DISCIPLINARY TRANSFORMATION OF LATE OTTOMAN

LEGAL EDUCATION (1826-1926):

AN *INTERACTIONAL FIELD* ANALYSIS

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İSTANBUL ŞEHİR UNIVERSITY

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This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts in Sociology.

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ABSTRACT

DISCIPLINARY TRANSFORMATION OF LATE OTTOMAN LEGAL
EDUCATION (1826-1926): AN *INTERACTIONAL FIELD* ANALYSIS

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The variety of theoretical approaches that have emerged as results of extensive empirical research within the new sociology of knowledge during the last fifty years may offer useful perspectives for explaining the dizzying historical processes of the late Ottoman period in a way to cope with the substantialist, teleological, and dichotomist perspectives that have long dominated late Ottoman historiography. Located within the new sociology of knowledge, this thesis seeks to provide a historical sociological explanation of the disciplinary transformation of Ottoman legal education from 1826 to 1926, primarily based on the available historical scholarship. Utilizing Abbott's theory of linked ecologies/interactional fields and a Bourdieusian analysis of modern state formation, this thesis offers first a structural analysis of the formations of the Ottoman higher educational ecology to the nineteenth century as the historical background of later transformations. It then analyses the historical conditions of possibility for the disciplinary transformation of the Ottoman legal education from 1826 to 1926. The thesis has two main arguments. The first is that the disciplinary transformation of Ottoman legal education took place as a result of several processes of competition, which constituted aspects of the overarching process of modern state formation, between diverse bureaucratic, higher educational, judicial, and disciplinary collective actors within an interactional field at the intersection of bureaucratic, higher educational, and judicial ecologies. The second argument is that the increasing amount of symbolic power emergent collective actors (such as the *Maarif Nezareti* or *Mekteb-i Hukuk*) accumulated to the detriment of rooted collective actors (such as the *Meşihat* or madrasa system) within the aforementioned interactional field during the processes of modern state formation allowed the discipline of law to gradually dominate curricular space of legal education at the expense of fiqh, thus transforming Ottoman legal education from a fiqh-centered to a law-centered disciplinary structure.

Keywords: New sociology of knowledge, late Ottoman legal education, interactional field, linked ecologies, symbolic power, historical sociological analysis.

ÖZ

GEÇ DÖNEM OSMANLI FIKIH-HUKUK EĞİTİMİNİN DİSİPLİNER DÖNÜŞÜMÜ (1826-1926): BİR *ETKİLEŞİM ALANI* ANALİZİ

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Yaklaşık son elli yıl içerisinde yeni bilgi sosyolojisi çerçevesinde yürütülen kapsamlı ampirik araştırmalar sonucu ortaya çıkan çeşitli teorik yaklaşımlar geç dönem Osmanlı İmparatorluğu'nun baş döndürücü tarihsel süreçlerini ilgili tarihyazımına çok uzun süredir hakim olagelen tözcü, teleolojik ve dikotomist perspektiflerden sıyrılarak açıklayabilmek için elverişli bakış açıları sunma imkanı taşıyor. Yeni bilgi sosyolojisi literatürüne bir katkı olarak tasarlanan bu tez, Osmanlı İmparatorluğu'nda fıkıh-hukuk eğitiminin 1826-1926 yılları arasındaki disipliner dönüşümünün esas olarak ikincil literatüre dayalı tarihsel-sosyolojik bir açıklamasını yapmaya çalışmaktadır. Açıklayıcı araçlarını büyük ölçüde Abbott'un bağlı ekolojiler/etkileşim alanları teorisinden ve kısmen Bourdieu'nün modern devletin oluşumuna dair analizlerinden devşiren bu çalışma, ilk olarak Osmanlı fıkıh-hukuk eğitiminin son dönemdeki dönüşümlerinin tarihsel arkaplanını oluşturması itibariyle Osmanlı yükseköğretim ekolojisinin ondokuzuncu yüzyıla kadarki oluşumlarının yapısal bir analizini sunmaktadır. Ardından da Osmanlı fıkıh-hukuk eğitiminin 1826'dan 1926'ya kadarki disipliner dönüşümünün tarihsel imkan koşullarını analiz etmektedir. Tezin iki temel çıkarımı vardır. Birinci çıkarıma göre; Osmanlı fıkıh-hukuk eğitiminin 1826-1926 arasındaki disipliner dönüşümü modern devlet oluşumu sürecinin farklı cihetlerini teşkil eden ve çeşitli kolektif aktörler arasında cereyan eden mücadele süreçlerinin bir sonucu olarak gerçekleşmiştir. Sözkonusu mücadele süreçleri bürokratik ekoloji, yükseköğretim ekolojisi ve adli ekolojinin kesişiminde oluşan bir etkileşim alanı içerisinde vuku bulmuştur. İkinci çıkarıma göre; on dokuzuncu yüzyıldan itibaren yeni ortaya çıkan kolektif aktörlerin (Maarif Nezareti, Mekteb-i Hukuk, Darülfünun vesaire) varolagelen kolektif aktörlerin (Meşihat, medrese sistemi vesaire) aleyhine olarak modern devlet oluşumu süreci boyunca mezkur etkileşim alanı içerisinde biriktirdikleri gittikçe artan sembolik iktidar miktarı hukuk disiplininin eğitim müfredatı mekanındaki akademik yerleşim alanının fıkıh disiplininkini daraltacak şekilde genişlemesini ve böylece Osmanlı fıkıh-hukuk eğitiminin fıkıh merkezli bir disipliner yapıdan hukuk merkezli bir disipliner yapıya doğru dönüşmesini mümkün kılmıştır.

Anahtar Kelimeler: Yeni bilgi sosyolojisi, geç Osmanlı fıkıh-hukuk eğitimi, etkileşim alanı, bağlı ekolojiler, sembolik iktidar, tarihsel-sosyolojik analiz.

ACKNOWLEDGEMENTS

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CHAPTER 1

INTRODUCTION

Let us imagine a fellow living in Istanbul in the first half of the nineteenth century. If this now dead fellow had wanted to get a proper legal education, he would most likely have gone to a madrasa to embark upon a serious course of education at the center of which was the discipline of fiqh. For when he came of age for higher education, say in 1826, the madrasa system was the main venue providing higher education in the Ottoman Empire. As the continuation of a centuries old institutional tradition, legal education was at the center of higher education in the 19th century madrasa system. The legal education provided in the madrasa system was based on the discipline of fiqh, thus conceived in a larger sense than what the term legal education generally implies today, as an education transmitting the normative knowledge of the rights and duties of men in their relations with Allah and with other beings, human or otherwise, in a way to regulate all aspects of a man's life in a holistic perspective. After having graduated from the madrasa, our former student might well obtain an office as a judge in the Empire's judicial system, organized around sharia courts, and would thus participate in the application of the legal knowledge he acquired through his education.

Now let us change the temporal setting and say that our aspiring jurist had born in Istanbul exactly a century later, yet without making any change neither in his birthplace nor in his will to get legal education. This time, when he came of age for higher education in 1926, he would have faced a completely different higher educational setting. He would probably not have even considered getting a legal education from a madrasa, as the madrasa system had been officially abolished two years previously. He might have been able to pursue an education at one of the madrasas that had gone underground and de facto continued providing education after their abolition. In this case, however, he would not have been able to find employment in the official judicial system, as it was by this time no longer based on legal knowledge deriving from fiqh. As the legal and judicial systems were now completely based on the discipline of law, our student would have had to obtain a

legal education based on law. He would not have had much trouble in getting such an education, as law-based legal education would have been the only legitimate legal education on offer at the time. He could have gone to the *İstanbul Darülfünunu*, a higher educational institution mainly modeled on the French university, and applied to the faculty of law. If accepted to the faculty, he would have engaged in a course of legal education transmitting the normative knowledge of rights and duties of citizens in their relations with the State and other citizens, regulating the public and private aspects of a man's life within different legal frameworks. Throughout this education, he would have taken a whole set of courses dealing with different aspects and topics of law without encountering any discussion of fiqh except perhaps in some sections of the class on the history of law, where fiqh was defined as a legal discipline gradually superseded during the "progressive course of history."

Had we allowed our hypothetical law student to preserve his former memories and experiences from his previous life during the first half of the nineteenth century, he would surely have been astonished and confused with what he confronted in his second life, in terms of both legal education and general life, when we gave him a second birth at the outset of the twentieth century and thus a second chance to experience legal education in 1926. In such a case, our student would quite likely renounce his desire for legal education and head for a history education instead in order to find out what had happened in-between. Looking back from the first quarter of the twenty-first century, we may have a similar feeling of surprise and confusion in realizing the extent of the radical transformation that Ottoman higher education in general, and legal education in particular, underwent during the century between the two lives of our imagined fellow. Luckily enough, however, we are more equipped than he for coping with our confusion, as we have at our disposal both a considerable amount of historical scholarship on the period of concern and diverse sociological tools and models we can use in order to make sense of the transformations that surprised and confused us.

1.1. Rationale, Topic, and Research Questions

This study is a modest attempt to deal with the surprise and confusion I have experienced since I had first became aware of the great processes of transformation that had preceded us in these lands and consequently conditioned our current lives, as person and as people, as individual selves and as collective selves. Within the scope

of this thesis, I will focus on a particular process of transformation, namely the disciplinary transformation of Ottoman legal education. I will try to understand and explain the social dynamics at work that transformed the disciplinary structure of the Ottoman legal education from 1826 to 1926. In order to achieve this objective, I will pursue two main research questions. The first one is descriptive: "how did the disciplinary structure of the Ottoman legal education transform between 1826 and 1926?" The second question is analytical: "why did Ottoman legal education transform from its disciplinary structure in 1826 to its disciplinary structure in 1926?" In order to answer these questions, I will make use of a general theoretical model, which I deem suitable for explaining the social processes at work that transformed Ottoman legal education. A brief conceptual note is in order here, before going further. I conceive of *legal education* as a social process through which knowledge of what is legitimate/illegitimate, in its larger sense, is reproduced and inter-generationally transmitted in a systematic and disciplined way within an institutional framework. The adjective "legal" comprises both what is related to fiqh and what is related to law without excluding either of them. Thus *legal education* serves as an umbrella concept that is not *a priori* related either to law or fiqh. The term *disciplinary structure* implies here the structural configuration of the cultural space of legal education in terms of disciplines' academic settlements[1] within that space. *Disciplinary transformation* means an overall change in disciplinary structure.

I believe making legal education an object of sociological research is important, for legal education is one of the main social processes through which both the symbolic reproduction and legitimation of a general social order takes place. Thus studying the transformation of legal education may provide important insights into general transformations of a social order. This is especially so for Ottoman social space, as Ottoman legal education based on fiqh was truly central to both the symbolic reproduction and legitimation of the Ottoman social order until the mid-19th century, as I will elaborate on in the second chapter. Thus understanding the social conditions of the transformation of Ottoman legal education goes hand in hand with understanding the general transformation of the Ottoman social order. One cannot be achieved without the other. Thus legal education cannot be properly analyzed by assuming a perpective limited to the higher educational space where

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[1] For the concept of academic settlement, see pages 36-37.

legal education takes place, or to the actors directly involved in legal education, as providers or learners. It should be conceived in relation to other processes and actors in bureaucratic, judicial, economic, and other social spaces, as these relations are not external to but constituent parts of legal education. Available scholarship on Ottoman legal education does not present a pleasant view in this respect.

1.2. Historiography of Late Ottoman Legal Education: A General Assessment of the Literature

As far as I am aware, there is not a single work specifically dealing with legal education in the late Ottoman Empire in a holistic perspective either in sociological or in historical terms. Nevertheless, there are specific studies that shed light on different aspects, periods, or institutions of the field of late Ottoman legal education. Akiba's article on the foundation and later transformation of "a new school for qadis," namely the *Muallimhane-i Nüvvab*, is based on extensive archival research and remains the primary reference work on the subject (2003). Yörük's master's thesis on the establishment and later development of the *Mekteb-i Hukuk* provides a comprehensive yet mainly descriptive history of the *Mekteb-i Hukuk* based on extensive archival and literature research (2008). Another of Yörük's works locates the biography of Rizeli Hafız Kasım Efendi, whose educational trajectory crosscut several higher educational institutions providing different types of legal education, within the general context of legal education in the Meşrutiyet period (2014). There are also some other works that briefly touch upon late Ottoman legal education while dealing essentially with the history of legal education in the Turkish Republic (e.g. Bedir 2004; Mumcu 1977).

One can also find information about late Ottoman legal education to varying degrees within the general histories of Ottoman-Turkish higher education. Osman Nuri Ergin's *Türkiye Maarif Tarihi* (1977) remains the sole work providing a truly holistic account of higher education in the late Ottoman Empire, including both the post-1900 higher educational institutions, i.e. higher schools and universities, and the pre-existing ones, i.e. mainly madrasas. Other general histories of late Ottoman higher education deal either with universities and higher schools or with madrasas. Emre Dölen's *Türkiye Üniversite Tarihi* (2010), and Ekmeleddin İhsanoğlu's *Darülfünun* (2010a) stand out as comprehensive works providing histories of the higher educational institutions that emerged from the nineteenth century on. In

contrast, Sarıkaya's work (1997) deals only with the madrasa part of the late Ottoman higher educational transformation.

There are some common historiographical problems most of the abovementioned works suffer, which constitute obstacles for understanding late Ottoman legal education in a holistic and empirically grounded way. The first problem is their lack of relational perspective. Generally descriptive in approach, many of the aforementioned works depict the histories of particular higher educational institutions and developments as self-contained entities or processes isolated from the social relations that actually constitute them and they are embedded in. This problem is present in most of the aforementioned works to varying degrees. For instance, Yörük (2008) narrates the institutional history of the *Mekteb-i Hukuk* and the legal education therein as isolated from the history of madrasas and fiqh education, which constitute the "constitutive other" of the former.

In a similar vein, Ergin's work (1977) provides descriptive narratives of almost all the higher educational institutions of the late Ottoman Empire one by one, yet does not conceive of them as reciprocally constituting actors situated within interactional processes of coordination and conflict. It is not that these works pretend there is no relation between different types of higher educational institutions and processes, of course. However, when the aforementioned works set out to relate different types of higher educational institutions, they generally do so from a dichotomist perspective.

This dichotomist perspective is closely related to and partly engendered by a third overarching problem: a teleological historiographical perspective that perceives historical process as oriented by a transcendental temporal course that proceeds toward a *telos*, i.e. a predetermined mode of being towards which the intentions and actions of past actors were oriented. In the historiography of the late Ottoman period, this transcendental temporal course appears as secularization, modernization, or westernization and the telos becomes the secular, modern, and westernized Turkish Republic. The fact that the Turkish Republic was actually founded in some moment in history is illusionistically deemed, within this perspective, as the actualization of telos. This illusionistic move, however, is actually a form of historiographical violence perpetrated against past reality. For it transfers a telos retrospectively constructed in present, based on the historian's knowledge of the later historical

process, into the historical reality reconstructed by the historian within the historiographical process. However, the event or mode of being that is retrospectively deemed as telos was no more than a contingency for the actors who lived before its actualization, whether it was conceived by them or not, and certainly was not a necessary end they were moving towards.

Once a historian assumes this teleological perspective, explicitly or implicitly, all historical reality the historian reconstructs is contaminated with its effects, and consequently all past actors and events are conceived either for or against the temporal course towards the telos. Thus emerges the dichotomist perspective immanent in teleological historiography. I suggest Lewis' seminal work, *The Emergence of Modern Turkey* (1968), which had greatly affected later historical scholarship on the late Ottoman Empire, constitutes a good example of teleological reconstruction of historical reality. As Lewis states in the very first sentence of the book, in the preface, "the theme of this book is the emergence of a new Turkey from the decay of the old" (1968, Preface). The general perspective and the grand thesis of the book are concisely included in this brief statement. In a nutshell, there are two grand movements in the late Ottoman history, according to Lewis' account. On the one hand, there is a movement towards the good "new," described by Lewis as modernization or Westernization (and by some others as secularization), which ultimately results in "the emergence of a new Turkey." On the other hand, there is a movement towards the bad "old," described as traditionalism or reactionism, which ultimately fails by "the decay of the old." Late Ottoman history is *grosso modo* the history of struggle between these two movements, where the latter had no chance and the former appears as the ultimate winner. Let Lewis himself summarize the point:

> By 1871 (...) the destruction of the old order had been too thorough for any
> restoration to be possible; for better or worse, only one path lay before
> Turkey, that of modernization and Westernization. She could move fast or
> slowly, straight or deviously; she could not go back (1968, p. 128).

Thus, all actors and events of late Ottoman history take their place within this general schema. They are either for modernization and Westernization, thus progressive and reformist, or against it, thus reactionary and conservative. Within the histories of higher education written from such a perspective, new higher schools and the *Darülfünun*, and all the actors affiliated with them, represent the progressive

movement, of which the telos is the Republican university system, whereas the madrasas and all actors affiliated with them represent the reactionary movement that was doomed to perish. Although this historiographical perspective is more salient in the works of Ergin and of Dölen, most of the aforementioned works are to varying degrees influenced by it. Conceiving the struggle over higher education in the late Ottoman Empire as a battlefront between two antagonistic camps, as the dichotomist perspective suggests, these works fail to see that different actors and positions competing for higher education struggle both in and over same social space. They thus also fail to explain the interconnections, overlaps, commonalities, and even instances of coordination between the two perceived "camps" as well as the differences and struggles within an individual camp.

Of the aforementioned works, Akiba (2003) and Yörük (2014) constitute exceptions with regard to my general criticisms above. Akiba deals with the history of the *Meşihat*'s new school for vocational legal education, from its foundation as the *Muallimhane-i Nüvvab* to its abolition as the *Medresetü'l-Kuzât*, as constituted and shaped in and by the relations of competition between the *Meşihat* and *Adliye ve Maarif Nezaretleri* on the one hand, and between the *Muallimhane* and the *Mekteb-i Hukuk* on the other. He also demonstrates how the changes in judicial system constantly affected the configurations of these schools. Akiba does not conceive the aforementioned parties in dichotomous terms, however, and constantly points out the convergences and overlaps between the parties as well as the differences between the *Muallimhane* and traditional madrasa education. Finally, Akiba's article refrains from using the teleological approach, and thus avoids casting the institutions in this period as mere precursors to those in the Turkish Republic. However, the scope of Akiba's article is limited to the development of the *Muallimhane-i Nüvvab-Medresetü'l-Kuzât* line, and does not deal with other institutions, aspects, or processes of the late Ottoman legal education system.

Yörük's work (2014) is also brilliant in its relational perspective as well as its distance from any teleological or dichotomist perspective. Based both on the personal archives of a man called Rizeli Hafız Kasım Efendi, who had pursued legal education in several types of higher educational institutions during the Meşrutiyet period, and on official archives, Yörük locates the biography of the man in the historical context of the transformation of Ottoman legal education. Yörük's work

constitutes an excellent setting for invalidating the aforementioned historiographical perspectives and demonstrating that the very minds and bodies of the students constitutes parts of a social space in which actors entered into multifarious types of relations transforming legal education. He also demonstrates the contingencies of the late Ottoman higher educational transformation, focusing on the case of legal education. Although Yörük deals at once with different aspects, institutions, and processes of late Ottoman legal education, in contrast to Akiba, the temporal scope of Yörük's work is mainly limited to the educational lifespan of Rizeli Hafız Kasım Efendi, which roughly corresponds to the Meşrutiyet period.

There are some other recent works that are not specifically focused on legal education, but on different aspects of education in the late Ottoman Empire (e.g. Fortna 2003; Bein 2011). Based on extensive archival research, these works provide empirically grounded and well-articulated narratives invalidating the dichotomist and teleological perspectives. However, they neither attempt nor intend to develop a general theoretical model derived from or checked against empirical reality that would help to construct a new grand narrative of late Ottoman history that could dethrone the teleological and dichotomist grand narrative still dominates the field despite its decreasing historiographical legitimacy, which has been consistently undermined by partial narratives of the aforementioned kind. A new grand narrative, in order to be truly different from the former one, requires a new vision and conceptualization of the historical process not contaminated by the problematic aspects of the philosophy of history that underpins the present grand narrative.[2]

I believe the relational paradigm within sociology,[3] which has been undergoing a process of self-description and self-positioning for at least some thirty years now, may offer important opportunities for conceiving of social reality and the historical process independently from the aforementioned biased perspectives, as the proponents of this paradigm have strived to fight off the substantialist philosophies of consciousness and of history. Although the late Ottoman empirical reality as well as the Ottomans' own visions and conceptualizations of the historical process they had gone through are indispensable sources for constructing a new grand narrative based on a new grasp of historical process; the questions, concepts, and perspectives the relational sociological paradigm have yielded may also be of service in such a

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[2] For a critique of this philosophy, see Açıkel (2006).
[3] For a "manifesto" of relational sociology, see Emirbayer (1997).

task. Andrew Abbott is a sociologist considered to be within the relational sociological paradigm and has produced a significant amount of work meditating on how to conceptualize social reality and historical process in relational terms based on empirical research. In this study, I will utilize Abbot's sociological theory to explore my topic and answering my research questions.

1.3. Research Design and Outline of Chapters

Abbott's sociological theory is quite broad and demands extensive empirical research on several levels and dimensions of social reality in order to fully operationalize his theoretical model in explaining a historical process. The scope of a master's thesis is too narrow for such a full operationalization. Thus I will exclude from the outset some levels and dimensions of social reality from my analysis. I will not engage in any analysis at the individual actor level. Thus, in principle, I will not deal with the actions, intentions, or positions of individual actors or with the relations between them. I will also not deal with the symbolic dimensions of the late Ottoman legal transformation, by which I mean the actual content of legal knowledge and thought. To deal with these, I might engage in an analysis focusing on specific actors and their works, which would require in turn narrowing both the temporal and the spatial scope of my thesis. Thus, it would be a different project. Instead, I will limit my analysis here to the collective actor level. The main collective actors within my analytical range will be the bureaucratic, higher educatianal, and judicial institutions in social space, and disciplines in cultural space, with a specific focus on their effects on the configuration of legal education. Finally, my temporal scope will be mainly limited to the last century of the Ottoman Empire in terms of legal education. I take the moment of total elimination of the fiqh discipline from the curricular space of higher education in the imperial center as the end of the Ottoman Empire in terms of legal education, which corresponds to the year 1926. Because the legal education in the Turkish Republic represented a radical rupture from late Ottoman legal education, especially from 1933 on, I will not be able to deal with the aftermath of 1926 within the scope of this thesis.

This kind of a research would surely be more solid and better elaborated if based on a direct primary source research. However, the scope of my research question makes such research nearly impossible within the scope of a master's thesis. Thus, my analysis of the disciplinary transformation of late Ottoman legal education

will be mainly based on secondary sources, which consist of the available historical scholarship on both Ottoman history in general and the history of Ottoman legal education in particular. The fact that there are many excellent descriptive works based on extensive primary source research, and that many primary sources are directly available within secondary sources (such as the curricula of the late Ottoman legal education system as provided in different institutions across time) to some extent minimizes the disadvantages and problems that may stem from the secondary source-based character of this analysis. There are, however, parts of my analysis that have suffered from an exclusive reliance on secondary sources, as the narratives the available secondary sources offer are sometimes quite problematic. My structural analysis of the Ottoman higher educational ecology in the seventeenth and eighteenth centuries is of this kind, to give an example. This is because Zilfi's works, which consitute the main secondary sources I rely on for analyzing this period, include problematic aspects, as criticized by Pierce (1991).

The main method I will use in my study is structural historical analysis as guided by Abbott's interactional field approach and based on a systematic reading of the available scholarship. The thesis consists of five chapters: an introduction, three main chapters, and a conclusion. In the introduction, I offer a general presentation of my research and briefly assess the previous literature on late Ottoman legal education.

In the second chapter, I undertake first a panoramic review of sociology of knowledge, identifying the main research traditions with regard to their stances on epistemological, theoretical, and empirical levels, and classifying them at once chronologically and analytically. Having located my study in one of the research lines within the new sociology of knowledge, namely the historical sociology of disciplinary knowledge, I then set out to critically engage the available general theoretical perspectives for a sociology of disciplinary knowledge. Having for several reasons chosen Abbott's sociological theory over the other options, I finally present an overview of Abbot's sociological theory, both of social reality in general, and of disciplinarity in particular.

In the third chapter, I offer a general structural analysis of the historical formation and evolution of the Ottoman higher educational ecology from the early fourteenth century to the early nineteenth century. Classifying this immense interval

of time into three main periods, I trace the structural developments both in the Ottoman higher educational ecology and in legal education during each period. At the end of the chapter, I argue there are two structural characteristics of the Ottoman higher educational ecology that were present in each period, to varying degrees, until the nineteenth century. The first characteristic was the centrality of the fiqh discipline to the social and cultural structures of the ecology. The second was the relative administrative and financial autonomy of the Ottoman higher educational ecology from other ecologies, and of the ilmiye corps as the main collective actor dominating the ecology against other actors within the dynastic bureaucratic ecology, albeit to a decreasing degree from the mid-fifteenth century on.

In the fourth chapter, I begin by articulating a Bourdieusian concept, namely symbolic power, to complement my Abbotian theoretical framework, in order to more effectively deal with the processes of modern state formation, for which Abbott does not offer any specific theoretical formulation. Then I analyze, in the remaining part of the fourth chapter, the disciplinary transformation of late Ottoman legal education as divided into three historical periods: the reign of Mahmud II, the Long Tanzimat period, and the Meşrutiyet period.

Finally, in the conclusion, I both reassert my main arguments and reformulate my analysis from a different perspective. As an answer to my first main research question, I argue that the disciplinary transformation of Ottoman legal education between 1826 and 1926 took place as a result of several processes of competition, which constituted aspects of the overarching process of modern state formation, between diverse bureaucratic, higher educational, judicial, and disciplinary collective actors within an interactional field at the intersection of bureaucratic, higher educational, and judicial ecologies. As an answer to my second main research question, I argue that the increasing amount of symbolic power the emergent collective actors (such as the *Maarif Nezareti*, *Mekteb-i Hukuk*, or *Darülfünun*) accumulated to the detriment of the rooted collective actors (such as the *Meşihat*, *Muallimhane*, or madrasas) within the aforementioned interactional field during the process of modern state formation made possible the gradual expansion of the law discipline's academic settlement in curricular space while narrowing down that of the fiqh discipline, thus transforming the Ottoman legal education from a fiqh-centered disciplinary character to a law-centered disciplinary character. Finally, in the

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conclusion, I offer first a general summary of the second and third chapters, which reasserts my central arguments as well as the auxiliary ones. Then I engage in a brief reanalysis of the transformation of legal education in a different perspective. I finish with a brief theoretical note on Abbott's theory.

THE NEW SOCIOLOGY OF KNOWLEDGE AND ABBOTT'S THEORY OF LINKED ECOLOGIES/INTERACTIONAL FIELDS

2.1. A Panoramic Review of the Sociology of Knowledge and the Location of Research within the Literature

The term "social" implies relational human activity, and any human relationality has a symbolic aspect, which relates to meaning and knowledge. Thus, knowledge is inherent and integral to any social phenomenon. Therefore, any sociological study implies an understanding pertaining to the sociology of knowledge, be it deliberately undertaken or not. For this reason, it is difficult to define the boundaries of sociology of knowledge as an area of sociological inquiry. It is possible, however, without attempting to draw strict lines, to discern certain clusters of problems that stand out within the sociology of knowledge. As a preliminary categorization, one could say that there are three kinds of questions sociologists of knowledge grapple with: epistemological, theoretical,[4] and empirical questions. These questions are not, of course, independent of each other. They may well be nested together in sociological research, and this is often the case. In fact, any empirical research is based, whether explicitly problematized or not, on epistemological and theoretical grounds. In the same vein, any epistemological stance has implications for social theory, methodology, and empirical research. However, this categorization may help us broadly classify the sociologists of knowledge on the basis of their stances with regard to these kinds of questions.

Within this perspective, we can distinguish between three periods in the history of the sociology of knowledge: the foundation period (pre-1960s), the transition period (the 1960s), and the re-foundation period (from the 1970s on).[5] In

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[4] By "theoretical", I am referring to the fields of social/sociological theory in general, and the sociology of knowledge in particular.

[5] 1) Camic and Gross (2004) distinguish between "the new sociology of ideas" (from the 1980s on) and "the old sociology of ideas" (before the 1980s). Although I agree in principle with the general distinction they make between the new and old sociologies of knowledge, I add another period (roughly corresponding to the 1960s) to account for the transition from the old to the new and thus to provide an arguably more accurate picture. Placing all works written before the 1980s under the label

the following pages I will present the main approaches in these periods, paying attention to their stances on epistemological, theoretical, and empirical issues.

2.1.1. The Foundation Period (Prior to the 1960s)

Major epistemological debates in the sociology of knowledge revolve around two central and interrelated questions: the validity (i.e. truth/falsity) of knowledge and the status of scientific knowledge. The first question concerns the problem of the possibility of universally accepted knowledge and how to achieve it. The second questions whether scientific knowledge has a higher status than other types of knowledge (e.g. ordinary, religious, artistic, etc.) in terms of its validity.

The foundation period is when the sociology of knowledge was founded and gradually grew into a distinct area of research with all its questions and concepts. As Hekman (1986) rightly argues, almost all approaches within the early sociology of knowledge derive their conception of knowledge as well as their research principles from Enlightenment philosophy, which finds one of its earliest examples in Bacon's theory of idols (1844, 9–116). According to this conception of knowledge, there are basically two types of knowledge: objective knowledge, which is true/universal knowledge acquired through the scientific method, and subjective knowledge, which is false/culturally and socially determined knowledge acquired through irrational means such as religion, superstition, emotions, and so on. These two categories of knowledge are mutually exclusive, and it is on the basis of objective knowledge that truth should be pursued and social life organized. Accordingly, subjective knowledge should be systematically excluded both from scientific endeavor and public space in favor of objective knowledge. It is against the background of this conception of knowledge based on the dichotomy between objectivity and subjectivity that modern social sciences in general, and the sociology of knowledge in particular, are elaborated. Based on this matrix, the sociology of knowledge was meant to "determine the nature and function of socially determined subjective beliefs in a way to promote the achievement of objective knowledge in the social sciences" (Hekman 2012, 30).

"old sociology of ideas" is an oversimplification and hampers any effort explain the transition from the old to the new. I also take into account the continuities between periods unlike Camic and Gross, who almost exclusively focus on change and differences. 2) As with all other periodizations, this periodization is also inevitably a generalization. I would ask that the reader view the distinctions between periods and categories not as clear-cut frontiers, but as boundary areas, or buffer zones, where many intersections, fusions, and encounters occur.

The sociology of knowledge did not exist as a field as such before the 1920s. However, a sociology of knowledge was certainly present in the works of the founders of sociology. Thus I treat the conceptions of knowledge and intellectual reality present in the founding works of sociology under the rubric of sociology of knowledge. Having said that, I would argue there are three main approaches in the foundation period, according to their stances on the aforementioned epistemological questions: materialist, positivist, and German sociologies of knowledge.

The positivist sociology of knowledge is the primary heir to Enlightenment thought and its conception of knowledge. Essentially based on the works of Comte and Durkheim and arriving at its peak in the work of Merton, the positivist sociology of knowledge has a hegemonic character in the field during the foundation period. Its epistemological stance is largely the same as that of Enlightenment philosophy as described above. Thus, I will not repeat it here.

The materialist sociology of knowledge, which is essentially based on the thought of Karl Marx, can be equated with Marxist tradition of sociology.[6] The premise of the materialist sociology of knowledge, which is centered around the questions of ideology and false consciousness, can be most concisely seen in a famous maxim of Marx, where he objects to the German idealist tradition: "The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness" (Tucker 1978, 4). Marx essentially preserves the dichotomy between true/objective and false/subjective knowledge, yet he changes the criterion of validity. What makes knowledge true or false is its accordance to the material conditions/organization of life. True/objective knowledge is the only type of knowledge to truly express the actual mode of production in a way that reveals the exploitation and alienation therein and thereby revolutionizes it. All other types of knowledge misrepresent reality in ways that maintain the relations of domination are forms of false consciousness. Although this ideas is significantly refined and revised by later thinkers (e.g. Lukacs, Althusser, and Gramsci), this basic conception of knowledge

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[6] I should also mention that a radical materialist conception of knowledge was prevalent among natural scientists in this period. Although I do not include them in the category of "materialist sociology of knowledge", simply because they are not sociologists, one should not overlook this fact given that natural sciences constituted the "role model" for social sciences in general, and sociology in particular.

underpins all Marxist tradition. Accordingly, the primary objective of the sociology of knowledge inherent within Marxism is to achieve and express true/objective knowledge in a way that eliminates forms of false consciousness in order to revolutionize capitalist mode of production. Although the materialist sociology of knowledge differs from its positivist counterpart in many aspects, the structural homology between their basic conceptions of knowledge inherited from Enlightenment philosophy is obvious.

It is in the German tradition that the sociology of knowledge was given its name. I am aware that the label "German" sounds odd after "materialist" and "positivist." I could not give this tradition a name of the latter kind because of its lack of a similarly clear stance on epistemological questions. This ambiguity on epistemological issues is both a weakness and a strength of this tradition. Initiated by Max Scheler and Karl Mannheim, the German sociology of knowledge was a child of the renowned *Methodenstreit* that occurred at the end of the nineteenth century (Hekman 2012, 73–108). One of the central problems of the *Methodenstreit* and following debates was the question of the accuracy of the positivist scientific epistemology (and methodology) for human and social sciences (*Geisteswissenschaft*). No one in the debate questioned the authority of positivist epistemology in the realm of the natural sciences. In this sense, the German tradition was loyal to Enlightenment philosophy. When it came to *Geisteswissenschaft*, however, the accuracy of positivist epistemology was severely questioned, if not rejected, by many scholars. The constitutive opposition of the *Methodenstreit* was between positivism, the position of those advocating the use of positivist epistemology for *Geisteswissenschaft*, and historicism, the position of those advocating for a relativist, or contextualist, conception of truth by confining it to historical context. It is from the tension between these two positions that the German sociology of knowledge emerged (Hauser 1988). An effort to resolve this tension is omnipresent in the works of Scheler and Mannheim as well as Rickert and Weber. Thus, I would argue, what makes the German sociology of knowledge a tradition in itself is not a clear epistemological stance they commonly adopt, but a persistent resistance to the hegemony of positivist epistemology in the realm of *Geisteswissenschaft* and an accompanying effort to establish an alternative scientific epistemology and methodology for *Geisteswissenschaft*. A sound evaluation of their

achievements would require a separate book. In the main, however, I believe their efforts to establish an alternative scientific epistemology ultimately failed, mainly because they adopted the two radical distinctions posited by positivism: the one between "natural" and "social," both as scientific endeavors and sectors of reality, and the other between objective and subjective knowledge. What they did was mainly rearranging the elements falling under these already-defined categories without seriously challenging the logic of categorization itself. Although they failed to establish a well-elaborated epistemology, however, they certainly inspired and laid the foundations for later developments in the sociology of knowledge. They did so mainly by keeping central questions and debates alive instead of closing them up with clear-cut answers.

These major epistemological stances have their implications on the theoretical level. I will briefly present the positions of the aforementioned approaches on the central theoretical question of the sociology of knowledge: the relation between knowledge and social reality. My formulation of the question gives a sense of the terms in which the question is conceived and discussed in this period. I would argue the two main approaches, viz. positivist and materialist sociologies of knowledge, have conceptualized knowledge and social reality mainly in substantialist terms.[7] In other words, they conceptualize knowledge and social reality as two distinct ontological substances that have a relation of determination to each other. This relation implies that one of the substances has ontological primacy over the other in a way that determines its existence. What separates them is the direction of this relation of determination as well as their conceptions of knowledge and of social reality.

Within these two main approaches, one can distinguish three positions with regard to this central question. The positions they adopt change according to the type of knowledge concerned, so I will treat these three positions accordingly. As for subjective/false knowledge, both materialists and positivists agree that social reality determines knowledge. Their positions diverge, however, according to their conceptions of social reality.

Materialists argue that it is above all the dominant mode of production, i.e. the organization of material reality, which determines knowledge and consciousness.

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[7] I use the terms "substantial(ist)" and "relational(ist)" here as defined by Emirbayer (1997).

This is not a direct determination, however, as widely described in the mainstream sociological literature. The determination of consciousness is mediated by class structure. In other words, material reality determines consciousness *via* one's position within the class structure. The dominant class has the upper hand in being able impose its vision of reality, which is also determined by material reality, upon all society.[8] This dominant vision of reality is a false consciousness, as it conceals the exploitation and alienation on which the mode of production is based and thus serves to maintain it by normalizing it. Acknowledging this mediation is important, since it has implications on the question of false consciousness, which I will discuss at greater length below. Positivists also argue that social reality determines subjective knowledge. However, their conception of social reality is different from that of materialists. According to positivists, material reality is not the sole basis of social reality, or thus of subjective knowledge. Social reality is a composition of different kinds of realities such as political, economic, religious, ideological, and so on. All these realities affect and determine the formation of subjective knowledge and beliefs. As Hamilton concisely puts it in his analysis of Durkheim's sociology of knowledge, "collective representations are, as social facts, the 'surface' manifestations of the social 'essence': systems of values, beliefs, norms and knowledge correspond to and underlying social reality which is their ultimate foundation" (1974, 108).

As for the relation between objective knowledge and social reality, the materialists' position seems equivocal. On the one hand, they embrace the idea that social reality determines consciousness and firmly reject the idea that knowledge or consciousness may have a transformative effect on either social or intellectual reality. For instance, Marx confidently states that "all forms and products of consciousness cannot be dissolved by mental criticism (…) but only by the practical overthrow of the actual social relations which gave rise to this idealistic humbug; that not criticism but revolution is the driving force of history, also of religion, of

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[8] As Marx succinctly formulates: "The ideas of the ruling class are in every epoch the ruling ideas: i.e., the class which is the ruling material force of society, is at the same time its ruling intellectual force. The class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it. The ruling ideas are nothing more than the ideal expression of the dominant material relationships, the dominant material relationships grasped as ideas (…)" (Tucker 1978, 172–3).

philosophy and all other types of theory". (Tucker 1978, 164). On the other hand, they seem unclear on how this revolution will occur without a conscious volition. Some Marxists, such as Lukacs (1971), go further and establish a necessary causal link between the revolution and the achievement by proletariat of its class consciousness, thus implicitly assuming an almost idealistic position. If we do not read between the lines, however, the materialists' explicitly stated position does not change: objective/true knowledge is also subjected to social determination, to laws of historical change. It is "the practical overthrow of the actual social relations" that drives the change in all types of knowledge – "of religion, of philosophy and all other types of theory" – towards the achievement of objective knowledge, the ultimate knowledge of communist society. The positivists' position is clear with regard to the relation between objective knowledge and social reality. Objective knowledge is independent of any social determination. For objective knowledge is acquired through positivist methodology, which is based on logical and mathematical treatments and reports of sensory experience acquired through empirical observation, and thus free of social determination. Consequently, objective knowledge cannot be a research subject for the sociology of knowledge, which analyses the social determination of knowledge. I would argue that materialists agree with positivists on this last point, although they have not stated it explicitly on theoretical level. The lack of any specific treatment of objective scientific knowledge, of natural sciences for instance, within the literature on ideology reinforces my argument.

Since German sociology of knowledge finds its most elaborate version in the work of Mannheim, I will treat the position of this approach with reference to Mannheim's work (1979).[9] To begin with, Mannheim maintains the basic distinction between objective knowledge and subjective knowledge with regard to the question of the relation between knowledge and social reality. Unlike positivists, however, Mannheim confines objective knowledge only to the realms of mathematics and natural sciences. Conceived in this narrower sense, objective knowledge is not subject to social determination. In exempting objective knowledge from the analysis of the sociology of knowledge Mannheim and positivists then assume the same position, even though their delimitations of objective knowledge are significantly

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[9] Even though there may be some differences between Mannheim and other German sociologists of knowledge (such as Scheler, Weber, or Dilthey), I believe these differences are not so great as to warrant treating them as separate positions.

different. All other types of knowledge, however, are socially determined. This is at once the basic premise and the *raison d'être* of the Mannhemian sociology of knowledge.

What I have said so far about Mannheim's work would not have required conferring him a distinct place among the approaches mentioned so far, were it not for his conception of social reality. Mannheim's conception of reality is essentially Weberian. He conceives social reality "in terms of a structure of meaningful social actions of individual actors" (Hamilton 1974, 121). He thus significantly differs both from positivists, who consider society as a natural reality, and from materialists, who conceive of social reality in material terms. However, their conceptions of social reality diverge not only on how social reality is constituted, but also on how it is conceptualized. As opposed to positivists and materialists, who conceptualize knowledge and social reality as two ontologically distinct substances, as stated above, Mannheim injects knowledge within social reality on an ontological level by conceptualizing it as composed of "meaningful social actions."

Within such a conception of social reality, the social determination of knowledge assumes a significantly different meaning. Knowledge is determined by social reality, of which it is a constitutive part. Therefore, this determination is not unidirectional. As a constitutive part, knowledge also partially determines social reality. Thence Mannheim's sociology is a "relationist" sociology of knowledge (1979, 70-78, 253-75). The social determination of knowledge implies, in Mannheim's language, that all knowledge is knowledge of a position within social reality, and cannot be grasped outside of its relations with other positions, that is, its social context. It is *via* this position that social reality determines one's knowledge, and that one's meaningful, knowledge-based actions structure social reality. Let Mannheim speak for himself:

> Relationism signifies merely that all of the elements of meaning in a given situation have reference to one another and derive their significance from this reciprocal interrelationship in a given frame of thought. Such a system of meanings is possible and valid only in a given type of historical existence, to which, for a time, it furnishes appropriate expression. When the social situation changes, the system of norms to which it had previously given birth

ceases to be in harmony with it. (…) The concepts which we have and the universe of discourse in which we move, together with the directions in which they tend to elaborate themselves, are dependent largely upon the historical-social situation of the intellectually active and responsible members of the group. We have, then, as the theme of this non-evaluative study of ideology, the relationship of all partial knowledge and its component elements to the larger body of meaning, and ultimately to the structure of historical reality. (1979, 76–77).

Mannheim's theoretical approach plants the seeds of all later approaches that can be gathered under the loose label of "relational paradigm" within the sociology of knowledge.

Although the foundation period has a richness and diversity in terms of the efforts and approaches dealing with epistemological and theoretical questions, the scene gets darker when it comes to empirical research. I must note at the outset that I will limit myself with the overview of the empirical work done on the production of relatively specialized and systematic knowledge (scientific knowledge, scholarly/academic knowledge, systems of thought, etc.), for without such a limitation the task would require a separate book. To begin with the weakest of the three groups mentioned above, materialists have done little in terms of empirical research, let alone establishing an empirical research agenda and tradition. Most of the energy within the materialist sociology of knowledge was channeled to theoretical works on ideology and consciousness. The only empirical works dealing with systematic knowledge within a materialist approach are, as far as I know, Hessen's article on the "social and economic roots of Newtons' *Principia*" and Grossman's work on the social origins of mechanistic philosophy (Hessen and Grossmann 2009).

Though the German tradition produced a considerable number of works dealing with the sociology of knowledge on the epistemological and theoretical levels, it has not made an equally good showing in empirical research. Mannheim, for instance, makes an impressive articulation of a theory of the sociology of knowledge but ultimately fails to establish a solid and operational methodology and research agenda out of his theory. To put it in Hamilton's words, "whilst Mannheim

is concerned to produce a sociological epistemology as a critique of the formalism and abstract nature of philosophic theories of knowledge, his methods of doing so are so philosophical. The technical language of concepts which he employs remains non-empirical (…)" (1974, 120). Consequently, the lack of a Mannheimian tradition of empirical research, which seems *prima facie* surprising if one consider his founding work in the sociology of knowledge, is not actually that surprising. As opposed to Mannheim, Weber not only accomplished much in establishing a solid methodology for empirical research, but also himself produced a substantial amount of empirical work in what one might call historical sociology. As far as the sociology of knowledge is concerned, however, almost all his work can be read as the account of the emergence and gradual establishment of a modern Western *weltanschauung*, of rationalization, together with all its material and social institutions. For someone who looks for a sociology of specialized knowledge, therefore, Weber does not provide much example of concrete empirical analysis. As for his intellectual lineage, although he has had considerable influence, one way or the other, on later work in the sociology of knowledge, as is also the case for all later sociological work, it does not seem possible to speak of a specifically Weberian tradition of the sociology of knowledge.

Positivists have the best record in terms of empirical research. I would argue that there are two main streams of empirical research within the positivist sociology of knowledge. A dominant stream dates from the late 19th-early 20th century, when a large number of sociologists and anthropologists consecrated their efforts to analyze systems of thought in pre-modern societies. The works of Durkheim and Mauss (1903), Levy-Bruhl (1910), and Evans-Pritchard (1976) represent this stream of research, although there are differences in their arguments (Schmaus 1996). Another important stream is the sociology of scientific knowledge, which is to a great extent undertaken by Merton. This stream of research is almost exclusively American. Beginning with his pioneering book analyzing the relation between Protestant pietism and early experimental science (1938), Merton produced an influential corpus of work in the sociology of science, where he analyzes science as a social structure (1965; 1973; Merton and Barber 2006). I believe it would not be exaggerating to say that Merton is the founder of the sociology of science as a legitimate and feasible research field within the discipline of sociology. There were

also a few other American sociologists undertaking empirical work, such as Veblen (2009) and Mills (1964), who seem to not have a particularly strong influence on later work in the sociology of knowledge.

There are two dominant ways of explanation, one or the other of which one finds in all empirical works written in the foundation period: internalist explanation and externalist explanation. This bifurcation is based upon a distinction made between internal and external factors affecting the formation and change of intellectual/scientific knowledge within society. Internal factors are those intellectual elements pertaining to the interior of an intellectual universe embodied in text (or any other intellectual product): concepts, arguments, theories, styles, and so on. By contrast, external factors are those non-intellectual elements situated outside of the intellectual universe of thinking, arguing, and writing: all kinds of material, biological, political, or economic factors.

Adherents of the internalist position basically argue that the formation and change of intellectual/scientific knowledge occurs according to an internal logic of development shaped by intellectual intercourse, negotiation, and debate between knowledge producers. The content of intellectual activity is then free of any external determination. Although that German tradition has never offered any empirical explanation of this kind, they theoretically hold this position with regard to objective knowledge (limited to the natural sciences). However, it is primarily positivists who employ the internal explanation. Merton's two works (1965; Merton and Barber 2006), where he traces "the travels and adventures" of a maxim ("on the shoulders of giants") and a concept (serendipity), are almost ideal-typical examples of internal explanation. However, all positivists do not adopt the same level of internalism in their works. Some positivists, especially those influenced by the work of Mannheim, accept some level of external determination, certainly not with regard to the content of intellectual/scientific activity, but with regard to its focus and orientation, such as the choice of research subjects. Merton clearly expresses this position: "In science, the focus of attention may be socially determined but not, presumably, its conceptual apparatus." (1968, 523–4). Interestingly enough, it is again Merton who provides arguably the best example of this relatively less internalist position. In his pioneering book *Science, Technology and Society in Seventeenth Century England*, Merton provides "an empirical examination of the genesis and development of some of the

cultural values which underlie the large-scale pursuit of science" (1938, 360). He basically argues both Puritanism and emergent military-economic needs have contributed to the growing rise of interest in scientific and technological research.[10]

Externalists defend the opposite argument: it is above all external factors that determine the formation and change of intellectual/scientific knowledge, its content as well as its form. Thus, no knowledge has an intellectual/scientific value *per se* independently of its social function. Materialists are the primary clients of this mode of explanation. Hessen's work (2009) provides an excellent sample of an externalist explanation. He argues that Newton's *Principia* was first and foremost a result of the social and economic context that determined Newton's intellectual activity, rather than a product of Newton's intellectual genius as Whitehead or Carlyle would argue (Hessen and Grossmann 2009, 41–43).

As the reader has probably already noticed, these modes of explanation correspond to the aforementioned theoretical positions on the relation between knowledge and social reality. To put it *grosso modo*, those who advocate for the social determination of knowledge while ascribing to social reality an ontological primacy over knowledge prefer the external explanation. Yet those who argue for the independence of (objective) knowledge from social determination consequently tend to favor the internal explanation. Although the German tradition did not produce considerable empirical research, as I said before, one may argue, considering their theoretical positions, that they occupy a middle position with regard to this internal-external debate. Their consistently in-between position will make them an important source of inspiration for later sociologists of knowledge.

This dichotomist conception of "internal(ist)" and "external(ist)," along with its counterparts on the theoretical and epistemological levels (knowledge/social reality and objective/subjective), constitutes the matrix upon which almost all works produced in the foundation period are built. Consequently, it is above all against this dichotomist conception that re-founders of the sociology of knowledge are united. It is no coincidence that it is difficult to find a work in the sociology of knowledge written in the refoundation period (and partially in the transition period) where the

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[10] I have not mentioned any work from such fields as the history of science or phiolosophy, since I limit myself here with the literatüre of sociology of knowledge. It is possible to say, however, that almost all of the work dealing with the history of any intellectual/scientific activity adopts an internalist position in its explanations, thus implicitly embracing an internalist and positivist sociology of knowledge.

author does not devote a passage, or a chapter, to refuting this dichotomist conception (e.g. Berger and Luckmann 1991; Mullins 1975; Bourdieu 1997). I will now offer a brief overview of the transition period, focusing especially on two works that arguably made possible the transition to what some have called "the new sociology of knowledge/ideas" (Swidler and Arditi 1994; Camic and Gross 2004).

2.1.2. The Transition Period (the 1960s)

The transition period, roughly covering the 1960s, may be characterized by the writing of two paradigmatic books, one by Kuhn (1962), and the other by Berger and Luckmann (1966), which significantly upset established ways of carrying out work in the sociology of knowledge and laid the foundations for a new sociology of knowledge. Kuhn's book brought about a "paradigm shift," to formulate it in Kuhn's own terms, in the understanding of scientific truth and scientific change. He argued that science does not progress in a linear and continuous way with the gradual accumulation of accepted scientific facts and theories; it rather advances in an episodic manner where periods of "normal science," of conceptual continuity and scientific convention, are interrupted by periods of "revolutionary science," where established intellectual frameworks and scientific conventions are severely questioned and ultimately abandoned in favor of new ones. Kuhn also argues, in a parallel way, that competing paradigms are often incommensurable. Thus, scientific truth cannot be established according to universal objective criteria; it is rather defined by the consensus of a scientific community sharing the same paradigm. The consequences of Kuhn's book for the sociology of knowledge are not difficult to observe. First, he dealt a fatal blow to the positivist understanding of scientific knowledge with all its claims of monopoly over universality and objectivity. Second, he set the grounds for a sociological analysis of scientific knowledge, which would constitute one of the main articles in the research agenda of the sociology of knowledge in the re-foundation period.

Berger and Luckmann's book (1966) is the best-elaborated and most successful of the several attempts undertaken in the transition period with the goal of achieving a theoretical synthesis between the aforementioned dichotomies (knowledge/social reality and internal/external), which had haunted the sociology of knowledge in the foundation period (e.g. Gurvitch 1966; Habermas 1971; Stark 1958). Essentially based on Schutz' phenomenological approach, yet also solidly

anchored in the classical sociology of knowledge, Berger and Luckmann simply argue it is at the basis of social interaction that both knowledge and social reality are constructed. In fact, knowledge and social reality are not separate things, but dimensions or aspects of the same reality. Since all social interaction is inevitably symbolic, knowledge is ontologically integral to any social reality, just as what is subjective and internal is ontologically nested with what is objective and external. Thus, any theory of knowledge assuming an ontological distinction between knowledge/subjectivity and social reality/objectivity is unfounded and fallacious. I would argue that the essential argument of Berger and Luckmann (on the ontological inseparability of knowledge and social reality) remains a basic convention among sociologists of knowledge in the re-foundation period. Even the materialists and positivists of the re-foundation period do not hold to the old strict positions of either the social determination or the social independence of knowledge. To put it in terms of a horticultural metaphor, Kuhn and Berger and Luckmann replaced the old soil in the orchard of the sociology of knowledge where the pre-1960 approaches had flourished, with new soil where new epistemological and theoretical saplings would grow, yielding empirical fruits. Considering the abundance of both theoretical saplings and empirical fruits in the new orchard of the sociology of knowledge, one can retrospectively say that their soil was good and their seeds fruitful.

2.1.3. The Re-foundation Period (after the 1970s)

The re-foundation period abounds with such a wide range of theoretical approaches and empirical works that even a general overview would require a great deal of time and space. I will limit myself here to naming only the most prominent approaches and research programs, and presenting the general points that distinguish them from the earlier works in the foundation period.

There are many self-proclaimed epistemological positions within the sociology of knowledge in the re-foundation period: realism, culturalism, naturalism, constructivism, historical rationalism, feminist epistemology, and so on. I would argue, however, that there are often only slight differences between them with regard to basic epistemological questions, thus they can be gathered under two main epistemological positions: relativism and post-positivism. Interestingly enough, both positions adopt, implicitly or explicitly, the Kuhnian argument as their departure point even if their ultimate destinations substantially differ. Relativists wholly

embrace the Kuhnian argument at its extreme to reject any idea of objective truth and any recognition of a higher status for scientific knowledge. All knowledge is *totally* bounded by culture and context, according to this position, and therefore truth is *always* relative to a particular frame of reference, such as a language or a culture. Although post-positivists also accept the Kuhnian argument, they do not interpret it as leading to relativism. Instead, they substantially redefine the basic concepts and premises of positivism in order to found a plausible epistemological position coherent with Kuhn's theory, which nevertheless does not completely renounce the idea of objective truth, its possibility and desirability. Postpositivists agree that there is an external reality independent of us, that this reality limits our knowledge of it (thus all knowledge cannot be true), and that objective knowledge of reality can best be acquired through empirical methodology.

Rooted in one of these main epistemological positions, a substantial amount of both theoretical and empirical work has been done in the re-foundation period. Cultural or interpretive studies of knowledge (e.g. Geertz 1983; Hekman 1986; McCarthy 1996), the feminist sociology of knowledge (e.g. Harding 2008; Hekman 2010), an important part of science and technology studies (e.g. Latour and Woolgar 1986; Knorr-Cetina 1981; Latour 1987) are some research lines that stand out among those adopting a relativist epistemological position. Among those adopting different versions of the post-positivist position, the following research programs particularly stand out: The Britain-centered "strong programme" in the sociology of scientific knowledge (e.g. Barnes 2008; Bloor 1991; MacKenzie 1981; H. M. Collins and Pinch 1993), the Bourdieusian sociology of knowledge (e.g. Bourdieu 1975; Bourdieu 1984; 1997; 2001; Ringer 1992; 2000; Kauppi 1996; 2010; Sabour 2001), Foucault's sociology of knowledge[11] (e.g. Foucault 1966; 2008), and Abbot's sociology of knowledge (Abbott 1982; Abbott 1999; Abbott 2001a). Furthermore, there is a substantial amount of work written in the field of historical sociology of scientific/disciplinary knowledge, which also comprises some of the aforementioned works (e.g. Ringer 1990; Brannigan 1981; Kohler 2008; Becher 2001; Charle 1994; Heilbron 1995; Shapin 2008; Lenoir 1997; Strydom 2000). Although the materialist

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[11] My categorization of Foucault under the post-positivist position may seem odd to some. Although Foucault's epistemological position is largely embraced as relativist, I believe it is more akin to historical rationalism, as found in the work of Bachelard and Canguilhem, who had strong influence on Foucault's thought.

sociology of knowledge has to a great extent lost its erstwhile influential position in the re-foundation period, there are nevertheless some works dealing with knowledge within a primarily materialist perspective (e.g. Abercrombie 1980; Wuthnow 1989; Lee 2003). Finally, there are numerous important individual works, not directly located within one of the aforementioned research lines or programs, which focus on the sociology of philosophy and of academic knowledge (e.g. Mullins 1973; Kusch 1995; R. Collins 1998; Gross 2008; Fuller 2009; Lamont 2009; Fabiani 2010; Camic et al. 2011).

As can be understood from the abovementioned selected list of works, one of the striking characteristics of the re-foundation period is that almost all prominent theoretical approaches of the period are solidly rooted in empirical research. This is in stark contrast to the foundation period, which is rich in theoretical articulation while being poor in empirical research. Apart from its empirically based character and post-positivist (or post-Kuhnian) condition, there are five common theoretical and methodological principles that almost all works written in the sociology of knowledge during the re-foundation period share, despite all their differences. I will now briefly describe these principles.[12]

First of all, the new sociology of knowledge considers the sociological study of knowledge as an end in itself, as a legitimate scientific concern in its own right, as opposed to the old sociology of knowledge, which often considers the sociology of knowledge as a means to social-critical and political ends, as a way to politically intervene in the world. The latter is particularly relevant for the materialist sociology of knowledge as well as for the Mannheimian sociology of knowledge. The second common principle is the rejection of the internal/external distinction that constitutes one of the central elements of the intellectual matrix of the old sociology of knowledge, which I elaborated above.[13] The third principle is the adoption of a "contextualist methodology" based on the premise that "meanings are always embedded in socio-intellectual contexts which must be opened up to in-depth investigation before the ideas themselves can be understood" (Camic and Gross

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[12] In describing these principles, I follow Camic and Gross (2004) who contrast "the new sociology of ideas" with "the old sociology of ideas." However, I use the expression "new/old sociology of knowledge" instead.

[13] I should note however that the theoretical rejection of the internal/external dichotomy does not necessarily guarantee an empirical explanation that truly overcomes this dichotomous conception. Many empirical works rejecting the dichotomy in theoretical formulation may well apply it in empirical explanation.

2004, 245). In parallel with this contextualist methodology, the new sociology of knowledge acknowledges the importance of local institutional factors affecting knowledge production processes and puts more emphasis on them, as opposed to the old sociology of knowledge, which almost entirely focuses on macro social factors. Finally, in contrast to the old sociology of knowledge which considers intellectuals (or knowledge producers) as an objective and distinct category of people within society and focuses on their intellectual activities, the new sociology of knowledge tends to see knowledge producers as positioned within certain fields or contexts where they struggle with each other as well as with others outside of the field over power, authority and legitimacy, and their struggles in turn affect the production of knowledge.

My study is broadly located within the new sociology of knowledge, not because it is chronologically written in the re-foundation period, but because it adopts the basic common principles described above. More specifically, my study is a contribution to the literature on the historical sociology of disciplinary knowledge. Historical sociology of disciplinary knowledge is not a self-proclaimed research area. However, there is a plethora of research dealing with similar questions and subjects that can be gathered under such a common category. Heilbron undertakes the task of staking out the boundaries of the historical sociology of disciplinary knowledge (2004). As Heilbron documents, significant sociological interest in disciplinarity as a form of social organization of knowledge and historical formation of academic disciplines is quite recent. This "curious lack of fundamental research is (…) surprising," as Heilbron states, "since disciplines are in the academic world what nation-states are in the political realm" (2004, 25). Considering how nation-states changed the rules of the game in the political realm, maybe even the nature of the politics itself, Heilbron's analogy implicitly argues that the disciplinary organization of knowledge has significantly altered the rules of the game in the academic field and maybe even the nature of knowledge itself. Put in this way, the question seems all the more important. However, current scholarship on the historical sociology of disciplinary knowledge does not seem to offer satisfying theoretical answers to these questions. In Heilbron's words, "the existing social science literature on disciplines consists essentially of case studies, clarifying various aspects of the question, yet often remaining disconnected from more general issues." (2004, 25). The historical

formation of specific disciplines and sub-disciplines as well as disciplinary transformations (Lemaine et al. 1976; Abbott 1982; Heilbron 1995; Lenoir 1997; Abbott 1999; Kohler 2008), the effects of disciplinary specialization on the dynamics of knowledge production (Dogan and Pahre 1989; Abbott 2001a; Becher 2001), and the social production, uses, and functions of disciplinary histories (Lepenies 1978; Graham, Lepenies, and Weingart 1983; Laudan 1993; Levine 1995) are among the central subjects and questions historical sociologists of disciplinary knowledge deal with.

Although substantial work has been produced within the last three decades in the historical sociology of disciplinary knowledge, this work remains deficient especially in two aspects. First, current knowledge produced within the field remains highly, if not exclusively, Eurocentric. It is the formation of scientific and academic disciplines in Europe from the early modern period onwards that almost all historical sociologists of knowledge study. Second, all studies are about either the natural sciences or social sciences and humanities. Religious sciences do not seem worthy of any study in this research area, despite the potentially rich insights a sociological study of the transformations that classical religious sciences and education underwent during the last centuries would yield. My study focusing on one aspect of these transformations, namely the disciplinary transformation of legal education in a non-European context may constitute a modest contribution to partly remedy these deficiencies.

2.2. Theoretical Perspective

2.2.1. General Theoretical Perspectives for A Sociology of Disciplinary Knowledge

Most of the works dealing with the disciplinary organization of knowledge lack an explicit general theoretical perspective that locates their analysis of disciplinary knowledge within a more general understanding of social reality. As far as I am aware, there are three scholars whose work constitutes exceptions to this rule: Rudolf Stichweh, Pierre Bourdieu, and Andrew Abbott. I will argue that Stichweh's perspective is overly narrow and objectivist in comparison with those of Bourdieu and Abbott. Then, after a brief note on the comparative advantages of Bourdieu's and Abbott's theories, I will state the reason why I prefer Abbott's theory in this study.

Finally, I will outline the general theoretical perspective I adopt with reference to Abbott.

Stichweh offers a theoretical account of the genesis and stability of the disciplinary structure of modern science (1992). His account is a structural functionalist one bearing conspicuous marks of Luhmannian systems theory. Stichweh conceives discipline as "the primary unit of internal differentiation of the modern system of science" (1992, 4). Scientific disciplines emerge as a result of the historical process of the emergence of modern society as the most encompassing social system. Modern society is internally differentiated between functional systems, one of which is the modern system of science. The modern system of science is in turn differentiated between disciplines. Disciplines themselves are above all systems of communication bringing together a community of scientists internally differentiated along axes of specialization and functional division of labor. The main problem with Stichweh's approach is that it is too objectivist and deterministic. It conceives of social reality as being produced by automatically functioning social systems. The question of individual or collective actors contributing to or challenging the functioning of systems, and thereby the shaping of social reality, seems absent in this approach. Consequently, the idea of social systems serving as the main agents generating social reality assumes their ontological supremacy over their constitutive elements in a way that determines their mode of existence. In the same vein, social systems bear in themselves the principles of their own functioning, which unfolds continuously towards a *telos* immanent in the system. Social processes thus assume a naturalistic quality unfolding in a systemically predetermined course leaving no room for contingency. These theoretical problems also constitute obstacles to adequately analyzing empirical reality. Consequently, Stichweh's main argument, that the distinctive quality of the modern system of science lies in its unprecedented internal differentiation and the idea that the disciplines are the outcome of this differentiation, proves fragile when confronted with historical reality, where "the world of higher learning already had a fairly differentiated structure well before the second half of the eighteenth century," as Heilbron convincingly demonstrates (2004, 28–29). Ultimately, in comparison with the approaches of both Abbott and Bourdieu, Stichweh's approach is too narrow and objectivist to adequately explain social reality.

I think that, Abbott's and Bourdieu's theories, while both more useful than that of Stichweh, rank relatively equally against one another. Beyond the differences of their respective theoretical languages, which are mainly differences of terminology and methapor use, they share a common way of understanding and explaining social reality, which may be loosely labeled as relationalism. Both of them conceive of social reality as fundamentally constituted of and by relations. They reject the existence of fixed substances at the social ontological level and thus refuse to conceptualize aspects of social reality in substantialist terms. They do not, however, conceive of social reality as a constant flux of relations, without any regularities or structural features. There are relatively autonomous social spaces that are structured by relatively regular relations that provide the social world with its enduring stability. The image of the social world both sociologists present looks like an archipelago where islets (relatively stable and autonomous social spaces), with sea waters flowing between them (boundary areas where social flux is only loosely structured, if at all), combine together to form a somewhat integrated geographical space (social world). Abbott calls the islets ecologies, whereas Bourdieu calls them fields. Yet both take these relatively stable and autonomous social spaces as their primary unit of analysis in sociological research. There are surely differences between them. Abbott deals more with boundary areas than Bourdieu does, while Bourdieu pays more attention to conceptualizing the embodiment of the social world in individual agents, for instance.[14] These differences may render one theory more preferable than other in different empirical contexts. I insist, nevertheless, that these differences are of secondary importance and both theories can be used interchangeably in many empirical contexts and demonstrate, if skillfully used, similar levels of explanatory power. I will choose Abbott over Bourdieu in this work,[15] not because his theory is ultimately better, but because of two other reasons.

First, Bourdieu's theory is more firmly integrated and totalizing than Abbott's. It is more ambitious in its demand to clothe empirical facts with theoretical garb. Abbott's theory instead lends itself to a more flexible and eclectic use. It allows

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[14] One can enumerate many differences, of course, between the two sociologists in terms of theoretical language, empirical endeavor, or intellectual lineage. A comparison of Abbott's and Bourdieu's theories is not possible here. Still, I contend the overall scope of their theoretical edifices overlap to a great extent.

[15] I should note here that although I will adopt Abbott's theory as my general theoretical perspective in this study, I will also make use of a Bourdieusian concept, namely symbolic power, in order to deal with the processes of modern state formation in the third chapter.

empirical facts to appear onstage without necessarily having a theoretical costume on. To be honest, this possibility of a more flexible use renders Abbott's theory more attractive to me in this research, where I do not have an encompassing command over related empirical data. Second, Abbott's empirical engagement with disciplines is more related to disciplinary structures than Bourdieu's. Bourdieu's analyses of academic fields focus more on a field's configuration in terms of relations of domination (1984), or on the formation of a particular intellectual habitus (that of Martin Heidegger) in a disciplinary/academic field (philosophical field) (1988). Abbott instead focuses more directly on the formation and dynamics of disciplinary structures and thus proves more "user friendly" for someone intending to analyze transformation of the disciplinary structure of legal education.

2.2.2. An Abbottian Perspective on Social Reality and Disciplinarity

As I just stated, my general theoretical perspective here is primarily informed by Abbott's sociological theory.[16] At the center of Abbott's sociological theory, if there is one, lies the concept of ecology. An ecology is basically a set of social relations, that is, interactions between multiple elements. This set of social relations is structured as regularities and/or patterns in a social continuum essentially characterized by continuous flux. In Abbott's theory the concept of structure is disrobed from the unified and coercive character it bears in the classical theoretical language of social theory related to structure and system. It implies still, however, a regularized and patterned entity partially autonomous and able to exercise a certain degree of constraint on its constitutive elements.

The origin and basis of an ecology's autonomy and power of coercion is not the ontological supremacy an ecology bears over its constituent elements, but the historical configuration of the very relations that constitute an ecology. It is theoretically possible, then, that there may be parts of a social world where relations are not historically patterned into regularities in such a way as to establish an ecology. On such occasions, let alone for a moment the question whether such a thing is empirically possible, ecologies simply do not exist and thus no structural coercion is exercised on the constituent elements of social reality. This is theoretically possible since in Abbott's social ontology events and boundaries are

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[16] The following presentation of Abbott's sociological theory is primarily based on the following works: "Linked Ecologies" (Abbott 2005), *Chaos of Disciplines* (Abbott 2001a), *Time Matters* (Abbott 2001c)," and "Of Time and Space" (Abbott 1997).

prior to entities and things. In Abbott's simple formulation, "boundaries come first, then entities" (2001b, 263). There exist in social world, then, some boundary areas where ecological constraints do not operate in a structured way. New social things/entities emerge inc these boundary areas. On the other side of the coin, the concept of ecology is held aloof from the atomistic and reductionist conceptions of social reality where fully autonomous actors enter into relations with each other in a free environment. In short, in the ecological conception of social reality, it is relations, and not substances (be they systems/structures or actors/individuals), that constitute and shape both the beings/entities in relation and the environment in which they relate to each other. These relations are not static ties between elements, however, but dynamic processes. In other words, it is in relational processes that both social beings and the social environment are constituted. Abbott thus offers a deeply relationalist understanding of social reality (Emirbayer 1997).

Analytically, an ecology consists of three elements: actors, locations, and ligation. Any ecology involves a set of actors and a set of locations in relation with each other. Locations are sets of things that are at stake in an ecology. Actors compete with each other to control the locations. Actors can be both individual and collective actors. Ligation is the process whereby an actor or a set of actors takes and maintains control over a location or a set of locations. None of these elements are predefined entities, which are exogenous to ecology. Both actors and locations are constituted and delimited within the relational/interactional process between them. They are thus endogenous to the social interactional processes constitutive of an ecology. "Ligation," then, "constitutes at one and the same time an actor, a location, and a relation between them" (Abbott 2005, 248), and gives an ecology its distinctive character. An ecology then, to reformulate, is a social continuum structured by a certain form of ligation. Thus different ecologies have different topologies.

Abbott does not conceive ecologies as closed systems with a fixed relation to their surroundings. On the contrary, he develops the concept of linked ecologies in order to overcome the relatively fixed conceptualization of the relation of an ecology to its surrounding in classical ecological theory, as developed by the Chicago school. According to Abbott's conception, ecologies do not exist eeither as isolated regions within social space or as isolated processes across social time; they are linked to each

other. The social world is constituted of linked ecologies, "each of which acts as a (flexible) surround for others" (Abbott 2005, 246).

The concept of linked ecologies reveals a further level of social interaction. Interactional processes occur not only within ecology, but also between ecologies. This in turn implies that the internal configuration of an ecology is partly external, that is, dependent on the configuration of its adjacent ecologies. In simpler words, events within a particular ecology have an impact on events in its adjacent ecologies and this is a mutual process. The interactional process between ecologies is mainly carried out by actors who act in multiple ecologies at the same time, following strategies and seeking alliances and resources across ecological boundaries. Actors in adjacent ecologies also constitute audiences for each other's claims of ligation.

Actors in an ecology compete among themselves to have control over locations and consequently they have claims over locations which may well coincide. Several audiences judge these claims. Some are from among the actors in the same ecology and others are from adjacent ecologies. The recognition or rejection by these audiences affects the way and the degree to which a ligation actually takes place. Audiences are of central importance for substantiating claims of ligation since they have control and power over both actors and locations in a way that can affect the ligation process. In the professional ecology, for instance, "it is fairly clear who are the actors and who are the audiences for actors' claims: the professions on the one hand; the workplace, public, and state on the other" (Abbott 2005, 250). In the university ecology, however, the situation is a bit more complicated. "The typical academic settlement has two levels of audiences," according to Abbott, "immediate and distant. The immediate audiences are students, administrators, and other academics" (Abbott 2001a, 141). Parents, trustees, legislators, and the general public, on the other hand, constitute the distant audience. These audiences "explicitly or implicitly judge claims by disciplines to legitimate authority over subject matters, techniques, and the like" (Abbott 2001a, 141). Immediate audiences are not merely audiences, however, they are also actors endogenous to the university ecology.

In order to better understand the internal configuration of an ecology, we should resort to another concept Abbott often uses: interactional field. An interactional field denotes a social continuum where multiple levels of social and temporal contextuality are at once in operation. In this sense, an ecology constitutes

an interactional field. One can say that levels of contextuality roughly correspond to the different levels of ecological structuring. An ecology is constituted of different units of interaction, each constituting in itself a microcosm of the ecology. Disciplines, for instance, are the main units constituting the interactional field of a university. Yet within each discipline one can observe a local (ecologically speaking) process of ligation involving actors competing over locations at the disciplinary level. Actors at this level may be individual academics as well as university departments, and academic settlement (a form of ligation particular to university ecology) can take diverse forms such as subfields or specialties. Each subfield again is marked with a similar ecological structuring process. This continues at lower levels where ecological structures are embodied in individual actors[17]. Ecology thus is like a matryoshka doll, in a sense. As a matryoshka doll is constituted of nested dolls gradually becoming smaller while preserving a similar form, an ecology is an interactional field constituted of nested units of interaction (discipline, subfield, and specialty, for instance), each one of which is formally structured through similar processes of interaction at ever-decreasing scales.[18] These units of interaction correspond to the aforementioned multiple levels of social contextuality. Multiple levels of temporal contextuality, on the other hand, correspond to diverse interactional processes that have different temporal structures. Everyday interactional processes between academics doing research or lecturing in a department have a different temporal structure than the unfolding of a fractal cycle of knowledge generation, for instance. The degrees of social and cultural contextuality are likely to correspond to each other in increasing/decreasing scales: changes at the disciplinary level are likely to occur more slowly than changes at the specialty level, for example.

The elements of an ecology, which are analytically defined above (actor, location, and ligation), assume different characters in each particular ecology based

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[17] It seems to me that Abbott's ecological theory lacks an elaborate theoretical articulation of the linkage between an ecology and an individual actor. Actors are mainly collective ones (professions, disciplines, etc.) in Abbott's analyses, thus one cannot witness Abbott clearly articulating how ecological structures operate at the individual actor level, or by which means individual actors are able to restructure or reconfigure the ecology. To put it briefly, one's eyes are looking for a counterpart in Abbott's theory of Bourdieu's concept *habitus*, which links the field to the individual agent. I should repeat once again, however, that this is a lack of theoretical articulation. At the empirical level, *Department and Discipline* (Abbott 1999) abounds with masterful historical narrative analyses manifesting the linkage between individual actors and ecological structuration through many examples, among which Albion Small's is particularly revealing.

[18] Here the reader should take the nesting part of the analogy and leave the part that all dolls constitute fixed structures aside.

on the empirical reality concerned. In Abbott's conceptualization of professional ecology, for example, actors are the professions, locations are a set of controlled tasks, and ligation is a certain type of relational process between them, which Abbott calls jurisdiction (1988). Within this general perspective, then, any particular ecology should be treated empirically in order to identify and conceptualize the characteristic features and peculiarities of ligation structuring a particular ecology. Abbott provides such an empirical analysis of university ecology (2001a). Based on the empirical analysis of American academia, Abbott develops a refined theoretical language that may be useful and guiding in empirical research on any academic context, provided that it is checked against the empirical reality concerned.

The actors in a university ecology are not as clearly demarcated as professions, according to Abbott, yet they are still fairly definite: "some of them are professions themselves, others are well-defined academic disciplines, and still others are the many would-be professions, disciplines, and interdisciplines that are perpetually condensing out of specializations and interdisciplinary space" (2005, 249–250). Nevertheless, the main actors in academia appear to be disciplines in Abbott's general account. Disciplines compete over defining and controlling the locations in the university ecology. These locations are material, demographic and financial resources on the one hand, and areas of knowledge and intellectual/scientific work on the other.

Disciplines compete to establish themselves in departments at universities, to assume thereby a spatial and institutional existence, to be allocated financial resources by decision makers, to attract human beings (both students and scholars) of high intellectual capacity, to establish authority over certain areas of knowledge as well as over legitimate ways of intellectual endeavor and knowledge production in these areas, and so on. The set of locations of the first type (i.e. material, financial, institutional, etc.) over which a discipline establishes a certain degree of control constitutes an *organizational turf* for the discipline. In the same vein, the set of locations of the second type (i.e. intellectual, scientific, etc.) constitutes a discipline's *intellectual/scientific turf*. These turfs in university ecology, however, are far from being as clearly defined as in professional ecology. Abbott thus prefers the term *settlement*, which implies a looser control over locations as compared to the term jurisdiction, in order to denote ligation in university ecology.

*Academic settlement*s can assume as diverse a number of forms as locations can be assembled. They can take "the form of a special faculty, a major or concentration, a set of courses, a body of more or less controlled knowledge, or any combination of these. They may involve research practices, evidentiary conventions, and perhaps systems of knowledge application, as well as the structural apparatus of journals, degrees, conferences, and so on" (Abbott 2005, 250). Academic settlement denotes, then, the relational process whereby disciplines claim, take and maintain control over a set of locations, which are to constitute their organizational and intellectual turf. A corollary of this form of looser control is a significant degree of overlapping and cross-cutting across academic settlements: "there is no sharp separation between academic disciplines, which often overlap in methods, theories, and subject matters and which often differ more in style and heritage than in substance" (Abbott 2005, 250).

Abbott distinguishes between two main types of structures in academic settlements: social structures and cultural structures. Both types of structures work together simultaneously, and condition the processual configuration of an ecology's topology.[19] Social structures are patterned relations that involve actors on the one hand, and locations related to the material, demographic, and financial sources in an ecology on the other. As for cultural structures, they are patterned relations that involve actors on the one hand, and locations related to the nonmaterial (i.e. intellectual, emotional, artistic, etc.) sources in an ecology on the other. Here, the analytical distinction between social and cultural should not lead us to conceive them as implying two empirically/ontologically distinct realms of reality. Both are analytical terms at once theoretically merged in Abbott's general relational conception of social reality (more specifically in the concept of ecology) and empirically merged in social reality itself.[20] The variety of both social and cultural

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[19] I did not come across an overt theoretical articulation of the concept of structure in Abbott's writings. Yet according to what I understand from Abbott's work, structures are regularized/patterned relations-in-process that assume a certain constraining effect on the actors and locations involved in the relational process. This definition of structure also implies that social reality is not exclusively composed of structures, since there are also a plethora of relations that are not regularized as patterns, simply arising and disappearing without having a lasting constraining effect on the constitution of social reality. These unstructured relations are more likely to arise in the boundary areas of social space that are not yet constituted as ecologies.

[20] Here I intuitively seize on an effort by Abbott to take two hitherto central concepts of sociology and anthropology (social and cultural) and subsume them under the more general concept of relational implied in ecology, which Abbott may be intending to establish as the new central concept of sociology.

structures is potentially endless and may change from one ecology to another. In a similar vein, a certain kind of structure (economic structure or legal structure, for instance) may assume different forms in different ecologies. These are ultimately to be identified in empirical research.

Abbott identifies many social and cultural structures operating effectively in the American university ecology. I will not provide the reader here with a summary of all these structures, since the presentation of the functioning of American university ecology is not among my aims in this work. I will give instead two examples from Abbott's work for each kind of structure in order to better elucidate these concepts before proceeding on to the functions these structures perform. One of the central social structures that have kept the American disciplinary system functioning in a stable way for roughly a century is the career structures it builds in American university ecology. Institutionalized in departments and undergraduate majors, disciplines remain the unique channel providing a stable and foreseeable academic career. With the main motivation in the hiring of faculty being undergraduate education, obtaining a Ph.D. in established disciplines, rather than in interdisciplinary or problem-based areas, remains the central requirement for career building in academia. This in turn strengthens the disciplinary system (Abbott 2001a, 124–128).

As for the cultural structuring of university ecology, the central structure of knowledge generation in the disciplinary system is what Abbott calls fractal structures. Considering that it took an entire book for Abbott to elaborate his argument for fractal structures, it is not easy to summarize the argument in a few sentences. I will give it a try though. The gist of the argument goes as follows: there are many bipolar-opposite positions in the interactional field of disciplines, constituted both at the level of theory and method, and within and across disciplines, such as quantitative vs. qualitative, determinism vs. free will, realism vs. constructionism, and so on. These bipolar opposite positions reproduce themselves similarly and repetitively in fractal distinctions. For instance, sociology is more akin to qualitative methods and data when compared to economics, which is coupled with the quantitative side of the distinction.[21] Yet in each of these disciplines, there are

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[21] The same example may go with sociology and history, this time the first coupled with quantitative and the second with qualitative. For the position of an actor in these fractal distinctions is indexical, i.e. configured in relation to other actors' positions.

those who adopt a more qualitative position and those who adopt a more quantitative position when compared to each other. Among those adopting these positions within a discipline, once again, the same positions reproduce themselves again in relation to each other: some qualitative sociologists are more prone to use quantitative methods than others and vice-versa. Other bipolar distinctions also follow the same basic fractal pattern.

These self-reproducing fractal distinctions combine together to form the cultural structure of knowledge production in the modern disciplinary system. This is a mere synchronical view, however. Perceived in time, the process of reproduction of fractal distinctions constitutes what Abbott calls fractal cycles. A fractal cycle unfolds basically in the following sequences. First, opposing groups emerge around a set of bipolar distinctions. Second, one of the groups overthrows the other. Third, the victorious group splits again and reproduces in itself a bipolar distinction similar to the one it was once part of, albeit distinct in terms of the intellectual context and language in which the distinction is posed. Then the process starts over. Through this process of fractal cycles, then, a set of similar basic ideas are continuously reproduced in new rhetorical and terminological attires. Thence follows Abbott's epistemological conclusion that the social process of knowledge generation is more a cyclical reiterative process than a linear cumulative one.

Social structures and cultural structures work through the functions they perform. Abbott calls them social structural functions and cultural functions, respectively. From Abbott's use of the term function I understand the relation between a structure and its effects. In other words, function denotes the ways in which a structure exercises its effect on the constitution of social reality. The forms of the social structural and cultural functions disciplinary structures perform, like the structures themselves, may change according to context and are thus ultimately to be identified in empirical research. Yet one can also identify a set of functions likely to be found in any disciplinary context and Abbott reveals some of them. To begin with social structural functions, disciplines provide academics with certain relatively stable career path alternatives and channel the organization of labor markets within the university ecology. Disciplines thereby organize the occupational configuration of the university ecology. Another social structural function disciplinary structures serve is to educate and "discipline" a great number of students in ways preparing

them to adapt to different ecologies constituted within social space. They thereby channel new generations of demographic resources across social space and thus reconfigure social topology.

As for the cultural functions disciplinary structures serve, a central one of them is to provide academics with "a general conception of intellectual existence, (…) dreams and models both of reality and of learning," in short, a core intellectual identity that conditions their relation to knowledge (Abbott 2001a, 130). Another cultural function of disciplinary structures is to delimit and legitimize certain areas of knowledge and certain ways of dealing with knowledge. They also thereby demarcate the boundaries of academics' scientific/occupational responsibility and of their legitimate ignorance. In Abbott's words, "disciplines legitimate our necessarily partial knowledge. They define what is permissible not to know and thereby limit the body of books one must have read. They provide a specific tradition and lineage. They provide common sets of research practices that unify groups with diverse substantive interests" (2001a, 130−131).

CHAPTER 3

FORMATIONS OF OTTOMAN HIGHER EDUCATIONAL ECOLOGY AND OF LEGAL EDUCATION UP TO THE 19TH CENTURY

In this chapter, I will undertake a general analytical reconstruction of the historical processes of both the early formation and later configuration of the Ottoman higher educational ecology, where legal education took place, from the fifteenth century to the nineteenth century, as this period constitutes the historical background for the transformation of the Ottoman legal education during the nineteenth and early twentieth centuries. My primary aim throughout this chapter will be to identify and trace in time, albeit in general terms, both the place of the discipline of fiqh and the relationship between the Ottoman dynastic center and the scholars of fiqh within the changing higher educational ecology.

3.1. A Panoramic Outlook of the Configurations of Higher Educational Ecology in the Ottoman Social Space (14th to 18th Centuries)

I will offer here a general sketch of the configurations of the Ottoman higher educational ecology up to the nineteenth century, against the background of which the transformations of the nineteenth and twentieth centuries took place. Since the historical process of concern comprises an immense interval of time (approximately five centuries), I will focus at a general level on continuities and changes in the main characteristics of higher educational ecology, and inevitably reduce the infinitely multiple and complex set of events and interactions constituting the historical process in question. Yet this reduction will not be too unfair, I hope.

The social space of the Ottoman higher educational ecology was almost exclusively structured by the madrasa system, although there were exceptions such as the Enderun School of the Ottoman Palace, which provided higher education for the members of the Ottoman ruling class affiliated with the palace (Kenan 2015, 342). The madrasa system was made up of social structures that governed the generation and reproduction of disciplinary knowledge and scholars through institutional channels on the one hand, and both spatial and hierarchical distribution

of scholars within social space by regulating their professional trajectories through career structures on the other. In short, the madrasa system was based around a certain structural logic of institution building and career regulation. This logic was not transcendent and fixed, however, but social and dynamic. It unfolded and changed in interactional process. One cannot thus speak of a single madrasa system keeping hold of the Ottoman higher educational ecology during its lengthy historical existence. The label and the basic logic remains more or less the same, yet the content and the applications change. I will roughly distinguish here between three historical periods of the Ottoman higher educational experience, which correspond to different modes of structuration in the Ottoman higher educational ecology through the madrasa system: the period of early configuration (14th and early 15th centuries), the period of expansion and centralization (late 15th and 16th centuries), and the period of crisis and reconsolidation (from 17th to early 19th centuries).[22]

3.1.1. The Ottoman Entrance to Islamicate Higher Educational Ecology (14th and Early 15th Centuries)

The first period begins with the building of the first madrasa in the lands of the Ottoman polity in the first half of the 14th century and continues to the latter half of the 15th century. The logic of institution building in this period was no Ottoman invention. It was modeled on the pre-existing madrasa system that was in existence in the already established Islamicate higher educational ecology, to which the Ottoman polity entered as an actor by setting out to build higher educational institutions and to raise scholars for its service. The institutional lineage of the madrasa system structuring the higher educational ecology in the Anatolia prior to the entrance of the Ottoman polity goes back to the 10th-11th centuries when masjid, the main institution of higher learning before the 10th century, evolved first to masjid-khan complex, and then to the early form of the madrasa (Makdisi 1981, 9–32). The madrasa, as an institutional form, firmly established itself with the foundation of Nizamiyye madrasas in the 11th century and then remained the main institutional form of higher education up to the 14th century, when the Ottoman polity entered the game. Setting out to build their first higher educational institution, the Ottomans stepped into a higher educational ecology already prevalently constituted

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[22] Particularly the works of Atçıl (2010), Repp (1986), and Zilfi (1988) provides the empirical basis for my periodization.

in most parts of the Islamicate lands, similarly structured by the madrasa system regardless of the differences of geographical location or political-military control.

Consequently, the madrasa constituted the single institutional model the Ottoman rulers and notables would follow when they were to build higher educational institutions. The Ottoman polity thus did not initiate a higher educational ecology of its own; it rather participated into an already established Islamicate higher educational ecology that had a certain autonomy vis-à-vis the interactional field of military-politics, of which the actors were the then-ruling dynasties. This trans-dynastic higher educational ecology had been constituted over centuries and had its proper ecological logic, which was not subordinate to the logic of military-political ecology, though it was affected by it (Hodgson 1974, 2:48). It was the scholars coming to the Ottoman lands from the established educational centers of the Islamicate higher educational ecology that constituted the channel through which the emerging Ottoman polity incorporated the social and cultural structures of the Islamicate higher educational ecology (Atçıl 2010, 51−8; Veinstein 1997, 73).

Although it is difficult, if not impossible, to state the exact number of madrasas built by the members of the Ottoman state up to the late 15th century, one can say, based on the archival data provided by Bilge (1984, 65−210) and İhsanoğlu (2002a, 884−897), that the number was between 73 and 84, with the majority being in Anatolia (53 of them, according to İhsanoğlu), more specifically in İznik, Bursa, and Edirne (36 of them, according to both authors). There were also other madrasas in Ottoman lands that predated Ottoman control, the number of which we cannot exactly ascertain.[23] Thus, by the latter half of the 15th century, one can speak of the Ottoman dynastic state as a powerful actor competing for the patronage and control of scholars in the Islamicate higher educational ecology. It seems difficult to argue, however, that the Ottomans brought about a significant institutional or cultural innovation to the ecology in this period. They established themselves, nevertheless, as renowned and powerful patrons of knowledge and scholars.

The autonomy of the Islamicate higher educational ecology was preserved above all by the legal practice of waqf, which constituted an integral part of the madrasa system. The legal status, financial resources and expenditures,

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[23] According to Demiralp (1999), there were a total number of 172 madrasas built in the Ottoman lands between the years 1300-1500, either by the members of the Ottoman dynasty or by others.

administrative regulation, curricular scope, qualifications of staff, and many other things pertaining to the functioning of madrasas were defined within the legal framework provided by the fiqh of the waqf and enacted by a deed of endowment prepared by the founder of the madrasa who enjoyed a "wide latitude in the establishment of his foundation" (Makdisi 1981, 35). The symbiotic relation between legal practice of waqf and madrasa dates back to the constitution of the early forms of madrasa. This relation theoretically conferred a significant degree of autonomy to the madrasa against the arbitrary political interference to its functioning, since the madrasa functions, thanks to this relation, as a self-governing administrative body, the "constitutional autonomy" of which is secured by the deed of endowment (Makdisi 1981, 35−74; Hallaq 2009, 47−54).

The degree to which this theoretical autonomy was actualized varied according to historical context. I will not make sweeping generalizations here. Yet in the period of concern, the madrasas and scholars in the Ottoman lands enjoyed a significant degree of autonomy vis-à-vis the Ottoman rulers when compared to later periods. The Ottoman rulers' observance of the legal practice of waqf was one of the reasons for this autonomy, albeit not the only one. There was another central factor in this period contributing to the autonomy of the scholars. The Ottoman sultan's door was not the only place for scholars to look for patronage or to gain a livelihood or prestige. The Ottoman dynasty was a competing actor in a higher educational ecology that extended beyond the Ottoman territories and into areas the Ottomans did not control. In this ecology, scholars constituted locations over which different polities and dynasties competed to control and take into service.

The Ottoman polity was particularly in need of scholars who were both to staff its higher educational, legal, and bureaucratic ecologies, which were in an initial stage of formation, and to assure symbolic legitimation for the rule of the Ottoman dynasty (İhsanoğlu 2002a, 859−863, 871). There were also many madrasas founded by past rulers or dynasty-independent notables that were not under the direct control of any political entity. Scholars in Anatolia thus had options other than taking office in the Ottoman higher educational institutions, such as working in madrasas located in the territories under other Anatolian principalities' control, going to the madrasas in the Arab lands under Mamluk control, or working in the madrasas founded by people other than the members of the Ottoman dynasty. This multiplicity of options

fostered the autonomy of the scholars in Anatolia vis-à-vis the Ottoman rulers (Atçıl 2010, 47−51, 54−55, 60, 64−66).

An Ottoman professional ecology had yet to be formed in this period. There were of course a plethora of tasks to be done and a plethora of actors willing to do them. Yet the process of ligation that colligates a clearly defined set of tasks to a well-defined set of actors did not result in clearly demarcated professional jurisdictions either in higher educational ecology or in judicial and bureaucratic ecologies until the late 15th and early 16th centuries. The Ottoman rulers did not have a say in the career regulation of the scholars who served in the madrasas built by those outside the Ottoman dynasty. The professional trajectories of the scholars serving in the Ottoman madrasas, on the other hand, were under more direct control of the Ottoman rulers. Yet the latter had the opportunity to hire both types of scholars, with their consent of course, to serve in judicial or bureaucratic ecologies and used this opportunity in many occasion (Atçıl 2010, 47). On these occasions too, however, there was not a clearly defined career path one was to traverse in the ecology one entered. Neither a structured pattern in the distribution of offices between scholars nor an established hierarchy between offices was constituted in this period. Although there were some customary practices and weak patterns, the professional trajectory of a scholar affiliated with the Ottoman state was above all determined by the ruler's personal decisions made within an interactional process between the ruler, the scholar in question, and the other actors of concern in the ecology. As Atçıl demonstrates, scholars in the Ottoman lands served in as many different jobs as "judges, professors, jurists, tutors to the princes, prayer leaders, viziers, governors, envoys, and administrators of religious foundations," and "these jobs were not linked to each other and were not ranked in order to create a hierarchy" (Atçıl 2010, 65).

If we take disciplines as actors while looking at the higher educational ecology, we need to investigate the forms of academic settlement that disciplines had in this period. We must reiterate that the Ottomans had entered into an already established Islamicate higher educational ecology. The same is valid in terms of cultural structures. Both the forms of different disciplines' academic settlements and the demarcation of different disciplines' intellectual turfs had long since been established when the Ottomans became a part of the Islamicate higher educational

ecology (Makdisi 1981, 75−99). While building the Ottoman madrasas, the scholars in the service of the Ottoman state took over both the disciplinary system (or we may call it the system of classification of sciences), which is more related to disciplines' intellectual turf wars, and the curricular system, which is more related to disciplines' organizational turf wars, from the earlier Islamicate higher educational ecology, especially as they were configured in the Anatolian Saljukid and Ilhanid states as well as other Anatolian polities (İhsanoğlu 2002a, 871−883). These systems should not be thought of as fixed systems. On the contrary, they were dynamic systems continuously reconfigured through time.

The division of cultural space of knowledge between different disciplines dates back to the early periods of the formation of Islamic disciplines and since then had been subject to constant negotiation and contention, the degree and intensity of which increased with the entrance of a new candidate discipline into the process, such as the challenges the Mu'tazili kalam or the Ancient Greek philosophy posed to the then established configuration of the Islamicate cultural space. Nevertheless, the constitution of main disciplines controlling the cultural space of knowledge and the demarcation of each one's respective settlements had been more and more established over time. On the eve of the Ottoman entrance to the Islamicate higher educational ecology, there were roughly three clusters of sciences established in the cultural space: "the Islamic sciences, the philosophical and natural sciences, and the literary arts," or the ancillary sciences (Makdisi 1981, 75). Although intellectual turf wars were still continuing between the Islamic sciences and the philosophical sciences, particularly between the kalam and the rational philosophy, the intellectual boundaries of most of the disciplines were more or less staked out. The intellectual competition between the kalam and the rational philosophy also resulted in a quite original synthesis, especially in the works of Jurjani and Taftazani, which was inherited and further developed by Ottoman scholars (Türker 2015; Arıcı 2015). However, I will focus my attention here only on the fiqh discipline, for it is my main subject and investigating other disciplines goes far beyond my scope.

If we take a general picture of the fiqh discipline in the Islamicate higher educational ecology prior to the eve of the Ottoman entrance, say roughly the 12th century, the intellectual turf of fiqh discipline seems internally divided between two main subdisciplines: practical jurisprudence (*furu' al-fiqh*) and theoretical

jurisprudence (*usul al-fiqh*). The intellectual space of practical jurisprudence involved the substantive contents of legal reasoning and adjudication and was inhabited by the four Sunni madhhabs as the main collective actors. The intellectual space of theoretical jurisprudence, on the other hand, involved theoretical concepts, general principles and methodologies of legal reasoning and inference, and was inhabited by two schools of theoretical jurisprudence, namely the jurists' school and the theologians' school, as the main collective actors. The Ottoman scholars inherited both subdisciplines, yet in somehow different ways.

The Ottoman scholars' reception of practical jurisprudence did not leave a significant place for competition between different madhhabs in the discipline's intellectual space. Since this space was constituted, from early on, in a way to be dominated by a single collective actor: the Hanafi madhhab. Both the works inherited from earlier scholars and the works written on practical jurisprudence in this period demonstrate this (Cici 2005). The works on practical jurisprudence taught in the madrasas were exclusively those of Hanafi writers (Bilge 1984, 48−50). In the same vein, of the six works on practical jurisprudence written in this period, as enumerated by Atçıl, all were located within the Hanafi madhhab (2010, 293−308). This may be related to the fact that the cultural structures of the fiqh discipline had developed in close relation with the social structures of the legal and bureaucratic ecologies, which had been constituted according to the needs of the ever-growing Ottoman state; for the Ottoman rulers increasingly needed a more comprehensive and coherent system of legal rules and adjudication than scholarly debates between different legal systems to ensure the effective functioning of the politico-judicial system. In theoretical jurisprudence's intellectual space, which was more independent from the functioning of the legal and bureaucratic ecologies, different collective actors found a place for themselves. Of the two remarkable works among a very few works written in this period, Şemseddin Fenari's *Fusûlü'l-Bedâyi'* was written in the theologians' style whereas Molla Hüsrev's *Mirkâtü'l-Vusûl* was written in the jurists' style. Furthermore the works of earlier scholars from different legal and theological madhhabs were received, referenced, and discussed within the works on theoretical jurisprudence written by Ottoman scholars (Atçıl 2010, 237−242).

The main form of academic settlement disciplines had in the Islamicate higher educational ecology was the courses given in the madrasa curriculum. The

madrasa was neither exclusive to any particular discipline nor organizationally divided between different disciplines, such as the university system where different disciplines are located in different organizational turfs called departments. Thus, the locations different disciplines compete for to settle in within the higher educational ecology were above all the space they were allocated within the curricula of madrasas.

The Ottomans inherited the central organizational principal of the Islamicate higher educational ecology: the institution of the madrasa was central to the ecology, and the discipline of fiqh was central to the madrasa system. This centrality was in terms of both social structure and cultural structure. The institutional organization of the madrasa was centered around legal practice of the waqf and the curricular system of the madrasa was centered around fiqh education (Makdisi 1981, 35–80; İhsanoğlu 2002a, 872–873). The places of both the other Islamic sciences (hadith, tafseer, and kalam) and the literary arts (such as logic and grammar) had also long been established within the madrasa curricula. Yet the ideal-typical scholar the madrasa education aimed at raising was more of a jurist than of a muhaddith or a mufassir proper (İhsanoğlu 2002b, 368–9). Thus the instruction of the other Islamic sciences as well as of the literary arts was in an auxiliary position in relation to fiqh education.[24] This may also explain why the Ottomans who built *Darülhadis*es, i.e. madrasas built specifically for the instruction of the hadith discipline, on different occasions, did not feel any need to build *Darülfikh*s, which were to teach the fiqh discipline only. It was most likely because the madrasas, where fiqh discipline was at the very heart of education, already functioned as *Darülfikh*s. The place of philosophical sciences within the madrasa curricula, however, seems to be a matter of dispute and negotiation in this period. The existence of deeds of endowment from this period that explicitly ban the education of philosophical sciences suggests there was a certain opposition among some actors against the philosophical sciences' taking hold of an organizational turf within the madrasa curriculum (Bilge 1984, 229; İhsanoğlu 2002a, 875). As İhsanoğlu argues, however, the fact that the founder of a

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[24] An interesting point that seems to demonstrate the auxiliary position of especially hadith and tafseer is that among the books that were taught in the Ottoman madrasas in this period there were no books on the methodologies of either hadith or tafseer whereas books on theoretical jurisprudence constituted an important part of the madrasa education (Bilge 1984, 40–63). The auxiliary position of the literary arts was already explicit in the original Arabic denomination: *al-'ulûm al-âliyye*, which literally means instrumental sciences.

madrasa needed to add such a stipulation in the deed of endowment suggests there were also madrasas where philosophical sciences were instructed (İhsanoğlu 2002a, 875−877). One can conclude, thus, that the issue of the instruction of philosophical sciences in madrasas constituted a battlefront in the organizational turf wars between disciplines in this period.

What has been said so far about madrasa education does not imply that in this period there was a clearly defined and officially regulated set of courses and books to be taught in a previously arranged sequence, or in other words a standardized curriculum. Yet there was a flexible pattern of courses and books commonly taught in different madrasas, which may be accepted as the curriculum of the period in a loosely conceived sense (Bilge 1984, 40–64). This common curriculum, however, was not officially regulated through a central authority; it rather emanated from a common vision and practice of the madrasa education among the scholars acting in the Ottoman higher educational ecology (Akgündüz 1997, 373−376).

3.1.2. The Ottomanization of Islamicate Higher Educational Ecology (Late 15th and 16th Centuries)

The second period of development of the Ottoman higher educational ecology[25] begins with the Ottoman conquest of Istanbul and ends together with the reign of Süleyman I. There are three overarching processes that were simultaneously and interdependently in operation, and increasingly so throughout the period, in all three ecologies: higher educational ecology, judicial ecology, and bureaucratic ecology.[26] I will try to outline these processes here as they unfolded within higher educational ecology. The first process was the gradual, and ultimately enormous, expansion of the ecology in geographical, demographical, and organizational terms. The second process was the increasing centralization and standardization in the regulation of the functioning of the ecology, both in social structural and cultural terms. These two processes combined together to form a third process that one may call the

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[25] By the "Ottoman higher educational ecology" I do not mean an ecology proper to the Ottoman state and exclusively different from the Islamicate higher educational ecology. On the contrary, the Ottoman higher educational ecology constitutes part of the Islamicate higher educational ecology. More specifically, it consists of the parts of the Islamicate higher educational ecology that had been controlled and structured by the Ottoman madrasa system, albeit to various degrees.

[26] By bureaucratic ecology I am referring to a social continuum that involves all social spaces and processes related to the organizational functioning of a central political authority. Bureaucratic ecology thus overlaps with parts of higher educational ecology and judicial ecology.

"Ottomanization" of the ecology, in the sense that the Ottomans left their imprint on the parts of Islamicate higher educational ecology they held under control.

The Ottoman conquest of Constantinople brought about a significant change in the Ottomans' self-perception and dynastic ideology and resulted in an imperial project, initially set up by Mehmed II and later maintained and furthered by his predecessors. An important part of the project was to establish the central Ottoman cities, above all Istanbul, as important centers of education and scholarship. Consequently, from Mehmed II's reign on, the number of madrasas built by the Ottoman ruling elites grew exponentially, and so did the number of the offices for scholars in the higher educational ecology.

It is possible to roughly trace the expansion of the number of higher educational institutions relying on the works of Ayverdi (1974) and Yüksel (1983; 2004). A total of 56 higher educational institutions were built during the reign of Mehmed II, 19 of them located in Istanbul (Ayverdi 1974, 901–2).[27] Bayezid II added 48 higher educational institutions to this number whereas Yavuz I added only seven (Yüksel 1983, 469).[28] Finally, Süleyman I saw 123 higher educational institutions built under his reign, of which Istanbul hosted 46 (Yüksel 2004, XI). Thus in this period, a total of 234 higher educational institutions were added to the Ottoman higher educational ecology, three times the number built in the first period.[29]

This organizational expansion of the ecology went hand in hand with territorial gains made possible by the successive Ottoman conquests in this period, the conquest of the Arab lands under the Mamluk control being the most significant (İhsanoğlu 2002b, 381). As a corollary of these two processes, the number of the scholars holding an office in the Ottoman higher educational ecology multiplied enormously. It was the Ottoman higher educational institutions that supplied an important part of the demographical demand of the expanding Ottoman higher

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[27] I include *darülhadis* and *darülkurra*s in the higher educational institutions while counting, yet their number are miniscule in comparison with that of madrasas.

[28] Although only a handful of higher educational institutions were built during Yavuz I's reign, one should bear in mind that Yavuz I's military achievements resulted in a significant territorial expansion, which added many higher educational institutions formerly in the Mamluk lands into the Ottoman higher educational ecology.

[29] The expansion in the number of higher educational institutions was in line with the expansion in the number of all kinds of architectural works built in this period: 982 in Mehmed II's reign, 740 in Bayezid II's and Yavuz I's reigns, and 1445 in Süleyman I's reign (Yüksel 2004, XI–XII).

educational ecology. However, there were also many scholars who were raised outside of the Ottoman higher educational ecology and later came to take office there, either from the Safavid lands especially in the reign of Selim I, or from the Arab lands after the Ottomans put an end to the Mamluk Empire.

From Mehmed II's reign onward, a centralizing thrust, of which the degree varies in different periods, accompanied the process of ecological expansion. This gradual centralization process unfolded in three interrelated streams. In the first stream, there were the attempts by the Ottoman rulers to more effectively control the administrative and financial functioning of the ecology through direct control of the endowments. Mehmed II's attempts to bring under his direct control some of the madrasas not built by the members of the Ottoman dynasty as well as his decision to annul all freeholds including endowments that pre-dated Ottoman control were the first and probably most decisive steps in the process of centralization he himself initiated. Although Bayezid II's reign apparently constituted a step backwards in the attempts of centralization, it made possible, according to Atçıl, a smooth inclusion of the scholars, who had shown some signs of disturbance and resistance to Mehmed II's aggressive politics of centralization, and to the dynasty's centralization process. Finally, during the reign of Süleyman I, the centralizing thrust grew still stronger. By the end of Süleyman I's reign, there were almost no parts of the Ottoman higher educational ecology in the central lands of the Empire that were not under administrative and financial control of the Ottoman state, albeit the degree of state control varied. It was rare for a scholar to remain outside of the Ottoman madrasa system while being in the central parts of higher educational ecology (Atçıl 2010, 74–7, 97–105, 136–82).

The second stream was an ever-increasing establishment of a hierarchical arrangement of higher educational institutions and offices that also meant an increasingly more established system of career regulation. It was Mehmed II who clearly designated for the first time a hierarchy of positions for scholars and rules for appointments to these positions in the law code he promulgated.[30] Although he initiated an officially designated career regulation system, however embryonic it was, he did not allow to the scholars in the ecology to self-regulate in accordance

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[30] I deliberately ignore here the historiographic debate about the authenticity of the aforementioned law code, since even if the law code as it exists now is not authentic, the information it provides about the hierarchical organization of the time is pertinent, as Repp demonstrates (1977, 280).

with the system, and made sure that the operation of the system was mediated through his personal regulation, which suspended the system at will.

Even if Mehmed II's regulation was not binding on himself, it was so for his predecessors. In Bayezid II's and Yavuz I's reigns, the appointments of scholars followed a certain hierarchical pattern in accordance with the stipulations in Mehmed II's law code, which suggests that the idea and practice of a hierarchically ordered career regulation system was established and further developed in this period. The establishment of a centrally regulated career system had been to a further extent completed under Süleyman I's reign, when possible career lines for scholars were both defined within the higher educational ecology and closely linked to the judicial ecology on the one hand, and separated from bureaucratic ecology on the other (Atçıl 2010, 77–81, 121–36, 193–200). According to this career regulation system, to put it generally, a madrasa graduate had two main possible career lines before him. He could either become a professor at a low-ranking madrasa and gradually move up to higher-ranking madrasas, or to become a judge in a local court and get promotion in time. These two career lines were not totally separate, however, they crosscut each other. Indeed to get a *mevleviyet*, i.e. judgeship in a great city, one had to be professor first in one of the higher-ranking madrasas such as the *Sahn* or *Süleymaniye*, and those madrasa graduates who started their careers as local judges rarely arrived at high offices in judicial ecology. The career regulation system established during this period is a clear indicator of the strong linkage between higher educational and judicial ecologies (Repp 1986, 30–62). Finally, the door to a career in the bureaucratic ecology outside of the higher educational and judicial ecologies was as a rule closed to the madrasa graduates after Süleyman I's reign. As with any rule, this rule had also its exceptions of course (Atçıl 2009, 489–90).

The Ottoman dynasty's attempts to centralize the control of the higher educational ecology were not limited to social structures alone, such as the centralization of administrative and financial control, or the establishment of a centrally regulated career system. The third stream of centralization was more related to cultural structures of the ecology. Beginning with the personal interferences of Mehmed II in the cultural interactions among scholars, especially those affiliated with the dynastic center, the Ottoman dynastic figures assumed increasingly more right to interfere in the regulation of the cultural space of the higher educational

ecology. It is in this period that we attest, for the first time in both the Ottoman and Islamic history, a central political authority attempting to lay down a curriculum, or a scholarly canon, to centrally regulate and demarcate the cultural/intellectual space to be navigated by the scholars in their higher educational activities: In 1565, Süleyman I promulgated an edict where he enumerates the books to be taught in the madrasas (Ahmed and Filipovic 2004). This edict was not a unique instance of central interference in the regulation of curricular structure, but part of a larger process of canon formation, which Burak calls "the imperial jurisprudential canon" (2015, 124). According to Burak, there was "a concerted effort," especially during the 16th century, "on behalf of the Ottoman dynasty, and particularly on behalf of the imperial learned hierarchy, to define a corpus of jurisprudential texts (…) that members of the imperial learned hierarchy were to consult in their teachings and rulings" (2015, 124). Thus, during this period, a corpus of jurisprudential texts was officially sanctioned as reliable and authoritative texts and came to form a centrally approved frame of reference for the scholars affiliated with the Ottoman imperial project (Burak 2015, 122−139).

The dynastic intervention does not seem to have changed the curricular structure in its essence, however. Fiqh as a discipline retained its central importance in the curricula in this period. According to the data provided by Baltacı (1976, 37−43) and Hızlı (2008, 30; 2012, 151−8), fiqh is the only discipline to have been taught at every single level of the madrasa education in this period. Given the strengthened and more institutionalized linkage between higher educational and judicial ecologies, one may even argue the centrality of fiqh discipline within the madrasa curriculum became more established. Furthermore, the books to be taught had not undergone a significant change. The dynastic interventions seem to have been limited to approve the established curricular practice (Akgündüz 1997, 378−9). Finally, the Ottoman sultans' occasional interventions "in the development of religious law" by specifying "particular opinions to be followed in [some] areas of practical jurisprudence" may have eventually led to some changes in the scholarly knowledge production processes (Atçıl 2010, 291). In short, the main change in this period in terms of the configuration of cultural space of the ecology was that the actors controlling the locations of central political authority (either external to ecology, such as the sultan, or internal to it such as the *şeyhülislam* or *kazasker*s) had a say in the processes of

both canon formation and curricular regulation, regardless of the effect of their intervention, as opposed to previous periods when both scholarly canons and madrasa curricula were shaped almost exclusively by scholars.

The combined effect of all the aforementioned processes was an increasing Ottomanization of the Islamicate higher educational ecology. This Ottomanization was both triggered and reinforced by the important politico-cultural challenges the Ottomans confronted through the struggle with the Safavids on the one hand, and the conquest of the Arab lands on the other. The former forced the Ottomans to secure and strengthen the centrality of both Sunni Islam at the general level, and the Hanafi madhhab at the jurisprudential level, in all aspects of its socio-political organization, which required the Ottoman state to penetrate more into the social space under its control. The Ottoman state's will to penetrate more into the social space required both further expansion and effective central regulation of bureaucratic, higher educational, and judicial ecologies (Atçıl 2010, 159–63). To control higher educational ecology was particularly crucial for securing and maintaining the centrality of an Ottoman Sunni Islam and of Hanafi madhhab within the Ottoman realm. The conquest of the Mamluk lands did not pose as big a cultural challenge as the Safavids did, of course. Yet it was a challenge indeed. What was at stake here was the true definition of Sunni Islam. At the jurisprudential level, interactions with the Arab scholars after the conquest forced the Ottoman scholars to engage in a finer definition of their place within the cultural space of Sunni Islam in general, and of the Hanafi madhhab in particular. Consequently in this period, according to Burak, the Ottoman dynasty not only adopted Hanafism as its official madhhab, but also actively intervened with the scholars in "the structure of the school of law and its doctrines" in order to define and adopt a particular branch within the Hanafi madhhab as the Ottoman official madhhab (2015, 207–8).

Another aspect of the Ottomanization of the ecology was that some informal exclusion mechanisms started to operate in this period in order to prevent those scholars who had not acquired proper education and culture from reaching the top hierarchy located at the center of the ecology. This informal exclusion was reflected in the decreasing possibility for "émigré scholars who completed or started their education in their home country," i.e. outside the Ottoman madrasa system, "to impress people, have a large following, or reach significant positions" (Atçıl 2010,

190). In a similar vein, "graduates of educational institutions in the central cities were favored over religious scholars who received their education elsewhere" (Atçıl 2010, 167). This informal exclusion of provincial and foreign scholars was a corollary of the centralization process that rendered the scholars and madrasas in Istanbul, Edirne, and Bursa almost exclusively central to the social and cultural organization of the ecology.

Finally, this period witnessed the gradual incorporation of most of the scholars in the core lands of the Empire (i.e. Anatolia and the Balkans), particularly in the central cities, to the Ottoman imperial project through the madrasa system, which constituted another aspect of the Ottomanization of the higher educational ecology. The emergence of the Ottoman "scholar-bureaucrats," as Atçıl names them, who constituted an integral part of the ruling apparatus and whose mode of thinking was more and more inclined to melt in the same pot the ideals of Islam and the ideals of the Ottoman dynasty, as the typical actors in the higher educational ecology was a distinctive process of the period (Atçıl 2010, 99–100, 136–41, 200–2). Atçıl succinctly contrasts the change in the self-identification of the scholars in the Ottoman higher educational ecology:

> In the previous period, especially in the fourteenth and early fifteenth centuries, scholars around the Ottoman rulers identified themselves primarily as members of the international community of religious scholars. Their distinguishing characteristics depended on their religious worldview and their specialization in the study of religious disciplines. On the other hand, the primary identity of religious scholars who served in the Ottoman bureaucracy in the sixteenth century was determined by their association with the Ottoman enterprise. In other words they became "Ottoman"; that is, they adopted Ottoman ideals, attire, and manners. (2010, 167)

As a result of this process, the operative logic of the higher educational ecology was subjected more to the political-bureaucratic ecology, as can be observed in the centralization processes mentioned above. This does not mean that the Ottoman dynasty was the sole, or even main, determinant actor in the higher educational ecology. The Ottoman scholar-bureaucrats still enjoyed certain autonomy. However,

this autonomy had decreased on the one hand, and changed in kind on the other. The Ottoman scholars no longer enjoyed significant autonomy *from* the ruling apparatus, as opposed to earlier periods; they rather enjoyed certain autonomy *within* the ruling apparatus vis-à-vis its other components (Zilfi 1988, 13, 26–30).

3.1.3. The Crisis and Reconsolidation of the Established Order of the Ecology (17th to 19th Centuries)

The scarcity of serious scholarship on the condition of the Ottoman scholars in general, and of the fiqh discipline in particular, in the seventeenth and eighteenth centuries makes it extremely difficult to offer a general picture of the configuration of the higher educational ecology and the place of fiqh therein during this period. Zilfi's work (1983a; 1983b; 1986; 1988) remains, as far as I am aware of, the only serious research bringing a comprehensive perspective to the analysis of the Ottoman scholars in the period of concern. Nevertheless, based on Zilfi's extensive research along with Repp's single yet important article (1977), one can observe the continuation and consolidation during the seventeenth and eighteenth centuries of the aforementioned trends that had structured the higher educational ecology in the previous period. Although the economic and political crises of the seventeenth century along with the successive Kadızadeli movements posed challenges for both social and cultural structures of the ecology, the established order restored itself with the expansion and the hierarchical rearrangement of the ecology in the late seventeenth and early eighteenth centuries.

Two unprecedented events were particularly expressive of the crisis the Ottoman ruling system underwent in the 17th century: the strangulation of Osman II by the janissaries and the execution of three *şeyhülislam*s during the century.[31] These deaths underscored the fact that the Ottoman ruling system, including its central parts such as the sultanate and the ilmiye corps, was under a significant threat (Zilfi 1988, 110–21). It had been ineffective and unable for a while to ensure order and security in the realm and thus losing its legitimacy. The Kadızadeli movement emerged from the ideo-political vacuum the ineffectiveness of the Ottoman ruling system engendered. The Kadızadelis, a group of successive preachers who commanded

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[31] It is far beyond my scope here to describe the seventeenth century crisis as well as to analyze its causes and effects. For an account focusing on the directly political aspect of the crisis, see Abou-el-Haj (1984). For an analysis of the crisis in terms of "politics of piety," see Zilfi (1988).

significant influence both in elite and public levels, undertook a zealous criticism of what they saw as the innovated aspects of the Ottoman religious life and set out to exterminate them, among which the "wrong" religiosity as practiced by Sufis occupies a central place. Although neither the sultanate nor the madrasa-trained ilmiye corps was among the targets of the expressed criticism of the Kadızadelis, the latter had strong implications for both of the former.

As for the ilmiye, the criticism of the Kadızadelis implied first that the official madrasa-trained Ottoman scholars had failed to establish a true understanding and practice of Islam by allowing lots of innovations to become widely established in Ottoman life. The second implication of the Kadızadeli criticism was that the Kadızadelis were the ones who would achieve what the official madrasa-trained scholars had failed to do: securing the true understanding and practice of Islam in the Ottoman realm. Given that the Kadızadelis were to some extent representatives of both the provincial scholars and the corps of preachers, the movement may well be considered also as a centrifugal counteraction to the firm grip of the increasingly centralized and hierarchical madrasa system over higher educational and judicial ecologies. Although the Kadızadelis had stormed Istanbul during much of the seventeenth century, they ultimately lost their influence and failed to achieve their goals (Zilfi 1986; Zilfi 1988, 129–83). The official hierarchy of scholars in turn restored their authority from the mid-seventeenth century onward and maintained their firm grip over the higher educational and legal ecologies. The restoration of the social and cultural structures of the ecology, however, was affected by the Kadızadeli episode; since it was partly in reaction to the latter the restoration took place (Zilfi 1986, 233).

The restoration was particularly apparent in three aspects: the expansion, further centralization (or Istanbulization), and de facto "aristocratization" in terms of the organization of the ecology. The late sixteenth and early seventeenth centuries attested a threefold increase in the numbers of the madrasa graduates (Zilfi 1988, 79, 94). Yet "in contrast to the more prosperous sixteenth century, the personnel explosion of the seventeenth century occurred despite shrinking resources" and thus resulted in an "uncontrolled inflation in the ulema numbers that characterized ulema recruitment in the century" (Zilfi 1988, 94, 71). This inflation exerted pressure on all positions in the ilmiye hierarchy and gave rise to demands for more "job security,"

which were to bring about changes in career regulation and to enforce the tendency toward de facto aristocratization. The growing number of scholars, which affected more heavily the novices and sub-hierarchy whose career prospects get more obscure, added to the crisis atmosphere of the century. The restoration of the madrasa system would not be possible without measures to deal with this rise. It is from the second half of the seventeenth century onward that we attest "a dramatic surge in the number of new madrasa foundations, resulting in a near two-fold increase in the total number of Istanbul-system madrasas" (Zilfi 1988, 205). The foundation of new madrasas constituted a provisional remedy for the employment problem by alleviating some of the pressure from below and helped the ilmiye elites to restore their central position in the organization of the ecology. However, the chronic rise in the numbers of scholars was to establish itself soon as a constant problem for the madrasa system in later periods (Zilfi 1988, 205−8). The main reason for this chronic problem was that unlike previous centuries, the ecological expansion of higher education was no longer paralleled by the geographical and financial expansion of the Empire.

The centralizing thrust also continued in the eighteenth century. Although Istanbul had been the center of higher educational ecology from Mehmed II's reign on, in terms of both academic scholarship and recruitment of scholars, it had not held a monopoly over either of them. Istanbul had not been a monopolistic center, but rather the core of a larger central region including the cities such as Edirne and Bursa (Atçıl 2009, 495−6). This had changed for good in the eighteenth century, however, especially after the two decrees promulgated by Ahmed III in 1715, which excluded all but the Istanbulite scholars the right to name novices, i.e. to recruit new scholars. "By the beginning of the eighteenth century," thus, "education, rearing and socialization within Istanbul were absolute prerequisites to success," for "it had become increasingly evident that an exclusivist Istanbul system, complete with Istanbul-centered social networks, governed not only promotion opportunities but recruitment as well" (Zilfi 1988, 212). The implementation of the *arpalık* system that granted the Istanbulite scholars, to the detriment of the provincial scholars, the most important provincial judgeships as sinecures further enforced the trend to Istanbulization (Zilfi 1988, 66−70, 110). Given all these, it was not surprising at all that "all of the new medreses" built in this period "sprang up in Istanbul" (Zilfi 1988,

211). In short, increasingly from the start of the eighteenth century onwards, the bureaucrat-scholars located geographically in Istanbul and organizationally at the top of the hierarchy had exclusively dominated the control of the organization of the higher educational ecology, especially in terms of career regulation.

A striking feature parallel to the aforementioned Istanbulization in the eighteenth century was the de facto aristocratization of the scholarly profession (Itzkowitz 1977, 18–20; Zilfi 1988, 43–81). There had never been an institutionally established aristocracy in the Ottoman Empire in general, or in the higher educational ecology in particular. There had indeed been life tenures and special prerogatives and honors attributed to particular scholars who had enormously served the Ottoman ideo-political project, such as Molla Fenarî and Ebussuûd Efendi, as well as to their descendants; but these were exceptional cases. "By the eighteenth century," however, "an ulema aristocracy, its members strikingly similar in parentage, had settled into place" (Zilfi 1988, 46). Particular families of scholars established great control over much of the offices at the top hierarchy through kin patronage, patrilineal career, and hereditary recruitment. The top-ranking scholars went further and had their privileges institutionalized for themselves and their pedigrees. The prerogatives the top scholars and their families enjoyed at the expense of others consequently "made the official religious calling virtually a closed corporation" (Zilfi 1988, 47). Vertical mobility after a certain rank was thus possible for an increasingly narrower group of scholars affiliated in some way with the great families of scholars. For those who did not have the advantageous patrilineal descent, recruitment and promotion within higher educational ecology became more and more difficult through the eighteenth century when the increasing competition due to the constant growth in the number of scholars had already made things difficult.

In short, competition for recruitment and promotion were more than previous in the eighteenth century based on patrilineal patronage based on descent instead of academic patronage based on scholarly merit (Zilfi 1983a). It goes without saying that all of these "aristocratic" families of scholars were located in the imperial capital. Finally, both the Istanbulization and the de facto aristocratization went together with a further elaboration and systematization of the ilmiye hierarchy in an unprecedented level (Zilfi 1983b, 313–6; Zilfi 1988, 24–6). The hierarchical organization of both higher educational and judicial ecologies, in terms of

educational trajectory as well as of professional career, "was more explicit and more elaborate than its antecedents" in the eighteenth century, thus "sorted out and routed greater numbers in a more systematic, more predictable, fashion" (Zilfi 1988, 231).

The available scholarship points out no radical change in either the general organization of the madrasa curricula or the place of fiqh within the madrasa education. Fiqh as a discipline remains at the center of madrasa education. Madrasa curricula from the seventeenth and eighteenth centuries do not contain significant changes in this aspect (Özyılmaz 2001; Fazlıoğlu 2005). Furthermore, Zilfi argues the expansion and hierarchical consolidation of the madrasa system had further conservative effect on the content of education and resulted in a more "narrow, unchanging curriculum" (1988, 233). The research on the period suggests, at the same time, there was a decrease in the scholarly interest and activity *per se* of especially the central scholars who had been to an unprecedented degree engaged in either courtly or career politics throughout the century (Itzkowitz 1977, 15−20). I mentioned above the emergence in the sixteenth century of the type of "scholar-bureaucrat" who claimed, explicitly or implicitly, to embrace at once the Islamic ethos of scholarship and the Ottoman dynastic project (see also Hourani 1977, 267).

As both Zilfi (1988) and Repp (1977) argue, the bureaucrat part of the ideal-typic Ottoman "scholar-bureaucrat" gets more and more weight at the expense of the scholar part throughout the seventeenth and eighteenth centuries. The elaborately established hierarchical career system on the one hand, and the increasing competition between both scholars as individual actors and families of scholars as collective actors seeking after the proportionally decreasing offices in the ecology on the other, made the Ottoman scholar's scholarly activity more career-oriented than ever. Since the scholarly merit was not at the basis of the career regulation system, the dominant career-oriented culture of the ecology meant a general weakening in terms of scholarly interest and endeavor (Zilfi 1988, 82−6). The long established interdependency between the Ottoman dynasty and the ilmiye corps especially in the higher educational and judicial ecologies and the ensuing bureaucratization of the scholars further reinforced this weakening (Zilfi 1988, 208−10, 230−2). This process went together with a gradual but distinct change in the criteria of success and prestige among the Ottoman scholars in this period. In Repp's words, "one might suggest that a fifteenth-century scholar's chief concern, and the measure by which he

was judged, was the achievement of excellence in ilm (knowledge) through teaching and writing; whereas in the seventeenth and eighteenth centuries, a scholar's chief interest, and the measuring rod of his success, was the attainment of the high learned offices and the power, salary, and perquisites that went with them" (1977, 284). All these taken together, the official madrasa-affiliated scholars, especially those at the top parts of the hierarchy, seem to have adopted a conservative attitude aiming at the maintenance of the social and cultural status quo. This scholarly weakening and conservatism at the center, however, seems to be concurrent with a centrifugal movement in terms of religious scholarship that leads to a striking florescence in the peripheries and margins of the ecology, to which now we turn.[32]

3.1.4. Renewal Movements and Scholarly Florescence in the Margins of the Islamicate Higher Educational Ecology

So far, our analytical scope have been particularly limited to the parts of the Islamicate higher educational ecology that had been effectively controlled and structured by the Ottoman madrasa system, especially the core lands of the Empire such as the Anatolia and the Balkans, and we have purposefully ignored the remaining parts of the ecology. There were indeed parts of the ecology where higher educational institutions existed that had not been under effective political and educational control of the Ottoman center and preserved to great extent the structures of the classical, pre-Ottoman madrasa system. These parts I will refer to as the peripheral regions of the ecology. There was no significant process, however, in these peripheral regions to effectively challenge the functioning of the Ottoman madrasa system and the scholarship it produced in a way to have a global effect over the ecology. The conquest of the Arab lands and the attempts to incorporate the Mamluk higher educational ecology into the Ottoman one had indeed posed some challenge to the Ottoman madrasa system. Yet this challenge did not result in a significant alteration of the system. The Ottomans established their nominal control over the functioning of the higher educational institutions in Egypt and Arabia, yet the scholars there still enjoyed considerable autonomy in both social and cultural regulation of the parts of the ecology they are located at. Consequently social and cultural structures of the ecology as it had been configured in Egypt during the

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[32] This centrifugal movement was in parallel with the processes of decentralization in terms of political and economic power occurred during the eighteenth century (Voll 1994, 25–7).

centuries before the Ottoman conquest sustained their functioning with minimal subordination to, yet in interaction with, the Ottoman madrasa system.

Apart from the peripheral regions of the Ottoman higher educational ecology, there were parts of the Islamicate higher educational ecology that had been neither under the control nor in significant interaction with the Ottoman madrasa system. To these parts I will refer to as margins of the ecology. From the eighteenth century onward, there emerged scholarly movements both in the peripheries and the margins of the Islamicate higher educational ecology. These movements constituted collective actors that located in both organizational and geographical margins of the Islamicate higher educational ecology and developed critical attitudes against the established ways of living Islam in general, and exercising scholarship in particular. Although their initial effects had been local, they had deep and lasting influences, albeit transformed in time, globally affecting the later configurations of both the higher educational ecology and the fiqh discipline.

These movements have generally been called "renewal and reform" movements in the literature (e.g. Levtzion and Voll 1987a). They had all formed around a charismatic scholar-leader and further developed under his and his successors' leadership. The movements of Muhammad Ibn Abd al-Wahhâb (d. 1787) of Arabia, Shah Walî-Allah al-Dihlawî (d. 1762) of India, 'Uthman İbn Fûdî (d. 1817) of West Africa, Muhammad al-Shawkani (d. 1832) of Yemen, and Muhammad Ibn 'Ali al-Sanûsî (d. 1859) of North Africa are among the most prominent. To what extent these movements may be treated under a common category is a matter of debate. According to Levtzion and Voll (1987b), there is a "characteristic pattern of renewal and reform" movements of the eighteenth century that makes possible, despite significant differences between them, to gather them under a common category. As Voll argues, their particular focus on and distinctive approach to the sciences of hadith and tasawwuf as well as their affiliation with a transregional network of scholars centered on Hijaz justify for accepting these geographically divergent movements as constitutive parts of a common Islamic renewal phenomenon (1975; 1980). Criticizing Voll and like-minded scholars with overrating the inter-scholar relations and overlooking the very intellectual content the renewalist scholars produce, Dallal argues there are considerable differences between the leaders of the renewal movements in terms of scholarly project, intellectual

activity, and moral-political vision (1993). Whatever the result of the debate is, however, a comparison of these scholars with those located in the core lands of the Empire reveals the former's distinctive character.

The scholars within the renewal movements had significant differences from those who had been located within the Ottoman madrasa system in terms of both social and cultural features of their scholarly activity. These differences are reflected both in the organizational forms these movements assumed and in the scholarly endeavor and production they undertook. Organizationally, it seems that neither the leaders of the movements nor most of the scholars involved therein assumed official positions within the Ottoman higher educational or judicial ecologies (Dallal 1993, 343–58; Voll 1975, 34). The renewal movements are organizationally located either around networks of scholars engaging in scholarly activities mostly at non-madrasa institutions, generally masjids, or within tariqa organizations generally spatialized at zawiyas (Voll 1999; Levtzion and Voll 1987b, 7–10). These organizational forms are evidently disparate from the Ottoman madrasa system as they are neither officially regulated nor they involve a strictly hierarchical career regulation system, among other differences.

In parallel with the organizational differences, there are also significant differences in terms of scholarly activity between the official madrasa-affiliated scholars and the scholars of the renewal movements. To deal in full range with these differences is beyond my endeavor, yet I will point out some that are more directly related to the general subject. First of all, as opposed to their official madrasa-affiliated counterparts, the scholarly activities of the renewalist scholars' are far from the aforementioned career-oriented or dynasty-affiliated concerns. Their scholarly activities are rather based on social and moral concerns pertaining to the perceived problems of the communities they are engaged with. These scholars were overtly concerned with and mostly spoke out about the established ways of living Islam and practicing scholarship they had confronted either in their communities or in general Islamic society. Their concern and dissent was far from passive; they rather engaged in direct action, albeit in diverse ways, to change the problems they saw in the Islamic community, both in social and cultural terms. Since "any changes in Muslim society were bound to lead to some attempt at reformulation of law," as Hourani rightly puts it (1977, 269), attempts to the renewal of the Islamic sciences in general,

and of the fiqh discipline in particular were inevitably to accompany these scholars' endeavour to renew the Islamic way of life as it is experienced in the Islamic community.

Although the renewalist scholars worked hard in the sciences of hadith and tasawwuf as well, the discipline of fiqh had quite a central place in their scholarly project and activities, albeit in different degrees. Their vision of both how fiqh should actually be conceived and practiced and how a contemporaneous jurist should relate to disciplinary history when dealing with fiqh is quite different from the established, commonly adopted, and officially approved vision within the core regions of the Ottoman higher educational ecology.[33] Finally, as opposed to the general conservative attitude of the contemporaneous dynasty-affiliated Ottoman scholars to maintain the cultural and disciplinary status quo in the Islamic sciences and education, the scholars affiliated with the renewal movements mostly had an attitude towards reformulation and renovating synthesis. Yet it is of central importance that this common attitude among the latter scholars towards renovation/renewal had not been triggered and oriented by the "external" (i.e. Western) socio-political and intellectual factors, as would be the case in the later centuries, but rather motivated by the indigenous "Islamic" factors (Voll 1999, 522).

According to what the available literature suggests, there was no significant relationship and scholarly exchange, neither institutionalized nor informal, between the scholars of the official center and the renewalist scholars. This may well be due to the aforementioned self-enclosed character of the former in this period. This self-enclosure seems also to have prevented the central official scholars to engage in significant scholarly dialogue and exchange with the scholars located in the peripheral regions of the ecology, let alone the margins, such as Egypt and Arabia, with whom they had had a continuous relationship in the previous periods, as mentioned before. As opposed to the lack of relations between the center on the one hand, and the peripheries and margins on the other, there were intense and lively relations between the peripheries and the margins throughout the eighteenth century. Most of the renewalist scholars who were active in the margins got an important part of their education from the scholars in the peripheries. There were also scholars who

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[33] The debates on the ijtihad and taqlid constituted the central venue where the vision of fiqh is discussed and negotiated.

were raised in the margins and later settled and taught in the peripheries, Murtaza al-Zabidi being a prominent example (Voll 1994, 52–3, 61).

In short, there were informally organized yet active scholarly networks between the peripherical and the marginal regions of the ecology, which made possible a continuous and lively scholarly interaction between them during the eighteenth century and later (see Voll 1994, 41−79). This lively interaction through transregional scholarly networks gave way to the emergence of geographically and organizationally diverse yet motivationally similar renewalist movements. Both the critical and the positive dimensions of the renewalist scholarly projects had important implications for the Ottoman religious establishment in general, and the higher educational ecology in particular, although neither of them was among the expressed targets of the renewalist scholars. As disconnected from these networks and interactions, however, scholars of the Ottoman center seemed unaware from these scholarly movements or did not pay significant attention to them. Although the initial actual effects of the renewalist movements remained more local, the potential effects they triggered were to unfold throughout the nineteenth and twentieth centuries and have a global effect over the Islamicate higher educational ecology, albeit as shaped and redefined by the pro and anti Westernizing/modernizing forces that were increasingly and effectively in operation during the period of concern (Voll 1994, 83). To deal with these effects, however, requires another research project on its own.

3.2. A Summative Epilogue

If we assume a global retrospective look to the configurations of the Ottoman higher educational ecology[34] from its early phase to the beginning of the nineteenth century, it is possible to discern two main structural trends that had constituted permanent characteristic features of the ecology. The first of these is the constant centrality of the fiqh discipline to the ecology. Three dimensions of this centrality may be discerned. First of all, the fiqh discipline had been central to the cultural space of the ecology as it was both the central and most studied subject of the madrasa curricula regardless of the period and a central discipline to the scholarly production. Second,

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[34] To reiterate, by the "Ottoman higher educational ecology" I mean the parts of the Islamicate higher educational ecology that had been controlled and structured by the Ottoman madrasa system, albeit to various degrees.

the fiqh had been central to the social structures of the madrasa system, as it had provided the legal framework within which the madrasa system operated, especially through the legal regulation of the endowments. Finally, the fiqh had been the foremost discipline to provide the madrasa graduate with the kind of knowledge he would need in his vocational career, either as a judge or mufti in the judicial ecology or as a professor in the higher educational ecology. These occupational links with other ecologies extended the importance and centrality of fiqh discipline beyond the higher educational ecology. The content and boundaries of the fiqh discipline had been indeed defined, produced, and negotiated above all within the higher educational ecology, yet the knowledge contained within the scientific turf of the fiqh discipline had been essentially applied within the judicial and bureaucratic ecologies. The cultural structures of the everyday prayers and daily interactions of the Muslims had been also infused with fiqh knowledge of course, yet I am not sure if we locate them wholesale in any ecology at the analytical level. Consequently, the social and cultural existence of the fiqh discipline had been central not only to the Ottoman higher educational ecology, but also to the Ottoman social and cultural spaces as a whole. This centrality had not been peculiar to the Ottoman higher education ecology, however, it had been a characteristic feature of the Islamicate higher educational ecology in general. It had been thus as equally valid in the center of the ecology as in its peripheries and margins.

Another characteristic feature of the Ottoman higher educational ecology had been the increasing symbiotic interdependency relationships between the higher educational structures and the dynastic government structures of the Empire, particularly from Mehmed II's reign on. On the eve of the nineteenth century, the central Ottoman madrasa system had been highly interdependent with the dynastic government structures, both in economical and administrative terms, as I tried to show throughout this section. One may even argue the central Ottoman madrasa system constituted an integral part of the dynastic government structures as it provided for the latter both symbolic basis for legitimacy and human resource for recruitment.

The scholars at the center of the higher educational ecology, who constituted the top part of the ilmiye hierarchy, had the greatest power in regulating the social and cultural space of the ecology. The symbolic power of the madrasa scholars was

not limited to the higher educational ecology, however. They exercised significant symbolic authority in larger society too. Yet these scholars were also officially paid members of the Ottoman ruling system and derived their administrative power within the ecology from the dynast. The dynastic center, through the top official scholars, ruled the appointment of the madrasa graduates and regulated their careers. Recruitment by the dynast had been increasingly the sole venue in order to be a professor within the Ottoman higher educational ecology. The scholars thus had been increasingly compelled to look upon the Ottoman madrasa system, thus upon the dynastic center, to ensure themselves livelihood, prestige, and a future prospect.

This increasing financial and administrative dependency on the dynastic structures secured for the scholars considerable wealth, prestige and a widely established and firmly organized institutional network they would otherwise had probably not enjoyed. Yet at the same time it infused them with growing vocational, career-related concerns, bureaucratic tasks, and dynastic vision leaving increasingly lesser room for scholarly concerns and activity *per se*.[35] Furthermore, the gradually established interdependency of the scholars with the dynastic structures handed over a significant part of their ability and autonomy to shape the social structural and cultural configuration of the higher educational ecology to the initiative of the dynastic center. The latter would make use of this opportunity in the tumultuous nineteenth century and initiate an increasingly radical transformation of the higher educational ecology. For the project of modernization of the Ottoman state, initiated by Mahmud II and carried on by his predecessors, required and aimed at the accumulation of symbolic power by emergent central collective bureaucratic actors in a way to enjoy its monopolistic use in higher educational ecology (as well as in other ecologies), which had been hitherto enjoyed almost exclusively by the ilmiye corps as a collective actor. The process of the gradual monopolization of symbolic power by the modernizing Ottoman state would constitute an increasingly greater challenge to both social status and symbolic power of the madrasa scholars and lead in turn to a disciplinary crisis of fiqh, which would gradually lose its centrality in both higher educational and judicial ecologies, and simultaneously to a disciplinary transformation of legal education.

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[35] The validity of what was said so far of the scholars' dependency on the dynastic government structures gradually decreases as one proceeds from the center of the ecology to its peripheries and then to its margins, as I tried to show based on the relevant literature.

CHAPTER 4

AN INTERACTIONAL FIELD OF MODERN STATE FORMATION AND DISCIPLINARY TRANSFORMATION OF THE OTTOMAN LEGAL EDUCATION (19th and Early 20th Centuries)

The radical transformations occurred in the Ottoman social space during the nineteenth and early twentieth centuries cannot be properly analyzed without taking into consideration an overarching process that had its multiple and lasting effects on the configurations of all ecologies: the process of modern state formation.[36] Higher educational ecology is no exception to this. Since the formation of a modern state in the Ottoman social space is an extremely complex process, I will analyze it at a general level and as an interactional field[37] that conditioned the transformation of the Ottoman higher educational ecology and of the Ottoman legal education. Since understanding the transformation of the Ottoman judicial ecology is indispensable for making sense of the transformation of the higher educational ecology, for the two are closely linked, an overall analysis of the former will also be in order when necessary.

4.1. Formation of Modern State as Struggle over Monopolization of Symbolic Power: A Bourdieusian Vaccination to the Abbotian Theoretical Body

At this point, I would like to introduce a Bourdieusian concept, namely symbolic power, as an explanatory tool into my Abbottian framework in order to better make sense of the process of modern state formation, as the latter directly conditioned what happened in the higher educational ecology during the nineteenth and early twentieth centuries. The concept of symbolic power holds a central place in Bourdieu's

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[36] The expansion of European colonial imperialism into the Ottoman lands, or the integration of the Ottoman Empire into the World system (the naming may change according to ideological position) was another overarching process that affected all aspects of the transformations of the Ottoman social space during the 19th and 20th centuries. Yet I will not undertake an explicit elaboration of this dimension in my analysis here due to the concerns of scope and feasibility.

[37] I would like to remind my reader here that the concept of interactional field denotes not only space, contrary to what the word field implies, but also time. Interactional field implies at once social space and social process, as I elaborated in the first chapter. On this point, see particularly Abbott (1997, 1153–9).

sociological theory in general, and in his analysis of modern state in particular. Borrowing from Thompson, we can define symbolic power basically as the "capacity to intervene in the course of events, to influence the actions of others and indeed to create events, by means of the production and transmission of symbolic forms" (1995, 17). This capacity is actualized through generation, via symbolic forms, of "mental structures" molded with "common principles of vision and division" and "forms of thinking" in those exposed to the symbolic power at work (Bourdieu 1994, 7). The accumulation of this capacity in order to be in a position to determine the social definition and construction of reality is subject to constant struggle within social space. In its highly concentrated and quasi-monopolized forms, however, the holders of symbolic power establish a structured domination over those who are subject to it in a way to inculcate them with "the legitimate vision of the world" (Bourdieu 1989, 20).

The genesis of the modern state marks, according to Bourdieu, "the culmination of a process of concentration of different species of capital," among which symbolic capital occupies a central place (1994, 4). The gist of Bourdieu's contribution to the analysis of the modern state is that he adds symbolic power exercised by the state as a crucial dimension of the state power and as a *sine qua non* for the legitimate existence of a modern state. The modern state is characterized not only by the successful claim of the monopoly of the legitimate use of physical violence over a definite territory, as the famous Weberian definition asserts, but also by that of symbolic violence over the totality of the corresponding population (Bourdieu 1994, 3–4).

Relying on Bourdieu's concept and argument, Loveman engages with the scholarship on modern state formation in Western Europe (2005). Criticizing the scholarship with overemphasizing "the political-military dimensions of the state formation" while ignoring its symbolic dimensions, Loveman sets out to lay "a foundation for systematic inquiry into the primitive accumulation of symbolic power by modernizing states" (2005, 1651–4). The main strategy modernizing states follow to accumulate symbolic power is to develop and extend their means and capacity of administration in a way to "gain control over the production, unification, codification, and dissemination of knowledge" (Loveman 2005, 1660). Bureaucracy as the organizational form that enables modernizing states to extend their

administrative reach lies at the heart of their ability to exercise symbolic power. One should not conceive, however, the extension of modernizing states' bureaucratic administration neither as an inevitable outcome of necessary historical processes nor as the result of conscious and steadfast actions of state as a transcendent subject. Instead, "administrative development (or the lack thereof) is better conceived as the cumulative product of concrete historical struggles, of varying types and intensity, over the boundaries of legitimate state practice – and thus, over the practical definition of the state itself" (Loveman 2005, 1661). For the extension of modernizing states' administrative reach does not take place within social vacuum but within already structured ecologies located by different actors holding different amounts of power.

Based on the available research, Loveman identifies four ways in which modernizing states extend their administrative reach, and thereby accumulate symbolic power:

> First, agents of the state could *innovate*, inventing new administrative practices and carving out new domains of social life to administer. Second, agents of the state could *imitate* the existing administrative practices of nonstate actors, possibly (but not necessarily) rendering such practices redundant or superfluous. Third, agents of the state could *co-opt* the traditional administrative practices of local or religious authorities, incorporating them into the state's administrative apparatus. Finally, agents of the state could *usurp* the administrative practices of nonstate actors, stripping them of the means and/or authority to continue their traditional practices and taking over these practices themselves, imbuing them with new meanings in the process (2005, 1661).

Loveman's criticism asserting that formation of the modern state is generally studied in its military-political dimensions to the neglect of its symbolic dimensions applies well to the Ottoman-Turkish case. Most of the studies on modern state formation in the Ottoman-Turkish case focus on the military-political and economic organization of the state overlooking the organization of its symbolic dimensions (e.g. Davison 1973; Findley 1980; Zürcher 1999; Özbek 2002; Ergut 2004; Mundy

and Smith 2007). Since the higher educational ecology implies a social space where the effective use of symbolic power is at stake, I argue the transformation of the Ottoman higher educational ecology in the nineteenth and early twentieth centuries cannot be adequately understood without taking into consideration the modernizing Ottoman state's efforts to accumulate/monopolize symbolic power as well as the counter efforts of the former holders of symbolic power to retain theirs.

Yet isolating symbolic power as the sole determining force in the higher educational ecology is also misleading. A more holistic perspective is required indeed, as offered by both Abbott and Bourdieu. We should thus state at analytical level that the transformation of higher educational ecology is result of a twofold struggle: the struggle over political and economic power to configure the social organization of ecology on the one hand, and the struggle over symbolic power to configure cultural organization of ecology on the other. As we will see, one can attest in the case of the transformation of the Ottoman higher educational ecology, where agents of the modernizing Ottoman-Turkish state steadily seek to accumulate (and ultimately monopolize) symbolic power through extension of their administrative capacity over higher education, three of the aforementioned four ways, occurring at different times and contexts, isolated or altogether.

Transformation of the Ottoman higher educational ecology in the nineteenth and twentieth centuries had not occurred as an abrupt transition from the madrasa system to the university system. If one looks only to the beginning and the end of the process, one can speak in the last analysis of a transition from an ecology primarily structured by madrasa system to an ecology primarily structured by university system. Yet between the beginning and the end there was a complex set of processes understanding which accounts for how and why the transformation unfolded as such. The transformation process unfolded mainly in three stages. These stages can be roughly impaired with the aforementioned ways of modernizing states' extension of administrative reach and symbolic power. Although each way was in operation at every stage to different degrees, we can distinguish between different stages according to which way was dominant in that period. In the first stage, which comprises roughly the latter part of Mahmud II's reign and the early Tanzimat period, there emerged gradually a social and cultural logic different from (alternative to?) the logic that constituted and underpinned the madrasa system throughout the

centuries. This "new logic" gradually expanded and established itself to some degree in social and cultural structures without directly opposing or manifestly challenging the established logic of the madrasa system.

The most striking/noticeable feature of this first stage is that the modernizing Ottoman state innovated in the higher educational ecology, as in the first way Loveman identifies, invented "new administrative practices," even a new administrative logic, "and "new domains of social life to administer" (Loveman 2005, 1661). A new concept of education termed as *maarif*, and the corresponding institutions and regulations that establish this new concept as a "new domain of social life" within the higher educational ecology gradually emerged within this stage. The second stage, comprising roughly the late Tanzimat and the Meşrutiyet periods, had been dominated by continuous struggles and cooperations between emergent and rooted collective actors over that which logic should dominate the configuration of higher educational ecology. In this stage, the dominant way the modernizing Ottoman state adopts is the third one, that of co-optation rather than direct conflict with the former holders of symbolic power in those social spaces where state's administrative reach increasingly extends to. Finally in the last stage, from the First World War years to the early years of the Turkish Republic, the new logic, now quite established in new social and cultural structures, remained the sole force determining the matrix upon which the higher educational ecology is configured. This last stage was dominated by the fourth way in Loveman's categorization: the modernizing Ottoman-Turkish state usurped "the administrative practices of nonstate actors, stripping them of the means and/or authority to continue their traditional practices and taking over these practices themselves, imbuing them with new meanings in the process" (Loveman 2005, 1661).

As Bourdieu succinctly formulates, "the construction of the state monopoly over physical and symbolic violence is inseparable from the construction of the field of struggles for the monopoly over the advantages attached to this monopoly" (Bourdieu 1994, 16). To formulate in Abbottian terms, the control of locations within bureaucratic ecology, where and through which state's use of symbolic power becomes possible, is itself subject to competition between actors. Thus, the state is not equal to an actor that enters into relations of competition or coordination with other social actors. State is rather an aggregate of social locations that bestow upon

its holders, i.e. those who control them, a structural capacity to exercise legitimate power (physical or/and symbolic) over a *de jure* defined yet *de facto* constantly negotiated jurisdiction. To give an example from the nineteenth century, the *Adliye Nezareti* and the *Şeyhülislamlık* constitute two collective actors that compete over those locations in bureaucratic ecology that would bestow upon them structural capacity to exercise symbolic power within a certain jurisdiction in judicial ecology in order to define and carry out the implementation of judicial mechanisms for fulfilling the state's task of dispensing justice. Although their respective domains of jurisdiction were legally defined, both the legal definition and its practical application were subject to constant negotiation until the abolition of the latter.

Throughout my following analysis, I will treat institutions, such as the *Meşihat* or the *Maarif Nezareti*, as collective actors competing within an interactional field located at the intersection of different ecologies. When defining the legitimate legal education is the stake of competition, these ecologies are mainly bureaucratic, higher educational, and judicial ecologies. When I treat institutions as collective actors, however, I do not conceive them in substantialist terms as reified homogenous entities having a monolithic volition and interest. Indeed, each institution is itself an interactional field at a smaller scale, where a plethora of actors compete over locations within the institution. When analyzing a particular interactional field involving several competing institutions, in my case the interactional field where legitimate legal education is defined, however, one must treat institutions within that interactional field, for the sake of feasibility, not as micro interactional fields but as actors pursuing their interests and acting accordingly. Yet one should not cease to be aware theoretically that the volition and the interests of the institution as a collective actor are themselves results of the competition within that institution as an interactional field.

Finally, before engaging in the historical sociological analysis of the disciplinary transformation of the late Ottoman legal education, let me briefly describe the general analytical matrix that underlies my understanding of the process of modern state formation in the late Ottoman period within the analytical framework I elaborated so far. This analytical matrix is constituted of two main axes, which correspond to two levels of historical struggle over modern state formation. The first axis correspond to the historical struggles between diverse actors over the

constitution or not of an extensive bureaucratic ecology, which may also be formulated as transition from a more limited dynastic bureaucratic ecology to a more extensive modern bureaucratic ecology, that would make possible the state monopolization of physical and symbolic violence, i.e. the formation of the modern state. The second axis corresponds to the historical struggles between actors over locations within the emerging modern bureaucratic ecology in order to have control of state power to configure other ecologies constituting the Ottoman social space, on the one hand, and within each of these ecologies on the other.

The first struggle was initiated by the dynastic center when it set out to acquire monopoly over physical violence by eliminating its main shareholders on this title, both the Janissary corps and the provincial power holders. Although the emergence of these rivals of the dynastic center over the use of physical violence goes back to the seventeenth century, the dynastic center's intention to eliminate them began with Selim III and turned into a firmer resolution in the reign of Mahmud II. The latter oversaw, throughout his reign, the quite effective elimination of its aforementioned rivals over physical violence and thus paved the way for the extension and centralization of state's administrative capacity that constituted thereafter a constant article of the central political agenda. The extension and centralization of administrative capacity was also indispensable for the accumulation and monopolistic use of symbolic power, which constituted another essential dimension of the modern state formation. The achievement of this would extend over a much larger period of time.

Yet it was again Mahmud II who triggered the process of state monopolization of symbolic power by significantly undermining the capacity of the *ilmiye* corps as a collective actor organized around classical madrasa and court system to exercise symbolic power in a way to control higher educational and judicial ecologies, and at the same time by founding the embryo-versions of what would later be *Maarif Nezareti* and *Adliye Nezareti*, i.e. emergent collective bureaucratic actors dealing with configuration of higher educational and judicial ecologies independently from the control of the *ilmiye* corps as a collective actor. Thus, part of the Ottoman history after Mahmud II may be explained as the history of competitions over who and how would use the stock of symbolic power accumulated by the state in order to configure different ecologies. These competitions would take

place between emergent and rooted collective actors within an interactional field at the intersection of several ecologies, which one may call the interactional field of modern state formation. The disciplinary transformation of the Ottoman legal education would also take place as a result of several competitions between emergent and rooted collective actors within this interactional field, particularly at the intersection of bureaucratic, higher educational, and judicial ecologies. I will dwell more on the historical ramifications of these processes in the following.

4.2. The Reign of Mahmud II: Paving the Way for the Transformation of Higher Educational Ecology

Having not initiated a general educational reform program, Selim III and Mahmud II established military schools mainly in the fields of engineering and medicine: *Mühendishane-i Bahrî-i Hümayûn* (1776), *Mühendishâne-i Berrî-i Hümayûn* (1795), *Tıphâne-i Âmire* (1827, later *Mekteb-i Tıbbiye-i Şahane* in 1839), and *Mekteb-i Fünûn-ı Harbiye* (1834). Although the establishment of these schools is seldom interpreted retrospectively as the beginning of "secularization" or "modernization" of education in the Ottoman Empire, Selim III's and Mahmud II's educational undertakings had not attempted "neither towards secularization nor for instructing the population at large" (Karpat 1972, 256). The main objective of these schools being "educating arts of war" and "raising military officers educated in positive sciences" (İhsanoğlu 2010a, 1:82), they were initiated neither to institute a new institutional logic aimed at transforming the higher educational ecology in its entirety nor for the state's use of symbolic power to raise students/subjects inculcated with a new vision of the world. These schools were established essentially for military purposes as part of the sweeping military reforms undertaken in the period (Berkes 1998, 100; Kazamias 1966, 52). Whatever the purposes in establishing these schools had been, however, they constituted a channel, though limited in initial effect, through which a new concept of education began to be institutionalized.

Arguably the most important development in the ecology during this period was burgeoning of what Berkes calls "a new concept of education": namely the idea of *maârif* (1998, 99). Although the word *maârif* was first used in 1838 in the name of a new school founded to raise government personnel, *Mekteb-i Maârif-i Adliye*, the

idea can be traced back to the aforementioned military schools.[38] Etymologically, "*maârif* is the plural of *marifet*, which originally meant 'knowledge, cognition, cognizance, or acquaintance'" (Findley 1989, 138). In this historical context, however, *maârif* meant mainly the knowledge produced in and came from the Western world, particularly the technical-practical knowledge that was believed to underlie the Western military, technological and industrial advancement. Thus it was significantly different from the domain of knowledge that had been produced and transmitted in madrasas, which was gathered under Islamic sciences and essentially pertained to God, to man's duties in their relations with God and among themselves, thus had not any immediate relevance for technological and industrial advancement necessary for military reform.

The terms preferred to denote the new domain of knowledge reflected the awareness of this fundamental difference (Findley 1989, 137−8). As Berkes states, "when the new learning came in the eighteenth century, it had not been called *'ilm*. It was called *fen*, which meant "art" or "practical skill"; and the scientist was never called an *âlim* or "learned man", but a *mütefennin*, a "jack-of-all-trades"" (1998, 100). It was mainly because "so strong were the associations of the Arabic term that properly refers to rational knowledge, *ilm*, with the religious studies of the *ulema* (the men of *ilm*) that the term could not ordinarily be used to refer to any branch of the new learning without special qualification" (Findley 1989, 137). The term *maârif* thus "became the general term for the new education" (Findley 1989, 138).

The emergence and the gradual development of the idea of *maârif*, therefore, went along with the Ottoman state's efforts to carve out a new type of knowledge, and a new domain of education to produce, transmit, and administer this knowledge. Although the institutionalization of the idea of *maârif* was exclusive to some military schools in a limited extent during this period, it was to develop and extend in the decades to come, becoming embodied in the central institutions such as *Maârif-i Umûmiye Nezâreti* and *Darülfünûn*, as we will see. It is important to notice, however, that from the very beginning the emergence and the institutionalization of the idea of *maârif* was an initiative of the state for the needs of the state. The most urgent need of the emergent modernizing state was casted as military reform in this period, and

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[38] Although *maârif* is a general word implying all levels of education, I will deal with it as it is related to higher education, to which my scope is limited, and ignore the developments in *maârif* at primary and secondary levels.

the objective of *maârif*, as implemented in a limited scope, was to contribute to the successful achievement of military reform. This by-the-state-for-the-state character of the educational reform resulted in a chronic lack of social support and of widespread understanding of both the very idea of *maârif* and its institutional ramifications, which constituted a constant acute problem for the reformers throughout the century (Findley 1989, 136–9).

The limited educational reforms implemented under the reign of Selim III and Mahmud II was neither irreversible nor comprehensible enough to transform higher educational ecology. The essential importance of the period for the transformation of higher educational ecology lies in the radical rearrangement of the distribution of power between the collective actors shaping the Ottoman higher educational ecology. As we have seen in the second chapter, although the *ilmiye* corps had been integrated into the Ottoman dynastic structures from the late 15th century onwards and gradually lost their autonomy *from* the ruling apparatus, they had nevertheless preserved a significant autonomy *within* the ruling apparatus both in economic and administrative terms.

Two important and quite radical political moves by Mahmud II in this period abolished the autonomy of the *ilmiye* corps vis-à-vis the modernizing state and significantly undermined their power as a collective actor in higher educational ecology while reinforcing that of the state. The first move was the centralization of the administration of endowments under the state's direct authority through the foundation of *Evkâf-ı Hümâyûn Nezâreti* (Ministry of Imperial Endowments) in 1826 (Öztürk 1995, 68–69). The Ottoman state thereby monopolized the supervision and control of the incomes of endowments hitherto generally enjoyed by religious scholars. Had the ministry administered the endowment incomes in a way to effectively serve religious scholars and institutions, which constituted the great majority of the beneficiaries of endowments, the loss of the latter may have been limited to the deprivation from economic autonomy. Yet from its very beginning, the ministry constituted a channel to transfer the incomes of endowments to the state treasury and significant amounts of the incomes had been used to compensate for state expenditures in fields other than what endowment deeds stipulate, especially for military and industrial reforms (Öztürk 1995, 72–75). Thus the *ilmiye* corps as a collective actor not only lost their de jure administrative autonomy over the

economic resources they had enjoyed, they also de facto lost a significant amount of these resources. The second move of Mahmud II to undermine the power and autonomy of the *ilmiye* corps was to break the administrative autonomy of the *Meşihat*, the head of the religious organization, by relegating it to a government office among others within the new bureaucratic system (Yakut 2005, 55-82; Yurdakul 2008). This was part of the general centralizing reform Mahmud II undertook in the organization of state apparatus (Berkes 1998, 97−9). Consequently, the *ilmiye* corps as a collective actor gradually lost a significant part of their power and autonomy against the modernizing state and ceased to be as effective as they were in the organization of higher educational ecology. This was to have huge effects in the following transformation of higher educational ecology, since it changed the very conditions in which the competition over locations and organization of ecology had been made. Yet the *ilmiye* corps continued to exercise a significant power within higher educational ecology by the simple fact that they were still in control of the madrasa system, which continued to structure most of the higher educational ecology until the second quarter of the 20th century, though increasingly lost effectiveness and challenged in power and authority (Findley 1989, 132−3).

As one more challenge to the *ilmiye* corps as a collective actor, of which the bureaucratic embodiment was the office of *Meşihat*, Mahmud II founded two bureaucratic institutions, namely *Meclis-i Umûr-ı Nâfia* (Council of Useful Affairs) and *Meclis-i Vâlâ-yı Ahkâm-ı Adliye* (High Council of Judicial Ordinances) (Berkes 1998, 97−99). Founded in the last years of Mahmud II's reign, these councils were not but the embryo-versions of the later bureaucratic institutions founded in the Long Tanzimat period, which would be increasingly specialized in configuring higher educational and judicial ecologies and ultimately morphed into *Maarif Nezareti* and *Adliye Nezareti*, respectively. These new bureaucratic institutions would assume in time increasingly more symbolic power and extend their jurisdiction to the detriment of the *Meşihat* in bureaucratic, higher educational, and judicial ecologies.

4.3. The Long Tanzimat Period: Initial Transformations of Higher Educational Ecology and the Emergence of Competing Types for Legal Education

Although the historiographical strategy of contrasting the Tanzimat period (1839-1876) with the Hamidian era (1876-1908), labeling the first as progressive and

modernizing and the latter as obscurantist and reactionary, had been also seldom encountered in the history of education in the Ottoman Empire (e.g. Antel 1940), many recent studies strongly invalidated this strategy and the arguments it implied (e.g. Fortna 2003; Findley 1989). Especially in terms of institutional development of *maârif*, there is far more continuity than rupture between the two periods. Roughly formulated, the former is more of a period of plan and design while the latter is more that of application. Thus it is appropriate to treat these two periods as a single period, which I will call as the Long Tanzimat, while dealing with the developments in the higher educational ecology.

The decisive development of the Long Tanzimat period (1839-1908) was the gradual emergence and establishment of a centralized reason, resolution and corresponding governmental institutions that aim to structure higher educational ecology in line with the idea of *maârif*. As Findley succinctly puts it, "the most important single step in educational reform was the transition from founding unique institutions to founding a generalized system of schools" (1989, 134). As opposed to Mahmud II's reign, when no specific bureaucratic institution dealing exclusively with education existed, the first years of the Tanzimat saw the emergence of the first centralized bureaucratic institutions founded for the planning and organization of *maârif* in a holistic perspective at all levels of education. Shortly after its foundation in 1845, *Meclis-i Maârif-i Muvakkat* (Transitory Council of Education) turned into *Meclis-i Maarif-i Umûmiye* (General Council of Education) in 1846, and became the first centralized decision-making body founded exclusively for educational purposes. In the same vein, *Mekâtib-i Umumiye Nezâreti* (Ministry of General Schools) was founded in 1847, and then morphed into *Maârif-i Umûmiye Nezâreti* (Ministry of General Education) in 1857. This ministry became thereafter the main executive organ of the *mâarif* (Kodaman 1988, 10–14). Thus from the middle of the Tanzimat period onwards, the *maârif* began to be planned and executed in a holistic perspective and under the direct control of central government.

Although there were partial attempts to plan the development of *maârif* before, the first master plan for the development of the Ottoman *maârif* system, a regulation called *Maârif-i Umûmiye Nizâmnamesi* (Regulation for General Education), was promulgated in 1869. It was the first time a clear concept and a relatively detailed planning of a central higher educational institution, envisaged as

university and called as *Darülfünûn*, had been set forth. Consisted of five main sections, *Maârif-i Umûmiye Nizâmnamesi* regulated respectively the general system of schools, the administrative organization of *maârif*, terms of examination and graduation, qualifications of the professors, and financial issues. According to the regulation, *Darülfünûn* was to constitute the top institution within a five-tiered hierarchical system of schools, where education began in *sıbyan mektebi* (Qur'anic elementary school), continued respectively in *rüşdiye* (secondary school), *idâdiye* (middle school), *sultâniye* (lycée), and culminated in higher schools, such as *Darülmuallimîn*, *Darülmuallimât*, or schools of "different arts and industries," among which *Darülfünûn* held the higher place (Dölen 2009, 79; Findley 1989, 134). The part of this regulation dealing with *Darülfünûn* remained in force until 1900, when a new regulation for the newly founded *Darülfünûn-ı Şahâne* entered in force and suspended the former.

Although there had been several attempts to institute a *Darülfünûn* prior to 1900, all ultimately failed to institute a permanent institution. The first attempt initiated in 1862 and lasted until 1865 did not go beyond giving public lectures of introductory level by some intellectuals and bureaucrats learned in positive sciences to whoever wanted to listen (İhsanoğlu 2010a, 1:89−111; Dölen 2009, 64−77). The second attempt, called as *Darülfünûn-i Osmânî* and initiated after the promulgation of *Maârif-i Umûmiye Nizâmnamesi*, had begun again with public lectures in 1870 and continued with regular courses until 1873. Unlike the first attempt, this time there was a permanent staff, an academic program, at least on paper, and enrolled students, of which the majority were from among the madrasa students. When the education ceased to continue in *Darülfünûn-i Osmânî* after 1873, no students had graduated yet. The exact reason why the *Darülfünûn-i Osmânî* had been closed is still ambiguous (İhsanoğlu 2010a, 1:111−135; Dölen 2009, 77−127). The third attempt was *Darülfünûn-i Sultânî*. Rather than being a separate university, *Darülfünûn-i Sultânî* consisted of three higher schools called as *Mekâtib-i Âliye-i Sultâniye* (Imperial Higher Schools) and attached to the *Galatasaray Mekteb-i Sultânîsi* (Imperial School of Galatasaray).

Although the *Darülfünûn* had been envisioned after the French university model, which was consisted of five faculties, *Darülfünûn-i Sultânî* comprised three divisions: law, mathematical and natural sciences, and literature. The reason for the

absence of faculties of theology and medicine, as stated by Sava Paşa, the head of *Darülfünûn-i Sultânî*, was that the existing madrasas and schools of medicine had been already fulfilling the function of these faculties. So there was no need to institute neither a faculty of theology nor a faculty of medicine within the newly founded *Darülfünûn*. *Darülfünûn-i Sultânî* was the longest-lived of the three attempts. It offered education from 1874 to 1881. Although *Darülfünûn-i Sultânî* was closed in 1881, its two faculties, faculty of law and faculty of engineering, survived as two independent higher schools until they constituted two faculties of *Darülfünûn-i Şâhâne* when it was founded in 1900. At the end of the century, in short, although the modernizing Ottoman state had established a central institution as well as a macro plan for regulating higher education, it had ultimately failed to permanently establish a proper institution for providing higher education, despite several attempts and founding unique institutions that are not connected within a general frame of higher education.

The Ottoman judicial ecology had undergone a homological transformation during the nineteenth century. Until the nineteenth century, the classical judicial institution in the Ottoman judicial ecology had been the sharia court. These courts were found in each judicial district and presided by a single judge, who heard and ruled the cases. If we set aside some exceptional institutions, such as *Divân-ı Hümâyûn* or *cuma divanı*, the sharia court was the main and standard institution where the judicial implementation took place. Correspondingly both classical fiqh texts and fatwa collections that constituted part of the Ottoman Hanafi canon,[39] such as *Dürerü'l-Ahkâm* or *Mültekâ'l-Ebhur*, and sultans' rulings such as *kanunnâme*s were the main written legal sources that judges consulted (Aydın 2003). In any case, fiqh and dynastic law did not constitute two separate legal systems, and they had been implemented within a single judicial organization, the backbone of which was the sharia court.[40]

From 1839 onwards however, the Ottoman judicial ecology began to undergo a significant transformation. The main line of transformation was the codification of

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[39] For what I mean by "the Ottoman Hanafi canon," see pages 52-4 of the second chapter.

[40] There were also *cemaat mahkemeleri* (community courts) that were organized in accordance with the *millet* system and implemented each *millet*'s religious law in the cases between the members of a *millet*. Another type of court that had operated within the Ottoman lands was the consular court. Consular courts operated thanks to the capitulations granted to the European states and had dealt with all type of cases between the foreigners in the Ottoman lands (Bozkurt 1996, 116).

a body of laws that was to constitute a holistic Ottoman law to be universally applied in the Ottoman lands. These new laws were to be codified either through gradual reception and adaptation of the Western laws or through codification of the classical Islamic-Ottoman law. Between 1840 and 1900, a significant amount of new laws were codified (Veldet 1940; Bozkurt 1996, 48–175). The years 1840 and 1851 saw two separate yet very similar penal codes that were to great extent codified versions of the traditional Ottoman penal law. These codes apparently having been deemed as insufficient, a new penal code was codified in 1858. This new penal code was to great extent an adaptation of the French Penal Code of 1810, yet it was amended many times later (Miller 2005). Three codes concerning commerce were also promulgated, respectively in 1850, 1861, and 1863. They were all codifications of the corresponding French codes with little adaptations, the latter having been also benefited from some other European codes. There were also two other important codes that systematized and codified the classical body of the Islamic Ottoman law in line with the formal requirements of the Western concept of law in the fields of land law and civil law: the Land Law of 1858 and the *Mecelle*, codified between 1869 and 1874 (Şentop 2005, 652–59; Gayretli 2008, 87–241). At the end of the century, thus, a new body of codified laws that were significantly different, either in content or in form, from the classical Islamic-Ottoman law had emerged. This body of laws was neither integrated into the curriculum of madrasas, nor was it implemented in the classical sharia courts, except for *Mecelle*. Consequently, together with this line of transformation that gave birth to a new emerging body of laws, the foundation of new judicial and educational institutions that would make possible the implementation of the newly codified laws was inevitable.

The classical judicial system did not cease to operate after 1839, of course, but it did not continue to operate as it had been operating neither. The sharia judiciary underwent an extensive reorganization during the latter half of the nineteenth century. Although the *İlmiye* Penal Code of 1838 or the regulations for *naiblik* in 1855 were among the earlier attempts to regulate and discipline sharia judiciary, its essential reorganization occurred with the implementation of the *Vilayet Nizamnamesi* (the Provincial Reform Law) from 1864 onwards. The latter "was intended to lay a centralized and uniform administrative system over the Empire," reorganizing provincial units in a new hierarchical system (Akiba 2005, 52). Before

the *Vilayet Nizamnamesi*, the hierarchy of the sharia judiciary was different from that of local administration. "The law integrated the judicial institution into the provincial administrative system" by stipulating that "each of the administrative units would have one sharia court with a sharia judge appointed by the centre" (Akiba 2005, 53). Among other innovations the law brought about were the abolishment of the appointment of naibs by the judges, the introduction of the salary system to the sharia judiciary, and most importantly, the appointment of *müffetiş-i hükkâm* (inspectors of judges) to the center of each *vilayet*. "The inspector of judges would check the decisions of the sharia courts in the vilayet, supervise the conduct of naibs under his jurisdiction and at the same time hear cases at the sharia court of the provincial center" (Akiba 2005, 53). With all these regulations, the sharia judiciary was reorganized along more systematic lines and became subjected to a more strict and direct supervision of the central authority. Yet the absence of a strict proceduralization and standardization, which we attest in the *Nizamiye* court system of the period, as I will show below, still left a considerable leeway for the judges in the implementation of law. The scope of the provincial reform was not limited to the reorganization of the sharia judiciary, however. It rather envisaged a total transformation of the Ottoman judicial system. The establishment of the *Nizamiye* courts was at the very heart of this transformation.

The latter half of the nineteenth century saw also the emergence and expansion of new judicial institutions and unprecedented types of courts along with the reorganization of sharia courts. The foundation of new types of courts, which would culminate in the establishment of the *Nizamiye* court system, followed a roughly parallel course to the codification of the new laws, and were overseen by the following bureaucratic institutions: first *Meclis-i Vâlâ-yı Ahkâm-ı Adliye* (High Council of Judicial Ordinances) from 1838 on, then *Divan-ı Ahkâm-ı Adliyye* (Council of Judicial Ordinances) from 1868 on, and finally *Adliye Nezareti* (Ministry of Justice) from 1876 on. Together with the penal codes promulgated in 1840s and 1850s, several types of judicial councils meant to deal with criminal cases, such as *Zaptiye Meclisi* (Gendarmerie Council), *Divan-ı Zaptiye* (High-Council of the Gendarmerie), and *Meclis-i Tahkikat* (Council of Investigations) were founded in Istanbul in order to implement the aforementioned penal codes (Rubin 2011, 24–5). New types of courts dealing with criminal cases spread all over the country in a short

span of time. With the foundation of these new types of courts, criminal cases were excluded from the jurisdiction of the sharia courts. From 1847 onwards, *muhtelit mahkeme*s (mixed courts) were founded in order to address commercial cases between Ottoman citizens and foreigners. This was soon followed by the exclusion of commercial cases from the jurisdiction of the sharia courts with the *Islahat Fermanı* (Reform Edict) of 1856, short after the promulgation of a commercial code in 1850 (Bozkurt 1996, 116–7).

The emergence and establishment of the *Nizamiye* court system is result of a decades-long process of institutional experimentation and innovation. Although there were previous developments that led to the emergence of the *Nizamiye* courts, as I highlighted some above, for the first time in 1864, the aforementioned *Vilayet Nizamnâmesi* (Provincial Reform Law) formally established a court system called *Nizamiye* in a holistic manner by delineating "a clearer judicial hierarchy with a clear division of labor between various judicial bodies" already established in the provinces (Rubin 2006, 45). Based on the institutional infrastructure provided by the expansion of the aforementioned councils and courts, *Nizamiye* courts expanded very rapidly. They were instituted all over the empire only three years after the promulgation of *Vilayet Nizamnâmesi* in 1864. Yet the inner organization and jurisdictional division of labor of the existing *Nizamiye* courts was still quite ambiguous and weakly elaborated.

The foundation of *Adliye Nezareti* from 1876 onwards as the central institution to oversee *Nizamiye* courts and the promulgation of *Mehâkim-i Nizâmiyenin Teşkilât Kanunu* (Law of the *Nizamiye* Judicial Organization) in 1879 constituted together the final milestone in the organizational history of the *Nizamiye* courts (Demirel 2008, 29–33). This law "divided the *Nizamiye* courts in Istanbul and the provinces into criminal, civil, and commercial jurisdictions in the most systematic fashion so far" and also delineated clearly different levels of judicial instances (Rubin 2006, 51). Subjugated to the *Adliye Nezareti* and consolidated with the law of 1879, *Nizamiye* courts continued to operate mainly within the framework constituted by this law until the end of the Ottoman Empire.[41] Throughout the aforementioned process of establishment, in short, the Nizamiye courts gradually

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[41] For detailed information on the general structure of the functioning of the *Nizamiye* courts after 1879, see Rubin 2011, 32-38.

expanded their jurisdiction within judicial ecology to the detriment of the sharia courts (Aydın 2010, 425-7). Although the necessity of improvement and reform both in the court system and in the legal codes had been a constant issue within the political agenda after 1879, no overall change of legal and judicial system occurred before the foundation of the Turkish Republic (Bozkurt 1996, 128–34).

The above-described transformation in judicial ecology had its counterpart in higher educational ecology with the emergence and institutionalization of a new type of systematized body of knowledge concerning both legal content and judicial application, i.e. a new legal discipline, which is called Law, on the one hand, and the reorganization and transformation of the classical fiqh education on the other. Especially the latter half of the nineteenth century attested ceaseless organizational and intellectual competitions between these two disciplines over the turf of legal knowledge. They struggled both over who would define what is just/unjust as well as how justice should be applied and over who would dispense justice on the ground. In the following, I will focus on the institutional competition over providing legitimate legal education, of which the disciplinary competition between fiqh and law was a dimension.

The madrasa had preserved its quasi-monopoly over defining and providing legal education until the mid-nineteenth century. The institutional innovations from the mid-century onwards, which led to the emergence of new higher educational institutions that would rival madrasas, was directly related to the developments in the judicial ecology. The reorganization of sharia judiciary from 1855 onwards led to the foundation of *Muallimhane-i Nüvvab* (Training School of Judges). *Muallimhane-i Nüvvab* was the first version of a new type of higher educational institution providing legal education. Another type of higher educational institution for legal education began to be formed with the establishment of *Kavanin ve Nizamat Dershanesi* (Schoolroom for Laws and Regulations) within the *Divan-ı Ahkâm-ı Adliye* in order to raise civil servants acquainted with the knowledge of the new codes. These two new types of higher educational institutions, that would later transform into different organizational forms, along with the madrasa that had never ceased to provide legal education, would compete over providing legal education until 1924. Their relations of competition had never lacked varying degrees of coordination and communality, however, as we will see.

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The new institutional forms of legal education that emerged in the nineteenth century were above all vocationally oriented, in line with the general trend of educational reform in the period (Findley 1989, 136–7). There were mainly two types of new higher educational institutions providing vocational legal education. The first type is found in the institutional lineage from *Muallimhane-i Nüvvâb* to *Medresetü'l-Kuzât* whereas the institutional line from *Kavanin ve Nizamat Dershanesi* and *Mekteb-i Hukuk* to *Darülfünun Hukuk Fakültesi* constituted the second type. The *raison d'être* of both institutions was to provide the new court systems with qualified personnel. Thus the technical and practical side of legal education overshadowed the theoretical part in both types of schools. Apart from these similarities, however, there were significant differences between them. Their positions with regard to bureaucratic ecology (the former was subsidiary to the *Meşihat* whereas the latter to either the *Adliye Nezareti* or the *Maarif Nezareti*), their linkages to judicial ecology (the former was raising personnel for both the sharia and the *Nizamiye* courts whereas the latter exclusively for the *Nizamiye* courts), and the kind of legal discipline they grounded their legal education on (fiqh in the former and law in the latter) constitute the main axes of differentiation. The content of legal education in the madrasa had been less vocationally oriented, however.

Although the graduates of the madrasa constituted the main human resource for staffing both judicial and higher educational ecologies until the mid-nineteenth century, the content of legal education was not designed with directly vocational concerns. The know-how of the profession was to be learned on the spot: although a madrasa graduate had learned theoretical knowledge about how to hear and judge a case in the court, he was to learn the practical application in a process of apprenticeship in the court after the graduation (Akiba 2003, 134–5). The madrasa as such did not constitute the appropriate type of higher educational institution for the bureaucratic mind of the nineteenth century that deemed the vocationally oriented education as the most urgent need. Thus the madrasa institution would be excluded from the scope of reform projects until the early twentieth century. The ultimate failure of *Darülfünun* attempts throughout the nineteenth century, especially in the less vocationally oriented fields such as literature or natural sciences, may also be due to their incongruity with this bureaucratic mentality concerning the value and objective of higher education.

Muallimhane-i Nüvvab was opened in 1855 as part of the reforms the *Meşihat* initiated in order to centrally control and regulate the appointment and qualification of *naib*s, who had since long de facto presided over the courts as the deputies of the nominally appointed judges. The inability to control the appointment and the qualifications of *naib*s constituted one of the central problems the ilmiye institution faced throughout the eighteenth century (Akiba 2005, 44–47). Intended as part of the solution to this problem, the *Muallimhane* was founded to raise competent *naib*s (i.e. de facto judges) for the reorganized sharia courts. Thus both the content and the method of education were designed accordingly.

The fiqh discipline held the central place in education, yet in a different way from the madrasa curriculum. As different from the latter where fiqh was taught in its entirety, only those parts of fiqh that were directly related to the judicial application, such as *feraiz* (inheritance law) or *sakk* (formulation of court documents) among others, constituted the content of education in the *Muallimhane*. Furthermore, fiqh was the sole core Islamic discipline that filled the curriculum of the *Mualimhane*, thus was isolated from the complementary education of other core Islamic disciplines such as hadith and kalam, differently from the madrasa where fiqh was taught along and in relation with other core Islamic disciplines.

The method of education also constituted a novelty with regard to the madrasa education. The latter was essentially based on the methods of rote memorization, recitation, and disputation. In the *Muallimhane*, however, the method of practical training was at the center. After instructing the students with necessary theoretical knowledge, the teacher "would give exercises by providing students with legal cases, following which students would prepare the required legal documents by applying" the theoretical knowledge they had learned (Akiba 2003, 134). Overall, as Akiba succinctly formulates, "the education program followed at the *Naib*s' college can be considered to have been a combination of the higher level *medrese* education with the practical training of the courts" (Akiba 2003, 135).

Founded in a period when the challenges brought about by the codification of the new laws as well as by the foundation of a new court system were yet to be seriously faced and the parallel constriction of the jurisdiction of the *Meşihat* in favor of the *Meclis-i Vâlâ-yı Ahkâm-ı Adliyye* (later *Divan-ı Ahkam-ı Adliyye*, and then *Adliye Nezareti*) in higher educational and judicial ecologies had not yet significantly

advanced, the *Muallimhane* was an institution founded to deal with the internal needs and problems of the classical educational and judicial systems, which the *ilmiye* corps had failed to solve until then. Thus it was basically rooted in the tradition of the classical madrasa and court system. The novelties it brought about were basically due to its vocationally oriented character in order to meet the increasingly centralizing thrust of the *Meşihat*, which it shared with other bureaucratic institutions of the period, in organizing the judicial system and raising its personnel. As the century pass by, however, the challenges and pressures posed by the increasing jurisdiction of the rival bureaucratic institutions in higher educational and judicial ecologies would constitute the main factors that condition the later formations of the *Muallimhane*.

Until 1870, the *Muallimhane* remained unchallenged as a higher educational institution providing vocational legal education in order to raise personnel for the court system. Following the codification of new laws and the proliferation of new councils that had served as proto-courts dealing with judicial cases from the 1850s on, *Kavanin ve Nizamat Dershanesi* (Classroom for Laws and Regulations) was founded in 1870 in order to raise officials acquainted with the new codes (*kanun-âşina*) (Yörük 2008, 19). With the foundation of the *Dershane*, a new type of higher educational institution for legal education began to emerge. The Dershane was not a higher educational institution proper; it was rather a chamber constituted within the *Divan-ı Ahkam-ı Adliyye*. What makes it the embryo of the later law schools is the unprecedented type of legal education it aimed to convey. The content of this legal education consisted of the knowledge of the new laws, which were codified according to the legal methodology adopted from the Continental law. *Usûl-i kavânîn* (methodology of laws), *kavânîn* (laws), and *nizâmât* (regulations) were the main topics that were to be taught according to the first draft of the project. Fiqh was introduced in the program insofar as it was codified: *Mecelle*, the Penal Law, and the Land Law were among the subjects (Yörük 2008, 20).

Deeming necessary the foundation of a proper school for serious vocational legal education based on law, the *Divan-ı Ahkam-ı Adliyye* thought of the *Dershane* as a provisory solution (Yörük 2008, 19). As a matter of fact, the foundation of a higher law school did not take long. *Mekteb-i Hukuk-i Sultanî* (Imperial Law School) was founded in 1874 as part of the *Darülfünun-i Sultani*, which had consisted of

three higher schools (*mekâtib-i âliye*) affiliated with the *Mekteb-i Sultanî* (see pages 79-80 above). As different from the *Dershane*, the education in the *Mekteb-i Hukuk-i Sultani* was not exclusive to the officials and the scope of education was more expanded. The subjects in Roman and European laws were introduced in the curriculum along with the new Ottoman codes. As for the fiqh, the only difference from the curriculum of the *Dershane* was the introduction of a subject on *usûl-i fıkıh* (methodology of fiqh), thanks to the personal initiative of Sava Paşa, the head of the *Darülfünûn-i Sultanî*. The most salient characteristics of the *Mekteb-i Hukuk-i Sultani* were the dominance of French as the language of education and the dominance of the foreigner and non-Muslim professors in the academic staff as well as among the students (İhsanoğlu 2010a, 1:147−52). Although the main objective of the school was to raise informed jurists necessary for the judicial organization, as stated in the regulation, *Mekteb-i Hukuk-i Sultani* had not produced much of graduates until its final year of education in 1881 (Yörük 2008, 25; İhsanoğlu 2010a, 1:152−3). The total number of thirteen students it graduated did not ultimately pose an actual challenge for the *Muallimhane*, which "produced about ten to eleven graduates every year between 1857 and 1873," in terms of neither student admission nor job placement within judicial organization.

Nevertheless, the *Meşihat* met the challenge posed by these initial attempts to institutionalize another type of legal education outside of the *Meşihat*'s jurisdiction with a reorganization of the *Muallimhane* through new regulations in 1873. The regulations stipulated the establishment of a new curriculum as well as a system of grades and of promotion through examinations, which constituted significant novelties with regard to the madrasa tradition (Akiba 2003, 138−40). The most salient change in the curriculum was the introduction of the *Mecelle* along with the two main textbooks by then used in the *Muallimhane*, namely *Mülteka* and *Dürer*, two classical fiqh books that had been widely read in the Ottoman madrasas (Akiba 2003, 143−6). As different from the *Mülteka* and *Dürer*, which constituted strong linkages between the education in *Muallimhane* and the madrasa tradition, the *Mecelle* linked the legal education in the *Muallimhane* with the judicial practice in the *Nizamiye* courts as the *Mecelle* was compiled "to be applied not only in the Sharia courts, but especially in the Nizamiye courts, which had been active since 1864" (Akiba 2003, 146). The aforementioned attempts to institutionalize another

type of legal education, which would constitute an alternative, if not a threat at this point, for the *Muallimhane*, were the main impetus behind the *Meşihat*'s decision to reorganize the *Muallimhane*. Further reorganization of the *Muallimhane* would be in order as concerted attempts by the *Adliye Nezareti* and *Maarif Nezareti* to institute an alternative legal education would continue.

The opening of *Mekteb-i Hukuk* under the *Adliye Nezareti* in 1880 marked both the end of the aforementioned earlier experiments and the beginning of a stable higher educational institution for providing vocational legal education outside of the jurisdiction of the *Meşihat*. *Mekteb-i Hukuk* had been envisaged as the law faculty of the future *Darülfünûn-i Şahane* and would be incorporated into the latter after it was founded in 1900 (İhsanoğlu 2010a, 1:153). Although the statements of Ahmed Cevdet Paşa, then the Minister of Justice, foresaw that the fiqh would be central to the education program in the *Mekteb-i Hukuk*, as different from the *Mekteb-i Hukuk-i Sultani*, the actual configuration of the curriculum was more in line with the vision of the Grand Vizier Said Paşa who foresaw that the curriculum of the school would be accorded with the European counterparts (Yörük 2008, 36, 42).

The knowledge of law, i.e. the new codes of the Empire as well as parts of the Continental Law, was definitely central to the program. As different from the *Mekteb-i Hukuk-i Sultani*, subjects more in line with "the European counterparts" such as *hikmet-i hukuk* (legal philosophy) and *medhal-i ilm-i hukuk* (introduction to law) were introduced whereas *usûl-i fıkıh* was excluded. The education of fiqh knowledge was mainly restricted to its codified versions: *Mecelle*, the Penal Law, and the Land Law (Yörük 2008, 73). Providing a legal education essentially based on the knowledge of law and aimed at raising judicial personnel (judges, prosecutors, attorneys, and so on) for the *Nizamiye* courts, the *Mekteb-i Hukuk* remained the central institution of this type until it would be incorporated into the *Darülfünun* in 1909 as its faculty of law (İhsanoğlu 2010b, 2:650).

Two developments that accompanied the foundation of the *Mekteb-i Hukuk* made the latter a serious rival for the *Muallimhane*: The ultimate establishment of the Nizamiye courts in the 1879 and the stipulation in the regulation of the *Mekteb-i Hukuk* that the employment in the Nizamiye courts as well as the right to the attorneyship would be exclusive to the *Mekteb-i Hukuk* graduates (Yörük 2008, 208–9). Since the *Nizamiye* courts significantly restricted the jurisdiction of the sharia

courts within the judicial system on the one hand, and functioned according to the new codified laws on the other, their establishment threatened the *Muallimhane* with becoming partly dysfunctional within the new judicial system as the legal education it provided would be no more adequate for the employment in the *Nizamiye* courts, which would henceforth constitute the large part of the judicial system. Although the stipulation that excluded all but the *Mekteb-i Hukuk* gradutes from assuming office in the *Nizamiye* courts had never been fully implemented, its very existence in the regulation was enough of a threat for the *Muallimhane* (Yörük 2008, 164). In addition to these challenges, the fact that "the Sharia judge was at the same time presiding over the Nizamiye court" made it indispensable for the students of the *Muallimhane*, who were the prospective Sharia judges, "to have knowledge of the new law and court procedure in order to keep hold of their positions in the Nizamiye courts" (Akiba 2003, 146). Aware of the challenges the *Adliye Nezareti* had posed for its jurisdiction by expanding its control over locations in both the judicial system and the legal education, the *Meşihat* counteracted with promulgation of new regulations for the *Muallimhane* in 1883.

The most striking novelty in the regulations of 1883 was the name change. The *Muallimhane-i Nüvvab* was renamed as *Mekteb-i Nüvvab*, seemingly to rank it with the post-Tanzimat higher schools such as *Mekteb-i Mülkiye*, *Mekteb-i Tıbbiye*, and especially *Mekteb-i Hukuk*, which came to receive a share from both the organizational and intellectual turfs the *Muallimhane* had hitherto controlled (Akiba 2003, 140–41). The name change also implied a self-differentiation from the madrasa, which was further undergirded by the organizational and curricular changes introduced with the same regulations. A more systematic and modern grade system was introduced along with the expansion of the student quota and the enlargement of the school building, which were meant to increase the competitiveness of the school with the *Mekteb-i Hukuk* that seemed to assume increasingly more symbolic power in defining legitimate legal education (Akiba 2003, 142). Although the curricular change was redesigned to convey to the students the knowledge they would be in need of upon assuming a judgeship position both in the Sharia and *Nizamiye* courts, the school did not gave up from its fiqh-centred curriculum. "While the 1874 regulations only mentioned the Mecelle as one of the subjects with no further detail, the curriculum introduced with the 1883 regulations" was more precise in

determining the amount of time and the method with which the *Mecelle* should be taught (Akiba 2003, 146–7). The lessons on fatwa collections, composition, orthography, and calligraphy, which were directly related to the judicial practice in the courts, strengthened further the vocational character of the school. All these changes the *Muallimhane* (henceforth *Mekteb*) underwent notwithstanding, it is important to notice that the *Mekteb-i Nüvvab* still stood firm in excluding from its curriculum any legal knowledge outside the realm of fiqh.

The final institutional achievement of importance concerning legal education in the Long Tanzimat period was the establishment of *Darülfünûn-ı Şahane* in 1900, this time as a permanent higher educational institution. Following the French university model, the new *Darülfünûn* was designed to consist of five faculties. The already established *Mekteb-i Hukuk* and *Mekteb-i Tıbbiye* were to constitute faculties of law and of medicine of the new *Darülfünûn*. The other three faculties were the faculties of literature, of mathematical and natural sciences, and of religious sciences. The striking novelty here with regard to the earlier *Darülfünûn* attempts was the introduction of a faculty for religious sciences within the body of the *Darülfünun* (İhsanoğlu 2010a, 1:189–96). Both the fiqh and the methodology of fiqh were among the subjects taught in the faculty of religious sciences along with the other Islamic sciences such as tafseer, hadith, and kalam. The curriculum was mainly modeled after that of the madrasa, except for the subject on *tarih-i din-i İslam* (history of the religion of Islam), and the professors were from among the madrasa scholars (İhsanoğlu 2010b, 2:613–5). As I have mentioned before, the initiators of the earlier attempts of *Darülfünun* had abstained from establishing a faculty of religious sciences for the expressed reason that the madrasas had been already fulfilling the function a faculty of religious sciences would serve.

Given that the madrasas were not abolished in 1900, the decision of the *Maarif Nezareti* to establish a faculty of religious sciences within the *Darülfünun* implied at least two things. First, it implicitly argued that the madrasas were no longer fulfilling the function of instructing and producing the knowledge of religious sciences, thus a new institution to fulfill this function was required. Second, the *Maarif Nezareti* had the intention to expand its jurisdiction within the higher educational ecology in a way to control the education of religious sciences too. This move was in parallel with the *Adliye Nezareti*'s earlier expansion of its jurisdiction in

the judicial ecology to the detriment of the *Meşihat*. Consequently, with the foundation of a faculty of religious sciences within the *Darülfünûn*, the madrasa institution faced the challenge of losing its only remaining monopoly within the higher educational ecology, namely higher education of religious sciences. The education of the fiqh discipline in its entirety in a scholarly rather than vocational way was part of this monopoly.

Although there were several attempts by the *Maarif Nezareti* to institute a *Darülfünûn* during the Long Tanzimat period, no corresponding attempt to reform or reorganize the madrasa institution was initiated by the *Meşihat* (Sarıkaya 1997, 79–81, 86–88). It was mainly due to the fact that the earlier attempts of *Darülfünun* had not included a faculty of religious sciences, thus had not posed a direct challenge to the monopoly of the madrasa on this subject. The *Meşihat* had directed all of its effort and energy to face the challenges posed to its jurisdiction in the fields of judicial practice and vocational legal education. The foundation of the *Darülfünun-ı Şahane* in 1900 with a faculty of religious sciences within its body, however, posed a direct challenge for the monopoly of the madrasa over higher education of the religious sciences and triggered serious attempts of reform and reorganization that would follow. The years between 1908 and 1924 would witness a fierce competition between the two institutions and corresponding positions over defining and providing the legitimate education of the religious sciences, among which the fiqh occupied a central place.

4.4. The Meşrutiyet Period: The Acceleration of Competition in Higher Educational Ecology and of the Disciplinary Transformation of the Ottoman Legal Education

To clarify the scene at the eve of the Meşrutiyet period, we should reemphasize first the distinction between two main types of legal education practiced in the aforementioned higher educational institutions. The first type was vocational legal education. The main objective of this type of legal education was to train well-informed and qualified personnel for the judicial system. The main efforts of reform and much of the competition pertaining to the legal education throughout the Long Tanzimat period were made over this type of legal education, in line with the general vocational character of the reforms pertaining to higher education in the period. The

vocational legal education had two main institutional ramifications: the *Muallimhane-i Nüvvab/Mekteb-i Nüvvab* and the *Mekteb-i Hukuk*. The main difference between the two, as mentioned above, was that the education in the former was mainly based on the fiqh discipline whereas in the latter it was mainly based on the law discipline. There was another type of legal education, however, which did not attract significant neither attention nor effort of reform, at least overtly, during the Long Tanzimat period. We may call this type scholarly legal education. Scholarly legal education is different from vocational legal education as it is designed to teach a legal discipline in its entirety without a dominant concern oriented to the judicial practice and within its relations with other core disciplines of a knowledge system, in which the legal discipline of concern were formed and developed. The classical place of scholarly legal education in the Ottoman higher educational ecology was within the cultural space of madrasa system. The legal education that had been provided in the madrasa was of scholarly type. Although the graduates of the madrasa were employed in the judicial ecology, the content of legal education in the madrasa was not specifically designed for vocational needs of the judicial ecology. The essentials of vocational know-how were to be acquired in a process of apprenticeship training within the judicial ecology itself. Neither the type nor the content of the madrasa's legal education were significantly changed during the Long Tanzimat period. With the foundation of the faculty of religious sciences within the *Darülfünun*, a rival institution for the madrasa in providing scholarly legal education emerged. While the competition over vocational legal education would continue in the Meşrutiyet period, scholarly legal education would also be subject to increasing competition and efforts of reform.

The legal education in the *Mekteb-i Nüvvab* had remained essentially based on fiqh until 1908, when the *Meşihat* had decided to undertake a serious reorganization of the curriculum. The judicial reforms the Ottoman government was undertaking in the Macedonian provinces in 1907, among which was "the establishment of a law school in Salonica, so that only its graduates could fill the judicial posts (in the *Nizamiye* courts) in the region" (Akiba 2003, 149), and the establishment of two other law schools in Bagdad and Konya alarmed the *Meşihat* of the expansion of the legal education *à la Mekteb-i Hukuk* and provided the necessary impetus to undertake an overall curricular change (Yörük 2014, 108). Following two

reports by a committee within the *Meşihat* that had "openly admitted the inadequacy of the college's education" for the implementation of law in the *Nizamiye* courts and "advocated the addition to its curriculum of the subjects taught in the Law School in Istanbul", a wide-ranging revision of the *Mekteb-i Nüvvab*'s curriculum took place (Akiba 2003, 149).

A significant majority of the subjects taught in the *Mekteb-i Hukuk* were added to the curriculum: *kanun-ı arazi* (land law), *teşkil-i mehâkim ve usûl-i muhakeme-i hukukiye* (court system and civil legal procedure), *icra kanunu* (enforcement law), *teşkil-i mehâkim ve usûl-i muhakeme-i cezaiye* (court system and criminal legal procedure), *kanun-ı ceza* (penal law), *ticaret-i berriye* (commercial law), *ticaret-i bahriye* (maritime commercial law), *tanzim-i ilamât-ı hukukiye* (judicial decree of the civil court), *tanzim-i ilamât-ı cezaiye* (judicial decree of the criminal court), and *hukuk-ı düvel* (international law) (Akiba 2003, 150; Yörük 2014, 109).

This curricular change was oriented to the vocational goal expressed in the first two articles of a regulation draft prepared by the *Meşihat* in 1909. This draft would be enacted with important changes in 1914 as the *Medresetü'l-Kuzât Nizamnamesi* (Regulation for the Madrasa of Judges). The second article of the draft stipulated that as the graduates of the *Mekteb-i Kuzât*[42] would acquire necessary knowledge of both the fiqh and the law (*malumat-ı mukteziye-i şer'iye ve hukukiye*) with the new curriculum, they should enjoy all prerogatives that the graduates of the *Mekteb-i Hukuk* enjoyed, thus implicitly demanded for the equality of opportunity in legal terms between the aforementioned groups for employment in the *Nizamiye* courts. Negotiated at length between the main collective bureaucratic actors related with the higher educational and judicial ecologies, i.e. *Adliye Nezareti*, the *Maarif Nezareti* as well as the *Mekteb-i Hukuk*, the proposal of the *Meşihat* was denied and the aforementioned stipulations did not enter into the final regulation of 1914 in spite of the favorable opinion expressed by the Committee of Professors of the *Mekteb-i Hukuk* (Yörük 2014, 111−16).

The fact that the professors and officials of the *Mekteb-i Hukuk* were of one mind with the *Meşihat* on this matter, thus implicitly on the legitimate legal

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[42] The school had been named as *Mekteb-i Kuzât* in official documents from 1908 to 1913, when it was first called *Medresetü'l-Kuzât* (Akiba 2003, 153).

education one should have acquired in order to be employed in the *Nizamiye* courts, implies that the decision was made less with educational concerns than bureaucratic-political concerns reflecting the competition between the *Meşihat* on one hand, and the *Adliye Nezareti* and *Maarif Nezareti* on the other, over the control of employment in the *Nizamiye* courts. Although the regulation of 1914 was ineffective in achieving the aforementioned prerogatives for the graduates of the *Medresetü'l-Kuzât* (now the new name of the *Mekteb-i Nüvvab/Kuzât*), it introduced further subjects in the curriculum that were mainly related to the judicial implementation both in the sharia and the *Nizamiye* courts. No significant change had occurred either in the curriculum or in the general organization of the school until its final abolition with the *Tevhid-i Tedrisat Kanunu* (the Law of the Unification of Education) in 1924.

As of 1914, the significant convergence that had been achieved between the two types of vocational legal education was reflected in the *Medresetü'l-Kudât*'s and the *Mekteb-i Hukuk*'s respective curricula. The overall structure of the *Mekteb-i Hukuk*'s curriculum had already achieved a pretty stable character at the eve of the twentieth century (Yörük 2008, 87−92). Once the *Mekteb-i Hukuk* achieved a firmer institutional existence by officially becoming the law faculty of the *Darülfünun* in 1909, its curriculum achieved its general disciplinary structure that would remain without major changes until the abolition of the *Medresetü'l-Kuzât* (İhsanoğlu 2010b, 2:650−52, 673−76).

Along with the subjects on all main aspects of the law discipline, in parallelity with the judicial implementation of course, fiqh also had a significant presence in the curriculum, as it had constituted a part of the law implemented in the *Nizamiye* courts, especially in its civil sections. After the major changes in 1908 and 1914, the disciplinary structure of the *Medresetü'l*-Kuzât's curriculum got increasingly closer to that of the faculty of law in providing legal education pertaining to the law discipline. All of the core subjects of both the fiqh discipline and the law discipline were included in the curriculum. The *Darülfünun* law faculty's 1913 curriculum and the *Medresetü'l-Kuzât*'s 1914 curriculum included common subjects in the following fields: *Mecelle*, *sakk*, *ferâiz* (fiqh of inheritance), *kanun-ı ceza*, subjects on *hukuk-ı düvel*, *kanun-ı arazi*, subjects on *us'ul-i muhakemât*, *ticaret-i berriye ve bahriye*, *hukuk-ı idare* (administrative law), and *iktisad* (economy) (İhsanoğlu 2010b, 2:650; Yörük 2014, 117−19).

Of the twenty subjects included in the *Darülfünun* law faculty's curriculum of 1913, only four did not have a counterpart in the *Medresetü'l-Kuzât*'s: *İcra* (enforcement law), *uhûd-ı atîka* (history of international law[43]), *hukuk-ı esasiye* (constutional law), and *usûl-i fıkıh*. All other subjects had direct or close equivalents. The presence of *usûl-i fıkıh* seems contradictory with the vocational and law-centred character of the *Darülfünun* law faculty. Yet the main objective in teaching *usûl-i fıkıh* was not gaining excellence in this subdiscipline of fiqh, but to ease the understanding of the *Mecelle* by the students, who were expected to master the *Mecelle* as the prospective judges, prosecutors, or attorneys in the *Nizamiye* courts. Thus, the introduction of *usûl-i fıkıh* in the *Darülfünun* law faculty's curriculum was, in the last analysis, vocationally oriented.

Since the *Medresetü'l-Kuzât*'s students had already gained a certain level of achievement in *usûl-i fıkıh* in their madrasa education, its introduction into the curriculum may had been considered unnecessary. On the other side, ten of the twenty-two subjects that were included in the *Medresetü'l-Kuzât*'s curriculum had not a counterpart in the *Darülfünun* law faculty's curriculum. Much of these subjects were related to fiqh and its judicial application, such as *Dürer*, *ahkâm ve nizâmât-ı evkâf* (fiqh of foundations), *tatbikat-ı şer'iyye* (judicial applications of sharia), *defter-i kassâm*, *hüsn-i hatt-ı talik* (calligraphy of *talik*), and so on. There were also four courses related to the law and its judicial practice: *medhal-i ilm-i hukuk* (introduction to the discipline of law), *tatbikat-ı hukukiye* (judicial applications of law), *tanzim-i ilâmât-ı hukukiye* (judicial decree of the civil court), and *tanzim-i ilâmât-ı cezaiye* (judicial decree of the criminal court). The most decisive difference from the *Darülfünun* law faculty was the presence of the *Dürer*. *Dürer* is a classical fiqh text that had been taught in the Ottoman madrasas for centuries and covered almost all aspects of the fiqh discipline. Only the part of *nikah* from the classical fiqh, which is related to the fiqh of marriage, was taught in the *Darülfünun* law faculty.

These differences notwithstanding, the congruence between the disciplinary structures of the two types of vocational legal education, especially with regard to the knowledge of law and its application had achieved an unprecedented level as of 1914 and remained as such until the abolition of the *Medresetü'l-Kudât*. The fact that the students of the *Medresetü'l-Kuzât* were transferred to the *Darülfünun* law faculty,

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[43] *Uhûd-ı atîka* literally means ancient periods. As this subject is included within the set of subjects on *hukuk-ı düvel*, I translated it as "history of international law".

when the former was abolished in 1924, and they completed their education without facing significant difficulty or curricular conflict, well reflects the aforementioned convergence between the two types of vocational legal education (Yörük 2014, 121–22).[44] The convergence between the two institutions was not limited to the curriculum, however. The physical settings of the *Mekteb-i Nüvvab* were also to be rearranged from 1908 onwards in a way to "acquire the physical appearance similar to other new-style schools" (Akiba 2003, 150). Thus, the *Medresetü'l-Kuzât* had been reshaped not only in curricular terms but also in physical terms in a way to be more similar than ever to the institutional line of *Mekteb-i Hukuk-Darülfünun* law faculty. The main difference the *Medresetü'l-Kuzât* maintained with regard to the latter was the vocational education it provided for the judicial application in the sharia courts as well as the name it preferred.[45]

There had been no significant development during the Long Tanzimat period to reorganize or reform the scholarly type of legal education. As the sole institution that had been providing scholarly legal education in the Ottoman higher educational ecology, the madrasa had been long neglected and excluded from the scope of comprehensive educational reforms (Sarıkaya 1997, 79–81, 86–88). Any scholarly legal education that aimed at teaching the law discipline independently from vocational concerns had also not been initiated. This neglect of scholarly legal education was congruent with the general vocational character of the educational reforms in the Long Tanzimat period as well as with the conception of *maarif* that had valued the practically oriented knowledge, which was more convenient to satisfy the perceived immediate needs of the state, over theoretical/scholarly knowledge. It was first with the foundation of the faculty of religious sciences within the *Darülfünun* that a scholarly type of legal education was envisaged within the jurisdiction of the *Maarif Nezareti*. This development would trigger a serious reorganization of the scholarly legal education that had been provided in the madrasa system.

The permanent institution of the *Darülfünun* in 1900 may have been a less serious threat for the madrasa had it not included a faculty of religious sciences

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[44] The case of Rizeli Kasım Efendi is exceptionally well-documented and studied (Yörük 2014, 121–30).

[45] According to Akiba, the rechoice of the term *medrese* after *mekteb* in the school's name was related to the context of madrasa reform and rise of Islamism as an ideopolitical position (2003, 153–5).

(*ulûm-ı diniyye şubesi*), which had been absent in the previous attempts by virtue of the fact that the madrasa was considered for the Ottoman *Darülfünun* as the counterpart of the faculty of theology in the French university system, after which the *Darülfünun* was modeled. Although the introduction of the education of religious sciences into a new institutional model of higher education quite different from that of the madrasa was brand new for the Ottoman higher educational ecology, the organization of the first curriculum of the faculty of religious sciences was almost a copy of the madrasa curriculum.

The only subject different from the madrasa program was *tarih-i din-i İslam* (History of the religion of Islam); the other subjects were the core disciplines of Islamic sciences that had been taught in the madrasa system: fiqh, hadith, tafseer, and kalam (İhsanoğlu 2010b, 2:614; Dölen 2009, 276, 283). The revised curriculum in 1908 included only two additional subjects: *tarih-i umumî* (general history) and *usûl-i tedris* (methodology of teaching) (İhsanoğlu 2010b, 2:616). Although these changes were minor, they signaled the future more reformist changes in the curriculum. The regulation on the academic organization of the *İstanbul Darülfünûnu*, now new name of the *Darülfünûn*, promulgated in 1913, changed the name of the faculty of religious sciences from *ulûm-ı diniyye şubesi* to *ulûm-ı şer'iyye şubesi* (İhsanoğlu 2010b, 2:617).

Although this name change *prima facie* implied a narrowing of the curriculum, the reality was the opposite. More innovative from its precedents, the 1913 curriculum consisted of five sets of subjects. Most of the subjects included in the sets of tafseer and hadith, of fiqh, and of kalam had their counterparts in the madrasa curriculum, yet there were new subjects too. Much of the subjects in the sets of philosophy and of *ilm-i ahlak-ı şer'iyye* (moral science of sharia) and *siyer* (life story of the prophet of Islam) were new with regard to the classical curriculum. If we look closer to the set of fiqh, as it directly concerns us here, the subject of *tarih-i ilm-i fikh* (history of the fiqh discipline) shines out as the most distinct subject from the madrasa curriculum. With this new subject, a new subdiscipline within the fiqh discipline that takes the fiqh itself as an object of investigation with the perspective of a different discipline (that of history) emerged, most probably for the first time in the history of the fiqh discipline (Erdem 2005; Erdem 2003, 17–39; Furat 2009).

There were two other subjects within the set of fiqh that had been absent, at least as distinct subjects, in the previous curricula: *ilm-i hilaf* (science of disagreement in fiqh) and *hikmet-i teşri* (philosophy of legislation). These subjects were emphasized in the curriculum, as they were put as distinct subjects from the subjects of fiqh and methodology of fiqh, differently from the previous curricula. The common point of the two subjects was that they were related more to the intellectual mentality behind the body of *ahkâm* (ordinances) that the fiqh discipline produces than to the body of *ahkâm* themselves.

Overall, the 1913 curriculum reflected two new and quite radical judgments by the bureaucratic mind that designed it, ultimately embodied in the *Maarif Nezareti*. The first judgment was related to the education of religious sciences in general. The introduction of a plethora of subjects both on philosophy and on history implied that the education of religious sciences could no longer be exclusive to the core disciplines of the Islamic sciences; the latter should be supported by other disciplines, mainly philosophy and history. This vision would be reflected in all later curricula of religious sciences, whether in the *Darülfünun* or in the madrasa. The second judgment was related to the fiqh discipline in particular. Three new subjects that were introduced distinctly from the subjects of fiqh and methodology of fiqh implied that the classical body of knowledge that constituted the content of the fiqh discipline as it had been taught in the madrasa should be revised through re-examining the discipline's history, its marginalized subjects and disputed areas, and the intellectual mentality that underlay it. Both of the two judgments, and the visions of education they imply, had been among the hot topics debated by the scholars and intellectuals during the Meşrutiyet period and increasingly became truisms for most of the parties (Bein 2011, 35−76).

The curricular reforms in *Darülfünûn*'s faculty of religious sciences were spontaneous with the fervent debates about the necessity of institutional and curricular reorganization of madrasas, which had considerably increased in density after 1908 (Bein 2011, 51−6). Both the debates and the resulting regulations were accelerated by the foundation of the faculty of religious sciences within the *Darülfünûn* and by the curricular revisions undertaken there. *Islah-ı Medaris Nizamnamesi* (Regulation for the Reform of the Madrasas), promulgated by the *Meşihat* in 1914 after long debates, marked a watershed in the history of the

madrasas. Including an ambitious reform program, the regulation reorganized the madrasas under a more strictly centralized system than ever. All of the madrasas in Istanbul were reorganized "into a unified three-tiered system named the Abode of the Caliphate (*Dâr'ül-Hilafet'il-Aliyye Medresesi*)" (Bein 2011, 61). Accepting the graduates of the primary schools, the reformed system consisted mainly of two parts: *Medrese-i Tâliye* (the Secondary Madrasa), which was again divided into two periods of study of four years, and *Medrese-i Âliye* (the Higher Madrasa). Finally, *Medresetü'l-Mütehassısîn* (the Madrasa of Specialists) was conceived as the top institution of higher education for the religious sciences (Sarıkaya 1997, 147–52). As Bein rightly points out, "the new system was modeled on the state school system, which was divided into primary and secondary schools, higher schools of learning, and a university at the top" (Bein 2011, 61). As in the case of the *Medresetü'l-Kuzât*, the madrasa reform also aimed at rearrangement of the physical structures of the madrasas in line with the new schools as well (Bein 2011, 62).

The curriculum that the regulation of 1914 designed for the higher part of the madrasa education (*kısm-ı âlî*) was equally innovative with, if not more than, the faculty of religious sciences of *Darülfünun*. It introduced *tarih-i ilm-i kelam* (history of the kalam discipline), Arabic literature and philosophy along with the core disciplines of Islamic sciences. As for legal education, it introduced *tarih-i ilm-i fıkh*, *hilâfiyât* (disagreements in fiqh), and most importantly a subject on law and regulations (*hukuk/kavânin*) along with the classical subjects of fiqh and methodology of fiqh (Sarıkaya 1997, 151). Given that the madrasa had not aimed at raising personnel for the judicial system, the introduction of a subject on the law discipline, which was absent even in the faculty of religious sciences, is quite interesting. The curriculum designed for higher madrasas implied that the *Meşihat* implicitly shared the aforementioned judgment with the *Maarif Nezareti* that the education of religious sciences could no longer be exclusive to the core disciplines of the Islamic sciences.

The curriculum designed for the fiqh section of the *Medresetü'l-Mütehassısîn* constituted a further step in applying the revisionist vision of fiqh education, which was first reflected in the aforementioned 1913 curriculum of the faculty of religious sciences. The most salient change was that the subjects on Maliki, Shafi'i, and Hanbali fiqh were introduced into the curriculum along with the Hanafi fiqh. As we

have mentioned in the second chapter, the Hanafi madhhab had dominated both fiqh education and practice throughout the Ottoman history. Thus with this curriculum, three major madhhabs of fiqh other than the Hanafi madhhab were officially taught as part of the legal education in a higher educational institution. Along with the subjects of *tarih-i ilm-i fikh* and *hilâfiyât*, there was another subject distinct from the *Darülfünûn* curriculum: *mukâyese-i ahkâm* (comparison of ordinances in fiqh). It is clear from this curriculum that the main objective of scholarly legal education based on fiqh, in its higher level, was no longer the transmission of a systematic body of knowledge accumulated within the Hanafi madhhab tradition through certain classical texts. It was rather a revision of the fiqh discipline as a whole through delving into the hitherto neglected areas and issues. All in all, one can easily state that the disciplinary structure of scholarly legal education offered in the *Darülfünun* and the higher madrasa in 1914 had far more commonalities than differences.

4.5. The First World War Years and The Foundation of the Turkish Republic: The Forced End of Both the Competition in Higher Educational Ecology and the Disciplinary Transformation of Legal Education

The counteraction of the *Meşihat* to the foundation of a faculty of religious sciences within the *Darülfünun* by the madrasa reform yielded fruits in the short run. As the madrasa assumed its reformed structure, the *Darülfünun*'s faculty of religious sciences was considered to be non-functional and abolished (Aynî 2007, 49). The students of the faculty of religious sciences were transferred to the higher madrasas. The education of religious sciences would enter into the *Darülfünun* again when the madrasas were wholesale abolished in 1924. Until then, the madrasa system continued its monopoly over providing higher religious education, and scholarly legal education, after a short period of sharing its jurisdiction with the *Darülfünun*. Although the promulgation of the *Islah-ı Medaris Nizamnamesi* and the partial implementation of reforms had enabled the *Meşihat* to regain its jurisdiction, the reforms envisioned by the regulation could not be implemented due to the warfare conditions that followed the initiation of the reform program. A great part of the madrasa students as well as many professors were recruited and died in the battlefront during the World War I (Yörük 2014, 57-8). From the beginning of the war onwards, total number of the madrasa students had decreased to the half

(Sarıkaya 1997, 152). Furthermore, "the number of enrolled students during the long war years plunged to about a third of the figures projected in the reform legislation of 1914" (Bein 2011, 65). The unwillingness of the state to finance the madrasa reform, which had been a constant matter of grievance among the reform-minded scholars, had transformed into a de facto absence during the war years (Sarıkaya 1997, 136–8, 154). Although a new attempt to reform the madrasas, which did not introduce major changes, was initiated in 1917, it ultimately "failed to clear the air of negativity and sense of failure that increasingly hung over the medreses by the end of the Great War" (Bein 2011, 67).

The first article of *Medaris-i İlmiye Hakkında Kanun* (Law of the Madrasas), promulgated in 1917, reflected well how insecure and fragile was the *Meşihat*'s perception of its own jurisdiction within the higher educational ecology in these years. Following a law promulgated two weeks ago, which stipulated the subordination of all sharia courts to the jurisdiction of the Ministry of Justice, the first article of the *Medaris-i İlmiye Hakkında Kanun* stipulated that "all madrasas in the Ottoman lands were subsidiary to the office of Meşihat and the right to establish a new madrasa belonged to the *Meşihat*" (Yörük 2014, 53). Although this article was no more than a statement of the obvious for the time, the *Meşihat*'s concern over a coming challenge to its jurisdiction over the madrasas and need to strengthen the latter by an article, was certainly not unfounded. The homological processes of transformation the judicial and higher educational ecologies had underwent until then, as I tried to show so far, must have been alarmed the *Meşihat* of a possible decision to come subordinating the madrasas to the *Maarif Nezareti*.

The main impetus behind the madrasa reform, which was on the front burner after 1908 and implemented from 1914 onwards, was succinctly expressed firsthand by the then *şeyhülislam* Mustafa Hayri Efendi in his answer to a question about the reason why the madrasa curricula was designed in line with the new schools: "We do not want to render the madrasa graduates more backwards and weaker than the mekteb graduates in terms of scholarship and status. This is why we emulated the mektebs' programs in designing the madrasas'" (Muallim Cevdet 1978, 43) . This statement is highly representative of the tension arising from the spontaneous needs felt by the actors affiliated with the *Meşihat* at the same time to compete with the

rival higher educational institutions within the jurisdiction of the *Maarif Nezareti* and increasingly to take them as models in order to be able to compete with them.

The fact that the higher educational collective actors within the jurisdiction of the *Meşihat* had been increasingly more compelled to emulate the types of legal education developed and provided under the jurisdiction the *Maarif Nezareti* was due to the amount of symbolic power the latter had accumulated to the detriment of the former throughout the historical process of the transformation of higher educational ecology as part of the overarching process of modern state formation. The accumulation of this symbolic power had been less due to the capacity of acquiring symbolic capital the *Maarif Nezareti* had on its own than to the economic and political power transferred to it by the central political-bureaucratic organs. However, the *Maarif Nezareti* was not also totally independent in organizing higher educational institutions of legal education it established. It had to take into consideration both the judicial practice and the content of the existing fiqh education, in defining both of which the *Meşihat* had still a considerable amount of symbolic power accumulated throughout the centuries of the Ottoman higher educational and judicial experience, although increasingly wasting away since the Mahmud II's political-bureaucratic reforms that had significantly undermined the administrative and symbolic power of the *ilmiye* corps.

At the eve of 1924, which marked a critical milestone in the competition over higher education, this process of competition had yielded the paradoxical result of coexisting higher educational institutions providing legal education that were very similar in physical and curricular settings yet rival in both jurisdictional and ideopolitical terms. Had the process of competition over legal education within higher educational ecology continued a similar course after 1924, an overall synthesis would probably have been achieved between different types of both vocational and scholarly legal education. Vocational legal education would probably have been essentially law-centered while including a significant amount of fiqh knowledge in parallelity with the governing law and judicial practice. Scholarly legal education would likely have been mainly based on an amalgam of both revisionist and classical education of fiqh discipline provided along with other Islamic sciences as well as social sciences and humanities within a general framework of Islamic sciences education. Yet the revolutionary reforms of 1924 regarding both the

madrasas and the *Meşihat* would not permit the continuation of a similar course of competition within higher educational ecology. Instead, a quite sharp rupture would take place in configuration of both vocational and scholarly legal education.

The year 1924 marked the official end of the madrasa system within the higher educational ecology. With the *Tevhid-i Tedrisat Kanunu*, the madrasas were first subordinated to the *Maarif Nezareti*, and then decisively abolished immediately after. *Medresetü'l-Kuzât* was also abolished along with the madrasas. Within the two months after the abolition of the madrasas, *Darülfünûn İlahiyat Fakültesi* was founded. Thus, after the denial of any jurisdiction to the *Meşihat* in the judicial ecology from 1917 onwards, the *Meşihat* was now deprived of its jurisdiction within the higher educational ecology. Two types of higher educational institutions it had under its jurisdiction, namely the higher madrasas (including the *Medresetü'l-Mütehassisîn*) and the *Medresetü'l-Kuzât*, were no more functioning. From then on, the *Darülfünûn* remained almost the sole institution dominating higher educational ecology.

The faculty of law had continued education without interruption after 1908 including the war years. Moreover, the foundation of new schools of law in Salonica, Konya, Bagdad, and Beirut further expanded the jurisdiction of the law-centered vocational legal education. With the abolition of the *Medresetü'l-Kuzât*, the faculty of law in the *Darülfünûn* along with the other law schools remained the only alternative for vocational legal education, thus the *Maarif Nezareti* finally acquired the monopoly of symbolic power for defining legitimate vocational legal education, for which it had vied for almost a century. As for scholarly legal education, it is difficult to speak of one after 1924. The process of diminution of the centrality of fiqh within the curricula of Islamic sciences education, initially triggered by the 1913 curriculum of the faculty of religious sciences of the *Darülfünûn*, arrived at a level where no education of fiqh as discipline is present in the curriculum (İhsanoğlu 2010b, 2:630–33). Except for the first year, when Seyyid Bey taught a subject on the methodology of fiqh, the only subject related to the fiqh in the curriculum of the faculty of theology was *tarih-i ilm-i fıkh*. Actually all core Islamic disciplines were no more in the curriculum but as the objects of the discipline of history, except for hadith and tafseer. The latter two were also to be taught along with their histories, as the names of the subjects implied: *tefsir ve tefsir tarihi*, and *hadis ve hadis tarihi*.

Others were not taught but their histories: *fıkıh tarihi*, *kelam tarihi*, and *tasavvuf tarihi*.

As the ultimate losers of the competition of the last century, both the *Meşihat* and the core Islamic disciplines were officially sent into history, one in social space, and the other in curricular space. A similar development took place in the curriculum of the faculty of law. The subject of *usûl-i fıkıh* was removed from curriculum in 1925, and all education pertaining to fiqh was enclosed within the subject of *tarih-i hukuk* (history of law), which was introduced into the curriculum from 1926 on (İhsanoğlu 2010b, 2:668, 673−80). This was and remained the case after 1926 until 1933, when the faculty of theology was completely abolished with the university reform of 1933 and the fiqh discipline was totally excluded from the now completely reconfigured higher educational ecology. The only place fiqh survived within legal education was a minimal part of the content of the subject of *hukuk tarihi* within the curriculum of the law faculty of Istanbul University.

CHAPTER 5

CONCLUSION

I did not produce any new substantial knowledge in this thesis. I rather made use of an existing theoretical model with minor revisions in order to make sense of a particular historical process. The model is derived from Abbott's theory of interactional fields and the revisions from Bourdieu's analysis of modern state formation as monopolistic accumulation of symbolic power. The object of analysis is the historical process of transformation of the Ottoman legal education from 1826 to 1926. Thus the thesis does not contribute to the existing scholarship by means of producing new knowledge from the raw data; it rather mobilizes existing stock of knowledge within the available historical scholarship, making use of sociological tools, in order to link its diverse elements together in a way to achieve a more systematic, and hopefully better, understanding of the body of knowledge we have in stock, and thus of the historical process it narrates and explains.

In this conclusion, I will first offer a general summary of the second and third chapters, which reasserts my central arguments as well as the auxiliary ones. This summary will be in a more theoretically articulated language than that in the chapters. Then I will engage in a brief reanalysis of the transformation of legal education in a different perspective, focusing on the relations between different ideo-political positions advocating for different types of legal education on the one hand, and the actual forms of legal education that were instituted in the process on the other. I will also touch upon the changing relations between the set of positions and the set of institutions throughout the process. Finally, I will conclude with a brief remark on Abbott's conception of social conflict as *competition* and its relative weakness in the empirical context of the late Ottoman period.

One of the most peculiar characteristics of the Ottoman dynastic system, especially from the late 15th century onwards, was the gradual incorporation of the *ilmiye* corps, i.e. the group of scholars graduated from madrasas, into the dynastic bureaucratic ecology as a quasi-corporate collective actor. Although this incorporation meant a loss of autonomy to some degree from the Ottoman dynast, the

ilmiye corps still preserved a significant autonomy as well as symbolic power within the dynastic bureaucratic ecology vis-à-vis other bureaucratic actors in controlling its jurisdiction over higher educational ecology and judicial ecology. The *ilmiye* corps had accumulated over centuries a considerable amount of symbolic power, recognized by both dynastic actors and other social actors, and enjoyed a quasi-monopolistic use of this power in configuring higher educational ecology and judicial ecology, mainly through the madrasa system and the judicial system of sharia courts, respectively. The occasional and limited interventions of the dynastic actors notwithstanding, the *ilmiye* corps as a collective actor remained essentially unrivalled in its use of symbolic power in configuring higher educational and judicial ecologies after its incorporation into the dynastic bureaucratic ecology. Yet this incorporation had lasting effects on the structural linkage between bureaucratic ecology and higher educational ecology.

The process of incorporation into the dynastic bureaucratic ecology went hand-in-hand with the emergence and proliferation of a particular type of scholar, which Atçıl calls "scholar-bureaucrat," who was inclined to melt in the same pot the ideals of Islam and the ideals of the Ottoman dynasty. Scholar-bureaucrats gradually became the dominant type of scholars that constituted the *ilmiye* corps as a collective bureaucratic actor, which were organized in increasingly more hierarchical terms. One could easily assume the bureaucrat part of scholar-bureaucrats outweighs the scholar part as they advance in the bureaucratic hierarchy of the *ilmiye* corps. In the same vein, a scholar-bureaucrat enjoyed and exercised more of symbolic power as he climbed up in the bureaucratic hierarchy, for the effective use of symbolic power in higher educational and judicial ecologies had been more and more dependent upon bureaucratic rather than scholarly position[46], as a corollary of the bureaucratization process of the *ilmiye* corps, in the sense of both its internal bureaucratization and its emergence as a collective bureaucratic actor. This process consequently made higher educational ecology more directly linked than ever with dynastic bureaucratic ecology, thus less autonomous from it. Since the *ilmiye* corps remained essentially unchallenged within dynastic bureaucratic ecology over its jurisdiction in higher

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[46] This statement does not imply that the scholars in bureaucratic positions lack scholarly excellence; it rather states that scholarly excellence on its own without a corresponding bureaucratic position was not enough to exercise effective symbolic power in a way to transform higher educational and judicial ecologies.

educational ecology, this structural loss of ecological autonomy did not pose a significant problem for the *ilmiye* corps' exercise of symbolic power within higher educational ecology and the organization of higher education remained within the administrative realm of the *ilmiye* corps. It would be no more the case from the early nineteenth century on, however.

Mainly defined by the *ilmiye* corps as a collective actor, who orchestrated the linkages between the bureaucratic and the higher educational ecologies, the Ottoman legal education was based on fiqh discipline. The Ottoman legal education and the fiqh discipline were not isolated, neither as institution nor as discipline, from the general education in the madrasa. Although the fiqh discipline had been taught along with other core Islamic sciences, however, it had preserved a central position within the madrasa education, as providing legal education was the main objective of the latter. This centrality of fiqh had been a permanent and characteristic feature of the Ottoman higher educational ecology from its early configurations and had mainly three dimensions.

First of all, the fiqh discipline had been central to the cultural space of the ecology as it was both the central and most studied subject of the madrasa curricula regardless of the period and a central discipline to the scholarly production. Second, the fiqh had been central to the social structures of the madrasa system, as it had provided the legal framework within which the madrasa system operated, especially through the legal regulation of the endowments. Finally, the fiqh had been the foremost discipline to provide the madrasa graduate with the kind of knowledge he would need in his vocational career, either as a judge or mufti in judicial ecology or as a professor in higher educational ecology.

Although the madrasa education provided a corpus of legal knowledge necessary for later vocational careers of its graduates, the legal education it provided was mainly designed as a scholarly education more than a vocational education. The essentials of vocational know-how were to be apprehended through a process of apprenticeship in the related ecology. No particular higher educational institution for providing vocational legal education had emerged in the Ottoman higher educational ecology until the nineteenth century, and the legal education *à la* madrasa remained unrivalled as the sole type of legal education. The nineteenth century witnessed not only specialization in legal education with the emergence of a vocational type of

legal education, but also the ever-mounting challenges the fiqh discipline met to its centrality in all of the aforementioned three dimensions. The emergence of new collective bureaucratic actors, along with their counterparts in higher educational and judicial ecologies, and the increasing challenges they posed to the quasi-monopolistic use of symbolic power the *ilmiye* corps had enjoyed over its jurisdiction in higher educational and judicial ecologies triggered and maintained century-long processes of competition between the aforementioned collective actors within the interactional field of modern state formation at the intersection of bureaucratic, higher educational, and judicial ecologies. The disciplinary transformation of the Ottoman legal education would take place within this interactional field.

The reign of Mahmud II set the initial stage for later competitions over higher education. As the initiator of the transition from dynastic bureaucratic ecology to modern bureaucratic ecology, which constituted arguably the most crucial part of modern state formation, Mahmud II established two new collective actors in the extending bureaucratic ecology, namely *Meclis-i Umûr-ı Nâfia* and *Meclis-i Vâlâ-yı Ahkâm-ı Adliye*, which would transform in time assuming different names and forms and ultimately have morphed into the *Maarif Nezareti* and *Adliye Nezareti*, respectively. In the transition process to modern bureaucratic ecology, Mahmud II also undermined both economic and symbolic power of the *ilmiye* corps as a collective bureaucratic actor with two crucial moves: taking over the administration of endowments under the direct control of the central government from the jurisdiction of the ilmiye corps, and subjugation of the ilmiye corps under more strict control of central government by leveling down the office of *Meşihat*, head of the *ilmiye* corps, to the same status with those of other ministries. Finally, it is during the reign of Mahmud II that a new concept of education burgeoned. Termed as *maarif*, the main objective of this new concept of education was acquiring and providing technical and practically useful knowledge for the needs of the emerging modern state. Within the cultural and institutional space of *maarif* that new types of legal education would emerge, and law as legal discipline would be established and gradually extend its academic settlement during the Long Tanzimat period, namely between 1839 and 1908.

The Long Tanzimat period saw the formation of a new interactional field at the intersection of bureaucratic, higher educational, and judicial ecologies, which one

may call interactional field of modern state formation, where old/rooted and new/emergent collective actors in these ecologies engaged in competitions over accumulating symbolic power. These competitions would shape transformation of legal education in the Ottoman Empire. We may distinguish between four interrelated yet also distinct processes of competition within this interactional field.

The first competition was between the *Meşihat* on the one hand, and the *Maarif Nezareti* and *Adliye Nezareti* on the other, over accumulating symbolic power within the extending bureaucratic ecology. The course of this competition directly affected other related processes of competition, since the symbolic power accumulated at this level was mobilized in configuring linked ecologies. The second competition was between the *Meşihat* and the *Adliye Nezareti* over organizing judicial system within judicial ecology. Different dimensions of this competition, such as the codification of new laws, the reorganization of sharia judiciary, and the establishment of the Nizamiye courts had direct effects on transformation of legal education. Since legal education was provided within higher educational ecology, we could call the first two processes of competition as ecologically external competitions affecting legal education.

The other two competitions were ecologically internal. The first internal competition was between the collective higher educational actors, i.e. higher educational institutions, affiliated with the *Meşihat* on the one hand, and those affiliated with the Ministry of Education on the other. There were two dimensions of this competition. *Muallimhane-i Nüvvâb*/*Mekteb-i Nüvvâb* competed with *Mekteb-i Hukuk* (which assumed different forms through the process) over defining and providing legitimate vocational legal education on the one hand, and over staffing the judicial system on the other. Second, the madrasa competed with the *Darülfünûn* over defining and providing legitimate scholarly legal education.

The final competition was between two legal disciplines as collective actors, mainly fiqh and law, over extending their academic settlements. This competition over academic settlement was made in both social and cultural space of higher educational ecology and had many dimensions, such as competition over controlling physical space, dominating scholarly production, determining the content of the governing laws, obtaining financial resources, and so on. I mainly focused, however, on one aspect of this competition, namely competition of settlement over curricular

space. During these century-long competitions within the interactional field of modern state formation, the *Maarif Nezareti* and the *Adliye Nezareti*, along with their affiliated actors, had accumulated increasingly more symbolic power to the detriment of the *Meşihat* and its affiliated actors who had increasingly lost the significant amount of symbolic power they once quasi-monopolistically enjoyed in both higher educational and judicial ecologies. All in all, the transformation of legal education from 1826 to 1926 would take place as a result of the aforementioned processes of competition and of the changes in the distribution of symbolic power among actors that occurred simultaneously and interrelatedly within the interactional field of modern state formation involving bureaucratic, higher educational, and judicial ecologies.

Within this interactional field, several ideo-political positions advocating for different types of legal education had competed as part of the aforementioned institutional processes of competition and this competition resulted in varying configurations of legal education in different historical contexts. There were mainly five ideopolitical positions and five corresponding configurations of legal education in different higher educational institutions. We can locate these positions within an analytical spectrum of change/continuity that goes from the advocacy of total change in legal education on the one pole to the advocacy of total continuity on the other pole. In between the poles there are a plethora of positions that adopt diverse degrees of synthesis between change and continuity. Within this spectrum, we can distinguish five types of collective position by regrouping similar individual positions together, thus reducing the empirical complexity for the sake of analytical clarity.

I will now briefly describe these positions and point to their institutional counterparts in higher educational ecology, if they had any. The first position advocates for the preservation of legal education exactly as it had been before, i.e. exclusively based on the fiqh discipline and without any innovation either in content or in methodology/pedagogy, and certainly without the introduction of any knowledge pertaining to the law discipline into the curriculum. This position finds its counterpart in the classical scholarly legal education provided in the madrasa institution until the *Meşrutiyet* period, as it had been exclusively based on the fiqh discipline without any significant innovation.

The second position argues for a total change of legal education in line with the Continental law and thus for a total exclusion of the fiqh discipline from legal education. This position had not a direct institutional counterpart in the higher educational ecology until the foundation of the Republic. As an exceptional and short-winded experience, the legal education in the *Kavanin ve Nizamat Dershanesi* was the closest institutional equivalent to this position, as it did not include any subject in the fiqh proper. Yet the fiqh knowledge was still part of the education in the *Dershane* through the courses on the *Mecelle*.

The third position defends for a legal education based on the fiqh knowledge while making concessions to the introduction of the law knowledge into the curriculum, for it considers the latter as inevitable, to varying degrees according to historical context, due to the diverse reasons and constraints, the pressures of the functioning of the judicial system being the most prominent. This position corresponds to the vocational legal education provided by the institutional line from the *Muallimhane-i Nüvvab* and *Mekteb-i Nüvvab* to the *Medresetü'l-Kuzât*. Although the *Muallimhane-i Nüvvab* was initially founded in order to train competent judges for the sharia judiciary, it had gradually adopted the subjects on the law, as it had to compete against the *Mekteb-i Hukuk* and the law faculty of *Darülfünun* for training officials for the *Nizamiye* courts.

The fourth position advocates for a legal education based on the law discipline while according some place to the fiqh in the curriculum to the extent that it constituted some part of the codified law implemented in the judicial system, or in an auxiliary position for the understanding of the "actual" legal knowledge found in the law discipline. The counterpart of this position in the higher educational ecology was the vocational legal education provided by the institutional line from the *Mekteb-i Hukuk* to the *Darülfünûn* law faculty, of which *Kavanin ve Nizamat Dershanesi* marked an embryotic inception.

Finally, the fifth position advocates for a legal education mainly based on the fiqh discipline yet renovated in terms of both curricular content and educational perspective. This position corresponded to the revisionist scholarly legal education first envisioned in the 1913 curriculum of the *Darülfünûn*'s faculty of religious sciences, then in the 1914 curricula of both the higher madrasas and *the Medresetü'l-Mütehassısîn*, designed with the madrasa reform of 1914.

The holders of these positions enjoyed varying degrees of symbolic power in time and their institutional existence consequently changed according to historical context. The first position had preserved its existence within the form of scholarly legal education provided in the madrasa system until the Meşrutiyet period without significant change. The madrasa reform of 1914 and the comprehensive curricular changes it brought about seriously challenged this position, yet the ultimate failure in the implementation of the madrasa reform especially outside Istanbul allowed this position to survive within most of the madrasas, even after the abolition of the latter as "underground" scholarly legal education. The most serious challenge to this position came from the fifth position when the holders of the latter had actualized their vision both within the 1913 curriculum of the *Darülfünûn*'s faculty of religious sciences and within the 1914 curricula of the reformed madrasas. Both positions defended the centrality of fiqh in scholarly legal education and did not tolerate but a marginal settlement, if any, to the law discipline in curriculum. Yet the fifth position deemed urgent a revision of the classical fiqh education whereas the first position had not felt any need for revision as urgent as to initiate a change in the classical fiqh education.

Another interesting point here is that both of the aforementioned 1913 and 1914 curricula were actualizations of the fifth position, yet they were designed by rival higher educational institutions under the jurisdiction of different collective bureaucratic actors. The 1913 curriculum was designed for the *Darülfünûn*'s law faculty and approved by the *Maarif Nezareti* whereas the 1914 curriculum was for the higher madrasas and approved by the *Meşihat*. This fact demonstrates well where the competition over symbolic power for defining legal education arrived to in the Meşrutiyet period. Rival collective bureaucratic actors and higher educational institutions assumed increasingly more similar positions in the Meşrutiyet period in order to be able to compete with each other. Thus, competition over symbolic power and jurisdiction for defining legal education paradoxically resulted in increasingly similar definitions of legal education produced by the parties of competition. During the Long Tanzimat period, the emergent collective bureaucratic actors needed and used both the human and cultural resources of the rooted collective bureaucratic actors, and this allowed to the latter to permeate to varying degrees into the jurisdiction of the former. Thus, although the emergent forms of legal education

mainly emulated the Western models, they were also affected by the existing forms of legal education mainly through the agency of the actors affiliated with the Meşihat. Towards and during the Meşrutiyet period, however, the rooted collective actors had felt increasingly more need to emulate the emergent actors in defining and designing legal education in order to be able to compete with them, mainly due to the increasing symbolic power the latter had accumulated during this process to the detriment of the former.

A similar process of curricular convergence may be observed in the competition over vocational legal education between the third and fourth positions. The third position found its first institutional embodiment in the *Muallimhane-i Nüvvab*'s vocational legal education, which was solely based on the fiqh discipline while renovated both in overall curriculum and in pedagogical approach with regard to the madrasa. Having had no rival higher educational institution and thus no direct challenge to its monopoly over vocational legal education until 1874, the *Muallimhane*'s curriculum included no single subject from law discipline. With the foundation of first *Mekteb-i Hukuk-i Sultani* in 1874 and then *Mekteb-i Hukuk* in 1880, a process of competition between the third and the fourth positions and their institutional counterparts began. This process of competition shaped the configurations of vocational legal education both parties defined and implemented. Although they were mainly modeled after their Western counterparts, both the *Mekteb-i Hukuk-i Sultani* and the *Mekteb-i Hukuk* still adopted parts of education provided in the *Muallimhane* pertaining to the fiqh, such as the subjects on the *Mecelle*, or the methodology of fiqh.

After the establishment of the former schools, however, the fourth position gained the upper hand and increasingly more symbolic power in defining legitimate vocational legal education. Consequently, the *Muallimhane* had undergone several curricular reorganizations (along with the name changes), beginning in 1874 yet accelerating from 1908 on, in order to be able to compete with the institutional embodiments of the fourth position. Yet these very attempts to compete made the *Mekteb-i Nüvvab*/*Medresetü'l-Kuzât* become increasingly more similar to the *Mekteb-i Hukuk*/*Darülfünûn* law faculty in terms of the configuration of vocational legal education, especially in the law education they provided. Within this process of competition, thus, the third position got increasingly closer into the fourth position

while remaining distinct from the latter with the greater place it allocated to the fiqh discipline.

Had the aforementioned processes of competition over accumulation and use of symbolic power followed similar patterns after the war years, the preceding course of events suggests the achievement of two consensuses that would determine the dominant institutional forms of both vocational and scholarly types of legal education in higher educational ecology. The first consensus would probably be achieved between the third and the fourth positions, and their institutional counterparts, and result in a vocational legal education mainly based on the law discipline while including a fiqh education enough to provide its graduates with the necessary knowledge they would need in order to take office in both the *Nizamiye* and the sharia courts. The second consensus would likely be reached between the *Meşihat* and the *Maarif Nezareti* at bureaucratic level, and between the reformed madrasa and the *Darülfünûn* at higher educational level, on the fifth position and resulted in a scholarly legal education mainly based on the fiqh discipline, the latter conceived in a revisionist perspective. Neither of these consensuses was achieved, however; for the aforementioned processes of competition did not continue after the war years as they had been proceeding.

The second position, which had not any institutional counterpart in the Ottoman higher educational ecology during the nineteenth and early twentieth centuries, dominated the higher educational ecology from the 1924 on. This domination was made possible by the fact that the holders of the second position monopolized the symbolic power within bureaucratic ecology and denied the holders of other positions any use of symbolic power to institute their visions of legal education. The monopolization of symbolic power by the holders of the second position became possible mainly due to the successful accumulation and use of physical power they managed in the process. This is another story, however, which may be subject of a separate thesis. As of 1925, in short, the weakest ideo-political position during the late Ottoman period had dominated higher educational ecology and defined legitimate legal education. Within this legitimate legal education, there was no longer place for the fiqh discipline except as the object of history. The domination of the ecology by the former weakest position and the total exclusion of the fiqh discipline from ecology's cultural space also meant a total loss of ecological

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autonomy; for the preceding internal logic and functioning of higher educational ecology was sabotaged for a total reorganization which would be radicalized in the following years.

To conclude the conclusion, I would like to state that this thesis contributes to the existing scholarship on the late Ottoman history by offering an alternative model for explaining complex social processes of the the late Ottoman history without being captured by the substantialist, teleological, and dichotomist historiographical perspectives that had dominated much of the historiography on the late Ottoman history. The interactional field approach, as developed by Abbott, offers considerable opportunities for dealing with the complexity, multidimensionality, and intricacy of social processes, more so in times of intensive change when conflict outweighs harmony in social space. However, conceiving social conflict as *competition* between actors, thus in somewhat more liberal terms than Bourdieu, who conceives social conflict as *struggle*, Abbot's model underemphasizes power relations that condition processes of competition. Thus, I would argue, Bourdieusian concepts, especially those related to power and domination, can be articulated into the Abbotian theoretical model as a booster shot against empirical invalidity if necessary. Transformation of legal education in the late Ottoman period as an empirical historical process necessitated such a vaccination, for the process of concern cannot be understood without seriously dealing with struggles for accumulation of both physical power and symbolic power as two central dimensions of modern state formation.

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APPENDIX

ILLUSTRATIVE FIGURE AND CHRONOLOGICAL TABLE

The figure in the following page is designed to illustrate a visual representation of the field of interaction I tried to explain in the fourth chapter of the thesis. The events are virtucally aligned, according to chronological order, within different columns that represent both ecologies and collective actors. The arrow marks represent the relations between events. The colors of arrow marks imply different types of relations, as explained in the box at the bottom left of the figure.

Following the figure, there is a chronological table of disciplinary transformation of Late Ottoman Legal Education.

»»»» Interactional Field of Disciplinary Transformation of the Late Ottoman Legal Education ««««

BUREAUCRATIC ECOLOGY

MEŞİHAT

Abolition of the Janissary Corps 1826
Evkaf-ı Hümayun Nezareti 1826

the foundation of *Kazaskerliks*
Reform in Meşihat: transfer of *Kazaskerliks* to Fetvahane 1836

MAARİF & ADLİYE

Gülhane
Hatt-ı Hümayunu 1839

Meclis-i Umur-ı Nafia 1837-8
Meclis-i Vala-yı Ahkam-ı Adliyye 1838

Meclis-i Maarif-i Muvakkat 1845

Meclis-i Maarif-i Muvakkat to
Meclis-i Maarif-i Umumiye 1846

Mekatib-i Umumiye
Nezareti 1847

Islahat Fermanı 1856

Mekatib-i Umumiye Nezareti to
Maarif-i Umumiye Nezareti 1857

Vilayet Nizammamesi 1864

Meclis-i Vala-yı Ahkam-ı Adliyye to
Divan-ı Ahkam-ı Adliyye 1868

Maarif-i Umumiye Nizammamesi 1869

Divan-ı Ahkam-ı Adliyye to
Adliye Nezareti 1876

Mehakim-i Nizamiyenin
Teşkilat Kanunu 1879

Islah-ı Medaris Nizammamesi 1914

Maarif Nezareti to Maarif Vekaleti 1922

Tevhid-i Tedrisat Kanunu 1924

JUDICIAL ECOLOGY

MEŞİHAT

ADLİYE

Gülhane
Hatt-ı Hümayunu 1839 — codification

Ceza Kanuname-i Hümayunu 1840
New Types of Courts 1840
Ticaret Kanunnamesi 1850
Kanun-ı Cedid 1851

Reorganization of
Sharia Judiciary and
Naiblik System 1855

Ceza Kanuname-i Hümayunu &
Arazi Kanunnamesi 1858
Usul-i Muhakeme-i
Ticaret Kanunu 1861
Ticaret-i Bahriye Kanunu 1863

Vilayet Nizammamesi 1864

Mecelle 1869-76

Mehakim-i Nizamiyye'nin
Teşkilat Kanunu 1879

Usul-i Muhakemat-ı Hukukiyye
ve Cezaiyye Kanunları 1879

Provincial judicial reforms 1907

Subordination of all sharia courts
to Adliye Nezareti 1917

HIGHER EDUCATIONAL ECOLOGY

VOCATIONAL LEGAL EDUCATION

MEŞİHAT

Muallimhane-i
Nüvvab 1855

New regulations and
major curricular change
in Muallimhane-i Nüvvab
1873

New regulations,
major curricular change,
and name change
in Muallimhane-i Nüvvab:
Mekteb-i Nüvvab
1883

Mekteb-i Nüvvab
to Mekteb-i Kuzât
Major curricular change 1908

Mekteb-i Kuzât
to Medresetül-Kuzât 1913

Medresetül-Kuzât
Nizammamesi:
Major curricular
change 1914

Abolition of
Medresetül-Kuzât 1924

MAARİF

Kavanin ve Nizamat
Dershanesi 1870
Mekteb-i Hukuk-ı
Sultani 1874-81

Mekteb-i Hukuk
(-i Şahane) 1880

Foundation of Provincial
Mekteb-i Hukuks:
Selanik, Konya, Bağdat
1907-08

Curricular change
in Mekteb-i Hukuk
1908
Mekteb-i Hukuk
to Darülfünun law faculty
1909

Curricular change
in Darülfünun law faculty
1913

Tevhid-i Tedrisat
Kanunu 1924

Removal of usul-i fıkh
from the curriculum of
law faculty 1925

SCHOLARLY LEGAL EDUCATION

MEŞİHAT

Classical
Madrasa Education

Islah-ı Medaris
Nizammamesi &
Darül-Hilafetil-Aliyye
Medresesi &
Medresetül-Mütehassisin &
Major curricular change in
higher madrasas
1914

Medaris-i İlmiye
Hakkında Kanun
1917

Tevhid-i Tedrisat
Kanunu 1924

Abolition of Madrasas
1924

MAARİF

Darülfünun's faculty of
religious sciences 1900

Curricular change in the faculty
of religious sciences 1908

Abolition of Darülfünun
faculty of religious sciences
1914

Darülfünun
İlahiyat Fakültesi
1924

Complete removal of fıkh
from the curriculum of İlahiyat Fakültesi
(except for tarih-i ilm-i fıkh) 1926

Legend:
effect of continuity
effect of change
external effect
increase or decrease
in symbolic power

A Chronology of Disciplinary Transformation of the Late Ottoman Legal Education

	Bureaucratic Ecology	Judicial Ecology	Higher Educational Ecology	Curricular Space of Legal Education
Mahmud II's Reign				
1826 -1838	Abolition of the Janissary Corps (1826) Reform in *Meşihat*: the foundation of *Fetvahane* (1826) *Evkaf-ı Hümayun Nezareti* (1826) Reform in *Meşihat*: transfer of *Kazaskerliks* to *Fetvahane* (1836) *Meclis-i Umur-ı Nafia* (1837-8) *Meclis-i Vala-yı Ahkam-ı Adliyye* (1838)		*Tıphane-i Amire* (1827) *Mekteb-i Fünun-ı Harbiye* (1834) First use of the term *maarif*: *Mekteb-i Maarif-i Adliye* (1838)	
Long Tanzimat				
1839 - 1854	*Gülhane Hatt-ı Hümayunu* (1839) *Meclis-i Maarif-i Muvakkat* (1845) *Meclis-i Maarif-i Muvakkat* to *Meclis-I Maarif-i Umumiye* (1846) *Mekatib-i Umumiye Nezareti* (1847)	*Ceza Kanunname-i Hümayunu* (1st Penal Law) (1840) New types of courts begin to proliferate (1840) *Ticaret Kanunnamesi* (1850) *Kanun-ı Cedid* (2nd Penal Law) (1851)	*Tıphane-i Amire* to *Mekteb-i Tıbbiye-i Şahane* (1839)	

Period				
1855 - 1870	*Islahat Fermanı (1856)* *Mekatib-i Umumiye Nezareti to Maarif-I Umumiye Nezareti (1857)* *Meclis-i Vala-yı Ahkam-ı Adliyye to Divan-ı Ahkam-ı Adliyye (1868)* *Maarif-i Umumiye Nizamnamesi (1869)*	Reorganization of sharia judiciary and *naiblik* system (1855) *Ceza Kanunname-i Hümayunu (3rd Penal Law) (1858)* *Arazi Kanunnamesi (Land Law) (1858)* *Usul-i Muhakeme-i Ticaret Nizamnamesi (1861)* *Ticaret-i Bahriye Kanunnamesi (1863)* *Vilayet Nizamnamesi (1864)* *Mecelle (1869-1876)*	**Muallimhane-i Nüvvab (1855)** 1st *Darülfünun* attempt (1861-1865) *Maarif-i Umumiye Nizamnamesi (1869)* 2nd attempt: *Darülfünun-ı Osmani (1870-1873)* **Kavanin ve Nizamat Dershanesi (1870)**	1st curricular setting of *Muallimhane-i Nüvvab* (1855) 1st curricular setting of *Kavanin ve Nizamat Dershanesi* (1870)
1871 - 1880	*Divan-ı Ahkam-ı Adliyye* to *Adliye Nezareti (1876)*	*Usul-i Muhakemat-ı Hukukiyye Kanunu & Usul-i Muhakemat-ı Cezaiyye Kanunu (1879)* *Mehakim-i Nizamiye'nin Teşkilat Kanunu (1879)*	**New regulations in Muallimhane (1873)** 3rd attempt: *Darülfünun-ı Sultani (1874-1881)* **Mekteb-i Hukuk-i Sultani (1874-1881)** **Mekteb-i Hukuk (-i Şahane) (1880)**	Major curricular change in *Muallimhane-i Nüvvab* (1873) 1st curricular setting of *Mekteb-i Hukuk-i Sultani* (1874) 1st curricular setting of *Mekteb-i Hukuk* (1880)

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		New regulations and name change in *Muallimhane*: now *Mekteb-i Nüvvab* (1883)	Major curricular change in *Muallimhane/Mekteb-i Nüvvab* (1883)
1881 - 1907	Provincial judicial reforms (1907)	*Darülfünun-ı Şahane* (1900) ***Darülfünun's faculty of religious sciences* (1900)** ***Selanik Hukuk Mektebi* (1907)**	1st curricular setting of the faculty of religious sciences (1900)
Meşrutiyet			
1908 - 1914		*Konya Hukuk Mektebi & Bağdat Hukuk Mektebi* (1908) *Mekteb-i Nüvvab* to *Mekteb-i Kuzât* (1908) *Mekteb-i Hukuk* to *Darülfünun* law faculty (1909) *Darülfünun-ı Şahane* to *İstanbul Darülfünunu* (1913) *İstanbul Darülfünunu'nun Teşkilat-ı İlmiyesi* (1913) Subordination of provincial schools of law to *Darülfünun* (1913) *Beyrut Hukuk Mektebi* (1913) *Mekteb-i Kuzât* to *Medresetü'l-Kuzât* (1913) *Islah-ı Medaris Nizamnamesi* (1914) *Darü'l-Hilafeti'l-Aliyye Medresesi* (1914) *Medresetü'l-Mütehassisin* (1914) *Medresetü'l-Kuzât Nizamnâmesi* (1914) Abolition of the faculty of religious sciences (1914)	Major curricular change in *Mekteb-i Nüvvab* (1908) Curricular change in *Darülfünun* law faculty (1908) Curricular change in the faculty of religious sciences (1908) Curricular change in *Darülfünun* law faculty (1913) Major curricular change in the faculty of religious sciences (1913) Major curricular change in higher madrasas (1914) 1st curricular setting of *Medresetü'l-Mütehassisin* (1914) Major curricular change in *Medresetü'l-Kuzât* (1914)

1915 - 1926	Maarif Nezareti to Maarif Vekaleti (1922)	Subordination of all sharia courts to *Adliye Nezareti* (1917)	*Medaris-i İlmiye Hakkında Kanun* (1917)	1st curricular setting of *Darülfünun İlahiyat Fakültesi* (1924)
	Tevhid-i Tedrisat Kanunu (1924)		*Medreseti'l-Mütehassısın* to *Medrese-i Süleymaniye* (1917)	
			Tevhid-i Tedrisat Kanunu (1924)	
			Abolition of the madrasas (including *Medreseti'l-Kuzât*) (1924)	Removal of *usul-i fıkh* from the curriculum of law faculty (1925)
			Darülfünun İlahiyat Fakültesi (1924)	Complete removal of fiqh from the curriculum of *İlahiyat Fakültesi* (except for *tarih-i ilm-i fıkh*) (1926)