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978-1-107-09027-9 - The Second Formation of Islamic Law: The Ḥanafī School in the Early Modern Ottoman Empire

Guy Burak

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## The Second Formation of Islamic Law

*The Second Formation of Islamic Law* is the first book to deal with the rise of an official school of law in the post-Mongol period. Guy Burak explores how the Ottoman dynasty shaped the structure and doctrine of a particular branch within the Ḥanafī school of law. In addition, the book examines the opposition of various jurists, mostly from the empire's Arab provinces, to this development. By looking at the emergence of the concept of an official school of law, the book seeks to call into question the grand narratives of Islamic legal history that tend to see the nineteenth century as the major rupture. Instead, an argument is formed that some of the supposedly nineteenth-century developments, such as the codification of Islamic law, are rooted in much earlier centuries. In so doing, the book offers a new periodization of Islamic legal history in the eastern Islamic lands.

Guy Burak is the Middle Eastern and Islamic Studies Librarian at New York University's Bobst Library. Previously, Burak was a postdoctoral Fellow at the Max Planck Institute for the History of Science, Berlin, and in the Islamic Legal Studies Program at Harvard Law School. His articles have appeared in the *International Journal of Middle East Studies*, *Comparative Studies in Society and History*, the *Mediterranean Historical Review*, and the *Journal of Islamic Studies*.

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# The Second Formation of Islamic Law

*The Ḥanafī School in the Early Modern  
Ottoman Empire*

GUY BURAK

*New York University*



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## Note on Transliteration and Dates

As is well known, the Ottoman Empire was multilingual. This multilingualism is also reflected in the sources I have consulted. Most of the sources are in Arabic and Ottoman Turkish, but there are a few in Persian. The vocabularies of these languages often overlap, but their pronunciations differ. For extended citations, I use the *International Journal of Middle East Studies*'s transliteration system to Arabic and modern Turkish. For Ottoman Turkish, I use the ALA-LC (1997) transliteration system. For convenience's sake, several words I use frequently – such as *madrasa*, *fatwā*, *muftī*, (and not *medrese*, *fetvâ*, *müftî*) – follow the Arabic transliteration system. I use the English spellings whenever they are widely recognized (e.g., Cairo, Damascus). Some names appear throughout the book in their Turkish and Arabic forms (Muḥammad and Meḥmet, for instance). If the individual is from the Arab lands, I follow the Arabic transliteration system, but if she or he is from the Turkish-speaking parts of the empire, I use the Turkish transliteration. No one person will have his or her name spelled differently on different occasions.

Whenever I cite a Muslim *Hijri* date, it is followed by its Gregorian equivalent. For the most part, I cite the Gregorian date exclusively.