

Donations and transfer of property in Ottoman Istanbul, 1700-1820

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While probate inventories and pious endowments (waqfs) have received significant scholarly attention in the field of succession in Ottoman history, the intergenerational transfer of property through donations has not been subject to similar scrutiny. This paper aims to address this gap by examining over 500 deeds of donations (hiba) recorded in the registers of various Muslim courts in Istanbul between 1700 and 1820. By analyzing these deeds, this study investigates the transfer of property in the early modern Ottoman Empire, providing a systematic analysis of donations obtained from the main shari'a courts in early modern Istanbul. The primary objective is to gain a deeper understanding of the mechanisms through which property was transferred between generations in the Ottoman Empire.

Drawing on the principles of Islamic succession law, this paper contributes to the existing literature by conducting an empirical analysis of the underlying motivations behind such acts of giving. Specifically, it explores questions such as: Who donated property or other forms of wealth, and to whom? What were the reasons behind these decisions? Did personal connections and relationships play a role in determining these actions? Furthermore, the study examines the timing of donations, exploring whether the two methods of property transfer had any notable differences. Additionally, it investigates whether the practices of giving underwent any changes over time.

Utilizing a quantitative approach, this paper seeks to assess the impact of various variables on the decision-making process of the donor. The collected data indicates a significant prevalence of intra-family property transfers, indicating a tendency among individuals to leave property specifically to certain members within their family. More specifically, those who donated often selected family members, such as daughters, as recipients of their wealth. Consequently, the paper argues that these donations were employed as a means to circumvent Islamic laws that dictated strict guidelines for the division of one's bequests.

In summary, this study sheds light on an understudied aspect of Ottoman history by examining the intergenerational transfer of property through donations. By analyzing a substantial number of donation deeds from the main shari'a courts in early modern Istanbul, it contributes to our understanding of how property was transferred between generations in the Ottoman Empire. Through empirical analysis, this paper reveals the motivations behind giving and highlights the prevalence of intra-family property transfers as a means to navigate Islamic succession laws.