

# **Lost in Translation and Transition: The Case of 19th-Century European Jurists Interpreting Ottoman Waqf Law**

*Fatma Gül Karagöz*

The aim of this paper is to analyse the secondary literature on Ottoman waqf law given by 19th-century European legal scholars who mostly wrote in French. During the 19th century, European scholars had shown a growing interest in Ottoman-Islamic law. This interest was correlated with an attempt to understand the structure of the legal system of the countries where European presence expanded through the 19th century. Like Baber Johansen once remarked, the first attempts to interpret Ottoman-Islamic law were influenced by both a practical and a colonialist approach. During these partly academic attempts, to understand and to define the structure of “classical” Islamic-Ottoman waqf law became crucial to respond to the many practical questions Europeans faced in the Ottoman lands concerning property, including the rights of succession for strangers and the limits of a person’s capacity over waqf property. This paper will focus on the writings of four particular scholars about waqf: Mouradgea D’Ohsson, Domenico Gatteschi, Alphonse-François Belin, and Mayer-Goudchaux Worms. The paper first tries to understand which sources from Ottoman fiqh literature these 19th-century scholars chose and to analyse the potential reasons behind their choices. A second question is to find out how effectively they managed to evaluate and interpret these sources. By tracing a line from the classification of waqfs made by D’Ohsson to the others, it would also be possible to evaluate to what measure these jurists-historians were influenced by each other and what might be the results of this academic transition.