Dīn al-Qarāfī* (Leiden: Brill, 1996), 53–56.

view of the school for the Mamluk ruling elite.[18] Although the Mamluk
state regulated the adjudication procedures of cases dealing with specific
issues, it did not intervene doctrinally in the regulation of the structure
of the school, its authorities, and the content of the law, and it accepted
the opinion of eminent jurists as to what the preponderant opinion of the
school was. Furthermore, although the Mamluk (like many other con-
temporary and early Islamic dynasties) employed jurists, for the most
part there was no institutionally identifiable group of jurists that were
affiliated with the ruling dynasty.[19] In Sherman Jackson's words, "The
idea, thus, of state sovereignty entailing the exclusive right to determine
what is and what is not law, or even what is and what is not an accept-
able legal interpretation, is at best, in the context of classical Islam, a very
violent one."[20]

The Official Madhhab

How the Ottomans (and, it appears, other contemporary polities) under-
stood the madhhab diverges markedly from the classical, pre-Mongol
understanding, for the Ottoman sultan and ruling dynasty assumed the
right to intervene doctrinally in regulating and structuring the school.
One should allow some room for contingency in the development of the
official school of law, but it is fairly clear that at least from the second
half of the fifteenth century the Ottoman ruling and judicial elite sought
to single out a particular branch within the school.

The present study follows four major, closely interlocking develop-
ments that contributed to the evolution of the state madhhab: (1) the
rise of the imperial learned hierarchy, (2) the emergence of the practice

[18] Yossef Rapoport, "Legal Diversity in the Age of Taqlīd: The Four Chief Qāḍīs under the
Mamluks," *Islamic Law and Society* 10, no. 2 (2003): 210–28.

[19] See, for example, Jonathan Porter Berkey, *The Transmission of Knowledge in Medieval
Cairo: A Social History of Islamic Education* (Princeton, NJ: Princeton University Press,
1992); Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus,
1190–1350* (Cambridge: Cambridge University Press, 1994); Daphna Ephrat, *A Learned
Society in a Period of Transition: The Sunni "Ulama" of Eleventh-Century Baghdad*
(Albany: State University of New York Press, 2000); Yossef Rapoport, "Royal Justice and
Religious Law: Siyāsah and Sharīʿah under the Mamluks," *Mamluk Studies Review* 16
(2012): 71–102; Amalia Levanoni, "A Supplementary Source for the Study of Mamluk
Social History: The Taqārīz," *Arabica* 60, nos. 1–2 (2013): 146–77.

[20] Jackson, *Islamic Law*, xv. See also Baber Johansen, "Secular and Religious Elements in
Hanafite Law. Function and Limits of the Absolute Character of Government Authority,"
in *Islam et politique au Maghreb*, ed. E. Gellner and J. C. Vatin (Paris: Editions du CNRS,
1981), 281–303.