

substantial or original, especially in light of Natalie Rothman's analyses in *Brokering Empire: Trans-Imperial Subjects between Venice and Istanbul* (Ithaca: Cornell University Press, 2012). Finally, Ortega's scrutiny of convert women across the Ottoman – Venetian borderland is no match for Eric Dursteler's *Renegade Women: Gender, Identity, and Boundaries in the Early Modern Mediterranean* (Baltimore: The Johns Hopkins University Press, 2011), which assembled a number of diligently scrutinized case studies based on documentation from a number of archival sources.

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Guy Burak,

The Second Formation of Islamic Law. The Hanafî School in the Early Modern Ottoman Empire,

New York: Cambridge University Press, 2015, xiii+273 pp., ISBN 978-110-7090-27-9.

In his book *The Second Formation of Islamic Law*, Guy Burak convincingly challenges an outmoded but omnipresent narrative of legal decline in Islamicate lands after 1250s. He does so not only by calling into question the grand narratives of Islamic legal history which situate the second half of the nineteenth century as the momentum of major rupture but also by offering a new periodization. He puts forward a strong argument that some of the supposedly nineteenth-century novelties, such as the codification of Islamic law, are extant already in the sixteenth century.

In effect, both the legal historians under the influence of nationalist paradigms and the specialists of classic Islamic jurisprudence religiously reproduce the story of legal break-up between roughly 1250s and 1850s – a story which is by now inadmissible in itself after the “Early Modern” turn. For the first category, if we take only account of the Republican-Turkish case, the Ottoman-Islamic Law was simply an obsolete and insipid emulation of Islamic Law which was graciously abrogated during and after the *Tanzimats*. For the latter, the whole history of

post-Mongol Islamic juristic culture has been mainly the story of a steady falling away from the conceptual peaks of the well-established Muslim jurists. Their list of objections is long: in these post-Mongol examples, conceptual coherence and sophistication seem elusive; jurisprudential activity retreated (in other words, the infamous “closure of the gates of *içtihad*”); autonomy of the juristic field from political interference disappeared, etc. A more temperate account appears nonetheless in the tendency to cast Ottoman and other contemporary legal cultures as a subject of study only in their role as a repository of Islamic Canon.

Meanwhile, with the New Legal History, the focus on the Ottoman legal field seems to have shifted to a new area. Specialists are no longer interested in the conceptual-theoretical structure of the Islamic law. Instead, they concentrate on sociopolitical and cultural realities drawn mainly by the court registers, the *fetva* compilations and the *fürû'* books. They offer synthetic or thematic treatments of legal institutions and legal-cultural patterns in order to highlight the power negotiations of which law is both part and vehicle. These studies concentrate on cultural matters since these sources offer hindsight on the Ottoman society's affinity and relations to law. At the final analysis, their actual argument is usually centered on affirming that Ottoman legal culture and practices can be read as a creative and diverse set of cultural and political interactions. For this recent historiographical trend, the matter of the intellectual “decline” of law is merely an irrelevant issue.

Guy Burak opens a different path with new arguments. In the blurb of the publication, his study is presented as “the first book to deal with the rise of an official school of law in the post-Mongol period”. In effect, he attempts to explore how the Ottoman state apparatus structured a particular branch within the Hanafi madhhab by examining on the one hand some major institutional arrangements in the *ilmiye* hierarchy and on the other the reaction of various jurists from Syria and Egypt to this effort of restructuration from the 1550s onwards. It goes without saying that *The Second Formation of Islamic Law* finds its affinity with the path set by the recent Ottoman historiography. One can simultaneously recall another title, the *Second Ottoman Empire*.¹ Burak confronts the traditional narrative of decline by further developing a new approach that Tezcan and others have adumbrated.

¹ Baki Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World* (New York, Cambridge University Press, 2010).

Yet, Guy Burak's analysis leaves something to be desired when it comes to the demonstration of an important argument of this admirably well-written monograph. According to the author, after the conquest of the old Islamic centers in the first half of the 16th century, Ottoman sultans and the ruling dynasty assumed the right to intervene doctrinally in regulating and structuring the religious field—in the Bourdieusian sense. The result is the formation of what Burak calls, interchangeably, the official madhhab (pp. 3 and *passim*), State madhhab (pp. 10 and *passim*), official State madhhab (pp. 220), and imperial madhhab (pp. 64).² This was, in turn, facilitated by i) the rise of a learned hierarchy from the 15th century; ii) the emergence of the practice of appointing muftis by the dynasty; iii) the dynasty's/state's regulation of the structure and doctrine of the school iv) the rise of dynastic law in the post-Mongol eastern Islamic lands (pp. 10-11). Although the first three developments are relational, the fourth seems to determine its antecedents. Nevertheless, the operative term, i.e. the dynastic law, is not clearly defined all over the book. Shall we understand by this term the Princely Laws (*fürstenrecht*), which are the codified rules that govern a royal family or dynasty in matters of eligibility for succession, exercise of a regency, as well as entitlement to dynastic rank and titles? Or, more generally, the Houselaws, those written and/or unwritten rules, regulating the royal life, the court society and even the social life in the realm? Although, the so-called Ghengissid *yasa/q* and Timurid *töre* fit well both to Princely Laws and Houselaws, one can hardly forget that these salic-type-laws were in force almost in every medieval political space. In other words, Burak does not really demonstrate, especially in the conclusive chapter, how this Ottoman and more generally Post-Mongol dynastic laws had laid the ground for the “Second Formation of Islamic Law”.

One last remark is in order. Throughout the book, especially in its recapitulative stances (pp. i, 20, 220), the author insists on canonization and codification of law. Although the first point, canonization is demonstrated at length, the second one, the codification of law, deserves a more elaborate treatment, at least a subchapter which encompasses the basic definitions, if possible in legal

2 Burak develops to a large extent Rudolf Peeters' argument about the creation by the Ottomans of an official legal school. 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*, eds. Peri Bearman, Rudolph Peters & Frank E. Vogel (Cambridge, MA: Harvard University Press, 2005), pp. 147-158 and 248-249. It would have been really interesting to follow the *Lex Citandi* (Law of Citations) parallel put forward by Peeters (p. 149) in as much as Burak does not historicize in a real legal perspective the canonization and codification processes.

comparative perspective, and the relevant developments in the Ottoman realm. Despite these points, the book offers an ambitious and engaging study of the restructuring of Islamic Law. It is too early to say if Burak's periodization will catch on the literature; but in any case, it paves the way for important debates.

Güneş Işıksel

Mehmet Tütüncü,

Cezayir'de Osmanlı İzleri (1516-1830),

İstanbul: Çamlıca Basım Yayın, İstanbul 2013, 447 s.,
ISBN 978-605-5101-01-5.

Mağrib adıyla da bilinen Kuzey Afrika'nın günümüzde en önemli ülkelerinden birisi olan Cezayir, adı itibarıyla bir coğrafyayı aynı zamanda, bu ülkenin başkentinin adını tanımlamaktadır. Bu coğrafya, verimli ovaları ve aynı zamanda Avrupa'dan Orta Doğu'ya yolculuk edenlerin uğrak bir mekânı olması sebebiyle stratejik olarak önemli görülmüş ve sırasıyla Kartaca, Roma, Bizans ve daha sonra da Arapların hâkimiyeti altına girmiştir. Fa'stan gelen Murâbitlar ve Muvahhidler'in hakimiyetini Endülüs Emevi Devleti'nin sona ermesiyle başlayan Müslüman göç dalgası izlemiş ve bundan sonra Cezayir, İspanyollar tarafından adım adım ele geçirilmiştir. Bu tehlikeye karşı Cezayir halkı, Barbaros kardeşleri yardımı çağırılmışlar ve Oruç Reis önderliğinde önce Bicâye (1512), Cical (1514) ve sonra da Cezayir (1516) İspanyollar'dan kurtulmuştur. 1516'da Osmanlıların haberi olmadan Türklerin yönetimine dâhil edilen Cezayir'de klasik Osmanlı devlet teşkilat yapısına benzer bir eyalet teşkilatı kurulmuş ve bölge salyaneli beylerbeylik statüsünde merkeze bağlanırken, zaten Barbaros Hayreddin Paşa'nın idaresinde bulunan Cezayir beylerbeylik olarak kendisine verilmiştir. Kaptan-ı deryalardan Kılıç Ali Reis, Mezomorto Hüseyin Paşa ve Cezayirli Gazi Hasan Paşa gibi bazılarının Cezayir'de görev yaptıktan sonra bu göreve geldikleri bilinmektedir. Cezayir'in stratejik önemi Osmanlı hakimiyeti altında da devam etmiştir.

1516'dan 1830'a, yani Cezayir'in Osmanlı Devleti'nden koparılıp Fransa'nın sömürgesi olmasına kadar geçen 314 yıllık Osmanlı hâkimiyetinde, bu coğrafyaya verilen yüksek değer sonucu coğrafyanın hemen her tarafı mimarî eserle