« The Case of 'Doubled Waqf': A Study on Qajar Shari'a Courts ». *Annals of Japan Association for Middle East Studies*, 19-2 (2004), pp. 117-142 [in Japanese].

Akihiko Yamaguchi

Édition électronique

URL : <http://journals.openedition.org/abstractairanica/5978>

DOI : 10.4000/abstractairanica.5978

ISSN : 1961-960X

Éditeur :

CNRS (UMR 7528 Mondes iraniens et indiens), Éditions de l'IFRI

Édition imprimée

Date de publication : 15 mai 2006

ISSN : 0240-8910

Référence électronique

Akihiko Yamaguchi, « « The Case of 'Doubled Waqf': A Study on Qajar Shari'a Courts ». *Annals of Japan Association for Middle East Studies*, 19-2 (2004), pp. 117-142 [in Japanese]. », *Abstracta Iranica* [En ligne], Volume 27 | 2006, document 179, mis en ligne le 02 janvier 2007, consulté le 25 septembre 2020. URL : <http://journals.openedition.org/abstractairanica/5978> ; DOI : <https://doi.org/10.4000/abstractairanica.5978>

Ce document a été généré automatiquement le 25 septembre 2020.

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- 1 This excellent and pioneering paper probes the little-known function of the *shari'a* courts in Qajar Iran, examining in detail a series of lawsuits over a village endowed twice as *waqf* by two different persons. Using numerous unpublished archival documents discovered by the author at the Waqf Organization in Teheran, Kondo illustrates vividly the process of the litigation, as well as the respective roles played in it by the ulama and the State. This interesting case throws a light on some essential characteristics of the Qajar *shari'a* court. The main task of the court was to issue *hokm* or 'judgement', which legally endorsed claims laid by plaintiffs. Regardless of his post and title, each ulama could issue such a *hokm*, almost independently of other ulamas and of the State, while the *hokms* issued by prominent ulamas of the Atabat were more influential. The court had no system to record and preserve *hokms* and other documentary evidence, and as long as the State did not accept the issued *hokm*, it was never executed. These factors prolonged the dispute.

INDEX

Thèmes : 4.2.1. Safavides et Qājārs

nompropre Qājārs

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