Bilgin, Vejdi. *Fakih ve Toplum: Osmanlı'da Sosyal Yapı ve Fıkıh.* İstanbul: İz Yayıncılık, 2003, 224pp.

**ABSTRACT**

**Faqih and Society: Social Structure and Fiqh in Ottomans**

*Fakih ve Toplum: Osmanlı'da Sosyal Yapı ve Fıkıh*

Based on Vejdi Bilgin’s 2001 dissertation, this study analyses Hanefite jurisprudence in the sixteenth century Ottoman Empire, which witnessed such jurists as Ibn Kemal and Ebussuud, who played a major role in the codification of law. Bilgin challenges the idea that Islamic law was in stagnation after the time of *ijtihad*. He analyses the factors, particularly social ones, that led the *faqih*s to issue *fetwa*s.

The book has three chapters. The first one explores the reciprocal relations between law, jurist, and society. Although the scheme of society in a *faqih*'s mind is influenced by the one he lived in, for the author, *Hanefite* law does not regard custom as the sole social source of *fiqh*.

The bulk of the work is the second chapter, which focuses on *faqih*s’ role in society. Bilgin chooses three major fields where sixteenth-century Ottoman *faqih*s showed different responses to change. With regard to family and leisure, where Bilgin discusses issues such as marriage without consent, *mahr* (dowry), taverns and coffee-houses, the *faquih*s were protective and conservative. Regarding their stance towards political authority, they could influence law; for example, they made attempts for unification in Hanefite law. Finally, in economic matters such as correction of coins, interest, cash *waqf*s (religious endowment), and status of land, the *faquih*s were adaptable to change.

The third chapter investigates the relations between religion and *fiqh*. Bilgin sees *fiqh* as a broader concept than religion. He also says that the role of *‘urf* (social customs) of the sultan which was allowed in Islamic jurisprudence was complementary to *fiqh*, not independent of it.

Despite Bilgin’s preference for an informative rather than argumentative style, this work is important in highlighting *fiqh*’s adaptability to change, illustrated in some aspects of sixteenth-century Ottoman society.

Hasan Çolak