

Institutional Roots of Authoritarian Rule in the Middle East: Political Legacies of the Islamic Waqf

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Abstract.

In the pre-modern Middle East the closest thing to an autonomous private organization was the Islamic waqf. Paradoxically, this non-state institution inhibited political participation, collective action, transparency in governance, and rule of law, among other indicators of democratization. For a millennium it delayed and limited democratization through several mutually supportive mechanisms. Its activities were essentially set by its founder, which limited its capacity to meet political challenges. Being designed to provide a service on its own, it could not participate in lasting political coalitions. The waqf's beneficiaries had no say in evaluating or selecting its officers. Circumventing waqf rules required a court's permission, which incited corruption. Finally, the process of appointing officials promoted and legitimized nepotism. Thus, for all the resources it controlled, the Islamic waqf contributed minimally to advancing the rule of law or building civil society. As a core element of Islam's classical institutional complex, it perpetuated authoritarian rule by keeping the state largely unrestrained. Therein lies a major reason why in the Middle East democratization is proving to be a drawn out process.

Keywords: Middle East, Ottoman Empire, Turkey, Arab world, Egypt, Islamic law, sharia, waqf, democracy, autocracy, civil society, political participation, collective action, coalition, corporation, foundation, corruption, nepotism, trust, institutional change.

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1. Introduction

Even after the Arab uprisings of 2011, the Middle East¹ remains the world's least democratized region. Its only predominantly Muslim country that qualifies as a full electoral democracy is Turkey, where as late as 1997 the military forced an elected government to resign and where, under the increasingly Islamist Justice and Development Party (AKP) government, fundamental freedoms are eroding.² Several other region-wide patterns point to weak political performance. Trust in strangers, or generalized trust, is strikingly low by the standards of established democracies.³ Likewise, trust in institutions is very limited.⁴ Corruption is common as perceived by both local residents and foreigners; so is nepotism, the tendency to favor relatives.⁵ Insofar as they exist, institutional checks and balances are unreliable, which is why secularists and Islamists, and also Shiis and Sunnis, object to being governed by parties under the other's control.

For all their insights, the literatures on these patterns raise puzzles.⁶ Certain important findings relate to only part of the region. For example, the observation that oil revenues allow rentier states to buy off their critics leaves unexplained the persistence of autocratic rule in oil-importing states.⁷ Other popular arguments are inconsistent with evidence from outside the Middle East. Consider the treatment of the Middle East's low political performance as a legacy of colonialism.⁸ It begs the question of why many former colonies outside the region, including India and Brazil, have better political records. A common trait of inquiries into the Arab world's chronic political failures is a focus on proximate factors.⁹ Since the end of foreign rule, it is commonly observed, monarchs and presidents have emasculated the news media, suppressed intellectual inquiry, restricted artistic expression, banned political parties, and co-opted regional, ethnic and religious organizations. Authoritarian governments have thus suppressed collective empowerment on the part of politically oriented non-governmental organizations. Sustained collective action tends to be limited, as one contributor puts it, to "extraordinary social and political circumstances."¹⁰ To make matters worse, the private organizations that manage to engage in advocacy tend to be unaccountable to the constituencies that they ostensibly represent. All this is true, with variations among countries. But why have the oppressive policies of Arab rulers worked so well and for years on end? And why have the region's non-governmental organizations (NGOs) lacked accountability? Might the identified patterns, including the persistence of authoritarianism and the political passivity of the masses, be rooted in historical processes that predate European colonialism?

With a few shining exceptions, researchers have left unexplored how the Middle East's institutional heritage may have constrained its political possibilities. Both colonial and post-colonial political institutions were superimposed on a deeply rooted institutional complex that was

¹ For present purposes the "Middle East" consists of the 22 members of the Arab League plus Iran and Turkey.

² On a standardized 0-10 scale (10 best), the population-weighted Freedom House civil liberties score of the Middle East is 4.7, as against 8.6 for the OECD; and the rule of law index of the World Bank is 3.7 for the Middle East, as against 8.0 for the OECD. In both calculations, Turkey is included in the Middle East and excluded from the OECD.

³ Evidence in sect. 12 below.

⁴ Bohnet, Herrmann, and Zeckhauser 2010.

⁵ According to the 2012 Corruption Perceptions Index of Transparency International (<http://www.transparency.org>), the population-weighted average government cleanliness score of the Middle East is 3.0 on a 0-10 scale, as against 6.6 for the OECD, the club of advanced industrial democracies (the latter figure excludes Turkey).

⁶ Diamond 2010, Sarkissian 2012, and Fish 2002 critique the most influential explanations.

⁷ Ross 2001 provides evidence that oil wealth hinders democratization.

⁸ Ismael and Ismael 1997.

⁹ The most insightful contributions include Yom 2005, Langohr 2004, Bayat 2002, and Wiktorowitz 2000.

¹⁰ Bayat 2002, 8.

unsuited to basic human rights and the rule of law. What I shall call the region's "Islamic institutional complex" has barely been examined from the perspective of its consonance with democratization.¹¹ This article shows how one particular pre-modern Islamic institution, which played an important economic role for a millennium, hindered democratization. This institution is the Islamic waqf, which is called *habous* in parts of North Africa and *bonyad* in Iran.¹² It is distinct from the modern waqf, which has come on the scene in Turkey and, in a different form, in Iran.¹³ The Islamic waqf is a foundation established and maintained under pre-modern Islamic law. Within the pre-modern Islamic legal system, it is the closest thing to an autonomous private organization. As such, it might have promoted political participation, collective action by the masses, and political accountability, among other indicators of democratization. It might have generated a vibrant civil society capable of constraining rulers and majorities.

Civil society refers to the "arena, outside the family, the state, and the market where people associate to advance common interests."¹⁴ Although political checks and balances can be built into the state itself, as with the tri-partite government of the United States, no known democracy relies solely on a division of powers. As generations of thinkers have recognized, civil society is essential to democratic life. To be sure, the concept has proven difficult to quantify. Observers characterizing Middle Eastern civil society as weak have struggled to establish this claim independently of its purported effect, authoritarian rule. But it is easier to identify and measure certain manifestations of civil society, such as political participation and collective action. Hence, in exploring the waqf's political effects, it makes sense to ask how it may have shaped social factors with which civil society is typically associated, rather than civil society *per se*.

There is another analytical justification for this strategy. Today's democratic societies attained their present political characteristics through multiple paths. Beginning their transformations at different times, they also experienced different social cleavages. Their features characteristic of democracy—enforced human rights, broad political participation through parties and lobbies, autonomous legislatures and judiciaries, universal suffrage—did not develop in lockstep.¹⁵ Hence, focusing on the manifestations of civil society allows one to look at the experiences of other regions for hints concerning the Middle East's political trajectory, and to do so without treating Britain, or France, or the United States as the only model of success. The multiplicity of Western paths suggests that the Middle East could have followed a distinct path, even several paths unique to sub-regions.

For all their differences, the European paths to democracy also share some family resemblances. First, they all involved protracted struggles involving perpetual private associations, with setbacks along the way, as impoverished, dominated, and relatively poor groups learned to get organized effectively. Second, all of the paths produced checks and balances of some sort. Thus, investigating the waqf's political consequences amounts to asking why the Middle Eastern counterpart of European private organizations achieved less political power. A fine-grained

¹¹ The elements of this complex varied across time and space. But from around the tenth century to the reforms of the nineteenth century their core elements remained stable.

¹² In English it is sometimes called a pious foundation or an Islamic trust.

¹³ See sect. 11 below.

¹⁴ Heinrich 2010, 12-34.

¹⁵ The roles of peasants, cities, and merchants in reining in the monarch all differed across contexts. Although England's Glorious Revolution (1688) and the French Revolution (1789) both instituted democratic checks and balances, the key coalitions differed substantially. See Ziblatt 2006, Tilly 2005, Anderson 1974, and Moore 1966.

identification of the waqf's political functions offers two further advantages. It may suggest where a Middle Eastern democratization process might have started. It also helps to identify critical obstacles to democratization in the present.

In what follows I argue that the waqf limited democratization through several mutually supportive mechanisms. First of all, by design its use of resources was essentially set by its founder, which limited its capacity to meet new political challenges. Second, in disregarding the preferences of its beneficiaries, it limited political participation. Third, it could not pool resources with other entities, which kept it from joining durable political coalitions. Fourth, it limited political participation further by denying its beneficiaries a say in the selection of officers. A fifth problem is that circumventing stringent waqf rules required a court's permission; together with the lack of transparency in its activities, this requirement fueled corruption. Finally, the process of appointing successive officials promoted and legitimized nepotism.

Thus, for all the resources it controlled, the waqf remained a minor player in Middle Eastern politics. Through the corruption it invited, it hindered rule of law. It contributed, on the one hand, to keeping the Middle Eastern peoples politically docile, ignorant, and quiescent, and, on the other, to routinizing practices lacking legitimacy. As a key component of the institutional complex that kept the state unmonitored and unchecked by civil society, the waqf set the stage for the region's corrupt authoritarian regimes of the twentieth and twenty-first centuries. Unrestrained power usually breeds bad governance. Indeed, the legitimacy deficit of incumbent Middle Eastern regimes is a legacy of political patterns rooted in the traditional waqf.

In the modern Middle East, the corporation, which is a self-governing organization conducive to politics, has taken over many social functions long performed by the Islamic waqf. Notwithstanding its name that harkens to early Islam, even the modern waqf is a non-profit or charitable corporation. Islamic charities tend to be organized as modern waqfs, rather than as Islamic waqfs. This makes it especially useful, in identifying the Islamic waqf's political consequences, to keep an eye on corresponding developments in Western Europe, the region where the corporation first contributed to democratization.

2. The Islamic waqf and its economic significance

Under classical Islamic law, which took shape between the seventh and tenth centuries, a waqf was a foundation that a Muslim individual established by turning privately held real estate into a revenue-producing endowment. The endowment was to provide a designated service in perpetuity. Ordinarily a judge (*kadi*) ratified the waqf's purpose. Along with the assets placed in the endowment, he recorded the founder's stipulations regarding maintenance and the disposition of income.¹⁶ The resulting deed (*waqfiyya*) was meant to govern the waqf's operation forever. To ensure its survival and minimize disputes over the founder's intentions, a major waqf might have its deed carved into the façade of an imposing building.¹⁷ It became customary to set a legal precedent for the deed's immutability by having the founder sue for modifications; the record of the court's refusal would demonstrate the permanence of his stipulations.

The service could be anything legitimate under Islamic law. Thus, waqfs were commonly established to support mosques, schools, fountains, hospitals, soup kitchens, bathhouses, inns, parks, and funerary complexes. Whatever the particular service, the endowment would be expected

¹⁶ There existed waqfs founded by an oral declaration before witnesses (Beldiceanu 1965, p. 29).

¹⁷ For general accounts of waqf rules and practices, see Barnes 1987, Schoenblum 1999, and Kuran 2001.

to support operational expenses, including repairs and staff salaries.¹⁸ Sometimes the deed explicitly named the beneficiaries: a particular family, or the indigents of a particular town, or some neighborhood's taxpayers. When no beneficiaries were specified, the locational choice might privilege certain communities. The patients of a Damascus hospital would consist disproportionately of Damascenes. Ordinarily the waqf's income was exempt from taxation, as were its payments to employees and its services.¹⁹

Responsibility for managing the waqf's endowment and implementing its deed fell to a caretaker (*mutawalli*). The caretaker rented out properties, authorized repairs, hired and supervised employees, and delivered services. He performed these duties as the founder's agent; expected to adhere to the deed, he was supposed to implement the wishes it expressed. The initial caretaker of a waqf was selected by the founder, who could specify how his successors would be appointed. Sometimes he would name a sequence of individuals. Another common pattern was to reserve the position for a particular office holder, such as the imam of a certain mosque. Some founders simply included the succession decision among the caretaker's duties. As a rule, the position was a lifetime appointment. When a caretaker died in office without a designated successor, the nearest judge made the new appointment. The local judge played other roles, too. It was among his duties to enforce the deeds of the waqfs that delivered services or held properties in his area.²⁰ In this capacity, he could remove a caretaker for shirking or embezzlement. He thus provided the waqf's main line of defense against mismanagement.

Before modern times, expropriation was common in the Middle East. A waqf enjoyed considerable immunity against confiscation because of the belief that its charitable functions made its assets sacred.²¹ Sacredness thus served as a credible commitment device. Knowing that a ruler could not confiscate a waqf without appearing impious, people expected him to respect the inalienability of endowed assets. The exceptions generally took place during regime changes or major internal challenges. Rulers would declare a cluster of waqfs invalid, usually on the ground that the founders did not own the endowed assets, as waqf law required. In the thirteenth through fifteenth centuries, waves of confiscations occurred under Mamluk sultans facing an acute military threat; when the Ottoman sultan Mehmet II wiped out Anatolia's Turcoman aristocracy during a struggle for control over his expanding realms; and when the Ottomans conquered Syria and Egypt. But even these exceptions prove the rule. The Mamluk sultans generally backed down in the face of resistance; the expropriations of Mehmet II sowed enough resentment to make his successor Bayezid II restore some of the destroyed waqfs; and, likewise, Egypt's Ottoman administrators reversed many of their waqf annulments. On balance, an asset was much less likely to be confiscated if it belonged to a waqf than if it was privately owned.²²

¹⁸ Certain modest waqfs offered services without any dedicated physical structure. They included those established for paying a neighborhood's taxes, assisting widows, liberating indebted prisoners, or conducting prayers for the dead.

¹⁹ Barnes 1989, 38-40; Leeuwen 1999, 53-54.

²⁰ The geographic contours of a judge's jurisdiction were not sharply defined. Two or more judges could be involved in monitoring any given waqf. Custom often dictated which court had jurisdiction.

²¹ The sacredness belief was reinforced through waqf deeds, which typically stated that anyone who harms a waqf will suffer both on earth and in the afterlife (Öztürk 1995, 23).

²² On the three examples, see Oğuzoğlu 2000, 37-38; Winter 1992, 11; Lev 2005, 155; Leeuwen 1999, 88-89, 96; Barnes 1986, 38; Behrens-Abouseif 2002, 64-66; Irwin 1986, 96, 141; and Yediyıldız 1982, 161.

Source	Place	Date	Tax revenue accruing to waqfs	Waqf assets	Estimation method
Ubicini 1853	Turkey	1800		Three-quarters of landed property	Aggregation of official opinions, reports
Behrens-Abouseif 2002	Egypt	1517		Half of land	Ottoman land survey
Berque 1974	Algiers	1830		Half of buildings in city	French land survey
Deguilhem 2004	Damascus and environs	1922		More than half of real estate	Impressions of historians
Barkan and Ayverdi 1970	Anatolia	1530	27%		Statistical sampling
Yediyıldız 1984	Anatolia	1601-1700	26.8%		Statistical sampling
Öztürk 1995	Anatolia	1801-1900	15.8%		Statistical sampling

Table 1. Waqf assets or revenues: Estimates

Precisely for this reason, vast resources poured into waqfs. Although no comprehensive data set exists, various indicators testify to their economic significance. First of all, practically every monograph on the socio-economic life of a pre-modern Middle Eastern city or region devotes at least a chapter to local waqfs, invariably establishing that they carried great weight in the local economy. Second, the available estimates of waqf assets and income involve huge figures (Table 1). The three studies using statistical sampling show that the share of tax revenue accruing to Anatolian waqfs was 27 percent in the 1530s, 26.8 percent in the seventeenth century, and 15.8 percent in the nineteenth century.²³ The Ottoman treasury received about half of its tax revenue from real estate; poll taxes and opportunistic taxes (*avarız*) formed the other major categories. Hence, at least until the nineteenth century, which marked the start of fundamental reforms, waqfs received at least half of all revenues from land and buildings. The dip in the nineteenth century (last row) accords with the nationalizations that accompanied the reforms; they are discussed below. A third indicator is that waqf-related cases appear very frequently in court records. Of 9,074 commercial cases in a judicial data base of seventeenth-century Istanbul, 17 percent concerned a waqf matter. By contrast, a state official was involved in just 7.6 percent of the cases.²⁴ Finally, a

²³ Barkan and Ayverdi 1970, 17; Yediyıldız 1984, 26; Öztürk 1995, 54.

²⁴ Kuran 2010-13. Pro-state biases of the judges, documented in Kuran and Lustig 2012, may have limited the latter number.

large majority of all surviving Middle Eastern buildings from before the nineteenth century were financed through waqfs. The main exceptions are palaces, fortresses, and harbors.

Whatever the spatial variations, waqfs held abundant assets in both cities and the countryside, which made them potentially powerful political players. They might have used their resources to constrain the state on behalf of the beneficiaries they were supposed to serve. In the process, the nucleus of a civil society capable of advancing political objectives might have emerged. The resulting decentralization of power could have placed the Middle East on the road to democratization.

To see how, remember that a waqf caretaker's authority was grounded in the waqf's deed. Whatever the circumstances of his appointment, he controlled the waqf's assets and its staff, who served at his discretion. These factors alone made him a respected person.²⁵ In charge of an organization commanding income-producing assets, a waqf caretaker was also the natural leader of the constituency that his waqf served—the teachers and students of a school, the poor who depended on a soup kitchen, or the community living near a particular fountain. With each such constituency, the caretaker provided a focal point for coordinating individual demands. Hence, every waqf constituency formed a community potentially capable of collective action. Insofar as waqf beneficiaries undertook collective action to advance their joint interests, they might have developed the organizational, communicational, and strategic skills to pursue collective action in other contexts and through different groups. Waqfs could have turned the Middle East into a region hospitable to initiatives requiring social organization, in other words, rich in "social capital."²⁶ Such initiatives could have included campaigns to influence state policies. The political passivity of waqfs is the puzzle at hand.

3. Origins of the waqf's political features

Nothing is certain about the waqf's origins except that it is not among Islam's original institutions. The Quran does not mention it, which suggests that it played no significant role in the Arabian society that counted Muhammad among its members.²⁷ Although subsequently recorded remembrances about early Islam (*hadith*) mention that Muhammad's companions formed waqfs, these accounts were probably concocted to legitimize an addition to the Islamic institutional complex.²⁸

Institutions resembling the waqf were present in pre-Islamic civilizations. In the Sassanid and Byzantine empires temples had long been financed through some form of trust.²⁹ In all likelihood, the idea of endowing assets to provide a permanent service was appropriated from these empires during Islam's expansion into Syria and Iraq. At the death of the caliph Ali in 661 about half of the Byzantine Empire and most Sassanid territories were within the Islamic fold. With conquests continuing, Muslims gained familiarity with Byzantine and Sassanid practices. Their

²⁵ A common theme in historical accounts of Middle Eastern cities involves the esteem enjoyed by waqf caretakers (Behar 2003, 65-83; Leeuwen 1999, ch. 4). In court records waqf caretakers almost always carry an honorific title, which points to the institutionalization of their elevated social status.

²⁶ There is a rich modern literature that treats social capital as a key ingredient of economic development. See, for example, Banfield 1958, ch. 5-8; Coleman 1990, ch. 12; Fukuyama 1995, 3-57; Putnam 1993; and Guiso, Sapienza, and Zingales 2008. On the Middle East specifically, see Jamal 2007, especially ch. 6.

²⁷ Oberauer 2013.

²⁸ Hâtemî 1969, 29-38. During Islam's first few centuries leading scholars dismissed hundreds of thousands of such recollections as apochryphal, and modern investigators consider most of the remainder fabricated (Brown 2011).

²⁹ Thomas 1987.

administrations started to draw on the talents of bureaucrats who had served other states.³⁰ The year 661 marks also the start of the first Muslim dynasty, the Umayyads, and the shift of the Islamic seat of power from Medina to Damascus. The ensuing decades involved many adaptations and innovations. The Umayyads ruled until 750, when they were overthrown everywhere but in Spain. Power passed to a new dynasty, the Abbasids.³¹

Two patterns of governance are pertinent here. First, under both dynasties the consolidation of power involved higher taxes on various groups, with exemptions provided to exploit opportunities and accommodate political pressures. Second, the fiscal policies of both regimes bred insecurity among administrative cadres. Although a talented person could prosper by serving an Umayyad or Abbasid caliph, he was always at risk of being fired, expropriated, even executed; a misjudgment or a rumor could make him lose everything suddenly.

The resulting insecurity would have fueled a quest for institutions capable of alleviating the risks in question. The debated alternatives are evident in the earliest work aimed at developing a coherent set of waqf rules, al-Khassaf's *Kitāb ahkām al awqāf*, published in the ninth century.³² This treatise indicates that the waqf entered the Islamic institutional complex during the Umayyad and early Abbasid eras. We learn also that the principle of freezing the use of waqf assets in perpetuity drew clerical opposition. The rules that emerged from the negotiations were legitimized through late-appearing recollections of Muhammad's life. Collectively they gave powerful constituencies a stake in the waqf. State officials obtained material security through the right to shelter wealth from unpredictable rulers. Religious officials (*ulamā*) gained access to substantial rents through their supervisory authority over waqfs. As for rulers, they benefited in various ways. First, officials would serve them more willingly. Second, they themselves would obtain insurance against a palace coup through the ability to shelter wealth for their own families and descendants. Finally, waqf-supplied social services would reflect well on their regimes. The achieved agreement allowed state officials, including the ruler himself, to establish socially beneficial waqfs in return for secure control over their income-producing assets and the right to receive some of the income themselves.

From the eighth century onward, some of the largest waqfs were established by members of the ruling family. Known as imperial waqfs, they include the Complex of Sultan Barquq in Cairo (1384) and the Süleymaniye Complex in Istanbul (1557).³³ Relatives of a sultan found it advantageous to form imperial waqfs as insurance against loss of intra-dynastic power. The mother of the crown-prince could want an autonomous financial base in case her son died prematurely or was outmaneuvered by a rival claimant. An imperial waqf also provided security against changes in state priorities. By virtue of the sacredness of its assets, a waqf built in the name of Sultan Süleyman II could endure even if his descendants spurned its objectives. No matter how strong or popular, every ruler had to worry about predation by future rulers.

Two waqf characteristics, both already mentioned, betray that the benefits of forming a waqf were expected to accrue primarily to high officials and their families. The immovability requirement favored state officials, who were rewarded with land grants for their services. This restriction discriminated against merchants, whose wealth typically consisted of movable goods.

³⁰ Köprülü 1931. Providing a more nuanced interpretation, Yıldırım 1999 shows that in certain respects the waqf and the Byzantine "pious foundation" developed in parallel, influencing one another.

³¹ Ruling initially from Kufa, the Abbasids then shifted their capital to Baghdad. On the Middle East's political evolution during this period, see Lapidus 1988, ch. 3-8. Crone 2004, ch. 17-22 surveys the associated evolution of political thought.

³² For an English translation, see Verbit 2008.

³³ A waqf complex provided multiple services. Typically it included a mosque, along with several charities.

The requirement that the founder be a Muslim also points to favoritism toward political elites. By birth or conversion most officials were Muslim. In denying non-Muslims the right to shelter wealth, architects of the waqf monopolized the resulting benefits. The rules allowed strategically valuable non-Muslim officials to form a functionally similar organization by special permission.

The claim that the waqf was designed to serve primarily landowning Muslim officials conflicts with a huge literature that treats it as an expression of pious charity.³⁴ But it is consistent with the lack of restrictions on non-Muslims with regard to the *use* of waqf services. Ordinarily Christians and Jews were eligible to drink water from waqf-maintained fountains, stay in waqf-funded inns, and receive treatment in waqf-financed hospitals. True, non-Muslims were unwelcome in mosques, unless they intended to convert; and waqf founders were free to restrict services to Muslims. However, the resulting consumption exclusions reflected separatist biases that infused daily life rather than a requirement intrinsic to the waqf system. A Muslim could legitimately establish a waqf for the benefit of a predominantly Christian or Jewish neighborhood. Also revealing is that religious minorities freely used another Islamic institution that absorbed private capital: the Islamic partnership. Under Islamic law, an Islamic partnership's capital had to be liquid, and in practice it served short-lived cooperative ventures.³⁵ Hence, it was unsuitable to sheltering wealth. This explains why Christians and Jews, banned from forming waqfs, were given use of Islamic partnership law (Table 2).

Various specifics of Islamic law accord, then, with the waqf's emergence as a device to shelter wealth for high state officials and their families. Although some officials participated in commerce, their wealth was concentrated in real estate. In adapting pre-Islamic models of the trust creatively, they established rules that gave themselves the lion's share of the gains. There is evidence that they continued to capture the lion's share of the gains up to the modern era. In the eighteenth century, 42.7 of all Anatolian waqfs were founded by state officials, and an additional 16 percent by religious functionaries who enjoyed similar privileges and were generally allied with the sultan.³⁶ Given that the largest waqfs tended to be formed by officials, the disproportion in question was even greater in relation to control of waqf assets.

The Umayyad and Abbasid rulers who consented to the waqf's inclusion in the Islamic institutional complex must have understood that in sheltering wealth officials would enhance their capacity to challenge the political status quo. They would have had an interest in restricting the uses of waqf assets. The potential for waqf-based opposition was dampened through several rules discussed in sections ahead: the requirement to follow the founder's instructions, the courts' duty to monitor waqf operations, and obstacles to waqf mergers. These rules show that in giving high officials considerable material security rulers avoided destabilizing their regimes. It matters that many high officials of Muslim-governed states were foreign-born slaves.³⁷ In privileging officials materially, rulers also retained the ability to fire, persecute, and even execute those who posed a threat. They thus extended the right to shelter assets without giving any official legal immunity.

³⁴ Examples include Lev 2005 and Peri 1992.

³⁵ Kuran 2011, 48-52, 59-68.

³⁶ Yediyıldız 1990, 121-22.

³⁷ Goodwin 1994, Pipes 1981, and Uzunçarşılı 1943.

	Islamic waqf	Islamic partnership
Faith of founder	Must be Muslim	Unrestricted
Type of investment	Real estate	Currency

Table 2. Restrictions on the two main investment instruments of Islamic law

This interpretation is consistent with recorded correlations between the “democratic deficit” of the modern Middle East and the diffusion of the Islamic institutional complex. Highlighting the reliance of Muslim sultans on slave armies, Lisa Blaydes and Eric Chaney (2013) find that this pattern of military recruitment caused Middle Eastern rulers to lag behind west European rulers in legitimacy. Extending this argument, Chaney (2012) identifies a positive relationship between the share of a country’s landmass that early Muslim armies conquered and its democratic deficit in the early twenty-first century.³⁸ Insofar as pre-modern military recruitment affected modern politics, the influences would have operated through the entire institutional complex associated with slave armies. As both works underscore, foreign-born slave soldiers had difficulty forming coalitions with disgruntled local groups. However, slave soldiers and their descendants came to control enormous wealth. Besides, the families of slaves often got assimilated into local communities. These two factors would have undermined the objective of keeping officials loyal to the sultan. They would have enabled power centers beyond the ruler’s control. The Blaydes-Chaney observation about the reliance on slave soldiers implies, then, that rulers would have taken measures to keep these soldiers from forming opposition movements. Because of its indefinite life, the most pertinent institution was the waqf. Under the adopted rules, the waqfs of slave soldiers would have kept the ruler’s power unchallenged.³⁹

Islamic legal discourses customarily distinguish between the charitable waqf (*waqf khayrī*), whose stated objective is to serve a broad constituency such as a neighborhood or the poor, and the family waqf (*waqf ahli*), established to provide an income stream to a family. In practice, these legal categories represented the ends of a continuum. Many family waqfs used some of their income to provide a public service. As for charitable waqfs, typically they benefited the founder’s family disproportionately; thus, their caretakers often belonged to the founder’s family.⁴⁰ For his services a caretaker received a fixed salary, or a proportion of the waqf’s revenue, or its residual revenue after deed-specified expenses had been met; hybrid patterns were not uncommon.⁴¹ As Table 3 shows, family waqfs were typically minuscule in terms of assets, which is consistent with the objective of limiting autonomous centers of power. The third canonical category is the imperial

³⁸ Chaney measures democratic deficit according to the polity scores of the Polity IV Project.

³⁹ Another key element of the institutional complex was the bundling political and religious authority; Rubin 2011 and Lewis 1993, ch. 21 explore its implications for political development. Still another consisted of rules that kept private businesses atomistic; Kuran 2013 links them to the region’s political trajectory.

⁴⁰ Local social norms determined the dividing lines between family waqfs and charitable waqfs.

⁴¹ For deeds involving a fixed salary, see, in Kuran 2010-13, Istanbul 3 (1618), 31b/4, 85b/1, 62a/2; Istanbul 9 (1662), 167b/1; and for a stipulation of residual income, Galata 41 (1617), 36b/3. Baer 1969, 80, refers to salaries proportional to the endowment. For examples of all payment patterns, see Öcalan, Sevim, and Yavaş, editors, 2013 (fixed 361; proportional 190, 378, 388, 415, 556; residual 397, 550; hybrid 455, 479).

waqf, mentioned above. Its endowment could consist of imperial real estate granted to the founder with the understanding that it would become the corpus of a waqf.

Ready to address how the waqf hampered democratization, we will consider, in turn, several characteristics that shaped political patterns. For each, we will draw attention to historical continuities between the past and the present, pointing to protracted precedents.

	Family waqf	Charitable waqf	Imperial waqf
Source of endowment	Muslim individual outside ruling family	Muslim individual outside ruling family	Member of ruling Muslim dynasty
Recorded beneficiaries	Founder's family and descendants	Constituency much broader than founder's family	Large constituency outside of ruling dynasty
Size of endowment	Typically very small	Highly variable	Usually large

Table 3. Three categories of waqfs: Main properties

4. Limits on self-management

By design the waqf was a rigid organization. In its canonical form, its assets were inalienable; never sold, bequeathed, pawned, or transferred, they were to finance its activities forever through steady rental income. The services were to be delivered, again in perpetuity, according to instructions in the founder's deed. Thus, a waqf-financed school was to teach designated subjects through an indicated number of teachers. The deed would specify each teacher's salary, but also student stipends, books, and furnishings. It would also identify real estate whose income would cover the waqf's expenditures, including staff remuneration and expected repairs.⁴²

This operational ideal presumed a static world with fixed relative prices, technologies, and preferences. Everything else relevant to efficiency also stayed fixed. For instance, land values never changed in ways that might prevent the caretaker from financing the stipulated services. The ideal also presumed that successive caretakers would manage waqf assets completely. Furthermore, successive judges would perform their oversight roles diligently. The judge ratifying the deed would evaluate the assets accurately; and both he and his many successors would all monitor caretakers flawlessly.

Nevertheless, it was understood that conditions relevant to the waqf's usefulness might change. To limit inefficiencies, the architects of waqf law allowed founders to pre-authorize

⁴² For a deed containing highly specific stipulations, see Istanbul 4 (1619), 54b/1, in Kuran 2010-13, For examples from Damascus, see Leeuwen 1999, 128-30; and from Bursa, Öcalan, Sevim, and Yavaş, editors, 2013, 360-63, 406-7, 550-1.

specific modifications. Accordingly, a school's waqf deed could permit the caretaker to swap one asset for a better asset. It could also allow the construction of new classrooms in case of need. But legitimate changes were limited to those explicitly allowed. If the deed permitted one asset swap, once that option was exercised, the waqf's properties became strictly inalienable regardless of further variation in conditions. Although managerial discretion given to caretakers amounted to a degree of self-management, the discretion was exhaustible. Sooner or later, every waqf obeying classical law would become frozen.⁴³

As significant as the operational restrictions on the caretaker is what he was *not* expected to deliver. He was not obligated to achieve any particular level of efficiency. For instance, if he was in charge of a school, he was not expected to reach some threshold of educational performance, such as reading proficiency by a particular age. He did not have to please the students or their parents. He was accountable to the founder alone, and the courts, not the beneficiaries, judged whether he was meeting the founder's wishes. Regardless of the type of waqf, the preferences of the founder trumped those of the end users.

The intended beneficiaries were not expected to participate in governance. They had no right to demand resource reallocations, or changes in the services delivered. They were to consume services passively, with gratitude toward waqf founders for their generosity. This expectation is consistent with the patterns of establishing waqfs. If the immediate beneficiaries of new waqfs were not consulted about their priorities, why would later beneficiaries be asked whether existing infrastructure should be modified, or expenditure patterns changed?

Actual waqfs enjoyed greater managerial discretion than the canonical waqf. Because a waqf deed, however long, could not cover every possible contingency, it unavoidably gave the caretaker some discretion. Through creative interpretations, he could make adjustments that the founder could not have even contemplated.⁴⁴ An adjustment might well accord with the spirit of the founder's objectives. By the same token, the caretaker could use his discretion to make choices that the founder would have ruled out, had he been able to imagine future circumstances and options.

5. Curbs on political participation

The many varieties of democracy have in common an emphasis on broad political participation, which is achieved through such means as chat groups, town meetings, referenda, recall drives, lobbies, protests, opinion polls, and elections. The masses participate in governance through choices at the ballot box, but also by voicing preferences, concerns, and ideas in between elections, and by linking their future votes to the preference of their elected officials. In the process, they shape public discourse and ensure that governance reflects the popular will.

Another characteristic feature of democracy is mandatory information sharing. Although certain sensitive data, such as defense strategies and personal health records, are deliberately kept secret even in the most transparent democracies, officials are required to issue periodic reports about their activities. Moreover, many government decisions, including government budgets, are debated in public. Whether the typical citizen becomes knowledgeable about the intricacies of

⁴³ Some judges ratified waqf deeds that authorized the founder to make unlimited changes. But this flexibility ended with his death. Eventually, then, even such waqfs became frozen. For examples, see Istanbul court register 4 (1619) 31b/3; 23 (1696), 51 b/2; Galata court register 224 (1713), 82a/1, all recorded in Kuran 2010-13. Leeuwen 1999, 145, gives an example from Syria.

⁴⁴ If the founder had not appointed functionaries for the waqf's preservation, a caretaker might appoint supplementary personnel under the pretext that relevant decisions were left to the caretaker.

public policies is beside the point.⁴⁵ For the system to serve the electorate better than any practical alternative it may suffice to have a representative subset of the citizenry follow any given issue.⁴⁶ A common problem in any political system is that political players distort information self-servingly, confusing even citizens intent on staying informed. Democracies try to limit information pollution by standardizing disclosure requirements.

The rules of the Islamic waqf promoted neither broad political participation nor transparency in governance. Authority to execute the waqf deed belonged to a single person, though he might have had employees to whom he could delegate responsibilities. Apart from the courts, no one, not even his staff, was entitled to information about assets, income, expenses, or service quality. The caretaker was not accountable to his waqf's beneficiaries. He was not obligated to prove his managerial effectiveness. This facilitated modifications that he wanted; it also hindered those that he opposed.⁴⁷

Ordinarily, the deed itself was public knowledge, which generated expectations concerning services. People living in the vicinity of a fountain expected it to flow, because typically it displayed a plaque publicizing its endowment. If the fountain dried up, the residents could have the court investigate; and if the court found the caretaker negligent, it might replace him. But no mechanism existed for optimizing the use of waqf resources. By spending excessively on maintenance, a caretaker might keep the water running during his own tenure, but at the expense of the waqf's long-term viability. Though he himself would escape criticism, his successor would inherit an endowment so diminished as to preclude further maintenance.

In theory, the beneficiaries of a waqf could play a supervisory role themselves. They could carry complaints of mismanagement to a judge in the hope that his scrutiny would improve the waqf's performance. Examples exist of lawsuits brought by displeased beneficiaries against an ostensibly misbehaving caretaker.⁴⁸ Hence, the caretaker took a risk whenever he ignored the expectations of beneficiaries. A lawsuit could result in a verdict of mismanagement, leading to his dismissal.⁴⁹ But to make a convincing case it was insufficient to show that the intended beneficiaries were frustrated. The aggrieved parties had to prove that the deed was being violated. Because information concerning the waqf's finances and activities were not public knowledge, beneficiary-launched lawsuits against caretakers were rare. Out of 1544 waqf-related lawsuits in a seventeenth-century Istanbul sample, only six entailed an accusation of caretaker mismanagement or fraud. None of these involved a plaintiff who was also a beneficiary. In each of the six, the plaintiff was an active or former waqf official privy to inside information.⁵⁰

In any case, the right to complain was no substitute for formal accountability to beneficiaries through periodic disclosures. An honorable judge could dismiss a complaint as baseless. Besides, not every judge was committed to enforcement of the deed. Some judges were prepared to overlook improprieties in return for what amounted to a bribe. Court fees could deter the filing of a formal complaint. In cases where the judge was in collusion with the caretaker, yet another option was to report both to higher authorities. That carried the risk of alienating privileged local officials capable of retaliation. There is evidence that for fear of retaliation people refrained

⁴⁵ A large literature points to widespread voter ignorance even on fundamental policies (Caplan 2007, Zaller 1992).

⁴⁶ Hirschman 1970, ch. 7; Dahl 1989, ch. 16.

⁴⁷ A tradeoff between governance quality and decision-making costs exists whenever there are multiple stake holders (Buchanan and Tullock 1962, ch. 8).

⁴⁸ Marcus 1989, 303-04; Hoexter 1998, ch. 5; Gerber 1988, 166-69; Leeuwen 1999, 159.

⁴⁹ See the following adjudications in Kuran 2010-13: Istanbul 3 (1618), 84a/1; Istanbul 9 (1662), 250b/2; Galata 130 (1683), 55a/5; Istanbul 22 (1695), 80b/2; Istanbul 3 (1696), 32b/1.

⁵⁰ These 1544 cases are in Kuran 2010-13.

from suing state officials unless their case was exceptionally strong.⁵¹ In practice, then, a waqf's beneficiaries had only a limited sway over its caretaker's actions. Although capable of preventing egregious mismanagement, they could not ensure his good will, let alone his competence.

Because of their powerlessness, beneficiaries would have been discouraged from trying to influence policies relevant to their welfare. They would also have refrained from seeking information about possible alternatives. Accepting what came their way, and withholding feedback to the suppliers of social services, they would have become accustomed to passive consumption.

A pre-modern Middle Easterner consumed waqf services from cradle to grave. None of these providers were accountable to him. So generally he did not participate in the determination of how resources assigned to his benefit would be spent. He had no say over the selection of the officials empowered to use these resources. He could not have resources shifted from, say, mosques to schools. No formal mechanism existed for aggregating the sentiments of any designated constituency. No one could gauge whether his own level of satisfaction with any given service was representative. The system excluded the masses from the decision making processes that determined most of the services they consumed.

It was not uncommon for waqfs to deplete their assets and wither away.⁵² Unanticipated expenses lowered the survival rate; so did the inadequacy of incentives to manage the endowment effectively from the standpoint of beneficiaries. One indication of the lack of accountability lies in the tenure of caretakers. In the Anatolian town of Sivas, 1902 waqf caretakers were replaced between 1700 and 1850; no fewer than 74 percent of the replacements followed a death in office. In the remaining cases, the successor was typically the retiring caretaker's son. Only occasionally was a caretaker fired due to incompetence. His performance had to slip severely for him to be challenged. One Sivas caretaker was replaced by his son when he became deaf; another was dismissed when he could no longer read the Quran, which was among his duties.⁵³ Poor financial management rarely resulted in dismissal, despite evidence pointing to its commonness.⁵⁴

Low political participation in waqf governance can be linked directly to waqf rules. In view of the caretaker's limited discretion, it would have been odd to allow the targeted beneficiaries, never asked what services they wanted in the first place, authority over the waqf's expenses. The system was predicated on the passivity of service recipients. A neighborhood's residents were expected to content themselves with whatever services waqf founders chose to supply; they would not be asked whether resources might be used more effectively otherwise. Accordingly, no arrangements existed for periodic feedback from residents, as municipal elections provide in a modern city. Hence, if the reallocation of waqf resources were to become desirable, there was no systematic way to know this. Moreover, if by chance someone saw the need, existing institutions dampened incentives to act. They did so by freezing the function of every waqf.

Precisely because ordinary subjects were excluded from decisions concerning public goods, it was unnecessary to keep them informed about waqf management. Whenever required to fulfill the wishes of founders, judges could make caretakers correct course. The passivity expected of consumers suited rulers, for it limited mass political activity. Likewise, ignorance about waqf management promoted political stability by keeping waqfs from becoming foci of discontent. The

⁵¹ Kuran and Lustig 2012, 649-52, 659.

⁵² For cases of waqfs in financial distress, see Galata 41 (1616), 7a/4; Istanbul 23 (1696), 3b/1, in Kuran 2010-13. On the destruction of waqfs through corruption or mismanagement, see Yediyıldız 1990, 162.

⁵³ Demirel 2000, 127-31.

⁵⁴ Leeuwen 1999, 135, reports several cases from eighteenth-century Damascus. All involved prominent waqfs with huge budgets.

Islamic waqf served, then, as an instrument of authoritarian governance. Making its caretaker accountable to end users might have induced expectations of official accountability in other domains. Requiring caretakers to issue reports would have set precedents for inclusive governance generally. Besides, facilitating the acquisition of information about waqf resources would have undermined the objective of keeping the masses politically passive.

The pace of innovations is correlated with the number of ideas in circulation. That is why metropolises, which bring together diverse people, contribute to knowledge advancement far beyond their share of the world population.⁵⁵ Insofar as they contributed to excluding the masses from politics, the rules of the waqf would thus have reduced institutional creativity broadly, across the system. Awareness of shared problems would also have diminished. For both reasons, long-term political development would have suffered, along with economic development.

Students of participatory politics distinguish between tame and rebellious organizations.⁵⁶ In barring waqfs from political advocacy, Islamic law ruled out the latter type. But it limited participation even further by denying even the beneficiaries of tame waqfs a hand in management. In impoverishing public discourse on social services, this constriction would have diminished the efficiency of waqfs.⁵⁷ The masses would also have failed to develop the habits and skills needed to communicate thoughts, expectations, and grievances concerning social services. The latter effect would have outlived the waqf's popularity as a service provider.

6. The waqf vs. its European counterparts

The identified properties of the waqf may be contrasted with those of the corporation, whose use was spreading in western Europe as the waqf gained popularity in the Middle East. A corporation is an association of individuals established by law or under some law; claiming collective authority in a particular domain, it has legal personhood and a perpetual existence independent of its membership. Although its decisions may be based on the preferences of the entire membership, ordinarily certain officials hold the reins. With regard to the selection of officials, various options exist. The officials themselves may appoint their successors. Alternatively, the general membership may take part in the selection. Precisely because a corporation is self-governing, its own members may modify the pertinent rules.

Figure 1 depicts several organizational forms established to provide a service, for instance, education. The horizontal axis represents the organization's discretion regarding the management of its income-producing assets and the delivery of education. The vertical axis represents the share of the organization's beneficiaries and officials who participate in its decisions. At one extreme, decisions are made by a single person; at the other, every official and beneficiary participates. Of the four organizations depicted, W^1 represents a canonical Islamic waqf: required to follow the founder's directions, its limited discretion is exercised by two people, the caretaker and a judge. C represents a corporation, which differs by design along both dimensions. It has relatively greater managerial flexibility, and its decision-making powers are dispersed among more individuals. The default for a corporation is self-management; as shown in figure 1, it amounts to complete autonomy. In practice, a corporation has a charter that defines a mission. If its purpose is education, its resources are unavailable for poor relief. Its mission and the management of its assets may be

⁵⁵ Glaeser 2011, ch. 1, 9; Simon 2001, ch. 3.

⁵⁶ Fung 2003, 534-36.

⁵⁷ This is consistent with slower urban growth in the Middle East than in western Europe between 800 and 1800 (Bosker, Buringh, and van Zanden 2013).

constrained also through its founding charter. State-imposed covenants may add to the restrictions.⁵⁸

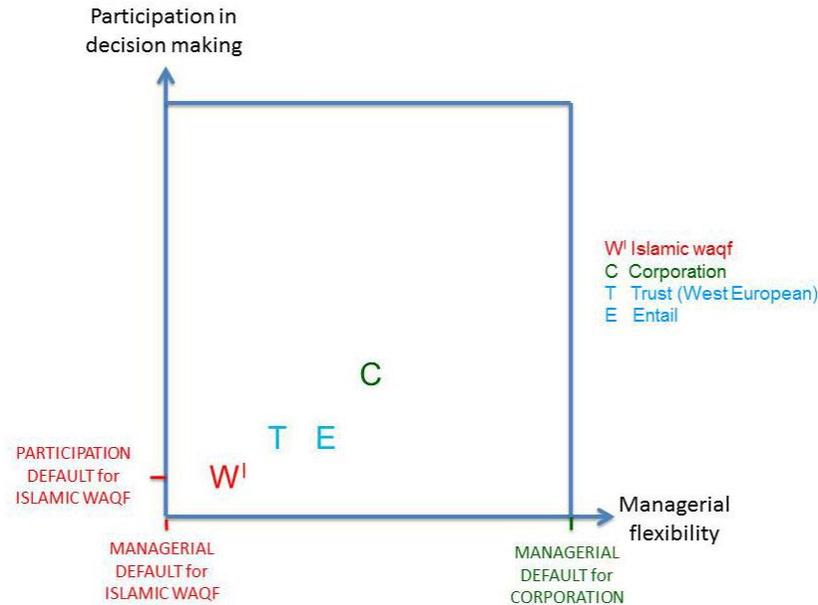


Figure 1. Managerial flexibility and participation in decision making:
Islamic waqf vs. corporation, trust, and entail

A medieval European university established as a corporation had greater managerial flexibility than a waqf-supported madrasa.⁵⁹ The figure captures the relationship, in that C lies to the right of W^I . Some European corporations, including guilds, dispersed decision-making authority among a broad membership. Others assigned authority to the professionals delivering services. At a university, for instance, curricular decisions would be made by professors and professional administrators; students would not even be consulted. At a waqf-maintained school even fewer people would be involved: the caretaker and perhaps also a judge. The vertical coordinates of C and W^I capture the fact that more people would participate in a university's decisions than in those of a madrasa.

The difference between the managerial default conditions would not necessarily have mattered at the outset. That is because the respective founders could have made decisions perfectly suitable to conditions of the time. The difference in question would have mattered as evolving conditions presented situations unimaginable earlier.⁶⁰ The corporation could have exercised options that might have been closed if foreseen. By contrast, the waqf could not even exercise options that the founder might have granted happily, had they been imaginable.

Whereas in the Middle East the waqf was the only organizational form available for the private provision of public goods, in Europe alternatives existed to the corporation. From the early Middle Ages onward, social services could be supplied through organizational forms similar to the waqf. Indeed, charitable services such as hospitals and soup kitchens were often established as a trust, known also as a foundation. Like a waqf, a trust was designed as an inflexible organization

⁵⁸ Hansmann 1981.

⁵⁹ Makdisi 1981.

⁶⁰ Zanden 2009, ch. 2; Moor 2008; and Greif 2006, chs. 3, 10 explain how this organizational adaptability contributed to Europe's economic ascent over the second millennium.

that was expected to follow rules set at its establishment. The uses of its assets were pre-determined, usually to prevent their expropriation or diversion to unintended uses. For all their similarities to waqfs, European trusts were relatively more pliable. They were not as committed to upholding the wishes of the founder.⁶¹ Provided cumbersome procedures were followed, their assets could be directed to new uses, even liquidated. In 1526, the officials of a Dutch hospital established as a trust travelled to Rome for permission to take over a bankrupt monastery's assets.⁶² European trusts also made decisions more democratically. This is because they could be administered by boards of trustees rather than a single caretaker, as Islamic law required. In Figure 1, the location of T, our prototypical trust, reflects the observation that trusts were generally more flexible and more democratic than waqfs. T lies below C because ordinarily trust beneficiaries were excluded from governance.⁶³

Yet another European vehicle for providing public goods was the entail. Like the Middle Eastern family waqf, the entail sheltered wealth for a family and its descendants. Creditors could not touch entailed assets; in principle, neither could the state. This made it particularly popular in times of weak property rights. An entail's founder, as with that of a waqf, could direct expenditures from his grave. He could also bar his descendants from alienating specific assets. Once again, it operated under provisions that made it less rigid than the waqf. Depending on the region, the law limited the founder's authority to between two and four generations. Eventually, therefore, his descendants acquired the freedom to use the assets as they pleased. Also, an entail could be canceled through an agreement of its living beneficiaries. Decision making within an entail was also more democratic than in a waqf.⁶⁴ More than one beneficiary was involved in its management. Thus, in Figure 1 E lies above W¹ and to its right.

In sum, pre-modern Europe had a broader menu of organizational forms conducive to the private provision of public goods. Two of these, the trust and the entail, had waqf-like features, but they were relatively less rigid. In any case, there was a third option, which differed fundamentally from the waqf. Whereas the waqf bestowed governance privileges primarily on the founder, who exercised his powers through successive caretakers required to execute his stipulations, the corporation allowed self-governance by living beneficiaries. The critical implication is that Europe provided public goods through organizations that were more adaptable as well as more democratic. The difference in legal infrastructure contributed to the political divergence between the Middle East and western Europe. This theme will reappear as we continue to explore the waqf's political effects.

7. Obstacles to coalition formation

Waqfs need not have pursued political activities in mutual isolation. They could have supported one another and formed coalitions with an eye toward maximizing their joint influence. Just as industrial workers formed labor movements, so waqfs could have mobilized to advance their common interests, preserve their privileges, and address their shared grievances. And just as labor movements produced ideologies ostensibly favorable to workers, waqf-based coalitions might

⁶¹ Rijpma 2012 ch. 2, especially 54.

⁶² Regional archive of Leiden 503, no. 212 (based on communication with Auke Rijpma). The hospital was itself established by a religious order.

⁶³ At least in the Middle Ages, no sharp distinction existed between the trust and the corporation. Because their characteristics could be combined, their practical differences were of degree rather than kind, and for hybrid organizations the terminology was somewhat arbitrary (Rijpma 2012, 30-33).

⁶⁴ Zijderduijn 2011.

have generated ideologies partial to their beneficiaries. In the millennium preceding Europe's early democracies, cities worked together to constrain monarchs, as did other corporate entities, such as universities and guilds.⁶⁵

However, for all the wealth in their control, and all the status that their caretakers enjoyed, waqfs did not participate in politics. Their rigid managerial rules kept them from using resources for political purposes. In any case, they were designed as apolitical organizations. Thus, whereas an incorporated European church was free to participate in politics by its very nature, a waqf-based mosque was not. And whereas European cities could form coalitions against a royal tax, the waqfs within a city did not cooperate among themselves, to say nothing of forming a political bloc across cities. Indeed, there emerged no federation of waqfs representing scattered madrasas, or one representing mosques, or a confederation of diverse waqfs. Hence, in the pre-modern Middle East suppliers of social services, though well-funded, did not constrain sultans seriously. Unlike Europe's politically vocal universities, municipalities, and professional associations, they did not contribute to democratization.

The political potential of waqfs was limited by their inability to pool resources at will. If a waqf's founder had not explicitly allowed it to work with other organizations, technically achievable economies of scale or scope would remain unexploited. Hence, services that a single large waqf could deliver most efficiently—road maintenance, piped water—might be provided at high cost by multiple small waqfs. Founders were free to authorize income transfers to a large waqf. But such resource pooling required an unlikely coincidence of goals between the feeder waqf and the receiving waqf.⁶⁶

One must distinguish between waqfs endowed by a group and mergers of waqfs established separately. Neither kind of pooling was common.⁶⁷ Mergers of established waqfs were discouraged because one could not ascertain that the founders would have agreed to the terms. Consider two schools nearby. Merging their waqfs could economize on administrative overhead. But would the founders have agreed to combine the classes in one building and rent the other for income? If the schools were kept separate and administrative overhead shared, what would happen if one needed more repairs? Would the founder of the better constructed school have endorsed the merger had he foreseen the other's maintenance needs? Because such questions were unanswerable, many potentially beneficial mergers were not even considered. Even if new technologies generated previously unimaginable economies of scale, pre-existing waqfs continued to operate independently.

The foregoing logic would not apply to waqfs established by a well-defined group. Six co-founders could all agree to allow future mergers under certain conditions. Nevertheless, group-established waqfs were rare because Islamic law required the founder to be an individual property owner. The rationale for this requirement probably lay in rulers' aversion to private coalitions—the very consideration that excluded the corporation from Islamic law in the first place. In any event, restricting the number of founders set a pattern that lasted a millennium. Rifaah al-Tahtawi, an Egyptian thinker of the nineteenth century, wrote that “associations for joint philanthropy are few in [Egypt], in contrast to individual charitable donations and family endowments, which are usually endowed by a single individual.”⁶⁸

⁶⁵ Berman 1983, ch. 12; Reynolds 1997, ch. 2, 9.

⁶⁶ Çizakça 2000, 48. Vanity must also have limited resource pooling. A founder eager to be remembered as a philanthropist would want to keep his waqf's assets from being swallowed up by a larger waqf.

⁶⁷ On resource pooling within families, see Doumani 1998, 38.

⁶⁸ As quoted by Cole 2003, 229.

The near-absence of resource pooling opportunities kept waqfs with common needs from campaigning jointly for external resources. Consider the caretaker of an educational waqf who finds that his school's supplies are being pilfered. Although he could petition state officials for protection, he could not initiate an association to advocate better protection for all schools. Waqf regulations did not allow him to combine forces with the caretakers of other waqfs suffering from theft. Each caretaker faced the state alone.

Nothing in Islamic law keeps the individual beneficiaries of waqfs from working together to prevent theft. Parents from multiple neighborhoods could jointly appoint a delegation to ask the Sultan for better policing. However, this was unlikely in the absence of leadership from caretakers. The problems that bedevil collective action in large groups would generally block it here, too. Isolated constituencies do not easily gain consciousness of potential gains from cooperation. Nor do they develop a common political identity. Moreover, beneficiaries who somehow notice the advantages of a political movement will be unmotivated, as individuals, to incur the costs of launching one.⁶⁹ For all these reasons, waqf-related petitions to sultans rarely came from groups composed of people representing multiple waqfs, except for caretakers with an appointment at more than one waqf. Actions were initiated either by lone individuals or by groups concerned about a single waqf.⁷⁰

Just as cooperation was lacking within sectors, it was absent for the waqfs of any given locality. Imagine a school, hospital, and a water fountain, all serving the same neighborhood through separate waqfs. The caretakers and beneficiaries of these waqfs have a common interest in developing the neighborhood's infrastructure. Yet, they could not combine their resources to campaign for better roads. They must convey their demands independently.

Like the caretaker's preferences, his political judgment was considered irrelevant to charting the waqf's course. He was not free to pursue opportunities for advancing his beneficiaries' interests through cooperation with others. Waqf law thus treated the founder as a principal and the caretaker as an agent hired to implement directives conservatively, by favoring the status quo unless change was explicitly stipulated.⁷¹ Insofar as the founder's directives were incomplete and his intentions unknown, the caretaker lacked certainty as to how the founder would have wanted him to act. Nevertheless, he was not supposed to substitute his own political judgment for that of the founder. Absent evidence to the contrary, he had to assume that the founder separated the waqf's affairs from those of other entities.

8. Political consequences of inflexibility

Although broad political participation opens political possibilities, it can have drawbacks. Adding more participants to a decision can slow down the process and cause gridlock. Such costs can swamp the benefits of fine tuning services to beneficiary preferences. In principle, then, a single caretaker might provide a given waqf service more efficiently than a committee. That is the logic underlying the separation of beneficiaries and management in modern charitable corporations. Consider Doctors without Borders, which cares for the victims of disasters and wars. Its managerial team forms a tiny fraction of its benefactors and beneficiaries around the globe.

⁶⁹ Olson 1971, chs. 1-3, 5.

⁷⁰ Such cases were rare in any case. Out of 1544 waqf-related cases in Kuran 2010-13, 26 involve charges of mismanagement on the part of the mutawalli. In most, the plaintiff is a subsequent mutawalli or a beneficiary named in the deed. In only one case (Istanbul 9 (1662), 274b/2) does the plaintiff consist of a group of beneficiaries.

⁷¹ Agency problems receive attention in many contexts. Presuming the world is rife with opportunism and informational asymmetries, the relevant literature focuses on finding second-best contracts that incentivized the agent to comply with the principal's directives (Mirrlees 1976, 105-31; Platteau 2000, 10-17).

But there is a critical difference between Doctors without Borders and a hospital established as an Islamic waqf. The former can shift its operations easily between regions; it can also adapt its surgical teams and procedures to new technologies. Although its board of directors may have trouble agreeing on details, generally favored modifications will be made. For its part, the waqf hospital is unhampered by the challenges of bringing a group of officials to a consensus; if the caretaker needs to convince anyone, it is a single judge. By the same token, the deed of his waqf limits his discretion. For one thing, the founder will have situated the hospital, precluding its relocation. For another, the caretaker cannot adjust expenses just because technological developments make it expedient, even with support from the intended beneficiaries.

The economic consequences of the waqf's inflexibilities have been explored elsewhere.⁷² To identify the political effects, it will help to distinguish between *ex ante* and *ex post* restrictions. *Ex ante* inflexibilities entail restrictions on the founding of waqfs. Although the only formal restriction was the mission's compatibility with Islamic law, in practice elites were expected to serve strategic constituencies. This policy is evident in the abundance of major endowed structures on key trade routes and in imperial capitals. No hard rule existed as to the discretion that caretakers could be given. The contingencies under which a caretaker might reallocate resources were not legally specified. They were restricted by custom, with zero discretion being the default.

To turn to *ex post* inflexibilities, they could involve the mission or the management. Mission inflexibilities concerned modifications to the waqf's intended purpose. Imagine a school established in 1400 with an endowment to support five teachers. Each will be responsible for a different subject, one being geography. The deed specifies the textbooks to be used. With the global explorations, the geography textbook becomes obsolete. Presumably the founder had aimed to teach students accurate knowledge of the world's continents, shape, and other main features. Had he come alive in the Age of Explorations, he might have favored a new geography text. But under Islamic law not even he was authorized to revoke or alter the deed, unless he had explicitly granted himself that right. Hence, a waqf-financed school's curriculum could become an anachronism. In the meantime, courts could block the transfer of the school's resources to some other use. The inefficient use of the waqf's resources would end only if its students ran out. At that point, the waqf's resources would pass to the poor, who are the ultimate recipients of every waqf's income.

Ex post managerial inflexibilities concern the administration of assets and the delivery of services. Conscious of the advantages of empowering caretakers on managerial matters, founders often pre-authorized certain operational changes, including asset swaps, reconstructions, and job reclassifications. Courts helped founders equip caretakers with operational options through formularies suitable to wide classes of waqfs. But even with such precautions, eventually the deed's restrictions became binding. The number of changes had to be finite, and the default rule was that the founder's choice prevailed.

Previous sections focused on political consequences that worked through political participation. Other consequences stemmed directly from delivered services. Insofar as people benefit from social services, their life satisfaction improves; they also view the prevailing political system as legitimate and worth preserving. Their satisfaction depends also on how their services compare with those supplied elsewhere and that they themselves received in the past.⁷³ The managerial efficiency of waqfs would have mattered, then, to the legitimacy of the political order. In cities where waqfs supplied extensive subsidized services, residents would be more satisfied

⁷² Kuran 2001, 861-69; Kuran 2011, ch. 6.

⁷³ Oswald 1997, Easterlin 1974.

than if, all else equal, the same services were obtainable only at market prices. That is why Middle Eastern rulers prodded their relatives and high officials to establish waqfs in strategic places.

The very fact that made waqfs a source of legitimacy also constrained the ruler's actions affecting their services. As prospect theory holds, losses hurt more than identical gains feel good.⁷⁴ Hence, people object to the withdrawal of services that they might not have bothered to secure. Grabbing the assets of a functioning school would upset its beneficiaries, making them less loyal to the ruler. Conscious of the potential resistance, rulers would have avoided harming popular waqfs. In restricting the ruler's policy options, waqf beneficiaries could thus have functioned as barriers to despotism. The assets supporting the waqfs in question would have been immune to confiscation not only because of their perceived sacredness but also because of their social benefits. By the same logic, when a waqf became dysfunctional, its political support would have fallen, thus weakening resistance to hostile state policies. Over the long run, then, waqf inflexibilities would have undermined whatever checks and balances they created through vested interests.

The inflexibilities in question would certainly have eroded the waqf's perceived usefulness in the era of modern economic growth, which began around 1750. This is when technological and associated institutional innovations took a quantum leap, driving humanity to make adaptations that then fed on themselves.⁷⁵ As the new economic era unfolded, waqfs faced growing demands to reallocate their resources and modernize their services. Middle Easterners should have been drawn to other organizational forms for delivering public goods. Shortly we shall see that waqfs were dismantled on a massive scale and that their functions passed to more flexible organizations. But one additional political consequence of the waqf's rigidities remains to be discussed.

9. Waqf corruption and the political opportunities it foreclosed

No one could foresee needs and conditions into the indefinite future. Even a founder unusually attuned to unfolding transformations could inadvertently diminish his waqf's viability. Some waqfs fell on hard times because their caretakers could not address financial issues pragmatically. But opportunities did exist to alter a waqf's mission or operations without violating the letter of the law. A judge could rule a particular modification as legal on the basis of necessity. In exploiting this loophole, caretakers and judges often violated deed stipulations knowingly for personal gain. In the process, they contributed to a culture of corruption.

The simplest form of adaptation involved convenient interpretations of deed ambiguities. For example, the authority to make repairs would be used to adapt buildings to emerging needs. Modifications of this sort were often consistent with the deed's spirit, in that they benefited constituencies that the founder meant to serve. But ambiguities were also exploited to legitimize expenses contrary to the founder's intentions. A case in point is a sixteenth-century endowment established in Jerusalem for the benefit of "the poor and the humble, the weak and the needy, ... the true believers and the righteous who live near the holy places." Its deed was interpreted as encompassing all pious Muslims of the city, including top officials.⁷⁶ In the same vein, residences left for particular service providers were frequently assigned to a relative or friend of the caretaker.⁷⁷

⁷⁴ Kahneman and Tversky 1979, Frank 1997.

⁷⁵ Easterlin 1998.

⁷⁶ Peri 1992, 172-74.

⁷⁷ Leeuwen 1999, 83. See also, in Kuran 2010-13, Istanbul 9 (1661) 51b/4, 102b/3, 167b/1.

A second form of shady adaptation exploited the authorization to conduct asset swaps beneficial to the waqf (*istibdāl*). Even if the deed was silent on swaps, a judge could make exceptions in extenuating circumstances, on efficiency grounds alone.⁷⁸ Conditions arose that would justify adjustments to the waqf's portfolio of assets. For example, relinquishing a farm located far away from the caretaker's home for an equally productive one in his neighborhood could facilitate monitoring the farm and collecting payments, thereby enhancing the waqf's capacity to meet the founder's goals. Notwithstanding such obvious benefits, transactions involving waqf properties were subject to abuse. Many were undertaken to enrich officials at the waqf's expense. Under one such variant, a waqf asset would be swapped with a less productive asset whose value was inflated on paper; the caretaker and the judge would share the disguised difference. Another variant involved rentals to the caretaker's relatives at sub-market prices. The records of an Istanbul waqf speak of farms rented to the caretaker's daughter and son-in-law at unusually low rates; with the connivance of judicial authorities, the caretaker had avoided seeking other bids.⁷⁹

A third form of adaptation involved repairs to waqf properties. Because the requisite expenses could exceed the deed allowance, caretakers often had tenants perform maintenance themselves, for subsequent reimbursement. The eligible expenses were determined not by actual costs but by "experts" who estimated what the completed reconstruction should have cost. The process presented embezzlement opportunities to all parties, including the overseeing judge. In seventeenth century Istanbul, one out of every 20 waqf-related legal case involved a reimbursement for repairs.⁸⁰ Although the share of reimbursements that entered private pockets is unknown, the stigma attached to the process suggests that it must have been substantial.

Lengthening lease periods beyond the permissible was a fourth form of adaptation. To ensure that the caretaker maintained control over waqf properties, classical Islamic law capped the lease period at one year, except for land, for which the maximum was three years. This provision limited the lessee's incentive to make long-term investments; it even discouraged maintenance. A common ruse to circumvent the restriction was to sign a long-term contract scheduled to lapse periodically for a few days and then get revalidated. Although the practice obeyed the letter of the law, everyone understood that it extended effective agreements beyond the legal cap.⁸¹ The lengthening of actual leasing periods improved asset productivity by inducing investments. But it also led to the privatization of waqf assets, often without compensation for the waqf. Leases became inheritable. Also, caretakers effectively lost the ability to adjust the terms, even to reclaim waqf property. The descendants of a lessee would assert outright ownership by virtue of long hereditary tenure.⁸² If in the meantime waqf documents disappeared, privatization was inevitable even if courts sought to preserve the waqf's integrity, which often they did not.

The privatizations in question were not necessarily harmful socially. Insofar as they freed misallocated assets, the benefits to individuals would have swamped the losses of waqfs. The privatizations would also have increased the resources available for private political pursuits. But

⁷⁸ For examples of property sales and exchanges, see Hoexter 1998, ch. 5; Jennings 1990, 279-80, 286; Marcus 1989, 311. All involved judicial approval. See also, in Kuran 2010-13: Galata 42 (1617) 76b/1; Istanbul 9 (1661) 32b/1, 37a/1, 54a/1, 114b/1, 147a/2; Istanbul 22 (1695) A18b/1; Istanbul 23 (1696-97) 69b/1, EK-13b/1.

⁷⁹ Behar 2003, 74-75.

⁸⁰ Kuran 2010-13, vol. 5, 26.

⁸¹ Gerber 1988, 170-78; Gerber 1994, 108-10; Yediyıldız 1990, 113-18.

⁸² Gibb and Bowen 1957, pt. 2, 177; Behrens-Abouseif 2002, 67; Behar 2003, 78-83. The extent of the privatization due to illegitimate leasing is a matter of controversy (Gerber 1988, 174). Measurement is complicated because the properties in question were often reconverted into waqf property.

the latter effect must have been trivial, because before the twentieth century the lack of incorporation opportunities hindered sustained collective action by non-state actors.

The political consequences of corruption would have been weightier. Corruption would have tarnished the waqf's image as a sacred institution used for charity. The collective reputations of judges and caretakers would have suffered, reducing their trustworthiness. In turn, these effects would have lowered people's willingness to defend the institution against the state. Most important, the methods used to adapt waqfs to changing circumstances, reallocate waqf resources, and privatize waqf assets would have contributed to a culture of corruption. Indeed, buying off judges, exploiting ambiguities in wording, and making authorities look the other way became not only common but acceptable all across the Middle East. Since even respected people engaged in such practices, they acquired practical legitimacy even as they remained deplorable in principle.

Tolerated law breaking is of course a universal practice. In the United States jaywalking is illegal, yet it is common, and people do not necessarily frown at it. However, in the pre-modern Middle East circumvention of the law took place in far more contexts than it does in today's advanced economies; and a greater share of resources was involved. Remember that waqfs controlled abundant real estate and that they fulfilled functions that west Europeans generally met through more flexible organizational forms. As the Middle East fell behind the West in the course of economic modernization, the divergence was reflected in the extent of corruption. The Transparency International finding that in the Middle East business is considered relatively corrupt is among the recent manifestations of the culture of corruption just identified.

Waqf services were not necessarily inefficient at their founding. They lost efficiency through time, which created incentives to circumvent their deeds. The illegitimate modifications included ones that would have been considered legitimate had the services been delivered through a corporation rather than a waqf. The point is illustrated in Figure 2, where W^1 and C represent the prototypical organizations shown earlier in Figure 1. The dotted rectangles delineate the spaces within which they *actually* operate; these rectangles subsume all the actions that they are authorized to take. Suppose that W^1 was founded to provide health services. Centuries later, because of medical advances, it becomes inefficient to spend resources as the founder stipulated. It now makes sense to use different cures within different structures. Without adaptations, there will be deadweight losses. Avoiding them requires the caretaker to exercise more discretion than the founder authorized. These adaptations will appear as corruption. Yet the same flexibility would have been fully legitimate for corporation C. The waqf might appear as more corrupt than the corporation for making adjustments that the latter could make without raising eyebrows. An unintended consequence of the waqf's legal restrictions was thus to broaden the range of adjustments considered illegitimate.

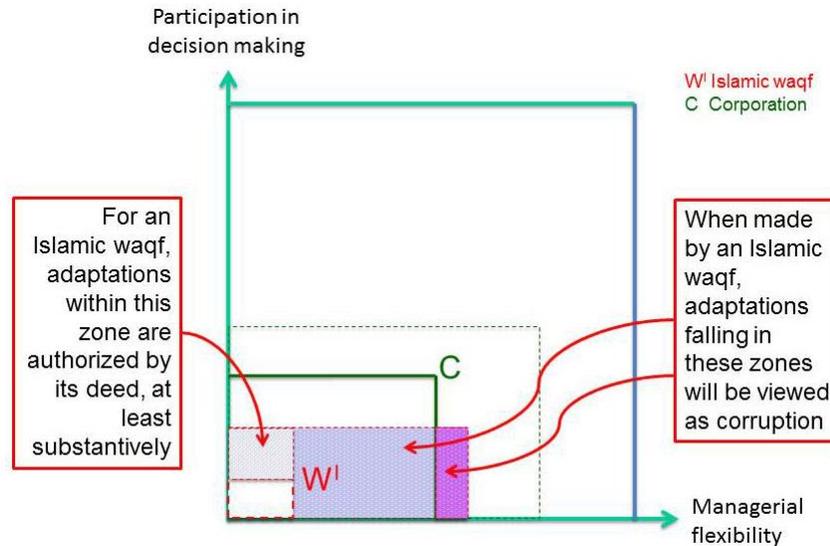


Figure 2. Illegitimate adaptations by a waqf.

- Adaptations that are illegitimate for W^I but not C
- Adaptations that are illegitimate for both W^I and C

In the historical literature, evasions of waqf rules are often treated as substitutes for legally granted flexibility.⁸³ Although they certainly did make waqfs less rigid than if the was interpreted strictly, the long term effects differed substantially. In overcoming immediate obstacles to resource reallocation, they also dampened pressures against law breakers in general. That made it harder to institute new rules and regulations, which is integral to modernization. In societies accustomed to obeying the law, new laws are obeyed quickly, simply because lawfulness comes naturally. By contrast, in those accustomed to circumventing rules, new laws are not taken seriously. People socialized to consider rule breaking essential to survival expect others to maintain their behaviors. They also avoid inconveniencing themselves. Free riding remains common and tolerated, hindering widely desired cooperation.

We come at last to whether the mechanisms through which the Islamic waqf undermined the rule of law and limited political participation illuminate present political patterns. The answer is not obvious, because the Islamic waqf's role in daily life has dwindled.

10. The twilight of the Islamic waqf

In the nineteenth century, as the emerging global industrial economy accentuated the inefficiencies of the Islamic waqf, Egyptian and Ottoman reformers started to build new state institutions to provide social services long supplied privately, in a decentralized manner. The required resources came largely from the nationalization of waqfs on a large scale. In waves, nationalizations continued in the twentieth century, throughout the region.

⁸³ Gerber 1999, especially 85-86, 102-3.

The formation of new waqfs had already fallen precipitously. One reason lies in the strengthening of property rights in response to pressures from European powers with local business interests and from the predominantly non-Muslim beneficiaries of expanding trade with the West.⁸⁴ As arbitrary expropriations fell, so did the demand for wealth shelters.⁸⁵ Another reason for the abatement of waqf formation is that new means emerged for securing wealth, including ones conducive to accumulation. The shares of publicly traded companies and interest-bearing bank accounts began to absorb investments that had flowed into family waqfs.⁸⁶

The appeal of waqfs suffered also from the emergence of new instruments for funding charity. In the mid-nineteenth century it became possible to establish, under special laws, corporations to provide social services such as education, water supply, and healthcare. Thus, municipalities took on the functions of urban waqfs; and semi-official agencies, such as the Red Crescent, assumed responsibility for emergency aid and poor relief. Monarchs themselves started forming social and charitable organizations outside the purview of waqf law. By the early twentieth century, legal transplants made it possible to form non-profit corporations through simple procedures. As individuals and groups, private parties took to establishing perpetual NGOs to deliver social services more flexibly than through waqfs.⁸⁷

Nationalization drives were launched on the pretext that waqfs were hopelessly corrupted and that public bureaucracies could meet their founders' wishes more reliably. To this end, states established waqf agencies to take over the duties of caretakers. Thus, a "Ministry of Waqfs" was established in Istanbul in 1826, and in Cairo shortly thereafter.⁸⁸ These new agencies were supposed to keep separate accounts for the thousands of waqfs under their control. But growing shares of the assets became part of a fungible resource base.⁸⁹ In effect, huge mergers occurred through means antithetical to the spirit of the Islamic waqf. The nationalization of waqf assets was accompanied by a transfer of its functions to service providers modeled after western archetypes, such as municipalities. Meanwhile in Iran, where waqf nationalization followed a distinct trajectory, the end result was the same. By the twentieth century the state had taken over key social functions of the waqf, and many waqf assets had passed to the state or individuals.⁹⁰

Centralization was fueled by a growing perception that the region's traditional institutions for providing urban amenities were outdated. Reformers commonly included the Islamic waqf among the institutions responsible for economic backwardness. Ziya Gökalp (1876-1924), the chief ideologist of Turkish nationalism, expressed this view through a poem entitled "*Vakıf*." Here is a stanza that identifies inflexibility as the waqf's key flaw:

⁸⁴ Kuran 2011, chs. 10-12.

⁸⁵ In the Ottoman Empire, the practice of arbitrary expropriation was formally abolished in 1838 (Findley 1980, 145-46). Thereafter property rights strengthened steadily. In Egypt, the process was relatively more rapid (Baer 1962, 1-70; 1969, 62-74).

⁸⁶ Kuran 2011, 161-64, 251-53.

⁸⁷ Focusing on 1876-1914, Özbek 2002 documents the institutional transformation of charity in Turkey. On Egypt, see Ener 2003, 1-25; Baron 2003; Sullivan 1994; Abdelrahman 2004, chs. 4-6.

⁸⁸ As in several other Arab countries, in Egypt a Ministry of Waqfs remains in operation. In Turkey, the administration of nationalized waqfs was downgraded to a general directorate in 1924, as part of the Republic's efforts to drive Islam out of public life. The fungibility of waqf assets advanced further in 2012 with the transfer to the Treasury of the directorate's majority share in VakıfBank (*Radikal*, 15 October 2012, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1104047&CategoryID=80>).

⁸⁹ On the Ottoman transformation, see Öztürk 1995, 63-107, 379-471; on the Egyptian reforms, including sweeping legal changes of the 1950s through which the state acquired the right to modify the expenditures of surviving waqfs, see Baer 1969, 79-92.

⁹⁰ Çizakça 2000, 141-57.

Why, I don't know, the dead
 Control the reins of the living.
 Why a nation fond of running
 Has been ordered to stand still.⁹¹

The road not taken in the nineteenth century was to transform the Islamic waqf itself. Emerging problems might have been handled by reinterpreting it in a manner suited to changing economic conditions; or by creating new waqf categories for sectors, such as urban water delivery, where greater flexibility was especially desirable. A hindrance to reforms was the waqf's sacredness. Because of its centrality to daily life in polities governed under Islamic law, challenges could have been portrayed as attacks on Islam itself. Under the circumstances, individuals poised to benefit from looser regulations would have refrained from criticizing the system or from proposing basic modifications. Consequently, the principle of static perpetuity—the commitment to the fixity of objectives, administration, and resource allocation—would have become immune to fundamental change.⁹² Another obstacle to reform is that clerics (*‘ulamā’*) controlled the lion's share of waqf properties. Given the conservatism of most clerics, reformers avoided initiatives liable to give their opponents greater flexibility in waqf management.

The reformers' inclination to challenge the rigidity of waqfs was dampened also by opportunities to improve the provision of social services without taking on Islamic laws and norms. By the early twentieth century, the corporation, a transplanted institution, became the basic delivery vehicle for various services historically provided through Islamic waqfs.

11. Emergence of the modern waqf

A century after the waqf came to be considered an anachronism, it has been reborn in various parts of the Middle East in a more flexible form. The name is the same, and some of its promoters emphasize its Islamic origins. Yet in Turkey, the United Arab Emirates, and even theocratic Iran, it operates under rules that differ fundamentally from those in operation prior to nationalizations. In legal texts the new institution appears as a "new waqf" or "civil law waqf," to distinguish it from its historical namesake.⁹³

A modern waqf can be formed by a group, whose members may include organizations. It can accept donations and run fundraising campaigns. It may invest in liquid assets, such as equities. It is directed by a board of trustees as opposed to a single caretaker. Whereas traditionally it was the caretaker who had standing before the courts as plaintiff or defendant, the modern waqf enjoys legal personhood, which enables it to sue and be sued as a legal entity. It has a board of trustees, with a minimum number of members. Merit plays a greater role in the selection of its administrators, who do not appoint their own successors. A modern waqf must issue and publicize financial reports regularly. It has managerial flexibilities denied to its Islamic namesake. It can dissolve itself or change its fundamental objectives.⁹⁴ These differences are illustrated in Figure 3.

Most critical for our purposes here, the modern waqf is not precluded from politics. Although it cannot endorse political parties, it may express opinions on policy issues. It can

⁹¹ Gökalp 1976, 35 (my translation). For accounts of nineteenth- and early twentieth-century thinking on the waqf, see Öztürk 1983, 140-51 for Turkey and Sékaly, 1929, 402-54, 601-59 for Egypt.

⁹² Rubin 2011 develops this argument with respect to Islamic institutions generally.

⁹³ Turkish law refers to "waqfs formed according to Turkish civil law" (Demir 1998, 89; my translation). The Iranian Constitution of 1911 transferred waqf law into the nascent civil code, with a relaxation of traditional requirements. Under the Islamic Republic of Iran, a radically new waqf law has been instituted. Under this law, a waqf is a legal entity and it can manage its assets through a joint-stock company (Çizakça 2000, 149-52, 157-68).

⁹⁴ For relevant Turkish statutes, see Demir 1998, 60-65, 67-68, 76-77, 79-80, 119-21, 128-37, 159.

organize conferences, issue publications, give awards, and make grants, all to influence political views outcomes. It can pursue such endeavors in cooperation with other entities, including other waqfs.⁹⁵

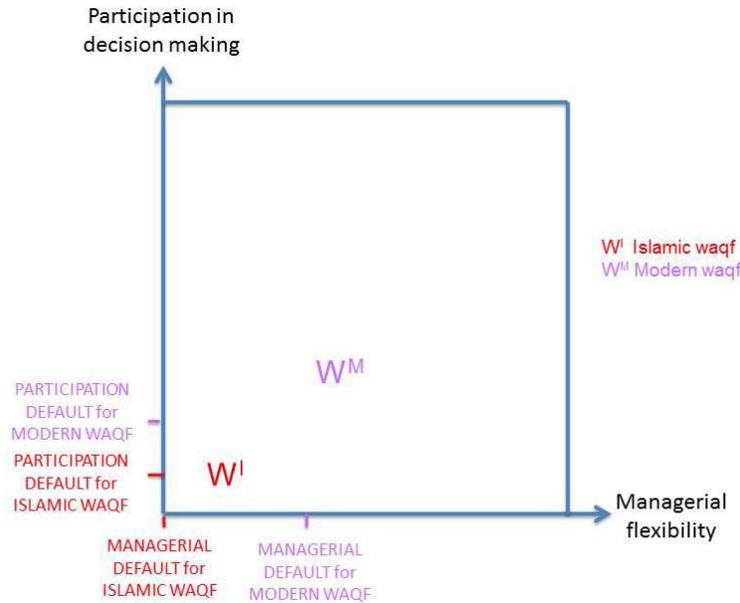


Figure 3. Managerial flexibility and participation in decision making: Islamic waqf vs. modern waqf.

Just as the caretaker of an Islamic waqf had to follow the founder's stipulations, so a modern waqf's trustees must abide by directives of their founders. But there is no longer a presumption that the waqf deed constitutes a complete blueprint, or that the board need only follow fixed orders. A modern waqf's board is authorized to change services, procedures, and goals without outside interference. It is charged with maximizing the overall return on all assets, subject to inter-temporal tradeoffs and the acceptability of risk. The permanence of any particular asset is no longer an objective in itself. The board may judge that the waqf's substantive goals requires the trimming of its payroll in order to finance repairs or the replacement of a farm left by the founder with equity in a manufacturing company. Another innovation is that the board is expected to play an integral role in determining how the waqf's goals are served. To preserve an obsolete hospital merely out of deference to a founder's preferences would be considered irresponsible. All these observations hold irrespective of the political and religious preferences of the founders. They apply to essentially secular modern waqfs such as the Antalya Culture and Art Vakıf (AKSAV), whose activities include Turkish film festivals, and the Vakıf for the Physically Handicapped (FEV).⁹⁶ The observations apply also to modern waqfs founded by Islamists, such as the Fatih Youth Vakıf in Istanbul, which promotes Islamic education.⁹⁷

Even in Egypt, where successive autocratic regimes from 1952 to 2011 made a point of nationalizing nonreligious waqfs and placing religious waqfs under tight state supervision, management is much more flexible than in premodern times. Whether inherited from before the nineteenth century or established in the twenty-first century, a "waqf" is administered in

⁹⁵ For surveys of various reforms, see Çizakça 2000, ch. 4, and Pioppi 2007.

⁹⁶ <https://www.facebook.com/aksav/>; <http://www.fev.org.tr/>.

⁹⁷ <http://fgv.org.tr/>

subordination to the wishes of bureaucrats. For that reason, surviving Egyptian waqfs have metamorphosed into organizations distinct from their former selves. No longer worthy of the characterization "Islamic waqf," they are better characterized as "government waqfs." Because their loss of autonomy is well understood, no more than ten new Egyptian waqfs are formed each year, mostly to support mosques and burial services.

If Egypt lacks modern waqfs of the Turkish variety, it is not for lack of interest in forming them. Due to tight supervision, Egyptians who want to supply nongovernmental social services in areas such as healthcare or education generally opt to establish "foundations" (*mu'assasat*), which are charitable corporations governed under an NGO law adopted in 2002.⁹⁸ Although foundations are also subject to political pressures, at least they are able to use resources more efficiently, move resources around, and raise funds continuously from multiple sources, including both natural and legal persons. Only a single modern non-governmental organization bearing the word "waqf" in its name has been founded in Egypt. This is the Waqfeyat Al-Maadi Community Foundation, which funds local development in poor Cairo neighborhoods and lobbies for better public education.⁹⁹ It was established in 2007 with the purpose of reviving a tradition of social solidarity (*takāful*) through waqfs, under modernized rules. The founder received special permission to use "waqf" in its name.¹⁰⁰ Dozens of other foundations formed under Egypt's 2002 NGO law (or its successors) use the term waqf informally, even as they operate under modern legislation. Examples include seven Cairo foundations of Mohamed Al Fangary, most of which provide scholarships and medical care to students at religious schools.¹⁰¹

In countries where the modern waqf exists, it carries much less importance in daily life than the Islamic waqf once did. No longer are social services provided primarily by waqfs. As in other regions, in the Middle East most are supplied largely by corporations that have no connection, to the waqf. The consumers of these services help to determine their characteristics and longevity. With services supplied through private corporations, market choices favor certain suppliers over others. For instance, parents choose among private schools depending on the education they expect their children to receive. In the case of public corporations, at least in places with some form of local democracy, consumers can punish poor performance at the ballot box. For example, they can vote a mediocre mayor out of office. The availability of alternatives to the modern waqf motivates its officers to keep it flexible. It makes them conscious of the consumer needs, if only to stay relevant.

To be sure, there are reasons why consumers may fail to punish poorly performing waqf officials. Free riding may leave them insufficiently informed. Vested interests may render officials unresponsive to the expressed wishes of beneficiaries. In autocratic regimes a more basic factor is that the threat of persecution may silence potential critics. Nevertheless, there is a fundamental difference in accountability between the caretakers of Islamic waqfs and the officials of modern service providers, including modern waqfs. In the modern Middle East suppliers are essentially expected to serve the end consumer. In the premodern Middle East, the end consumer was expected to be a passive recipient of goods provided in perpetuity by elites.

⁹⁸ This law, which was amended in 2007, recognizes two types of NGOs: community development associations and civic foundations. The difference is that the former type must have at least ten founders. For the text of the law, see <http://www.icnl.org/research/library/files/Egypt/law84-2002-En.pdf>. The law makes no reference to the waqf.

⁹⁹ <http://waqfeyatalmaadi-cf.org/en/index.php>.

¹⁰⁰ Atia 2013, 89-90.

¹⁰¹ On the Al Fangary waqfs, see El Daly, 73-74. For more details on Egypt's NGOs, see Atia 2013, ch. 4.

12. Persistence of historical political patterns

The profound differences between the now largely extinct Islamic waqf and the modern waqf beg the question of whether the former matters to current political trends. Could it be that the Islamic waqf, however relevant up to the nineteenth century, no longer affects Middle Eastern politics? In fact, the region's pre-modern political patterns got reproduced in its modern organizations. Traits such as rampant corruption and nepotism, low political participation, and limited organizational autonomy have endured even as the region's nation-states acquired the trappings of modern political life, such as political parties, elections, and constitutions embodying basic human rights.

This persistence is obvious from the prevalence in the descriptive literature on modern Middle Eastern civil society of observations that mirror the historical accounts in sections 4-9 above. It will suffice to give few quotes from a 2002 article by Asef Bayat on activism in the region at the start of the twenty-first century.¹⁰² "Many NGO advocates have complained about the absence of a spirit of participation in the NGOs," he says. For their part, "Paternalistic NGOs perceive their beneficiaries more as recipients of assistance than as participants in development. ... It is not the place of beneficiaries to question the adequacy and quality of services or the accountability of NGOs ...".¹⁰³ What makes these impressions all the more significant is that Bayat's article makes no reference to waqfs of either the Islamic or the modern variety.¹⁰⁴

Starting with corruption, we now turn to the mechanisms by which historical patterns got reproduced in the modern era. In the course of the nationalizations that transferred the functions of Islamic waqfs to state agencies, bribing patterns associated with waqf management reemerged in transactions between state officials and the recipients of their services. One reason is that in an effort to forestall resistance modernizing statesmen provided jobs in nascent state agencies to the constituencies dependent on rents from Islamic waqfs. Thus, some of the officials assumed the responsibilities of delivering and monitoring social services through new agencies were already accustomed to supplementing their incomes through illicit transactions. They included the caretakers of dismantled Islamic waqfs and also the judges who had been monitoring them. In their new positions, these veterans of the old order found it natural to get compensated for signing permits and fulfilling orders.

The bribes in question did not necessarily draw objections from the payees. For one thing, paying a bribe often obviated the need to pay mandated fees.¹⁰⁵ For another, the practice was considered understandable, if not also necessary, in view of the low salaries of government clerks. Just as a judge did not automatically get criticized for accepting compensation from waqf officials, so a state official was not necessarily considered abusive for expecting his services to be remunerated. To be sure, in the mid-nineteenth century Middle Easterners widely held corruption responsible for various social ills, as they did in prior centuries, and as they do now. Because of the vast inequalities that large-scale corruption creates and sustains, resentment toward corrupt high officials has been a persistent theme. Bribe requests in excess of norms tend to be viewed as theft as opposed to fair compensation for a special service.¹⁰⁶

¹⁰² Bayat 2002 is a standard reference in writings focused on Arab civil society. As of December 10, 2013, its citation counts were 101 in Google Scholar and 23 in Web of Knowledge.

¹⁰³ Bayat 2002, 17-18.

¹⁰⁴ Neither waqf nor *awqāf*, its Arabic plural, appears in the text.

¹⁰⁵ Shleifer and Vishny 1998, ch. 5.

¹⁰⁶ Mumcu 1985 surveys views toward bribing in the Ottoman Empire. On the prevalence of and attitudes toward bribing in the modern Arab world, see Cunningham and Sarayrah 1993, Tlaiss and Kauser 2011.

We saw earlier that rampant nepotism is a related pattern to which the waqf contributed. Caretakers tended to appoint relatives as their replacements. In the course of the nineteenth-century reforms employees who had been socialized to favor relatives and friends carried the pattern over to the organizations that supplanted Islamic waqfs. Today, nepotism remains both common and tolerated in professional life.¹⁰⁷ People in positions of power are expected to reward their relatives, provided the favors remain within bounds. Hosni Mubarak was widely resented for grooming his son Gamal as his successor at Egypt's helm. Lesser instances of nepotism do not necessarily draw objections, whether in Egypt or elsewhere in the region.

The process that has kept civil society weak has also kept kinship ties strong. Obstacles to the development of autonomous organizations providing protection from the state induce people to seek security from kin. They keep alive primordial attachments based on ties of blood, race, language, region, or religion, and even strengthen them in times of social unrest.¹⁰⁸ They induce individuals to keep their wealth within the family by doing business through family-owned enterprises. Exchanges remain largely personal. Cousin marriages provide another vehicle for preserving family ties in the absence of reliable private organizations that transcend kinship. All such responses to weak civil society tend to fuel mistrust toward people outside of one's primordial network. In other words, they suppress generalized trust—the readiness to cooperate and engage in civic endeavors with fellow citizens.¹⁰⁹ Indicators of civil society have been changing in Middle East, which is consistent with the transformation of greater civic life. But the transformation still has a long way to go. The Middle East has the highest consanguineous marriage rates in the world. The rate is 20.5 percent in Turkey, 24.5 percent in Iran, and 35.0 percent in the Arab world, as compared with under 11 percent for the world as a whole.¹¹⁰ It also has conspicuously low generalized trust. On a 0-200 scale, where 100 indicates that half of all people trust others, the generalized trust score for the Middle East is 37.3, as against 67.5 for OECD.¹¹¹

The state agencies that assumed the functions of Islamic waqfs did not operate democratically. Organized hierarchically, they tended to execute orders issued from the top. Nor were these agencies responsive to the citizenry. Although the reformist leaders responsible for their creation understood that keeping the population content served political stability, they sought above all to overcome the institutional weaknesses responsible for Western domination.¹¹² Their defensive plans did not require the democratic governance of state agencies. In any case, the absence of a legacy of mass participation in the provision of social services tempered expectations. Low political participation, a key consequence of the Islamic waqf, thus got transplanted to its successor organizations.

Not all functions of the Islamic waqfs passed to state agencies. Under new laws of association that Middle Eastern countries began to institute before World War I, modern non-governmental organizations took on expanding roles. These organizations have included charitable associations, trade unions, chambers of commerce, and professional associations, generally

¹⁰⁷ Sidani and Thornberry 2013.

¹⁰⁸ Fukuyama 1995, chs. 7-12.

¹⁰⁹ Stolle 2002, Fukuyama 1995, Putnam 1993.

¹¹⁰ (http://ccg.murdoch.edu.au/consang/www.consang.net/global_prevalence/tables.html). See also Tadmouri et al. 2009 and Meriwether 1999, 132-40.

¹¹¹ Turkey is included only in the Middle East. The scores are derived from values surveys conducted between 1995 and 2009. Ten Middle Eastern countries are included in these surveys: Algeria, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Morocco, Saudi Arabia, and Turkey (<http://www.jdsurvey.net/jds/jdsurveyMaps.jsp?Idioma=I&SeccionTexto=0404&NOID=104>).

¹¹² Lewis 2001, chs. 3-4; Marsot 1984, chs. 7-8.

organized as some form of corporation.¹¹³ Exercising autonomy to one degree or another, and empowered to change with the times, they began to instill in individuals the skills of self-governance that Islamic waqfs had failed to impart. The skills include strategic planning, public relations, consensus building, coalition formation, and collective negotiation. As such, the region's modern non-governmental organizations have contributed, from a very low base, to building civil society. The learning in question can be expected to overcome the Islamic waqf's legacies, but gradually. After all, in western Europe the same learning process has been under way for more than a millennium.

In any case, the earliest Middle Eastern charitable organizations established outside the Islamic waqf sector were not necessarily "non-governmental," if by that we mean instituted and directed without government involvement. During the first decade of the Republic of Turkey (1923-33), the top three charitable organizations as measured by mass participation, fundraising, or number of branch offices were the Red Crescent Society, the Children's Protection Society, and the Turkish Aviation Society. Though formally autonomous, they were all officially protected and supported. Their founders and patrons included top statesmen. In terms of an acronym popular today, each was a GONGO—a *government-organized* non-governmental organization.¹¹⁴ Working closely with the government, these organizations pursued national goals. They did not feel obligated to restrain the state in any way. Lack of accountability to the citizenry is another feature that these organizations shared. As such, they resembled Islamic waqfs more than the type of organization associated with civil society.

In Egypt, various NGOs were formed in the first quarter of the twentieth century in reaction to foreign cultural influences. Eschewing a political identity, many of them subordinated themselves to the government, going so far as to invite members of the royal family to serve as honorary presidents. Over subsequent decades, governments pursued policies of encouraging NGOs to form, provided they remained apolitical and allowed them to control the selection of leaders, members, and activities. Under the regime of Gamal Abdel-Nasser (1956-70), Egyptian NGOs were transformed into appendages of the state bureaucracy. No fewer than 60,000 NGO employees received their salary from a government ministry. A law of 1964 explicitly authorized the state to close down any NGO that refused to cooperate with the regime, and an even harsher NGO law was adopted in 1999.¹¹⁵

In the early twenty-first century states of the region continue to control NGOs. Of the organizations established privately without state guidance or support, those that might have developed political clout have been susceptible to state capture. Consider Egypt, where, by 2006 there existed about 31,000 officially registered non-governmental associations, along with a few dozens of advocacy organizations disguised as law offices to avoid state interference, and hundreds of unregistered private organizations, many of them with Islamist agendas.¹¹⁶ Some of these assorted private organizations had been infiltrated by government agents; others were being persecuted. Under the circumstances, they were ineffective at exposing government corruption and mobilizing public outrage at the perpetrators. The vast majority of non-governmental organizations had agreed, if only implicitly, to respect the government's red lines with respect to criticism. Only superficially did they monitor and restrain the state.

¹¹³ Hatemî 1979, 58-318; Yener 1998, 9-49; El Daly 2007, 119.

¹¹⁴ Çapa 2009, 52-59; Sarıkaya 2011, 58-67; Baytal 2012, 6-69.

¹¹⁵ Abdelrahman 2004, 120-50.

¹¹⁶ Abdou, Atia, Hussein, Kharas, and Maaty 2011, 3. In 1991, the number of registered non-governmental associations stood at 12,832 (Al-Sayyid 1993, 231).

It is revealing that non-governmental organizations played marginal roles in the Egyptian uprisings of 2011-13. The revolution that ended Mubarak's thirty-year rule was led and dominated by youths without any history of prior cooperation.¹¹⁷ Although high youth participation was unprecedented, the absence of non-governmental organizations was nothing new. They played no key role in prior Egyptian regime changes. The overthrow of the monarchy in 1952 was carried out by the military, as were the campaigns of the early 1800s that initiated Egypt's secession from the Ottoman Empire. Another striking characteristic of both the Mubarak and post-Mubarak periods is the lack of collaboration among NGOs. Just as Islamic waqfs were barred from forming coalitions, successive Egyptian regimes of the modern era have generally discouraged cooperation among NGOs in an effort to block avenues for mass mobilization. The exceptions have involved strictly economic or social projects with goals complementary to those of the incumbent government.¹¹⁸

Turkey has substantially more private organizations, which is consistent with its better political performance than other predominantly Muslim countries of the Middle East according to the Freedom House index of political freedom, the World Bank rule of law index, and the Transparency International corruption perceptions index, among other such indicators.¹¹⁹ In 2005 it had 71,240 active associations (94 per 100,000 people, as against 36 for Egypt) and 4,367 modern waqfs (6 per 100,000 people as against none for Egypt).¹²⁰ Nevertheless, participation in civic life is muted by the standards of advanced democracies, as is support for their work. This is reflected in Table 4, which is based on data of the World Alliance for Citizen Participation, generally known as CIVICUS. According to this table, in Turkey participation in civic activities is at the OECD average. However, philanthropy—used here in the sense of *organized* philanthropy—is very low, and civil society is relatively ineffective. Turkey's figures are generally higher than those for the Arab League, which is in line with above-listed political comparisons.

Proximate reasons for Turkey's relatively poor civic performance include decades of restrictive legislation and government interference under late Ottoman rulers and successive regimes of the Turkish Republic. A deeper factor is that the absence of a tradition of mass involvement in organized philanthropy or political activism. As in the past, the vast majority of people assist close kin and neighbors. But few are accustomed to participating in organizations working systematically toward shared social goals, or even to support them financially. The key reason why people exhibit a preference for individual-to-individual giving over organized collective giving is a perception of high corruption.¹²¹

¹¹⁷ Carapico 2012.

¹¹⁸ Yom 2005.

¹¹⁹ On a standardized 1-10 scale (10 best), Turkey's scores on the clean government index of Transparency International, the World Bank Rule of Law index, and the Freedom House civil liberties index for 2011-12 are 4.2, 5.3, and 7.0, respectively. The corresponding figures for the Arab League are 2.8, 3.5, and 4.4.

¹²⁰ Bikmen 2006, 14.

¹²¹ Çarkoğlu 2006, 98-108. El Daly 2007, 158-67, observes the same pattern in Egypt, where a perception of corrupt NGO officers supports a preference for giving directly to individuals of one's choice.

	Participation in civic activities	Philanthropy	Policy dialogue	Political participation
Arab League	0.36	0.30	0.31	0.39
Iran	—	0.28	0.22	0.28
Turkey	0.55	0.20	0.67	0.39
OECD (except Turkey)	0.55	0.45	0.76	0.67

Table 4. Four indices of civic life, 2013: The Middle East and OECD

Source: CIVICUS Enabling Environment Index 2013 (<http://civicus.org/eei>). The Arab League and OECD indices are population-weighted averages of the member country figures. "Participation in civic activities" provides the percentage of people who say they "have done" or "might do" any of three suggested activities: signing petitions, joining boycotts, attending peaceful demonstrations. "Philanthropy" captures the propensity of people to get involved in "formal charitable activities." Finally, "policy dialogue" assesses the openness of institutional processes to civil society organization inputs. It is derived from variables such as the extent to which "there a network of cooperative associations or interest groups to mediate between society and the political system," and the degree to which "the political leadership enables the participation of civil society in the political process."

All of these patterns are legacies of Turkey's pre-modern institutional history. During the period when organized philanthropy was limited to Islamic waqfs, giving was necessarily individual-to-individual for the vast majority of the population. Corruption associated with waqfs, combined with the delayed transition to impersonal exchange, suppressed generalized trust. Under the circumstances, the individual skills needed for a vigorous civil society failed to develop.

The apparent persistence of the behavioral patterns characteristic of social service provision through Islamic waqfs will not surprise students of multiple games. They find that even when individuals are free to apply distinct strategies to each of many games that they play, they often behave identically. For an example, consider a public goods game paired with, or preceded by, a competitive auction game. Cooperation is less common in the public goods game in either paired scenario than when the game is played alone. Evidently strategies used in one game bleed into those used in others. A basic reason for the observed behavioral spillovers is cognitive limitations. These render people susceptible to framing and learning transfer effects.¹²² The patterns found in laboratory experiments shed light on why, as Islamic waqfs were superseded by government agencies and modern private organizations, their employees, monitors, and beneficiaries transferred their habits and customs to the new settings. People accustomed to consuming social services passively will be inclined to do the same even under new providers who are not legally bound by a deed. Likewise, officials habituated to treating waqf endowments as sources of personal enrichment will be inclined to engage in corrupt practices as government bureaucrats.

¹²² Bednar, Chen, Liu, and Page 2012, Cason and Gangadharan 2013.

13. The Long Shadow of the Middle East's Civic Past

There is no shortage of theories about why the Middle East is the world's least democratized region. With a few notable exceptions, most invoke proximate factors. Common theories point the finger at coalitions among ruling families in control of critical resources, military officers who share in the spoils, and businesses sheltered from competition. Well-organized vested interests do indeed suppress basic freedoms. They also rig elections to protect their privileges. But none of these theories explains, at least not adequately, why the Middle East's oppressed and disadvantaged masses have endured dictatorship for so long. After all, every region of the world, including those now home to highly rated democracies, has featured coalitions designed to monopolize political power.¹²³ Why did enforceable and sustainable rules to prevent extreme concentrations of power not take hold in the Middle East?

Reflecting on this question leads inexorably to links between the Middle East's political failures and the ineffectiveness of its civil society. What, then, does civil society lack in the Middle East that is present in advanced democracies? It is not that non-governmental associations and foundations are missing. In the past few decades the region has boasted tens of thousands of non-governmental organizations pursuing various causes. Nor is the problem that the prevailing legal systems keep private organizations too small or too rigid. For at least a century, the organizational forms that private groups use in advanced democracies have essentially been available in the Middle East, too. True, the region's authoritarian states keep non-governmental organizations from using their capabilities to the fullest. But this brings us back, full-circle, to the puzzle already stated. If in some countries non-governmental organizations have managed to extend and protect their legal rights, what has stood in the way in the Middle East?

The Middle East's distinct institutional history kept its non-governmental organizations weak and limited their ability to restrain authoritarian rule. Although the region's legal systems now support private corporations, the Islamic legal system, until modern times the basis for the region's governance, greatly restricted the organizational options of private groups. Necessarily organized as a waqf, non-governmental organizations could not be used for political advocacy. Islamic waqfs limited society's ability to constrain arbitrary rule also through their rigidities, their inability to enter into coalitions, and their lack of accountability to their beneficiaries. In the process, civic life was impoverished. The peoples of the region failed to develop skills critical to the effectiveness of civil society, such as the capacity to solve collective action problems privately and the ability to form perpetual private coalitions.

The remarkable expansion of civil society in the Middle East has been accompanied by the waqf's rebirth as a modern organizational form akin to the charitable corporation of the West. If this has not resulted in advanced democracies, it is because of the region's longstanding tradition of civic passivity. Limiting participation in civic organizations, and their political effectiveness, this passivity has also facilitated their capture by the state. This poor record has been rooted in the central role that the Islamic waqf played in the region's pre-modern legal order. The beneficiaries of Islamic waqfs had no say over the objectives or management of organizations that elites ostensibly established for their benefit. They lacked access to information about waqf opportunities and decisions. They could not alter the use of waqf resources as their needs changed. The prevailing rules prevented coalitions among waqfs. Collectively these patterns fueled a culture of corruption, suppressing trust in private organizations.

¹²³ North, Wallis, and Weingast 2009, show that all "open access orders," which allow a broad set of personal and associational freedoms, grew out of the "natural orders," in which a ruling clique constrains these freedoms.

Thus, the proximate factors that have made authoritarianism the Middle Eastern political norm rest on historical patterns that took root in the region's early Islamic history. In the modern era oppressive coalitions have been able to take shape and establish entrenched autocracies because the region's masses entered it with stunted political capabilities. These capabilities depend on the organizational skills, civic concerns, and expressive capabilities that individuals acquire as part of their socialization. They depend also on precedents regarding civic engagement. In both these respects, the Middle East has faced deep-seated handicaps that have constrained, and still constrain, its political development. Patterns of political passivity were carried from pre-modern to modern organizations by people socialized in communities with political habits formed in an earlier age.

The vicious circle that long kept the Middle East politically authoritarian has mutated, then, but not disappeared. Before the modern reforms that enabled the formation of flexible non-governmental organizations, the lack of waqf autonomy kept civil society weak; in turn, the weakness of civil society hindered the generation of alternatives to founder-controlled, rigid organizations. Thus, politically effective private organizations could not be founded; absolutist rulers faced no challenges from below; ideologies supportive of structural reforms failed to emerge; and political checks and balances did not arise. Since the emergence of new organizational alternatives outside of government, these constraints have all weakened, but generally not enough to support transitions to self-sustaining democracies. The requisite organizational capabilities take time to develop, as do the social norms that support them.

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