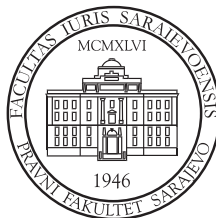


XXVIIth ANNUAL FORUM OF YOUNG  
LEGAL HISTORIANS

**“MEETING OF LEGAL  
CULTURES”**

University of Sarajevo – Faculty of Law  
September, 21-23, 2023  
**Book of Abstracts**



Sarajevo, 2023

**Published by:**

University of Sarajevo – Faculty of Law

**For Publisher:**

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Šerijatska sudačka škola u Sarajevu. Originalna slika *Aulo Lynker*.

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## **TWO DIMENSIONAL CULTURAL CHARACTER OF OTTOMAN LAW: SHARIA AND CUSTOMARY STATE LAW**

There may be seen a generally accepted perspective on Ottoman law that it holds pure religious character in intellectual teachings. However we should look beyond this loose summary of Ottoman legal culture which consists of basically two main sources besides the traces of many other regional or religious legal cultures. We may name these two main sources of Ottoman law as “sharia law” and “customary state law”. Sharia law is as generally known means Islamic law which is comprised of Muslim jurists’ intellectual works upon the basis of legal rules prescribed by the Holy Quran and the Sunnah of Prophet Mohammad (pbuh). This religious law explicated and enhanced intellectually was in a side of Ottoman law spectrum. At the other side of that spectrum, we may see the Ottoman state law which was conducted by sultan’s orders he could give in the frame drawn by sharia law. This customary state law of Ottoman was based upon pre-Islamic Turkish governmental law or customs. So it can be said that Ottoman law is consisted by the convergence of those two substantial sources and their basis as pre-Islamic Turkish legal culture and Islamic legal culture. This paper aims to clarify those two dimensional cultural character of Ottoman law and their historical background in pre-Islamic Turkish legal culture and Islamic legal culture.