

READING DURKHEIM THROUGH OTTOMAN LENSES: INTERPRETATIONS OF CUSTOMARY LAW, RELIGION, AND SOCIETY BY THE SCHOOL OF GÖKALP*

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This article focuses on how late Ottoman intellectuals selectively read the sociologist Emile Durkheim and used his thoughts to rediscover and reform their own classical, normative Islamic and social theories. Emile Durkheim, a late nineteenth- and early twentieth-century French thinker who combined philosophy with social and political issues, powerfully inspired one of the late Ottoman intellectual circles that aimed to provide theoretical underpinnings for a significant transformation of Turkish society. The article takes a closer look at the school of Ziya Gökalp, the acknowledged pioneer of social thought in Turkey, highlighting also lesser-known works of some of his followers, and how they perceived—in distinct ways—Durkheim’s views in a Gökalpian manner, seeking a new synthesis with Islamic legal and religious interpretations to modernize their society in connection with the past. It thus explores some creative Ottoman appropriations of Durkheimian methodology for a different cultural environment.

Studies of modern Ottoman intellectual history often concentrate on ideas imported from the West with an emphasis on their novelty and without sufficiently connecting them with premodern Ottoman scholarly culture and tracing their specific historical genealogy. This article suggests that not only efforts at blunt adoptions but also cultural appropriations that are two-sided, if not multidirectional, need to be examined for a better understanding of the period. The latter efforts tended to preserve—and partly also reinvent—many of the characteristics and legacies of local intellectual tradition while also keeping the door open to contemporary ideas.

* I thank Cengiz Kırılı, Susan Gunasti, Farid Alatas, Allison Kanner, and Helen Pfeifer for reading various drafts of this article and offering valuable comments and suggestions. I am also thankful to the three anonymous readers of *Modern Intellectual History* and coeditor Sophia Rosenfeld for their contribution to its final revision process.

This is particularly true of Ziya Gökalp (1876–1924), the founder of sociology in Turkey, and the circle of modernists that formed around him. Gökalp and his close supporters aimed to provide an intellectual basis for the reforms of the Young Turks who came to power following the Constitutional Revolution of 1908. Propelled by the pressing need for reform in the waning Ottoman Empire (1299–1923), the modernist reformers around Gökalp strove to alter Ottoman understanding of social and religious culture with the aid of recent European thought. Nevertheless, they did so by consciously cherishing specific parts of their own cultural, and especially Islamic, heritage that they declared a perfect match with the reformist ideas that they advocated.

The following article presents some concrete examples of how such Ottoman reformists, who were familiar with both modern European and traditional Islamic knowledge, made use of certain ideas of the French sociologist Emile Durkheim (1858–1917) and integrated those with specific concepts in Islamic scholarship.¹ In the face of a conservative Turkish society, the efforts of these reformers were aimed at establishing a methodological ground for social change that appeared to be sufficiently rooted in Ottoman classical thought. I will also explore how far such allegations of an authentic genealogy held true, or whether we should see them as of an entirely strategic, instrumental character.

Several scholars, including Niyazi Berkes, Uriel Heyd, Taha Parla, and Andrew Davison,² have already pointed out the influence of Durkheim on Gökalp, each emphasizing a different aspect of Gökalp's thought. My contribution to this conversation is twofold. First of all, I argue that the Gökalpian connection with Durkheim should not be regarded as a single effort, but rather as an extended one by a whole generation of scholars who partook in the development of a similar Durkheimian approach. Of particular significance here are Gökalp's associates Halim Sabit (1883–1946) and Mehmed Şerafeddin (1879–1947), to

¹ Influenced by Henri de Saint Simon (1760–1825) and Auguste Comte (1798–1857), Durkheim emphasized the mechanistic and deterministic character of communal representations based on the collective consciousness of social groups. He combined philosophy with social and political issues and with the theory of the division of labor, corporatism, and social idealism. He criticized metaphysical rationalism, historical materialism, and utilitarian individualism. See Jeffrey C. Alexander, "The Inner Development of Durkheim's Sociological Theory: From Early Writings to Maturity," in Jeffrey C. Alexander and Philip Smith, eds., *The Cambridge Companion to Durkheim* (Cambridge, 2005), 136–59.

² Niyazi Berkes, *The Development of Secularism in Turkey*, 2nd edn (London, 1998); Uriel Heyd, *Foundations of Turkish Nationalism: The Life and Teachings of Ziya Gökalp* (London, 1950); Taha Parla, *The Social and Political Thought of Ziya Gökalp 1876–1924* (Leiden, 1985); Andrew Davison, *Secularism and Revivalism in Turkey: A Hermeneutic Reconsideration* (New Haven, 1998), 90–133.

whom I will return.³ Second, while the existing scholarly literature focuses mostly on Gökalp and his followers within the context of the history of political thought, nationalism, and Turkish identity, I turn to the legal, socioreligious, and philosophical dimensions of his and their ideas, and explore in depth the respective connection with both modern European and Ottoman thought.⁴ I argue in the end that the intensified interest of late Ottoman intellectuals in the ideas of Durkheim, and especially his theory of collective consciousness, stemmed from the fact that they seemed to inspire and lend welcome support to the transformation of Ottoman society.

Given Ottoman modernists' eagerness also to find autochthonous equivalents for their reformative zeal, the notion of customary law (*örf*) as accepted by the traditional discipline of Islamic law (*usul al-fiqh*) can serve as a paradigmatic prism for how such combined, dual-culture alliances were meant to function. *Örf* was identified as an Islamically accepted tool for societal reform. Some scholars have already pointed out the Gökalpian use of customary law, but they dismiss it as merely whimsical and inappropriate. According to Hamilton A. R. Gibb, for instance, to draw distinctions between two spheres of law is purely subjective, and "the setting of customary law on an equal footing with the revealed law, even if it is regarded as the deposit of the historical experience or the character of a given nation, is irreconcilable with the bases of Islamic thought."⁵ Gibb does not seem to have been aware that these are not two hermetically closed realms and that the discipline of *usul al-fiqh* does concede a place to *örf*, albeit one of minor importance. Uriel Heyd, too, advises caution about Gökalp's references to the Islamic tradition,⁶ questioning Gökalp's broad interpretations and his installation of custom as one of the higher sources of law. And İbrahim Kafi Dönmez, the author of the "Örf" entry in the recent *Turkish Encyclopedia of Islam*, points out that Gökalp's and his followers' efforts to establish connections between *fıkıh* and real life were important, but their method of correlating their project with

³ The contribution of these supporters to Gökalpian ideas is highlighted by a prominent sociologist in the republican period. See Ziyaeddin Fahri Fındıkoğlu, *Gökalp İçin Yazdıkları ve Söyledikleri* (Istanbul, 1955), 60–61.

⁴ For unpublished dissertations on the followers of Gökalp see Sami Erdem, "Tanzimat Sonrası Osmanlı Hukuk Düşüncesinde Fıkıh Usulü Kavramları ve Modern Yaklaşımlar" (Ph.D. dissertation, Marmara Üniversitesi Sosyal Bilimler Enstitüsü, 2003); and Mustafa Gökçek, "A Kazan Tatar Contribution to the Late Ottoman Debates on Nationalism and Islam: The Life and Works of Halim Sabit Şibay" (Ph.D. dissertation, University of Wisconsin–Madison, 2008); Nevzat Güle, "Ortaoğu ve İslâm Ülkeleri Entellektüel Yaşamında Din Adamlarının Sekülerleşme Projeleri ve M. Şerafeddin Yaltkaya Örneği" (MA dissertation, Marmara Üniversitesi, 2002).

⁵ H. A. R. Gibb, *Modern Trends in Islam* (Chicago, 1945), 92.

⁶ Heyd, *Foundations of Turkish Nationalism*, 97 n. 2.

classical thought was always questionable from a scholarly perspective. According to this author, what they did was to deliberately widen the conceptual framework of custom and elevate it to the highest level among the legal sources even though it had never before been given such primacy in Islamic jurisprudence.⁷ That is to say, all of these authors disregard the creative forces at work and to the considerable efforts that the reformers undertook to provide a dual grounding for the society to come.

THE OTTOMAN INTELLECTUAL CONTEXT IN THE LATE NINETEENTH AND EARLY TWENTIETH CENTURIES

Modern Ottoman thinkers, including Gökalp, who was educated in the modern schools established mostly by Abdulhamid II (r. 1876–1909) in the last quarter of the nineteenth century, had considerable opportunity to read translated works by European scientists and philosophers.⁸ They were initially impressed by materialist or positivist thought, which, to the amazement of visiting foreign scholars, was avidly collected, read and translated by young Ottoman academicians and journalists.⁹ Works by the German scientific materialists Ludwig Büchner (1824–89) and Ernst Haeckel (1834–1919), such as *Kraft und Stoff* and *Die Welträtsel*, were among the earliest examples.¹⁰ Besides, the spread of French positivism in Europe affected the minds of the Young Turk leaders who were then in exile, mainly in Paris, working out plans to revive the Ottoman Empire.¹¹ The French positivist thinker and sociologist Auguste Comte was one of the first European intellectuals to attract the attention of these exiles as a potential source for eclectically modernizing Ottoman thought. In fact, Ottoman contact with Comte started earlier, when he wrote a letter to the Grand Vizier Mustafa Reşid Paşa (1800–58), the first mastermind of the modernization process, inviting him to embrace the principles of positivism. Relations continued between

⁷ İbrahim Kafı Dönmez, “Örf,” *TDV İslam Ansiklopedisi*, 34 (2007), 91–2.

⁸ For the translation movement of the period and a list of translated books see Nuri Akbayar, “Tanzimat’tan Cumhuriyet’e Çeviri,” in *Tanzimat’tan Cumhuriyet’e Türkiye Ansiklopedisi*, vol. 2 (İstanbul, 1985), 447–51.

⁹ M. Şükrü Hanioglu, *The Young Turks in Opposition* (New York, 1995), 12–13.

¹⁰ Ludwig Büchner, *Madde ve Kuvvet*, trans. from the French edn *Force et matière* by Baha Tevfik and Ahmed Nebil (İstanbul, 1911); and Ernst Haeckel, *Vahdet-i Mevcud: Bir Tabiat Aliminin Dini*, trans. from the French edn *Monisme* by Baha Tevfik (İstanbul, 1911). For Büchner, Haeckel, and other materialist thinkers of the period see Frederick Gregory, *Scientific Materialism in Nineteenth Century Germany* (Dordrecht and Boston, 1977).

¹¹ M. Şükrü Hanioglu, *Preparation for Revolution: The Young Turks, 1902–1908* (Oxford, 2001), 305. Also see Berrak Burçak, “Science, a Remedy for All Ills: Healing “The Sick Man of Europe”: A Case for Ottoman Scientism” (Ph.D. dissertation, Princeton University, 2005).

Comte's student Pierre Lafitte and Midhat Paşa. By the end of the nineteenth century, elite Ottoman figures, especially opposition leaders, typically strove for political modernization based on positivistic principles. Prominent among them was Ahmed Rıza (1859–1930), who established close relations with the French positivist circle and had a significant role in Turkish politics. His first contact with positivistic ideas was through a work by Jean-François Robinet,¹² and his meeting with Pierre Laffitte in Paris had a momentous impact on him. Rıza endorsed the principles of positivism and became the Ottoman/Turkish representative among the foreign members of the group in France. Following the constitutional revolution, Rıza returned to Istanbul as the chairman of the parliament. By that time, a group of young intellectuals educated in modern institutions in Istanbul, such as the Galatasaray Mekteb-i Sultanisi, were also publishing articles on Comte and on positivism in newly established journals.¹³

Meanwhile, other channels of European influence were opening up in the early twentieth-century Ottoman intellectual environment. Members of newly established translation offices in Istanbul, such as Te'lif ve Tercüme Dairesi, began to translate classic works by modern Western thinkers, including Descartes.¹⁴ Some independent scholars with an Islamic education also translated various philosophical works of European authors into Ottoman Turkish.¹⁵ Then, and in response to Büchnerian materialism as well as Comtean positivism, Bergsonianism also stimulated efforts at achieving a synthesis of modern European and traditional Ottoman culture. The intuitionism of Henri Bergson (1859–1941), based on human creative evolution, inspired the Ottomans in the 1910s to look for a modern spiritualist challenge to materialism.¹⁶ In fact, all Ottoman intellectual movements of the period aimed at modernization, but

¹² A.R., "Le Docteur Robinet," *Mechveret*, 86 (15 Nov. 1899). Robinet's *La philosophie positive: Auguste Comte et M. Pierre Laffitte* (Paris, 1881) had a great influence on Rıza.

¹³ For example, Salih Zeki and Halide Salih, "Auguste Comte, Felsefe-i Müsbet," *Ulum-i İktisadiyye ve İctimaiyye Mecmuası*, 1/2 (1906), 163–97.

¹⁴ René Descartes, *Usul Hakkında Nutuk*, trans. İbrahim Edhem (Istanbul, 1894); Abbé E. Barbe, *Tarih-i Felsefe*, trans. Bohor İsrail (Istanbul, 1914); Alexis Bertrand, *Mebadi-i Felsefe-i İlmiyye ve Felsefe-i Ahlakiyye, Kitab-i evvel: Felsefe-i İlmiyye*, trans. Salih Zeki (Istanbul, 1915); Henri Poincaré, *İlim ve Faraziye: Felsefe-i İlmiye*, trans. Salih Zeki, 2nd edn (Istanbul, 1927).

¹⁵ See, for example, Charles Bourdel, *İlim ve Felsefe (Le science et la philosophie)*, trans. Mehmed Ali Ayni (Istanbul, 1913); Georges Fonsegrive, *Mebadi-yi Felsefeden İlmü'n-nefs (Éléments de philosophie: Psychologie)*, trans. Babanzade Ahmed Naim (Istanbul, 1913); Paul Janet-Gabriel Seailles, *Tahlili Tarih-i Felsefe: Metalib ve mezahib (Histoire de la philosophie: les problèmes et les écoles)*, trans. Elmalılı Hamdi (Istanbul, 1923).

¹⁶ See Nazım İrem, "Undercurrents of European Modernity and the Foundations of Modern Turkish Conservatism: Bergsonism in Retrospect," *Middle Eastern Studies*, 40/4 (2004), 79–113.

the balance that they sought between traditional cultural identity and the new modern European thought differed.

The content of the translations and journal articles published in Istanbul in the second half of the nineteenth century indicate that the Ottomans first became interested in literature in the sense of *belles lettres*, then in the modern natural and philosophical sciences, and then gradually also in the new sociological schools in Europe. The interest in social sciences intensified in the late nineteenth century, and by the turn of the century articles that appeared in reformist journals in exile, such as *Mechveret* (1895–1908), as well as in journals published in Istanbul, such as *Ulum-i İktisadiyye ve İctimaiyye Mecmuası* (1906–9), clearly document some Ottoman thinkers' curiosity about social theories. By the constitutional period, however, sociology had already begun to be taught at the Young Turk schools, first in Thessalonica (Selanik) in the early 1910s, and soon this literature became a part of the curriculum in Istanbul at the Darülfünun, the Western-style university that, after long preparation, was officially opened in 1900. The first sociological institute, İctimaiyat Darülmesai, was established in 1915 and began publishing the first sociological journal, *İctimaiyat Mecmuası*, in 1917.¹⁷ Ziya Gökalp was an active figure in these scholarly institutes and journals, working to provide a theoretical base for modern Turkish thought. Apart from Gökalp and Ahmed Rıza, Ahmed Şuayb (1876–1910), Prens (Prince) Sabahaddin (1877–1948), Mehmed İzzet (1891–1930), and Mehmed Ali Şevki (1882–1963) were some of the earliest figures who directly engaged in and wrote on social sciences in an effort to systematize the transformation of Ottoman Turkish intellectual life and, ultimately, society.

DURKHEIMIAN THOUGHT AND GÖKALP

Although influenced by various writers, the mainstream of Ottoman sociology was attracted mostly by Durkheim's views,¹⁸ as is apparent in the issues of *İctimaiyat Mecmuası*, one of the journals published by Gökalp's circle, and in their numerous translations of Durkheim's writings.¹⁹ The Durkheimian doctrine of national solidarity and public morality was presented first as a general scientific

¹⁷ See Lütfi Erişçi, "Türkiye'de Sosyolojinin Tarihçesi ve Bibliyografyası," *Sosyoloji Dergisi*, 1 (1942), 158–69.

¹⁸ Hilmi Ziya Ülken, "Durkheim et l'enseignement des sciences sociales en Turquie," *Sosyoloji Dergisi*, 15 (1960), 7–27, at 13–14.

¹⁹ The journal issues (1–6) have recently been transliterated into modern Turkish by Mehmet Kanar (Istanbul, 1997). The earliest sociological journals are considered to be the *American Journal of Sociology* (1895) and *L'année sociologique* (1896).

insight for modern Turkish social thought, and then turned into the inspiration for a secular foundation for Turkish nation building.²⁰

Considered one of the leading founders of Turkish nationalism and promoters of modern sociology in the late Ottoman period, Ziya Gökalp studied both Ottoman Islamic and European thought. According to his own account, he read hundreds of Western books on sociology, psychology, and philosophy, including some works in French. Struggling for a balance between these two cultures caused an intellectual crisis in his young age, but later, under the influence of works by Durkheim and Ferdinand Tönnies (1855–1936), he moved toward a nationalism of combined Turkish Islamic and modern character, which also became the title of one of his books.²¹ He was a major figure of the Committee of Union and Progress (CUP) and later a Member of Parliament. In 1914, he became a professor at the Darülfünun in Istanbul and taught sociology to university students.²²

The impact of Durkheim's scientific rationalism and social corporatism on Gökalp's writings is obvious. In one of his articles, Gökalp emphasized that he did not call sociologists prior to Durkheim real sociologists, just as he would not name those prior to Antoine Lavoisier (1743–94) chemists or those prior to Marie-François Bichat (1771–1802) and Claude Bernard (1813–78) physiologists.²³ In another article he again underlined that if any of his ideas were to be discussed, Durkheim needed to be kept in mind before anyone else as the primary reference point.²⁴ When Gökalp prepared one of his students to carry on his studies in Paris, he requested that the student send back copies of Durkheim's sociological texts, and he expressed a profound sadness when Durkheim died in 1917.²⁵

However, Gökalp was not just a simple follower. He began one of his own works by stating that, although it was written using Durkheim's scientific methodology and approach, it was not imitative. Rather, he had applied Durkheim's method to the cases of Turkish, Islamic, and Ottoman civilizations with significant additions and examples taken from them. The originality of his own work, Gökalp emphasized, was due to his creative appropriation. It

²⁰ Randall Collins, "The Durkheimian Movement in France and World Sociology," in Alexander and Smith, *The Cambridge Companion to Durkheim*, 101–35, at 119. See also Taha Parla and Andrew Davison, *Corporatist Ideology in Kemalist Turkey* (Syracuse, 2004), 26–7.

²¹ Ziya Gökalp, *Türkleşmek, İslamlaşmak, Muasırlaşmak* (Istanbul, 1918).

²² For his life see Ziyaeddin Fahri Findikoğlu, *Les sociologues Turcs I: Ziya Gökalp étude biographique, publiée a l'occasion de l'anniversaire de la mort de Ziya Gökalp* (Paris, 1936); Heyd, *Foundations of Turkish Nationalism*, 17–40; and Parla, *The Social and Political Thought of Ziya Gökalp*, 10–17.

²³ Ziya Gökalp, *Makaleler V*, ed. Rıza Kardaş (Ankara, 1981), 91.

²⁴ *Ibid.*, 106.

²⁵ Findikoğlu, *Les sociologues Turcs I: Ziya Gökalp*, 20, 25.

could, therefore, be regarded as “both translation and composition” (*tercüme ve telif*).²⁶ This understanding of “translation” resembles the classical Ottoman approach; European translations were much more literal by this time. Gökalp’s father had raised him with an awareness and knowledge of both Islamic and European culture.²⁷ A good example of Gökalp’s contribution to sociology is his division of *hars* (local/national culture) and *medeniyet* (universal/civil culture), which allowed a society to keep its own social characteristics while adopting the values of civilization that he associated with the West in the modern period.²⁸ The culture–civilization distinction provided him with a basis for social unity, a framework for a joint identity, and a structure to avoid sharp dichotomies between East and West.²⁹

Moreover, the role of society in the adoption and preservation of moral values and culture and the place of individuals within social boundaries were the key issues for Gökalp, who saw himself as the guardian of an integrated modern, national society. In fact, premodern Ottoman thought also placed great emphasis on morality, viewing it as basic to a person’s value and even to his or her profession. This shows an affinity between the two systems of thought that allowed Gökalp to suggest the adoption of Durkheimian ideas. This new society would not be based on individual whims, but on social ideals, which were to be established by nationalist elites under a strictly applied educational program.³⁰ Education would be exclusively national in the sense that it stressed not an individualistic approach to various personal and academic problems, but rather a collectivist inculcation of the particular Turkish national culture in which “the individual becomes a genuine personality only as he becomes a genuine representative of his culture”.³¹

²⁶ See Ziya Gökalp, “Ahlaka ve Terbiyeye Tatbik Edilmiş Muhtasar İctimaiyat,” in A. Nüzhet Göksel, ed., *Ziya Gökalp’in Neşredilmemiş Yedi Eseri ve Aile Mektupları* (Istanbul, 1956), 62–5, at 64.

²⁷ Ziya Gökalp, *Turkish Nationalism and Western Civilization: Selected Essays of Ziya Gökalp*, trans. Niyazi Berkes (London, 1959), 36, quoted from “Babamın Vasiyeti,” *Küçük Mecmua*, 17 (1923).

²⁸ Ziya Gökalp, *Makaleler IV*, ed. Ferit Ragıp Tuncer (Ankara, 1977), 43–4. Also see Cemaleddin Çelik, “Gökalp’in Bir Değişim Dinamiği Olarak Kültür-Medeniyet Teorisi,” *Erciyes Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 21 (2006), 43–63.

²⁹ Türkay Salim Nefes, “Ziya Gökalp’s Adaptation of Emile Durkheim’s Sociology in His Formulation of the Modern Turkish Nation,” *International Sociology*, 28/3 (2013), 335–50.

³⁰ See Seyfi Kenan, “Education under the Impact of Mechanistic and Positivistic Worldviews: The Case of Turkish Socio-educational Transformations (1923–1940)” (Ph.D. dissertation, Columbia University, 2003).

³¹ Mansoor Moaddel, *Islamic Modernism, Nationalism, and Fundamentalism: Episode and Discourse* (Chicago, 2005), 157.

Gökalp readily adopted Durkheim's assertion that the group is more important than the individual, and he placed collective social consciousness (*ictimailmaşeri vicdan*) at the center of all values.³² In his own words,

We cannot determine moral rules by our individual consciousness or reason. It is the social consciousness which distinguishes and determines moral values . . . Society has its own consciousness from which the individual derives his superior qualities or his moral being. Prior to social life, human beings were no different from animal beings . . . Elements of culture, such as language, knowledge, religion, morality, and aesthetic standards, originate in general in society and create higher faculties in men. Therefore the object of morality is society, which is nothing but supra-individual. Moral sacrifices of the person are for the sake of society.³³

Social rules have an ideal character simply because they spring from the social consciousness.³⁴ Society, in fact, does not acquire values from any source outside itself; hence the only source of values is society. Whenever the gathering of individuals produces an emotional situation, the result will be the emergence of a value acceptance within the group.³⁵ A society which brought together persons and entities on a common ground is more than the sum of individuals; it has a reality *sui generis* and is a product of the interaction of individual psyches.³⁶ Durkheim's promulgation of the importance of sacrificing individuals for society fit Gökalp's goals of creating national and cultural unity insofar as he wanted to avoid further disintegration of the remaining Ottoman society.³⁷ Individualism, despite its potential for generating creative freedom, could possibly be a source of disunity. Collectivism also fit the high value that Ottoman Islamic culture accorded community (*jama'a*) and solidarity (*tasanut*). Gökalp and the Young

³² Hilmi Özkan Özavcı, "Differing Interpretations of La Conscience Collective and 'the Individual' in Turkey: Émile Durkheim and the Intellectual Origins of the Republic," *Journal of the History of Ideas*, 75/1 (2014), 113–36.

³³ He further argues that just as breathing with gills is normal for fish but not for mammals, the vendetta is normal in a tribal society but not in a developed society. Gökalp, *Turkish Nationalism and Western Civilization*, 151, quoted from Gökalp, "Ahlak İctimai midir?," *İctimaiyat Mecmuası*, 1/3 (1917), 112–15.

³⁴ Ziya Gökalp, "Örf Nedir?," *İslam Mecmuası* (hereafter *İM*), 10 (1914), 290–95; Gökalp, *Turkish Nationalism and Western Civilization*, 155.

³⁵ Gökalp, *Turkish Nationalism and Western Civilization*, 162, quoting from Gökalp, "İctimaiyat ve Fikriyat: Cemiyette Büyük Adamların Tesiri," *İctimaiyat Mecmuası*, 2 (1914), 4–8.

³⁶ Gökalp, "Örf Nedir?," *İM*, 10 (1914), 290–95; Gökalp, *Turkish Nationalism and Western Civilization*, 154. For similar statements by Durkheim see W. S. F. Pickering, *Durkheim's Sociology of Religion* (London, 1984), 488.

³⁷ For Durkheim, "society requires us to make ourselves its servants, forgetful of our own interests." See Émile Durkheim, *The Elementary Forms of Religious Life*, trans. Karen E. Fields (New York, 1995), 209.

Turks believed their society fiercely in need of collectivism during a period of external wars, internal conflicts, and ideological rivalries in the last years of the Ottoman Empire. Individualism, they felt, would only cause a clash of ideas in society and interior struggles for superiority among social groups or communities, which would lead to the further disintegration of Ottoman society.

Nonetheless, overemphasis on unity and solidarity, with a plan for an extensive social engineering and homogeneous nationhood, fueled campaigns against individuals and minorities under the Young Turks when they were in power before and during World War I. The weakening of Ottomanism as a glue among nations within the empire and the rise of Turkish nationalism sped up the nation-building efforts of the Young Turks in the Hamidian period.³⁸ The arrival of a huge number of immigrants of Turkic origin from Russia and the Balkans also reinforced Turkish sentiments against other ethnicities, which in turn helped create a sense of a modern Muslim Turkish society.³⁹ Homogeneous nation-building ambitions and growing ethnic nationalism, however, caused atrocities during war conditions, which resulted in mass deportations of minorities.⁴⁰ The CUP, under these conditions, more forcefully clung to the idea of unity, and apart from minority voices could not even tolerate the alternative sociological views of the opposition, such as that of Prince Sabahaddin, a follower of Frederic le Play's and Edmond Demolins's individualism and decentralism.⁴¹ Gökalp's sociology was thus quite timely and welcomed by the Young Turks.

RELIGION AND SOCIETY AS AN INTERACTIVE RELATION

Durkheim believed that religion, like all social facts, should be treated scientifically.⁴² In his analysis of the impact of society on various institutions, Durkheim regarded religion as a social "spirit" motivated by society itself. In his view, even individual aspects of religion have a social basis. Modern social and natural sciences should examine religion freely in order to establish the authority

³⁸ David Kushner, *The Rise of Turkish Nationalism 1876–1908* (London, 1977), 3–19.

³⁹ Fatma Müge Göçek, "The Decline of the Ottoman Empire and the Emergence of Greek, Armenian, Turkish Nationalisms," in Göçek, ed., *Social Constructions of Nationalisms in the Middle East* (Albany, NY, 2002), 22.

⁴⁰ Heather Rae, *State Identities and the Homogenisation of Peoples* (Cambridge, 2002), 124–64; Uğur Ümit Üngör, *The Making of Modern Turkey: Nation and State in Eastern Anatolia, 1913–1950* (Oxford, 2011), 55–122.

⁴¹ Ali Arslan, "Prince Sabahaddin and His Sociology" (MA dissertation, Boğaziçi University, 1987); Rukiye Akkaya, *Prens Sabahaddin* (Istanbul, 2005).

⁴² Emile Durkheim, *The Rules of Sociological Methods*, trans. W. D. Halls (London, 1982), 31–3.

of science over religion.⁴³ In Durkheim's theory, the changes that occurred in religions throughout history reflect changes in the broader society; therefore all sacred symbols, whether they are totems or the monotheistic gods of later religious communities, can be said to have stemmed from society.⁴⁴ In his view, society's effect on men's minds is all that is required to arouse the sensation of the divine: "A Society is to members what a God is to its faithful."⁴⁵ This attribution of an almost sacred status to society made it potentially difficult to harmonize with religion, especially with Islam, which holds the unity and transcendence of divinity as its basic principles. Nevertheless, Gökalp tried to combine Durkheimian social consciousness with Muslim culture and its legal discourse. He used the term *ictimai* for "society" and *ictimai* for "social," which derive from the same etymological root as *jama'a* (community). He also correlated Durkheim's collectivist vision with the traditional roots of Islamic fraternity and mystical solidarity. Thus the claim that Gökalp "turned the spiritual God of the Koran into society itself" is an overstatement,⁴⁶ as if Gökalp had undermined the revealed character of the Qur'an and saw it as replaceable. Although Gökalp held a functionalist and modernist view of religion, he believed in its truth and did not wish to eliminate it from society. For Gökalp, the role of Durkheimian thought in fostering social unity was more important than its sociological nuances, and therefore he did not bother to deepen his evaluation and criticism of Durkheim. The relationship between the individual and society as understood by classical Ottoman scholars should be examined in a separate study. The premodern Ottomans, too, esteemed unity and solidarity and their religious references, while they, too, saw conflicts and divisions as the main causes of weakness and instability. The premodern Ottomans, however, constituted a multicultural and multiethnic society that gradually faded in the modern period under the impact of growing nationalisms and war conditions.

The interpretations of Gökalp's school on religion and society were intensively discussed in *İslam Mecmuası*, a modernist journal published with the support of the CUP during wartime from 1914 to 1918.⁴⁷ The journal adopted "A life

⁴³ Durkheim, *The Elementary Forms of Religious Life*, 421, 427, 432–33.

⁴⁴ Durkheim's *Les formes élémentaires de la vie religieuse* on native Australian tribes aimed to prove this theory, which suggested that there is no major difference between the symbolic statue of Churinga and nationalist flags. Australian natives regard Churinga as representing the sacred totem, and flags are normally ordinary colored cloths that represent the sovereignty of modern nations. See Durkheim, *The Elementary Forms of Religious Life*, 228–31.

⁴⁵ *Ibid.*, 208.

⁴⁶ Clement H. Dodd, *Democracy and Development in Turkey* (North Hammerside, 1979), 83.

⁴⁷ Kazım Nami Duru, *Ziya Gökalp* (Istanbul, 1975), 83 and 87; Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi* (Istanbul, 1992), 331.

with religion, and a religion with life” (*Dinli bir hayat, hayathı bir din*) as its motto to highlight its interest in social interpretations of religion.⁴⁸ Gökalp suggested that the social functions of religious acts should not be explained in an exclusively utilitarian way, but rather with an eye to their socio-moral purposes, because all social facts were at root moral, ethical, or ideational phenomena.⁴⁹ As a symbolic defense of tradition, he pointed out that good was not good because its usefulness could be rationally concluded, but because a community believed it to be good; usefulness was the side effect rather than the cause of its goodness. As an example, he pointed out that soldiers risk their lives to protect their flag, although its capture by enemies may do no actual harm, since it is only a piece of cloth. Similarly, though the sun is more essential and useful to life, the Ottomans preferred the crescent as a symbol. Therefore sacredness should not be measured by utility or reason. Gökalp maintained that not only contemporary philosophy and sociology, but also historical Muslim scholarship, reject rationalist and utilitarian approaches to morality.⁵⁰

Both Gökalp and Durkheim saw religion as an expression of values that divided everything into two categories: the sacred and the profane.⁵¹ Sacred power turned the sad person into a cheerful one, the pessimist into an optimist, the skeptic into a believer. It was the most important factor in the creation of national consciousness because it united men through common sentiments and beliefs.⁵² Although Durkheim related all cultural representations (including religious ones) in a materialistic way to broader patterns in social organizations, he accepted the dynamic role of religion in society and the social mobility created by collective faith. In accordance with his general approach, he thought that science would gradually replace the more speculative aspects of religion, but religion could

⁴⁸ On *İslam Mecmuası* and its place in and influence on late Ottoman thought see Masami Arai, *Turkish Nationalism in the Young Turk Era* (Leiden, 1992), 83–95; Tuba Çavdar, “İslam Mecmuasının Türk Dönemsel Yayını İçindeki Yeri ve Önemi” (unpublished MA dissertation, İstanbul Üniversitesi Sosyal Bilimler Enstitüsü, 1988); Yıldız Akpolat-Davud, “II. Meşrutiyet Dönemi Sosyolojisinin Kaynakları-II: İslam Mecmuası,” *Türkiye Günlüğü*, 45 (1997), 204–18. Ziya Gökalp’s articles in the first and second volumes of this journal are also published in Ziya Gökalp, *Makaleler-VIII*, ed. Ferit Ragıp Tuncer (Ankara, 1981), 16–35; and are included in appendices (with articles by some other authors) in Recep Şentürk, *Modernleşme ve Toplum Bilim* (İstanbul, 1996), 297–338.

⁴⁹ Ziya Gökalp, “Dinin İctimai Hizmetleri-II,” *İM*, 36 (1915), 772–6; Gökalp, *Turkish Nationalism and Western Civilization*, 186.

⁵⁰ Ziya Gökalp, “Fıkıh ve İctimaiyat,” *İM*, 2 (1914), 41–3; Gökalp, *Turkish Nationalism and Western Civilization*, 194.

⁵¹ Gökalp, “Dinin İctimai Hizmetleri-II,” *İM*, 36 (1915), 772–6; Gökalp, *Turkish Nationalism and Western Civilization*, 186. Durkheim, *The Elementary Forms of Religious Life*, 34–9.

⁵² Ziya Gökalp, “Dinin İctimai Hizmetleri-III,” *İM*, 37 (1915), 291–6; Gökalp, *Turkish Nationalism and Western Civilization*, 192.

endure by virtue of its regulative social functions. Durkheim also insisted that the believing person had greater power to endure the hardships of existence and was capable of greater things, and would prove it through proper conduct. Religious beliefs and symbols could help to maintain and strengthen collective feelings through common activities, even in modern societies.⁵³ In this approach, which Gökalp more or less followed, as Yılmaz puts it,

Durkheim's main thesis was that religion plays a significant role in uniting a society together. In his view, any coherent society must be at base a religious collectivity. He conceived the integral nature of religion as the ceremonial and expressive glue that binds any social organization together, or more boldly put, religion as society's worship of itself, was Durkheim's essential insight.⁵⁴

Durkheim thus seemed to Gökalp to provide an argument for the unifying role of religion, and its flexibility for the transformation of society.⁵⁵

Gökalp did not ignore Islam in his reform project of social change; he and his circle used Islamic terminology and its epistemological foundation pragmatically, as a necessary factor in transforming late Ottoman society. He applied the Durkheimian concept of organic society to Islamic history and explained how religion created culture, and culture led to civilization, and then civilization dominated culture in Muslim tradition in the past.⁵⁶ To him, religion could also be a significant contributor to the construction of modern national identity.⁵⁷ However, from the constitutional to the very early republican period, the writings of Gökalp and his disciples show signs of gradual change toward a more secular and nationalist approach to the transformation of society. For example, in his later

⁵³ Durkheim, *The Elementary Forms of Religious Life*, 419–20. Cf. also Steven Lukes, *Emile Durkheim, His Life and Work: A Historical and Critical Study* (London, 1988), 470–77.

⁵⁴ İhsan Yılmaz, *Muslim Laws, Politics and Society in Modern Nation States: Dynamic Legal Pluralisms in England, Turkey and Pakistan* (London, 2005), 101.

⁵⁵ The place of religion in Gökalian modernism raised questions among researchers. As Parla, *The Social and Political Thought of Ziya Gökalp*, 38–40, emphasized in 1989, Gökalp was interested in religion's social function of binding individuals together in a solidaristic nation. The ethical and spiritual aspects of Islam were needed, but its legal and metaphysical basis should be left open to society's acceptance, which is a move toward secularism. Davison, *Secularism and Revivalism in Turkey*, 129–33, however, suggests that Gökalp's secularism left a place for religion and therefore did not totally exclude it, pointing out the important role of Islam in Gökalp's thought and the lack of clear justification for state control of religion in his writings.

⁵⁶ Ünver Günay, "Ziya Gökalp ve Din Sosyolojisi," *Erciyes Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 3 (1989), 223–35, specifically 229.

⁵⁷ Ünver Günay, "Gökalp Millî Kimlik ve Din," in Ünver Günay and Celalettin Çelik, eds., *Türk Kimliğinin Yeniden İnşası Bağlamında Ziya Gökalp* (Istanbul, 2010), 9–58.

book *The Principles of Turkism (Türkçülüğün Esasları, 1921)*, Gökalp proposed a more secular law.⁵⁸

THE DIVISION BETWEEN REVEALED AND SOCIAL LAW

In Gökalp's view, juridical issues in the Ottoman Islamic context had always been subject to change via legal reasoning (*ictihad*). According to Islamic legal practice, the right to issue juridical rulings (*fetva*) is not limited to a spiritual leader or a council but extends to every learned Muslim (*fakih* or *müfti*), since there is no "papal" authority in Islam. Unlike a judge (*kadı*), a scholar of Islamic law is not bound to follow an official school; he has localized autonomy to exercise his own *ictihad* that is not controlled by the caliph or the government. Muslims have the right to follow the opinions of independent scholars in their religious practices, whether these scholars belong to one of the four largest juridical schools or not. Significantly, Gökalp claimed that, following the Crusades between the eleventh and thirteenth centuries, Europe discovered these aspects of flexible religious culture among Muslims and appropriated them, resulting in the Reformation movement among the Germanic nations. The Protestants freed themselves from Catholic traditions and appropriated some principles of Islam by rejecting the duality of heavenly and earthly governments, the papacy, the spiritual council, and the Inquisition. He therefore claimed it was high time to turn to and invigorate these flexible resources.⁵⁹

As part of his modernist project, Gökalp proposed some reforms, appropriating the principles of Islamic legal hermeneutics and doctrines of the sources of law (*usul-i fıkıh*) and turning them into a new approach.⁶⁰ In a series of articles, Gökalp introduced his project of blending traditional Islamic law with

⁵⁸ Ziya Gökalp, *The Principles of Turkism*, trans. and annotated by Robert Devereux (Leiden, 1967).

⁵⁹ See Ziya Gökalp, "İslamiyet ve Asri Medeniyet," *İM*, 51–2 (1917), 1016–22, 1033–40; Gökalp, *Turkish Nationalism and Western Civilization*, 214–23. Gökalp's article is reproduced in Charles Kurzman, ed., *Modernist Islam, 1840–1940: A Source Book* (Oxford, 2002), 192–7. There are remarks in the secondary literature about the development of Western medicine after the Crusades with new information and techniques taken from Muslims. Daniel J. Boorstin, *The Discoverers* (New York, 1983), 344–7; Edward G. Browne, *Arabian Medicine*, new edn (Lahore, 1999, 26). Some historians regard the new phase in European philosophy, science, and other fields that led to the Renaissance and the Copernican Revolution as having been caused by the Crusades or the immigration to Western Europe of Byzantine scholars, who had contacts with Muslims. Aziz S. Atiya, *Crusade, Commerce, and Culture*, (Bloomington, 1962), 215–50.

⁶⁰ It should be remembered that although most orientalist studies regard and describe *fıkıh* as Islamic law or jurisprudence, traditionally it has a larger scope that includes the ethical, social, and economic dimensions of society.

modern sociology as a “social legal theory” (*ictimai usul-i fıkıh*). According to Gökalp, the sources of religious norms are sacred texts (*nass*) and customary practices (*örf/urf*). Religious texts are based on revelation and the traditions of the Prophet, but customs depend on the varying practices of Muslim society. Islamic jurisprudence thus relies on revelation on the one hand and on social realities on the other, and as a result is both divine and social. Therefore one can speak of an absolute revealed law and a variable *örfi* law. The latter, he argued, is not only *amenable* to change, but also *must* change constantly.⁶¹ This very open approach to change and new contributions seems to contradict the spirit of the Protestant Reformation, which was puritanical and sought to base itself solely on the absolute, revealed law of the Bible and to eliminate historical tradition. However, Gökalp and his fellow reformists regarded Protestantism as a challenge to the status quo of the Church, and therefore saw it as a movement of change against dogmatism.

To clarify the characteristics of customs, Gökalp explored the differences among various types of custom. He argued that the *örf*, which he considers an approved or established custom, is generally mistaken for the *adet* (*‘adah*, ordinary custom). An *adet* is a social rule coming from predecessors and continually transmitted from generation to generation. A newly invented social rule is not an *adet*; it is an innovation (*bid‘a*). Thus generally approved customs remain within the *örf*, but rejected customs are outside it.⁶² However, the *örf* does not always consist of customs. Innovations, like customs, are either approved or rejected by the community. Innovations that have become accepted by the community are added to the *örf*. General acceptance by the community is, therefore, an essential condition.

Gökalp went on to explain the difference between traditions and customs. The pattern of thought and action imposed by the social group, he says, is called “traditions” (*an‘ane*), which rank hierarchically above specific customs. Traditions can be classified into religious, moral, legal, linguistic, aesthetic, and economic rubrics, which are hierarchically above customs of social practice, such as modes of greeting or the use of a certain calendar or alphabet. The sum of traditions, which are related through their origin in societal approval, is called “civilization.” While such traditions are international, customs are only nationally accepted and only represent national culture (*milli hars*). The character and nature of a nation is reflected not in traditions, but in its customs; so society should attach itself and adhere to the customs that make up its culture,

⁶¹ Ziya Gökalp, “Fıkıh ve ictimaiyat,” *IM*, 2 (1914), 40–44; Gökalp, *Turkish Nationalism and Western Civilization*, 196.

⁶² Ziya Gökalp, “Örf Nedir?,” *IM*, 10 (1914), 290–95; Gökalp, *Turkish Nationalism and Western Civilization*, 153.

although they may stem from various sources originally. When customs become international, they become traditions, because there is no international custom, according to Gökalp. The social conscience, which is based on customs, is reflected in national institutions. The sum total of the institutions of a nation constitutes its culture. Like customs and institutions, culture is thus of an entirely national character. For example, the *Mevlid* (the Prophet's birthday recitation) is today a vivid ritual, although it never had an established place in the traditions of *fıkıh*. Criminal injunctions, however, as an integral part of *fıkıh*, became fossils in Turkey because they no longer harmonized with Turkish customs, while they are still actively applied in the Hijaz or Yemen.⁶³

Gökalp appears to broaden the role of custom in Islamic law by saying that, in cases where Scripture does not regulate a matter, acting in accordance with customs is the equivalent of acting in conformity with Scripture. Not paying much attention to the complex structure of variegated hermeneutical process and methodology, Gökalp claimed that if Scripture is influenced by customs, then legal reasoning is permissible in matters of Scripture, too.⁶⁴ He refers to Abu Yusuf Ya'qub b. Ibrahim (d. 798), one of the three founders of the Hanafi school, whose different approaches will be discussed below in the context of the role of customs in interpreting the content of particular scriptural texts. Therefore, in keeping with Durkheim, Gökalp argued, it should be possible to say that the revealed sources are intrinsically related to temporal worldly affairs and social life—that is, they are ultimately derived from customs and social conditions.⁶⁵

The traditional methods of legal theory, Gökalp complained, were founded upon and studied as the revealed part of Islamic law; however, the same attention was not paid to *örf*, the social part of it. He thus suggested creating a methodology of social aspects of *fıkıh* as a separate discipline, examining the reasons and stages of change in Islamic society and their impact on *fıkıh*. According to Gökalp, this had not taken place earlier because the scholarly field of sociology (*ictimaiyyat*) had been founded only recently and, therefore, no such attempt could have been expected from the scholars of past centuries. Though Gökalp did not refer to it here, perhaps the concept closest to *ictimaiyyat* in the sense of social science in the premodern period would be Ibn Khaldun's science of social organization (*'ilm al-umran*).⁶⁶ Traditional legal theory itself had also made use of social

⁶³ Gökalp, *Turkish Nationalism and Western Civilization*, 171–3, quoting “Milli İctimaiyat: Usul,” *İctimaiyat Mecmuası*, 1/1 (1917), 22–33, at 23.

⁶⁴ Ziya Gökalp, “Fıkıh ve İctimaiyat,” *İM*, 1/2 (1914), 40–44; Gökalp, *Turkish Nationalism and Western Civilization*, 196.

⁶⁵ Ziya Gökalp, “İctimai Usul-i Fıkıh,” *İM*, 3 (1914), 84–7; Gökalp, *Turkish Nationalism and Western Civilization*, 197–9.

⁶⁶ See Syed Farid Alatas, *Makers of Islamic Civilization: Ibn Khaldun* (Oxford, 2012), 25–77.

practices, such as Imam Malik's use of the practices of Medina residents (*'amalu ahl al-Medina*) as a lived understanding of the *Sunna*, and Abu Hanifa's use of decision by equity, based on consensus among Muslims (*istihsan*); both of these approaches involve the role of society. Gökalp pointed out that literalist schools of *fikih* that did not consider the living conditions of their society, such as the Zahirites, paid a high price and disappeared. In his view, a law that does not live and give life cannot be the regulator of life. Support from the dynamism of life based on customs would allow the revealed law to continue to exist and be effective. Thus scholars of *fikih* and sociologists should jointly make this attempt; neither discipline could be successful on its own, and the new one would not come into existence without the mutual assistance of both parties. The new social legal project was not intended as a replacement for *fikih*, but rather as a new theory to be incorporated along with the classical one.⁶⁷ As shown above, Ottoman thought and Ottoman concepts were the basis of all Gökalp's explanations and interpretations, while Durkheim and other European thinkers had to find their place within an existing and dense world of ideas.

THE PLACE OF ÖRF (CUSTOM) IN THE PREMODERN ISLAMIC AND OTTOMAN LEGAL CONTEXT

To evaluate the legitimacy of Gökalp's and his followers' reform project, we need to examine the role of custom in Islamic and Ottoman legal thought. Custom is not one of the primary sources in Islamic law; generally, it comes only after the four main and most other auxiliary sources. In the formal hierarchy, the Qur'an and the prophetic tradition (*Sunna*) are the textual sources of law, while analogical reasoning (*qiyas*) is a source of legal methodology in which one derives further knowledge from the texts. Scholarly unanimity (*ijma'*) is regarded as a strengthening criterion in legal judgments.

In addition, the law schools employed a different variety of additional methods and sources. Among the four established legal schools of Sunni Islam, the Maliki school, although based on the practice of Medina, still rarely refers to custom in its methodology, and the Shafi'is discussed custom only later in their development. The Hanbali school has still perhaps the approach most distanced from custom, though Ibn Taymiyya applied it differently in the principles of governing (*siyasa al-shar'iyya*).⁶⁸ It was the Hanafis, beginning with Abu Yusuf in Abu Hanifa's

⁶⁷ Ziya Gökalp, "İctimai Usul-i Fikih," *IM*, 3 (1914), 84–7; Gökalp, *Turkish Nationalism and Western Civilization*, 199.

⁶⁸ Gideon Libson, *Jewish and Islamic Law: A Comparative Study of Custom during the Geonic Period* (Cambridge, MA, 2003), 68; Ibn Taymiyya, *al-Siyasa al-Shar'iyya fi islah al-ra'i wa al-ra'iyya*, ed. Bashir Muhammad 'Uyun (Damascus, 1985). For its English translation see

circle, who gave real scope to custom in their thought. Early on, Al-Sarakhsi (d. 1097), for example, explicitly referred to custom alongside the Qur'an, prophetic traditions, and analogy.⁶⁹ Later, in the fifteenth and the sixteenth centuries, custom became a more visible source among some Hanafi jurists. Ibn Nujaym (d. 1563), for instance, stated that the frequent reference to customary practices in legal thinking made them like an independent source: "The consideration of custom and its usage reappears frequently in Islamic jurisprudence in many cases, so much so, that the jurists have transformed it into a legal source and they mention it in the law literature."⁷⁰ Moreover, the nineteenth-century Hanafi scholar Ibn 'Abidin wrote a separate treatise on custom and elevated it to the status of a source of law.⁷¹

The wider use of custom in the Hanafi school of law and the relative authority of rulers in the cases that were not covered by Sharia law gave the Ottoman sultans a chance to legislate positions in light of new facts, mainly in regard to economic, bureaucratic, and criminal issues. Although private, family, inheritance, and obligation laws, for instance, belonged to the Sharia courts, some areas of public and criminal law were ruled through imperial decrees called *kanun* or *kanunname*, an Arabic word derived from the Greek "canon/kanon." Ottoman sources generally consider *Kanunnames* to be within *örfi* law, although they were not directly connected to custom. In Ottoman legal texts, more specifically *örfi-i Sultani* was regarded as the second part of state law, along with Islamic law. Ottoman historians have published some *kanunname* texts of the fifteenth and sixteenth centuries.⁷² Although there were measures to avoid conflicts between the two parts of the law, in some cases the Sultans needed to obtain supportive *fatwas* from the Muftis to legitimize their new decrees, which left some authority to the latter. Muftis usually relied on *fatwa* collections or notions, such as

Ibn Taymiyya, *Ibn Taymiyya on Public and Private Law in Islam or Public Policy in Islamic Jurisprudence*, trans. Omar A. Farrukh (Beirut, 1966).

⁶⁹ Muhammad b. Ahmad al-Sarakhsi, *al-Mabsut*, vol. 13 (Cairo, 1393 A.H.), 14. For a comprehensive approach to the emergence and development of custom as a source in Islamic law see Ayman Shabana, *Custom in Islamic Law and Legal Theory: The Development of the Concepts of 'Urf and 'Adah in the Islamic Legal Tradition* (New York, 2010).

⁷⁰ "Wa'lam anna i'tibara al-'adati wa'l-'urfi, yurja'u ileyhi fi'l-fi'hi fi masaila kathiratin hatta ja'alu dhalika aslan." See Zayn al-din Ibn Nujaym, *al-Ashbah wa'l-nazair 'ala madhhab Abi Hanifa a'-Nu'man*, ed. Abd al-Aziz Muhammad al-Wakil (Cairo, 1968), 93.

⁷¹ Muhammad Amin Ibn Abidin, *Majmu'at Rasail Ibn 'Abidin* (Beirut, nd.). See also Wael Hallaq, "A Prelude to Ottoman Reform: Ibn 'Abidin on Custom and Legal Change," in Israel Gershoni, Hakan Erdem, and Ursula Woköck, eds., *Histories of Modern Middle East: New Directions* (Boulder and London, 2002), 37–61.

⁷² For an example see Robert Anhegger and Halil Inalcik, *Kanunname-i Sultani ber Muceb-i Orf-i Osmani: II. Mehmed ve II. Bayezid Devirlerine ait Yasakname ve Kanunnameler* (Ankara, 1956).

custom and changing time, as tools allowing the introduction of changes in Islamic law.⁷³ The *kanunname* legislation was not only an Ottoman feature, since Mongol, Persian, and Indian histories had similar traditions, including the *Yasa* of Chinggis Khan (d. 1227) and the *Tuzukat* of Timur (d. 1405).⁷⁴ Ziya Gökalp, too, connected the Ottoman tradition of *kanunnames* to pre-Islamic tradition, like the Orkhon inscription, and to later Muslim codifications, thereby highlighting its changeability in the course of time.⁷⁵

The Ottoman tradition of *örfi* law and the Hanafi approach to it were reflected in the late nineteenth-century civil code, *Mecelle-i Ahkam-i Adliye* (1876), which contains several articles (Nos. 36–45) on the place and validity of custom.⁷⁶ However, all explanations of custom indicate that it should not contradict Sharia, but can be used to hermeneutically interpret it. The main practices of the classical Ottoman *örfi* law were newly established charges in taxation (*tekalif-i örfiyye*) and some *ta'zir* penalties in criminal law, which were generally named *cürm-i cinayet*. *Ta'zir* is the general term for discretionary punishments in relation to unspecified crimes that usually end with imprisonment, exile, isolation, confiscation, condemnation, etc.⁷⁷ Gökalp and his circle seem to have taken these historical developments into consideration and paid much attention to the Ottoman experience with the perception and application of custom in law.

THE INTENSIFICATION OF THE SOCIOLOGICAL APPROACH IN LAW AND THEOLOGY IN THE FOOTSTEPS OF GÖKALP

Gökalp's endeavors were taken up by Halim Sabit immediately in 1914 in the realm of law and by Mehmed Şerafeddin in theology. However, Sabit and Şerafeddin knew classical Ottoman thought much better than Gökalp did, and so they went more deeply into technical terms and used original sources. Halim Sabit, of Central Asian origin, had moved from Kazan to Istanbul to complete

⁷³ Miriam Hoexter, "Qadi, Mufti and Ruler: Their Roles in the Development of Islamic Rule," in Ron Shaham, ed., *Law, Custom, and Statute in the Muslim World: Studies in Honor of Aharon Layish* (Leiden and Boston, 2007), 68–85.

⁷⁴ M. Akif Aydın, *Türk Hukuk Tarihi* (Istanbul, 2005), 69–82; Uriel Heyd, *Studies in Old Ottoman Criminal Law* (Oxford, 1973), 167–83.

⁷⁵ Gökalp, *Turkish Nationalism and Western Civilization*, 180, quoting Gökalp, "Milli İctimaiyat," 32.

⁷⁶ Ali Himmet Berki, *Açıklamalı Mecelle* (Istanbul, 1982), 22.

⁷⁷ For a detailed article on the Ottoman period see Yunus Koç, "Early Ottoman Customary Law: The Genesis and Development of Ottoman Codification," in Walter Dostal and Wolfgang Kraus, eds., *Shattering Tradition: Custom, Law and the Individual in the Muslim Mediterranean* (London, 2005), 75–121. See also İlhan Bilen, "Osmanlı Hukukunda Orfün Yeri (Klasik Dönem)" (MA dissertation, Hacettepe University, 1994).

his studies of law and Islamic thought at the beginning of the twentieth century. He was appointed assistant to Mahmud Esad at Darülfunun and later became a professor, until 1919. In that period, he was the editor of the aforementioned *İslam Mecmuası*, which was the main platform for nationalist modernists. He also joined Ziya Gökalp in establishing the Türk Ocakları (Turkish Lodges) association and contributed to the *madrassa* reform program. However, he had to leave his job during the university reorganization process in the republican era. He then traveled to Europe. Later, he worked on the translation/revision project of the first edition of the Brill *Encyclopedia of Islam*, which continued between 1940 and 1987 and was titled *İslam Ansiklopedisi*. He also became a member of the Advisory Board of the Diyanet, the institution of religious affairs.⁷⁸ Sabit developed Gökalp's thesis on religion and social law in a more theoretical way by connecting the new theory to classical Islamic sources. While Gökalp's arguments were programmatic rather than derived from knowledge of legal tradition, Sabit's discourse was technical and detailed. Discussing the failure of the earlier Ottoman reforms during *Tanzimat*, he expressed his conviction that although the reformers of the nineteenth century realized the need to appropriate religion, law, and culture for the modernist project of restructuring society, they were unable to formulate an intellectual framework for the changes. The earlier *Tanzimat* reformers established some new regularities in the practical sphere, but did not achieve the same success in the sphere of knowledge and its theoretical basis, which made them susceptible to being undermined later. Sabit also reminded the followers of the *Tanzimat* that religion is such a strong social power that only a strong authority can limit it. Law's link with the state needs to be confirmed by religion in order to gain society's acceptance. Sabit declared that if thorough theoretical reforms in Islamic disciplines were not achieved, real change would not take place on the practical level either.⁷⁹

Sabit agreed with Gökalp's division between revealed texts and customs as the two sources of law, and, like his model, Sabit suggested that there is no difference in legitimacy between the two. Islamic law (*şeriat*) gives the same importance to custom as it gives to Scripture, he maintains. Therefore it has both divine and social dimensions, giving Muftis more options for legal opinions. Sabit explained that this method is like submitting social events to the test of religious sources through linguistic means and extracting their meanings for new conditions. However, with this general and bold statement, he turned customary law into a high-ranking source of law and elevated it to the status of a wider meta-source that pervades even several others that traditionally had more weight in the classical

⁷⁸ See Ali Birinci-Tüba Çavdar, "Halim Sabit Şibay," *TDV İslâm Ansiklopedisi*, 15 (1997), 332–7.

⁷⁹ Halim Sabit, "İcma: Osmanlılarda Teşri Salahiyeti," *İM*, 27 (1915), 630–31.

hierarchy of the sources of law. In Sabit's view, for instance, analogy (*kıyas/qiyas*) is another way of indirectly connecting social conditions to text sources, and the practice of placing legal opinion (*re'y/ra'y*) on a par with religious sources is also meant to provide solutions to new social events. He explained that, though not yet perfectly advanced, the roots of such a new social legal theory can be traced to classical Islamic thought as well.⁸⁰

Contemporary Ottoman law, Sabit argued in 1914, is too limited and does not match the needs of the age. Everyone speaks about the lifeless situation of the existing *fıkıh*. Therefore the foundation of a social legal theory (*ictimai-i usul-i fıkh*) is necessary to provide the connections between the principles of law and the new century. The new methodology would highlight the changing aspects of customs, save scholars of law from imitating the texts, and tie the study of law to actual life.⁸¹

To set up a legal basis for his social theory, Sabit, in a series of articles, connected the term *örf* to another concept with the same etymological root, *ma'ruf*, which he defined as "what is regarded good by 'urf." Referring to the use of the Qur'an's use of *ma'ruf* and criticizing the habit of linking all particular cases to scriptural references,⁸² Sabit broadens the role of social acceptances in the legal sphere.⁸³ Relying on innate human nature, he suggests that collective consciousness would normally resist anything harmful to the individual or society. Therefore opinions that the general public considers good (*ma'ruf, hasen*) should always be applied to meet society's needs. In contrast, he says, individuals who act in contradiction to such opinions cause harm.⁸⁴ To support his view, Sabit refers to the hadith about the impossibility of the community consenting to an error,⁸⁵ which is commonly regarded as the legal source of *ijma'* (scholarly unanimity). In a second step, he argues that when customs change and old views are no longer accepted by society, then the textual sources of jurisprudence, which include old practices, lose ground. Whenever a custom completes its life and is replaced with another, the validity of the ruling of the related text should be dropped as being impracticable.⁸⁶ Sabit cites the example of men's prohibition from wearing silk, and says that through the ages the community softened the rule, with the result that during the Ottoman period sultans and even grand muftis wore silk

⁸⁰ Halim Sabit, "İctimai usul-i fıkh," *İM*, 5 (1914), 146–8.

⁸¹ Sabit, "İctimai usul-i fıkh," *İM*, 5 (1914), 149–50.

⁸² For instance, 2:180, 3:104, 9:71.

⁸³ Halim Sabit, "Örf-Maruf: İctimai Usul-i Fıkıh Münasebetiyle," *İM*, 11 (1914), 322–5.

⁸⁴ Halim Sabit, "Örf-Maruf: İctimai Usul-i Fıkıh Münasebetiyle," *İM*, 12 (1914), 354–7.

⁸⁵ Muhammad b. Isa al-Tirmidhi, "Kitab al-Fitan," chapter 7 of al-Tirmidhi, *Sunan al-Tirmidhi*, vol. 5 (Istanbul: Çağrı Yayınları, 1992), 465–7.

⁸⁶ Halim Sabit, "Örf-Maruf: İctimai Usul-i Fıkıh Münasebetiyle," *İM*, 14 (1914), 418–20.

robes (*kaftans*). He stresses that custom's alteration of the implications of the text did not mean its complete abrogation, since the previous understanding could return if the social conditions changed once again.⁸⁷ This is like considering the historicity of the content of some parts of the text, a view later expressed by Fazlur Rahman (1919–88) and other contemporary Islamic modernists.⁸⁸ Sabit's efforts received praise from other parts of the Muslim world too. The well-known Indian thinker and poet Muhammad Iqbal (1877–1938) pointed out the significance of Sabit's theory, saying, "We find that the idea of *Ijtihad*, reinforced and broadened by modern philosophical ideas, has long been working in the religious and political thought of the Turkish nation. This is clear from Halim Sabit's new theory of Muhammadan Law, grounded on modern sociological concepts."⁸⁹ Another Ottoman scholar, Mustafa Şeref (1884–1938), who taught law at the Darülfünun, also supported this sociological approach in law; he proposed establishing a more dynamic law by carefully observing common practices and discovering the principles hidden in public consciousness. The new principles, he said, would provide the basis for a lively, functional, and agreeable theory of law.⁹⁰ Ismail Hakkı (Baltacıoğlu) (1886–1978) contributed to this approach by coining the notion of social legal reasoning (*ictimai ictihad*).⁹¹

Mehmed Şerafeddin extended this project to the formation of a social theology to establish a synthesis with modern social theories, a project he called *ictimai ilm-i kelam* (social Islamic theology).⁹² His publishing his articles in the same journal (*İslam Mecmuası*) as Gökalp and Sabit, and using the same title for theology clearly shows his connection to the project.⁹³ As a productive author and teacher, Şerafeddin held various teaching jobs in public schools; was appointed an academic member of Darü'l-Hilafeti'l-Aliye, a modern Ottoman institute for exploring new ideas and methods in Islamic studies; and later, in 1924, also became a professor at the Darülfünun. During the early republican period, he was

⁸⁷ Ibid., 421–2.

⁸⁸ Fazlur Rahman, *Major Themes of the Qur'an* (Minneapolis, 1994), 37–52.

⁸⁹ Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, ed. M. Saeed Sheikh (Lahore, 1989), 121.

⁹⁰ Mustafa Şeref, "İctimai Usul-i Fıkıh Nasıl Teessüs Eder?," *İM*, 6 (1914), 162–4.

⁹¹ Ismail Hakkı [Baltacıoğlu], "Din ve İctimai İctihad," *Yeni Mecmua*, 32 (1918), 107–8.

⁹² Mehmed Şerafeddin's ideas were proposed in a series of articles in *İslam Mecmuası*: 15 (1914), 434–6; 18 (1915), 490–91; 19 (1915), 506–7; 25 (1915), 604–605; 28 (1915), 650–53. Some parts of these articles were later republished in the same author's *Dini Makalelerim* (Ankara, 1944), without referring to or citing *İctimai İlm-i Kelam*.

⁹³ For the strong link between ideas of Gökalp and Şerafeddin see M. Sait Özervarlı, "Transferring Traditional Islamic Disciplines into Modern Social Sciences in Late Ottoman Thought: The Attempts of Ziya Gökalp and Mehmed Şerafeddin," *Muslim World*, 97 (2007), 317–30.

appointed the head of religious affairs, succeeding Mehmed Rıfat.⁹⁴ Şerafeddin was influenced by Gökalp's efforts and wanted to apply his views to theology. The similarities between the two in choosing a Durkheimian approach in combination with a legal and theological study of the sources of Islam are evident in the titles, arguments, and examples of their texts. Closely following Durkheim's theory of religion, Şerafeddin argued that society shaped religious beliefs and that the whole idea of sacredness, whether in symbols or in actions, derived from religion's social aspect. In support of his view, Şerafeddin cited the example of the formative period of Islamic history and stressed the impact of society on changes in religious beliefs over time. He was not in favor of philosophical theology and dialectical argumentations, but instead was interested in looking at the social factors and dimensions of beliefs. He even explicitly criticized interpreting issues of faith in accordance with philosophical insights and scientific data.⁹⁵ According to Şerafeddin, there is a close link between type of social grouping and the formation of traditional or religious beliefs. For instance, a nation, as a society, allots a sacred meaning to a piece of cloth when the common consciousness within society chooses it as its flag. Likewise, in Şerafeddin's view, even the Holy Kabe/Ka'ba in Mecca derived its holiness from the social events there.⁹⁶

Moreover, in line with Durkheim, Şerafeddin also connected the theological conceptions of each society with their communal form. Arguing that "the perception of divinity changes in accordance with the social forms of societies," Şerafeddin compared the pre-Islamic, the Prophetic, and the early Islamic periods to show the impact of social structure on the formation of religious beliefs. In the pre-Islamic period of Jahiliyya (ignorance), the Arabs were divided into regional tribes based on kinship, there was no unity between them, and they tended to hold polytheistic beliefs. Therefore, he said, each tribe had different idols. However, as the tribes gathered at joint cultural feasts, adhering to a peace agreement during holy months, they came to believe in a superior, common God along with their other idols.⁹⁷ When the Prophet rejected tribalism and its polytheism, he began to create further unity among Arabs. He also succeeded in bringing about unity and solidarity among various tribes by banning ethnic fights, blood feud, and enmity among them. As a result, Arabs, in a henceforth united society, could perceive the idea of one universal and transcendent God.⁹⁸ Following the death of the Prophet, Şerafeddin argues, the unity of Muslims was weakened by

⁹⁴ For his life and works see Aykut Kazancıgil, "Mehmed Şerafeddin Yaltkaya (1879–1947): Hayatı ve Eserleri," *İlim ve Sanat*, 26 (1989), 52–62.

⁹⁵ Mehmed Şerafeddin, "Din Akli Değil Makuldur," *İM*, 28 (1915), 653.

⁹⁶ Mehmed Şerafeddin, "İctimai İlm-i Kelam-I," *İM*, 15 (1914), 436.

⁹⁷ Mehmed Şerafeddin, "İctimai İlm-i Kelam-III," *İM*, 19 (1915), 506–7.

⁹⁸ Mehmed Şerafeddin, "İctimai İlm-i Kelam-IV," *İM*, 25 (1915), 604–5.

political and religious disputes and the emergence of nearly twenty groups, such as the Qadarites and Kharijites.⁹⁹ Unlike classical Muslim theologians, Şerafeddin preferred to emphasize religious experience and human inner capacity. He began one of his articles saying, “God is not known but is intuited.”¹⁰⁰ It appears that Şerafeddin, too, was reinterpreting Islamic history from a Durkheimian point of view, but transferred the idea of collective consciousness from law to Islamic theology, suggesting a more practical theology based on concrete life-worlds and contemporary needs.

CRITICISMS OF THE APPLICATION OF DURKHEIMIAN THOUGHT TO ISLAMIC LAW

Gökalp’s and Sabit’s attempts at a Durkheimian and Islamic social theory were already subject to criticism by some contemporaries, such as İzmirli İsmail Hakki (1869–1946) and Said Halim Paşa (1865–1921), who were also supporters of modernization. They, too, were allies of the CUP, but took other approaches. Although he defended reforms in the Ottoman classical disciplines, İzmirli wished to do so without changing their primary basis: maintaining a strong connection with the historical tradition. Therefore he wrote a series of articles in *Sebilürreşad* criticizing Ziya Gökalp’s project,¹⁰¹ and emphasizing that custom was a source secondary to revelation and prophetic traditions, and therefore could not be an equal source and an essential foundation for legal reasoning. İzmirli’s response was based entirely on classical Ottoman law and does not contain sociological methods or Durkheimian thought. He thought that the Gökalpian school wrongly defined and employed classical Ottoman (Arabic) terms, such as *örf*, *ma’ruf*, *ictihad*; that the unlimited authority of customs was baseless; that the separation of revealed and social law was unnecessary; and that the proposed project had nothing to do with authentic Islamic legal methodology. Although he acknowledged the need to revitalize the national cultural heritage to obtain solutions to contemporary problems, he took a different path, claiming the sufficiency of restoring the reasoning process, resystemizing the methodology of classical techniques, and applying them to new issues. In his view, the so-called social methodology project would lead a *mélange* of cultural preferences and individual thoughts to supersede the main sources of law and finally suppress

⁹⁹ Şerafeddin, “İctimai İlm-i Kelam-I,” 435–6.

¹⁰⁰ Şerafeddin, “İctimai İlm-i Kelam-I,” 434.

¹⁰¹ See *Sebilürreşad*, issues 292 to 298 in vol. 12. For a brief summary of this discussion between Gökalp and İzmirli without analysis see Abdülkadir Şener, “İctimai Usul-i Fıkıh Tartışmaları,” *Ankara Üniversitesi İlahiyat Fakültesi İslam İlimleri Enstitüsü Dergisi*, 5 (1982), 231–47.

them.¹⁰² Yet Hakki had his own project that he called new philosophical theology (*yeni ilm-i kelam*), in which the transcendental aspects of religion allowed for a sphere of change and continuous transformation within culture.¹⁰³

Conversely, Said Halim Paşa used modern cultural arguments in his criticism and highlighted the foundational differences between Ottoman Islamic law theories and European social sciences, without referring directly to Gökalp's sociological project, but discussing the same case of legal and social reformation. In his 1921 book *Les institutions politiques dans la société musulmane*, on the institutional bases of Muslim societies, he points out the differences between the two systems as follows:

Therefore, according to the *fikh*, we must seek to create and adjust our entire organization, our entire economic system, in the spirit of the Sharia so that they meet the philosophical conception of human happiness as it is generated by Islamism. Otherwise they would be examples of the shortcomings and serious defects of the people of the West . . . and the results of their social system.¹⁰⁴

In Said Halim's view, the Ottomans needed to focus on European physical and natural sciences, while concentrating more on reviving their own historical heritage than on confounding the latter with social and political sciences derived from Western social conditions, as was later done in the republican period.¹⁰⁵

CONCLUSION

This article suggests a new way of looking at late Ottoman reform initiatives. Usually known for their hyper-westernization and their embrace of Western novelty, these initiatives also show aspects of continuity in terms of ideas and terminologies rooted in the premodern Ottoman–Islamic legacy. By focusing on Ziya Gökalp, but also glancing at his “school,” notably his followers Halim Sabit and Mehmed Şerafeddin, who deserve to be treated as thinkers in their own right, this trajectory becomes apparent. It should be emphasized that the members of

¹⁰² See İzmirli İsmail Hakki, “Örfün Nazar-i Şer’deki Mevkii,” *Sebilürreşad*, 12/293 (1914), 129–32; Hakki, “İctimai Usul-i Fıkha İhtiyaç Var mı?,” *Sebilürreşad*, 12/298 (1914), 211–16.

¹⁰³ See M. Sait Özervarlı, “Alternative Approaches to Modernization in the Late Ottoman Period: İzmirli İsmail Hakki’s Religious Thought against Materialist Scientism,” *International Journal of Middle East Studies*, 39 (2007), 72–102.

¹⁰⁴ Said Halim Pacha, *Les institutions politiques dans la société musulmane* (Rome, 1921), 27–8.

¹⁰⁵ For details of his thought see Ahmet Şeyhun, *Said Halim Pasha: Ottoman Statesman and Islamist Thinker* (Istanbul, 2003). A more conservative scholar, Şeyhülislam Mustafa Sabri (1869–1954), also explicitly rejected Gökalp’s approach of custom and its place in law. See Mustafa Sabri, *Dini Müceddidler Yahud Türkiye İçin Necat Yollarında Bir Rehber* (Istanbul, 1919), 4–5.

Gökalp's reformist circle presented the evolution of societies and the occurrence of change as necessary conditions of social life, and regarded dogmatism as a barrier to progress and as a cause of rigidity in religion. Nevertheless, these reformers criticized superficial Westernization as mere imitation of European thought without the necessary vital linkages to the classical Ottoman heritage.

Mainly on the basis of the Durkheimian theory of collective consciousness, the reformers attempted to restructure Ottoman thought and infuse Islamic normativity and theology with modern European sociology. They welcomed Durkheimian ideas and methodology as an efficient tool to design social unity in a modernized society that still appreciated its cultural roots. As I have shown, although the school of Gökalp surely did not aim at anything like a strict revival of Islamic tradition, it sought references in its deeply rooted legacy to actively and more efficiently accommodate modernity. The selection of entry points and choices made with regard to Ottoman heritage deserves closer attention and still calls for comparison with reform initiatives elsewhere in the Muslim world.

As a case in point, Gökalp's and his followers' efforts elevated the role of custom (customary law), *örf*, in a deliberate move to provide an opportunity to accommodate changes and, notably, underlie the country's modernization program. The example of customary law demonstrates that the widespread tendency to discard and criticize references to Islam as only half-digested traditional knowledge misses the point and ignores the genuine concern of the reformers to put both cultures into conversation. While Gökalp himself—at least in a technical sense—indeed overemphasized custom at the expense of the Islamic legal tradition and methodology, especially concerning its approved ranking within the sources of law, this deficiency in argumentation cannot be attributed to Halim Sabit as well. It is no coincidence, therefore, that Sabit buttressed his defense of his social legal theory with copious information from Ottoman experience. In his view, Ottoman sultans used their legislative authority in many spheres and launched a separate administrative legal system called *kanun*. What the sultans did, he argued, was nothing other than to endorse custom under the legitimacy of *kanun*, which acknowledged the general social consciousness through imperial decrees.¹⁰⁶ But he left a major gap between collective consciousness and the sultans' decreed law, a gap unbridged without assuming a benevolent ruler.

Another, more general, conclusion that emerges from this discussions is that we also need to pay more attention to the cultural settings and media contexts in which such calls for reform were voiced. The publication organ they chose for the staging of their project was a journal of Islamic jurisprudence and thought rather

¹⁰⁶ Halim Sabit, "İcma: Osmanlılarda Teşri Salahiyeti," *İM*, 27 (1915), 628–9.

than a general sociological one, which shows that their targeted addressees were members of religious circles. Socioreligious opponents of their ideas responded to them mainly in the journals *Sirat-i Müstakim* and *Sebilürreşad*, where the strongest criticisms of the project could be read.

It remains to be investigated how far the school of Gökalp formulated the application of Durkheimian concepts (and, for that matter, further movements in view of other Western ideas) to Ottoman Islamic culture in a systematic manner. Gökalp and his circle were well aware of the importance of context, and he emphasized that he had taken to heart the advice of his high-school teacher that cultural revolutions could not succeed in an imitative way, but had to take into consideration the conditions of their own society.¹⁰⁷ Hence one can read this effort as partaking in the production of “multiple modernities” in the sense of Samuel Eisenstadt—and in sharp contradiction to the understanding of Durkheim himself, whom they claimed to emulate.

In the end, this project did not survive for long and must be regarded as transitional. This is probably partly because it was strongly characterized by the application of historicism to the practices of religion in society, the expansion or narrowing of the meaning of traditional concepts, and the imposition of its own interpretational frames on classical theories. With major political changes after World War I that led to state control of society and religion in the republican period, the school of Gökalp, although it aimed to create a reformism by explaining Ottoman culture through Durkheimism, was practically turned into a radical modernism which tended to disown its Ottoman heritage. Durkheim’s discourse of social transformation turned into a strictly top-down process enacted by the state, and religion was not considered a separate domain, but a “helping hand,”¹⁰⁸ and more frequently a field for the state to exercise power in, which was entirely different from benefiting from its functional aspects in the Durkheimian sense. Yet students of reform movements within late Ottoman and modern Turkish intellectual history may be well advised to pay closer attention to Islamic thought used as a cultural resource even within this segment of alleged hypermodernity.

¹⁰⁷ Ziya Gökalp, *Makaleler VII*, ed. M. Abdülhaluk Çay (Ankara, 1982), 102.

¹⁰⁸ Michael King, ed., *God’s Law versus State Law* (London, 1995), 105; Yılmaz, *Muslim Laws, Politics and Society in the Modern Period*, 101.