Conclusion

Ottoman Waqfs as Acts
of Citizenship[1]

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The waqf as an institution of beneficence is well known among Islamic scholars. The idea that waqfs provided many of the social and cultural services to 'citizens' of diverse Islamic polities ranging from the Mamluk and Ottoman empires to India, Indonesia, and Iran would not surprise many scholars. But to interpret the Islamic waqf as an 'act'of citizenship is at best unconventional. This argument requires changing our modern understanding of citizenship as contractual status. It requires considering the ways in which the concept of citizenship has evolved through history and how it enabled a division between modern and traditional and occidental and oriental.[2] Once we fulfill these requirements, new avenues of thought open up through which we can interpret Islamic waqfs as acts of citizenship. There are many historical and political advantages to interpreting waqfs as mechanisms for producing and managing citizenship; I suggest a few in the present chapter.

At first glance, interpreting waqf as an act of citizenship may surprise the reader. What is the relationship? Citizenship (its modern version that we are familiar with) was born of the state (seventeenth and eighteenth centuries) and then the nation-state (nineteenth and twentieth centuries), which allocated certain rights and obligations to individuals under its authority. Modern citizenship rights that draw from the nation-state typically include civil (free speech and movement, rule of law), political (voting, seeking electoral office), and social (welfare, unemployment insurance, and health

care) rights. The precise combination and depth of such rights vary from one state to another, but universal citizenship rights and obligations are attributes expected in every modern state. By contrast, Islamic, and more specifically, Ottoman, waqfs are popularly known as pious foundations, mostly for avoiding state taxes and bequeathing family property.[3] The two institutions could not seem more dissimilar, yet a critical analysis reveals affinities between them and indeed suggests that rethinking waqf as an act of citizenship is not merely an academic exercise, but a political necessity. Critical reflections on both citizenship and waqf will help to illustrate the relationship I wish to establish, and ultimately why this relationship is important.

The recent history of the concept of citizenship, as indicated above, is in relation to the state and nation-state. But while a particular variant of citizenship as status may have been articulated in Europe in the late eighteenth and early nineteenth centuries, it is by no means the only possible variant, let alone the most politically acceptable form, especially in its collapsing of citizenship into nationality. Indeed the conflation of citizenship and nationality has contributed to racism, xenophobia, and discrimination. As long as citizenship has been understood as nationality, state authorities have not hesitated to commit atrocities and genocides in its name.

The institution of citizenship has, however, had a much longer history than the modern state. It is usually traced to ancient Greek politics and Roman law, both of which understood citizenship as a city-based identity, albeit with differences. Recent critical scholarship, however, has demonstrated the limits of the modern European or Western conception of citizenship—especially understood as nationality—and has thus opened up new practices and rituals as objects of study, extending its boundaries beyond Europe and North America.[4] Some scholars have identified a form of Mesopotamian 'citizenship' that existed centuries before the Greek polis or Roman law. Similarly, scholars have questioned the 'Westernization' of this institution and have begun studying citizenship in ancient China, ancient India, and ancient Judaic, Christian, and Islamic traditions. In all these studies, citizenship appears much less as state membership, let alone nation-state membership, and more as an institution symbolizing generalized routines, practices, and rituals that constituted humans as political beings, enabling them to deal with each other via political rather than violent means. In general terms, citizenship can be defined as the art of negotiating difference and claiming recognition through political means rather than using violence to annihilate difference. While this may appear as an idealist conception, it does not presuppose any results of negotiation and claim making. If citizenship cultivates

human beings who perceive themselves as beings with rights and are able to recognize the rights of others, this merely constitutes the foundations of political coexistence, not its guarantee. Thus, citizenship can be thought of as the foundation of justice and injustice simultaneously. Nonetheless, cultivating such a political identity requires practices, rituals, and habits, and that is why citizenship is increasingly defined by those elements rather than by a status that may be a result, not a cause.

As critical studies began challenging the idea of citizenship as a uniquely Western and nation-state institution, scholars have also reexamined the notion that contemporary nation-state citizenship is a universal status.[5] The reasons behind this questioning are no doubt associated with broader transformations such as globalization, the emergence of new international regimes of government, new international migration, new rationalities of government such as neoliberalism, new regimes of accumulation, as well as new social movements and their struggles for recognition and redistribution. All these have forced upon scholars, practitioners, and activists alike an urgent need to rethink the meaning of citizenship under these transformations. Major social issues such as the status of immigrants, aboriginal peoples, refugees, diasporic groups, environmental injustices, and the status of national minorities have increasingly been expressed through the language of rights and obligations, and hence of citizenship. Moreover, not only are the rights and obligations of citizens being redefined, but what it means to be a citizen and which individuals and groups are enabled to possess such rights and obligations have also become issues of concern. The three fundamental axes of citizenship, *extent* (rules and norms of exclusion), *content* (rights and responsibilities), and *depth* (thickness or thinness), are always being redefined and reconfigured. The modern conception of citizenship as merely a status held under the authority of a state has been contested and broadened to include various political and social struggles for recognition and redistribution as instances of claim making, and hence, by extension, of citizenship. Various struggles based upon identity and difference (whether sexual, 'racial,' 'ethnic,' diasporic, ecological, technological, or cosmopolitan) have found new ways of articulating their claims as claims to citizenship, understood not simply as a legal status but as political and social recognition and economic redistribution. Many scholars now are exploring and addressing concepts of sexual, ecological, diasporic, differentiated, multicultural, cosmopolitan, or Aboriginal citizenship. These studies, taken together, focus much more on rituals, practices, and routines that cultivate different forms of citizenship than an ostensibly universal status.

Of course, if we understand citizenship in its narrow, Eurocentric meaning, there is absolutely no relationship between waqfs and citizenship. But if we understand citizenship in its broadened and deepened meaning as the foundations of both justice and injustice and consider the role of social, cultural, and religious institutions in the formation of citizens as beings capable of making claims and recognizing the claims of others, then the waqf institution presents itself as a significant object of study. After all, this Islamic institution of beneficence existed for centuries before the Ottoman Empire, and was then taken up by the Ottoman authorities, which institutionalized, codified, and systematized it. By the eighteenth century this institution provided almost all social, cultural, religious, and economic services.

Why was such an institution overlooked in interpretations of the Islamic city or even Islamic citizenship? To answer that question, it is crucial to discuss Weber's work on the city, which had an enormous influence on the interpretations of social and cultural difference between the Orient and the Occident.

Citizenship after Orientalism

As is well known among scholars of urban history, Weber defined the city in terms of five characteristics (fortification, market, autonomous law and administration, association, and autocephaly), and thus argued that what made the occidental city unique was that it arose from the establishment of a fraternity, a brotherhood in arms for mutual aid and protection, and the usurpation of political power.[6] In this regard, Weber always drew parallels between the medieval 'communes' and ancient 'synoecism.' For Weber: "The polis is always the product of such a confraternity or synoecism, not always an actual settlement in proximity but a definite oath of brotherhood which signified that a common ritualistic meal is established and a ritualistic union formed and that only those had a part in this ritualistic group who buried their dead on the acropolis and had their dwellings in the city."[7] As we shall see below, while Weber consistently emphasized that some of these characteristics emerged in China, Japan, the Near East, India, and Egypt, he insisted that it was only in the Occident that all were present and appeared regularly. Thus, he concluded: "Most importantly, the associational character of the city and the concept of a burgher (as contrasted to the man from the countryside) never developed [in the Orient] at all and existed only in rudiments."[8] Therefore, "a special status of the town dweller as a 'citizen,' in the ancient medieval sense, did not exist and a corporate character of the city was unknown."[9] He was convinced that "in strong contrast to the medieval and ancient Occident, we never find the phenomenon in the Orient that the autonomy and the

participation of the inhabitants in the affairs of local administration would be more strongly developed in the city ... than in the countryside. In fact, as a rule the very opposite would be true."[10] For him this difference was decisive: "All safely founded information about Asian and Oriental settlements which had the economic characteristics of 'cities' seems to indicate that normally only the clan associations, and sometimes also the occupational associations, were the vehicle of organized action, but never the collective of urban citizens as such."[11] Above all, for Weber, only "in the Occident is found the concept of citizen (civis Romanus, citoyens, bourgeois) because only in the Occident does the city exist in the specific sense of the word."[12]

As important as it is to question the differences Weber posits, it is still necessary to examine why he thought they existed in the first place. Broadly speaking, Weber provided two reasons why the city as confraternity arose only in the Occident. First, since the occidental city originally emerged as a war machine, the group that owned the means of warfare dominated the city. For Weber, whether a group owned the means of warfare or was furnished by an overlord was as fundamental as whether the means of production were the property of the worker or the capitalist.[13] Everywhere in the Orient the development of the city as a brotherhood in arms was prevented by the fact that the army of the prince or overlord dominated the city.[14] Therefore, a prince or king always dominated 'oriental cities,' because in their origins and development, in India, China, the Near East, Egypt, and Asia, the question of irrigation was crucial. "The water question conditioned the existence of the bureaucracy, the compulsory service of the dependent classes, and the dependence of subject classes upon the functioning of the bureaucracy of the king."[15] That the king exercised his power in the form of a military monopoly was the basis of the distinction between the Orient and the Occident: "The forms of religious brotherhood and self-equipment for war made possible the origin and existence of the city."[16] While elements of analogous development occurred in India, China, Mesopotamia, and Egypt, the necessity of water regulation, which led to the formation of kingly monopolies over the means of warfare, stifled these beginnings. So for Weber the decisive issue became the harsh climate of oriental cities and the development of bureaucracies equipped to handle it.

The second obstacle preventing the development of the city in the Orient, according to Weber, was the persistence of magic in oriental religions. These religions did not allow the formation of "rational" urban communities. Eventually, however, the magical barriers between clans, tribes, and peoples, which were still known in the ancient polis, were set aside and so the establishment of the

occidental city was made possible." What makes the occidental city unique is that it allowed the association or formation of groups based on bonds and ties as rational contracts rather than through lineage or kinship.

In various studies written between *The Agrarian Sociology of Ancient Civilizations*[18] and *The City*,[19] Weber's argument that the city as a locus of citizenship was the characteristic that made the Occident unique and his reliance on synoecism and orientalism appeared more consistently than his emphasis on rationalization— and with increasing urgency.[20] Let us take a closer look at both the premises and conclusions of his argument.

Weber accepted various similarities between the occidental city and its near- and far-eastern counterparts.[21] Like the occidental city, the oriental city was also a marketplace, a center of trade and commerce, and a fortified stronghold. Moreover, he noted that merchant and artisan guilds could be found in oriental as in occidental cities.[22] Even the creation of autonomous legal authority could be found in both cities, though to varying degrees. Moreover, all ancient and medieval occidental cities, like their oriental counterparts, contained some agricultural land belonging to the city. Throughout the ancient world, the law applicable in cities differed from that in rural areas. In the occidental medieval city, however, such difference was essential, while it was insignificant and irregular in the ancient oriental city. The ancient occidental city almost always arose from a confluence and settling together of strangers and outsiders. While Weber used this as evidence of why the city always manifested a social and cultural differentiation, he often underlined its unity over diversity.[23] While he recognized that the urban population consisted of very diverse social groups, what was revolutionary in the occidental city was the free status of this distinct population. The fact that the city was a center of trade and commerce led rulers to free bondsmen and slaves so as to pursue opportunities for earning money in return for tribute.[24] The occidental city arose as "a place where *the ascent from bondage to freedom* by means of monetary acquisition was possible."[25] The principle that "city air makes man free," which emerged in Central and Northern European cities, was an expression of the unique aspect of the occidental city: "The urban citizenry therefore usurped the right to dissolve the bonds of seigniorial domination; this was the great—in fact, the *revolutionary*—innovation which differentiated the medieval occidental cities from all others."[26] The common quality of the ancient polis and the medieval commune was therefore an association of citizens subject to a special law exclusively applicable to them. In ancient Asia, Africa, or America similar formations of polis or commune constitutions or corporate citizenship rights were not known.

Weber's essential emphasis was, therefore, on the collective character of the city, which provided its dwellers with a distinct status. As he suggested: "The fully developed ancient and medieval city was above all constituted, or at least interpreted, as a fraternal association, as a rule equipped with a corresponding religious symbol for the associational cult of the citizens: a city-god or city-saint to whom only the citizens had access."[27] A significant difference between the occidental city and the ancient oriental city was that in the former there was no trace of magical and animistic castes. It was the belief of ancient occidental citizens that their cities originated as free associations and confederations of groups.[28]

Thus Weber argued that in the ancient oriental city, kinship ties persisted regularly, while in Greek *poleis* and medieval cities they progressively dissolved and were replaced by spatial and occupational relationships. In Greek *poleis* this process becomes visible beginning with colonization, which required the settling together of strangers and outsiders to become citizens. In addition, the shift in the military organization of the *polis* from heroic to hoplitic warfare intensified the dissolution of clan ties. Although many Greek *poleis* maintained such ties for a long time, they became more ritualistic and less significant in the everyday life of politics. Similarly, the warrior associations of the wandering Germanic tribes in Europe after the fall of the Roman Empire were organized around leadership and military prowess rather than clan ties. The development of spatial units such as the 'hundreds' as a method of distributing obligations impeded clan development.

Weber thought that Christianity dissolved such clans and effectively removed the barriers to the development of citizenship as a common identity. He said:

> When Christianity became the religion of these peoples who had been so profoundly shaken in all their traditions, it finally destroyed whatever religious significance these clan ties retained; perhaps, indeed, it was precisely the weakness or absence of such magical and taboo barriers which made the conversion possible. The often very significant role played by the parish community in the administrative organization of medieval cities is only one of many symptoms pointing to this quality of the Christian religion which, in dissolving clan ties, importantly shaped the medieval city.[29]

By contrast, the oriental city never really dissolved the tribal and clan ties and failed to develop citizenship as a common identity.

One can make two major criticisms of Weber's argument. The first is that Weber severely overestimated the importance of synoecism. Other scholars have interpreted the formation of corporations in early modern Europe not as an expression of communal freedom, but as a sign of its end.[10] When Weber argued, for example, that the oriental city did not have an associational or communal character, he assumed that "the medieval city, by contrast, was a commune from the very beginning, even though the legal concept of the 'corporation' as such was only gradually formulated."[31] It is not possible to assume that, by the time the concept of corporation was formulated in European legal thought during the sixteenth and seventeenth centuries, the city maintained its communal or associational character.[32] The second concern is Weber's orientalism. Weber already assumed that oriental despotism hindered the development of active citizens without secondary affinities and loyalties. He was then most concerned with explaining how this situation had come about. Thus, his orientalism provided the premise for his conclusion of synoecism, and synoecism, in turn, was the premise for his conclusion of orientalism.

How do we approach citizenship without synoecism and orientalism? Approaching citizenship without orientalism will require overcoming fundamental assumptions about synoecism and an ontological difference between the Occident and Orient mobilized by presences and absences. Moreover, it will require abandoning teleological, historicist, and presentist ways of interpreting histories of citizenship. Appropriating various strands of thought that range from legal and sociological thought to psychoanalysis and social psychology, I have argued elsewhere that it is possible to rethink occidental citizenship by analyzing the formation of groups as a generalized question of otherness and of the ways of being political without appealing to an ontological difference between the occident and the orient. Such an analysis regards the formation of groups as a fundamental but dynamic process of self-articulation. Through *orientations, strategies,* and *technologies* as forms of being political, beings develop *solidaristic, agonistic,* and *alienating* relationships. I maintain that these *forms* and *modes* constitute ontological ways of being political in the sense that being thrown into them is not a matter of conscious choice or contract.[33] It is through these forms and modes that beings articulate themselves as *citizens, strangers, outsiders,* and *aliens* as possible ways of being rather than as identities or differences. It is therefore impossible to investigate 'citizenship,' as that name which citizens—as distinguished from strangers, outsiders, and aliens—have given themselves, without investigating the specific constellation or figuration of orientations, strategies, and

technologies available for deployment in producing solidaristic, agonistic, and alienating multiplicities.

Each of these figurations is a moment that should be understood not merely as a temporal but also as a spatial way of being political. Each moment is constituted as a consequence of analysis and exists only through this analysis. Each moment crystallizes itself as that space that is called the city. The city should not be imagined as merely a material or physical place but as a force field that works as a difference machine. The city is a difference machine because groups are not formed outside the machine and encounter each other within the city; instead, the city assembles, generates, and distributes these differences, incorporates them within strategies and technologies, and elicits, adjures, and incites them:

> The city is a crucial condition of citizenship in the sense that being a citizen is inextricably associated with being *of* the city . . . . [Therefore,] the city is neither a background to these struggles *against which* groups wager, nor . . . a foreground *for which* groups struggle for hegemony. Rather, the city is the battleground *through which* groups define their identity, stake their claims, wage their battles, and articulate citizenship rights, obligations, and principles.[34]

This condensed summary aims to highlight two issues regarding relations between the city and citizenship. First, while many critics of Weber have emphasized lacunae in his interpretation of the oriental city, they have tended to assume that his account of the occidental city is fundamentally correct. I argue that the unification Weber attributes to the occidental city and its ostensible expression—citizenship—is questionable. I called this 'synoecism' and argued that we must begin interpreting the history of occidental citizenship itself differently and accept that that history itself was articulated as an invented tradition that needs to be interrupted. Second, the constitution of the occidental city has not been without reference to the ostensible features of the oriental city. That 'orientalism' is not merely a representation but a strategic orientation that has mobilized various practices as a result of which some cities have been constituted as the bedrock of citizenship and others with their lack of it should be an object of critical analysis. I doubt that remaining within the terms of a discourse that employed an orientalist—if not imperialist, racist, and colonialist—difference between cultures and nations to dominate for at least two centuries our sense of being political, will enable us to articulate new understandings of the ways in which humans become political beings.

Whether we like it or not, citizenship has institutionalized specific ways of being political in world history, and leaving its investigations to either occidentalist or orientalist forms of thought is not an attractive option.

Ottoman citizenship

Approaching citizenship without orientalism opens up new possibilities for investigating the ways in which, at various moments in world history, distinct groups have articulated themselves by mobilizing orientations, assembling strategies and technologies, and producing different forms of otherness through which different ways of being political are rendered possible. Approaching citizenship this way removes the burden of comparing and contrasting various cultures or civilizations with a view to establishing the superiority or inferiority of one over the other. Weber focused incessantly on Judea, China, India, and Islam to compare corporate organization, contractualism, and so forth with ostensibly occidental institutions.[35] The aim in approaching citizenship without orientalism is not to abandon difference among various world historical moments, but to refuse to reduce them to fundamental ontological differences along the axis of inferiority or superiority.[36] Nor is it simply about abandoning occidental ways of thought. Rather, it is about revealing multiple and critical traditions of both occidental and oriental thought and appropriating them for alternative and critical interpretations.

Without these caveats, the notion of 'Ottoman citizenship' would be an apparent oxymoron. If citizenship is taken to mean what was articulated during the eighteenth and nineteenth centuries in Europe, then the only moment of emergence of Ottoman citizenship would be during and after the reform period (1839–76) known as the *Tanzimat*. It can further be argued that, until the promulgation of the 1869 'citizenship' law, and 1876, when a new Ottoman constitution was drawn up, citizenship had not been institutionalized in the imperial governing order.[37] One may even argue that these were moments of proto-citizenship, and that properly modern citizenship did not emerge until the new Turkish republic was formed in the 1920s, clearly adopting and articulating citizenship laws.[38] I would reject these arguments. Whatever reasons one gives to limit analysis of Ottoman citizenship to its modern incarnations, one should not approach it with already defined and understood notions of citizenship and search for the traces, development, and emergence of this construct. Such an approach fosters orientalist or reverse orientalist modes of thought that agree to recognize the existence of citizenship only if it is found in a particular, Western form. Besides, when this

approach is followed faithfully, one can argue—as recent European Union documents have done—that even Turkish citizenship has not yet arrived since it still does not conform to its European counterpart.

The constitution of the Turkish republican citizenship began much earlier than the 1920s and was indeed a European project. Turkish identity and citizenship, founded on a racialized and ethnicized Turkishness, became prevalent in the late Ottoman Empire and the early Turkish republic.[39] This must, however, be understood in the context of a broader movement toward Westernization that incorporated racist and nationalist discourse on the purity of Aryan races and their ostensible superiority.[40] European discourse on race began in the late eighteenth century and continued well into the 1940s, which was a crucial moment of transformation of the Ottoman Empire into the Republic of Turkey. The discourse was not only implicated in various European projects of imperialism, colonialism, and orientalism, but also provided direct justification for them. It is often argued that the Ottomans did not use race or nation as operative concepts with which to organize their practices of belonging, identity, and difference.[41] But when the Ottomans were faced with the question of identity as a response to the declining empire, they drew upon Western sources and theories of race, identity, and nation. Ottoman intellectuals drew upon Western anthropology, archaeology, philology, and psychology—ways of seeing and thinking that allowed them to perceive themselves as modernizing and Westernizing forces.[42] Just as many European intellectuals and intelligentsia constituted European nations as authentic, *sui generis* polities with racial and ethnic purity and homogeneity, so, too, did their Ottoman counterparts in their quest to define a nation emerging from the fragments of an empire. While the intellectuals of the early republic attempted to set themselves apart from the Ottoman legacy, they nonetheless inherited the fundamental assumptions of the late Ottoman search for Turkish origins and, in some ways, intensified and deepened it.[43] Thus, it would be a mistake to consider the birth of republican citizenship without reference to the broader context in which orientalism played a crucial role.

I have insisted that to take orientalist assumptions about citizenship as given and deploy them in analyses that interpret various ways in which citizenship was used in republican institutions leads to orientalism and reverse orientalism. An opposite danger is to find in Ottoman institutions conceptions of 'the art of living together' that avoided the racism of modern European citizenship and that are more progressive and developed than an honest analysis warrants. In recent years, there has been a development in this direction that interprets certain Ottoman institutions from the point

of view of tolerance.[44] For instance, the well known system by which the Ottomans allocated certain rights to minorities the millet system is increasingly interpreted as a sign of Ottoman tolerance and accommodation of difference.[45] The problem with these arguments is not their plausibility or implausibility; it may well be that Ottoman institutions that were overlooked by orientalist interpreters did indeed involve certain forms of tolerance and accommodation that were alien to the emerging nineteenth-century nationalist and racist forms of constituting modern otherness. Yet to discover forms of tolerance, pluralism, and accommodation in the Ottoman Empire in terms understood in the late twentieth and early twenty-first centuries generates more problems than it solves. First, it serves as still another form of orientalism wherein Ottoman institutions are once again justified using ostensibly European standards, albeit in contemporary rather than historical figurations. Second, and perhaps more importantly, it also serves as a form of occidentalism wherein ostensibly progressive Ottoman institutions are shown and demonstrated to be superior to their European counterparts.[46]

I suggest, rather, that investigating Ottoman citizenship must avoid orientalist, reverse orientalist, and occidentalist approaches. Understanding citizenship as a generalized problem of otherness would generate more useful theses by which to investigate the institution and rethink its contemporary figurations. These suggestions raise the question: What kinds of investigations can one undertake about Ottoman citizenship without succumbing to orientalism? There are a number of problems that suggest possible investigations. The first is, of course, the formation of Turkish citizenship during the long century between the 1830s and the 1920s.[47] The debate over the Westernization of the Ottoman Empire in that period and the role of military-intellectual cadres (the Young Ottomans and later the Young Turks) is extensive. But the debate over the formation of citizenship during this period is more limited and embodies various orientalist assumptions. Often citizenship is taken to mean modern republican citizenship as defined in Europe. A second cluster of problems concerns the formation and treatment of minorities in the Ottoman Empire, especially during the period of its expansion in the sixteenth and seventieth centuries. The debate over the millet system has dominated the investigations of this question and, as far as I know, the question of minorities has not been interpreted from the perspective of Ottoman citizenship. The question of the status and practices of non-Muslim groups in the Ottoman Empire has so far extensively focused on quintessential occidental categories such as autonomy, tolerance, recognition, and accommodation.[48] Analyses of these practices that refrain from

relying on such categories have yielded remarkably rich interpretations.[49] The following section draws upon investigations concerning the second cluster of problems and illustrates how negotiations of difference and identity and claims for recognition for the so called minorities of the Ottoman Empire also revolved around rights and obligations concerning the founding and maintaining of waqfs.

Waqfs, beneficence, and citizenship

As the Ottoman Empire expanded into three continents during the fifteenth century, encounters with the Other became a generalized condition of governing the empire. From the moment of its conquest by the Ottomans—and the Ottoman realization that governing the city would involve dealing with already constituted religious sects—Constantinople always had to deal with negotiating differences among groups. After Constantinople was conquered in 1453, Mehmed II began to repopulate it with people transferred from other conquered areas, such as Salonika (modern Thessalonica) and the Greek islands. By about 1480 the population had risen to between sixty and seventy thousand.[50] While the Hagia Sophia and other Byzantine churches were transformed into mosques, the Greek patriarchate was retained and was moved to the Church of the Pammakaristos Virgin (Mosque of Fethiye), later to find a permanent home in the Phanar quarter. The capital of the Ottoman Empire was transferred to Constantinople from Adrianople (Edirne) in 1457. Within a century, *Konstantiniye* (as Ottomans called the city for a long time) was transformed into a 'cosmopolitan' imperial city, with inhabitants drawn from all corners of the empire. In the process of negotiating their differences, these inhabitants invented various legal, political, social, and cultural institutions.

Modern historians of the empire call these institutions for negotiating difference collectively the 'millet system.' Millet was a generic term used to describe Muslim or non-Muslim religious groups and their affiliations. Millet is often translated into English as 'nation,' though it would be anachronistic to define these as modern nations. What complicates this history is that these millets did indeed develop and fulfill national aspirations in the modern sense in the nineteenth century. I prefer to use the sociological concept of 'social group' or simply 'group' in referring to the millets, to avoid anachronism.

These groups had various governing rights and privileges within the framework of Ottoman imperial administration.[51] The four main non-Muslim groups were Armenian, Catholic, Jewish, and Orthodox; of these, the last was the largest and most influential. These groups enjoyed various collective rights and privileges. A religious authority governed each and was also responsible

for its obedience to imperial administration. The head of the Orthodox millet, for example, was the ecumenical patriarch of Constantinople. The patriarch's position as leader of that millet also gave him substantial secular governing powers. Whether to call these rights and privileges 'autonomous' or even 'autocephalous' is controversial. But, not unlike the guilds and corporations of medieval European cities, these groups were able to negotiate considerable scope for rights and privileges that obviously prompted many historians to use such terms as 'autonomy' with relative ease.

Much has been written about Ottoman millets, the way their subjects governed themselves, and regulation of relations between these millets and the Ottoman imperial administration.[52] Ottoman waqfs as acts of beneficence have also been investigated quite extensively, although not to the same degree.[53] What interests me is the way in which waqfs were used by millets to govern relationships of authority within them, between themselves and other millets, and between imperial authorities. We know that through thousands of waqfs established throughout the empire, neighbourhoods and cities were built and governed. Especially in Istanbul, the waqf became a charitable act that provided a considerable number of what we would call social services, ranging from libraries to soup kitchens, baths, fountains, hospitals, and religious buildings. We also know that, while the principle of waqf was Islamic, waqfs were also founded by non-Muslim groups to provide various services and were recognized by Ottoman authorities as legitimate and indispensable mechanisms of group governance. An Islamic act of beneficence that had existed for centuries before the Ottoman Empire, therefore, was then taken up by the Ottoman authorities and institutionalized, codified, and systematized. By the eighteenth century, this institution provided almost all social, cultural, religious, and economic services.

Under Ottoman rule, the waqf became a systematic method of building cities by providing various services in well thought-out nuclei (külliye or imaret) through which a definitive shape was given to cities. Well-known külliyes that have given shape to Istanbul, for example, include Süleymaniye, Fatih, Şehzade, Eyüp Sultan, and Lâleli külliyes. Throughout the empire, thousands of madrasas, schools, libraries, mosques, caravanserais, commercial centers (hans), bazaars, fountains, bridges, hospitals, soup kitchens or almshouses, lodges, tombs, baths, and aqueducts were founded either as part of such külliyes or imarets or as stand-alone buildings. Waqfs could include immovable property, such as rural land, which yielded income, as well as movable property, such as cash, books, and other valuables. One waqf scholar, Nazif Öztürk (1995), estimates that throughout the Ottoman Empire more than thirty-five

thousand waqfs were founded, each including many buildings. That means the vast majority of Ottoman cities were built, maintained, or managed by means of the waqf system. According to Öztürk, waqfs, by employing vast numbers of people and providing income, made up about 16 percent of the Ottoman economy in the seventeenth century, about 27 percent in the eighteenth, and about 16 percent in the nineteenth century. Another waqf scholar, Murat Çizakça,[54] estimates that by the end of the nineteenth century, waqfs were providing more than 8 percent of total employment in the Ottoman Empire.

Yet this entire system of beneficence was not centralized or subject to state control. It is this aspect that would prove crucial for non-Muslim millets to negotiate their differences within the Ottoman imperial legal and political culture. Founding a waqf meant endowing privately held property for charitable use in perpetuity for functions set out in its founding deed or charter (vakfiye; waqfiya) and according to the conditions specified therein. The waqf deed also set out the way in which the property would be administered and maintained. The charter was registered and authenticated by a local judge (kadi; qadi) and did not require further approval. The principles underlying the waqf, then, were self-sufficiency, perpetuity, autonomy, and beneficence. Among waqf founders were prominent sultans, sultanas, pashas, as well as much less prominent members of the Ottoman governing and merchant elite. More significantly, there were notable numbers of women and non-Muslim waqf founders, a fact that needs to be investigated in terms of their rights and duties.

We need to investigate the role waqfs played as beneficence institutions enabling millet subjects to govern themselves, their relations with the Ottoman imperial authorities, and their ties with Muslim and non-Muslim subjects. The subject is vast, but it may provide a glimpse into how various groups negotiated otherness and difference as well as insights into the rise of modern nationalism, which displaced the practice of governing through millets. The research I have summarized here is therefore a part of a broader investigation on 'oriental citizenship,' which interprets various social and political practices as citizenship (understood as a generalized otherness that enables negotiations of recognition, difference, and identity). I am thus investigating if, and to what extent, waqf can be considered a 'citizenship' practice in the classical age of the Ottoman Empire, with a focus on Istanbul.

Conclusion

It is possible to illustrate that while the Ottoman Empire was not an empire of associations or communes in the way Weber saw the foundations of occidental citizenship, both the waqf institution and the way in which various social

groups were able to claim, negotiate, and exercise rights did indeed enable subjects to have a group-differentiated legal and political status. While the city's collective identity was not expressed in a commune or association, the waqf was clearly an urban institution. Moreover, waqfs possessed juristic personality in law, and various non-Muslim groups were able to develop autonomous, if not autocephalous, rights for self-government, possibly through these institutions. Yet, this argument itself runs the risk of orientalism by trying to demonstrate the presence of practices and institutions that were ostensibly absent in the orient. When we consider citizenship not as contract or status but as acts and practices that enable subjects to negotiate differences, we find that the waqf and millet were indeed sophisticated acts of citizenship. Thus, it would be wrong to assume that Ottoman citizenship only appeared in the nineteenth century, when Ottoman authorities began to allocate rights to 'minorities' and attempted to develop a universal Ottoman identity for affiliation and loyalty. When citizenship is not understood or translated as nationality, we find acts of Ottoman citizenship before the nineteenth century that require investigation. If these conclusions are plausible, it should also be possible to extend our investigations into the relationship between Islamic waqfs and citizenship.

Notes

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2   Isin and Nielsen, eds., *Acts of Citizenship*.
3   Baer, "The *Waqf* as a Prop"; Hathaway, "The *Waqf* in Islamic Tradition"; Hoexter, "*Waqf* Studies in the Twentieth Century."
4   Isin and Lefebvre, "'The Gift of Law."
5   Benhabib, *The Claims of Culture*; Benhabibibid, *The Rights of Others*.
6   Weber, "Citizenship," 315–37, 319.
7   Weber, "Citizenship," 320.
8   Weber, *Economy and Society*, 1227.
9   Weber, *Economy and Society*, 1227.
10 Weber, *Economy and Society*, 1228.
11 Weber, *Economy and Society*, 1233.
12 Weber, "Citizenship," 332.
13 Weber, "Citizenship," 320.
14 Weber, *The Religion of China*, 1917.
15 Weber, "Citizenship," 321.
16 Weber, "Citizenship," 321.
17 Weber, "Citizenship," 322–23.
18 Weber, *Agrarian Sociology*.
19 Weber, *Economy and Society*.
20 Käsler, *Max Weber*, 42.
21 Weber, *Economy and Society*, 1236.
22 Weber, *The Religion of India*, 33–35.
23 Weber, *Economy and Society*, 1237.
24 Weber, *Economy and Society*, 1238.
25 Weber, *Economy and Society*, 1238.
26 Weber, *Economy and Society*, 1239.
27 Weber, *Economy and Society*, 1241.
28 Weber, *Economy and Society*, 1242.
29 Weber, *Economy and Society*, 1244.
30 Black, *Guilds and Civil Society*; Frug, "The City as a Legal Concept."
31 Weber, *Economy and Society*, 1243.
32 Isin, *Cities without Citizens*.
33 I refer the reader to the bibliography for my work on this subject, in particular Isin, *Being Political*.
34 Isin, *Being Political*, 283–84.
35 Weber, *The Religion of China*; Weber, *The Religion of India*; Weber, *Ancient Judaism*.
36 Isin, *Being Political*, 22ff.
37 Ünsal, "Yurttaslik Zor Zanaat."
38 Aybay, "Teba-I Osmani'den."
39 Deringil, "'Legitimacy Structures"; Deringilibid, "'The Invention of Tradition"; Kadioglu, "'Milletinin Arayan Devlet."
40 Davison, *Reform in the Ottoman Empire*; Davison, *Essays in Ottoman and Turkish History*; Timur, *Osmanlı Kimliği*, 121–43.
41 Makdisi, "After 1860"; Timur, *Osmanlı Kimliği*.
42 Timur, *Osmanlı Kimliği*, 139–40.
43 Timur, *Osmanlı Kimliği*, 144–48.
44 Armağan, *Osmanlı'da Hoşgörü*.
45 Reppetto, "Millet System"; Stefanov, "Millet System."
46 See Venn, *Occidentalism*.
47 Isin and Isyar, "'Türkiye'de Ulus-Devle."
48 Armağan, ed., *Osmanlı'da Hoşgörü*.
49 Ercan, *Osmanlı Yönetiminde*; Soykan, *Osmanlı İmparatorluğu'nd Gayrimüslimler*.
50 İnalcık, "Istanbul."
51 Braude and Lewis, eds., *Christians and Jews*.

52 Braude, "Foundation Myths"; Braude, ""Millet Sistemi'nin" Ilgin Tarihi". Karpat. *An Inquiry*; Stefanov, "Millet System."

53 Çizakça, *A History*; Singer, *Constructing Ottoman Beneficence*; van Leeuwen, *Waqfs*.

54 Çizakça, *A History*.

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