

Flexible roles of waqfs in circumventing the Islamic succession law: the case of Ottoman family waqfs

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The instrumentalization of family waqfs to circumvent the Islamic succession law has been a debated issue for centuries. These waqfs have played a major role in many practices, for example, sometimes in favor or against the involvement of women in inheritance. While this role has been emphasized in the literature, the different reasons for the disruption of the law for or against women have not been adequately examined. The founders may have established family waqfs to circumvent the succession law from different aspects due to the different socio-economic characteristics of the society in which they live. This paper examines how family waqfs established in different Ottoman cities (Istanbul, Edirne, Bursa etc.) led to different practices in the intergenerational transfer of property from the perspective of political economy. By using primary sources such as waqf deeds, shari'a court records and probate inventories, this paper probes how socio-economic factors affect the succession practices of societies with a comparative analysis. In some cities, family waqfs have served to facilitate the more equitable involvement of women in inheritance, while in others they have created a depriving barrier against women. By studying the relation between family waqfs and inheritance strategies may allow us to approach family structures from a historical and comparative perspective, giving us a better understanding of ever-changing social dynamics.