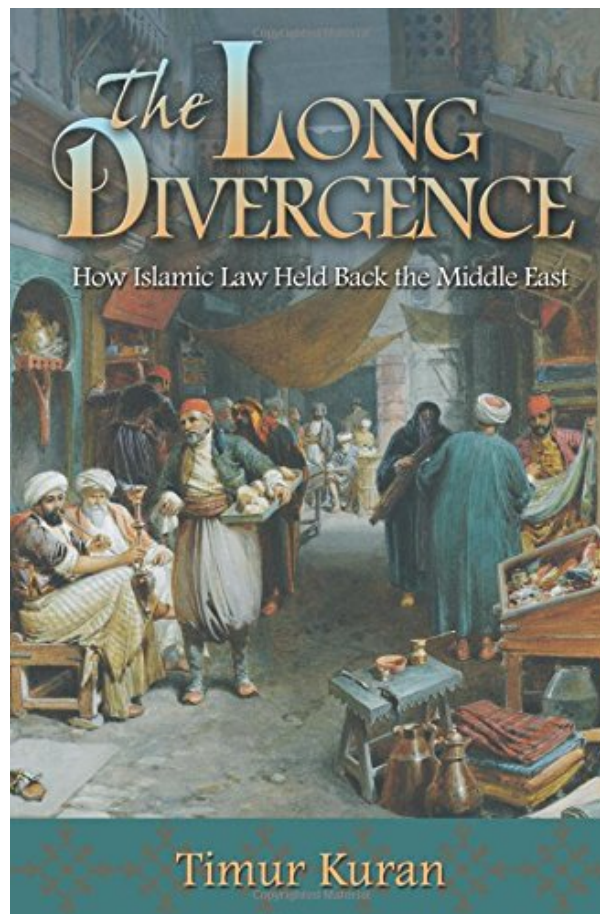
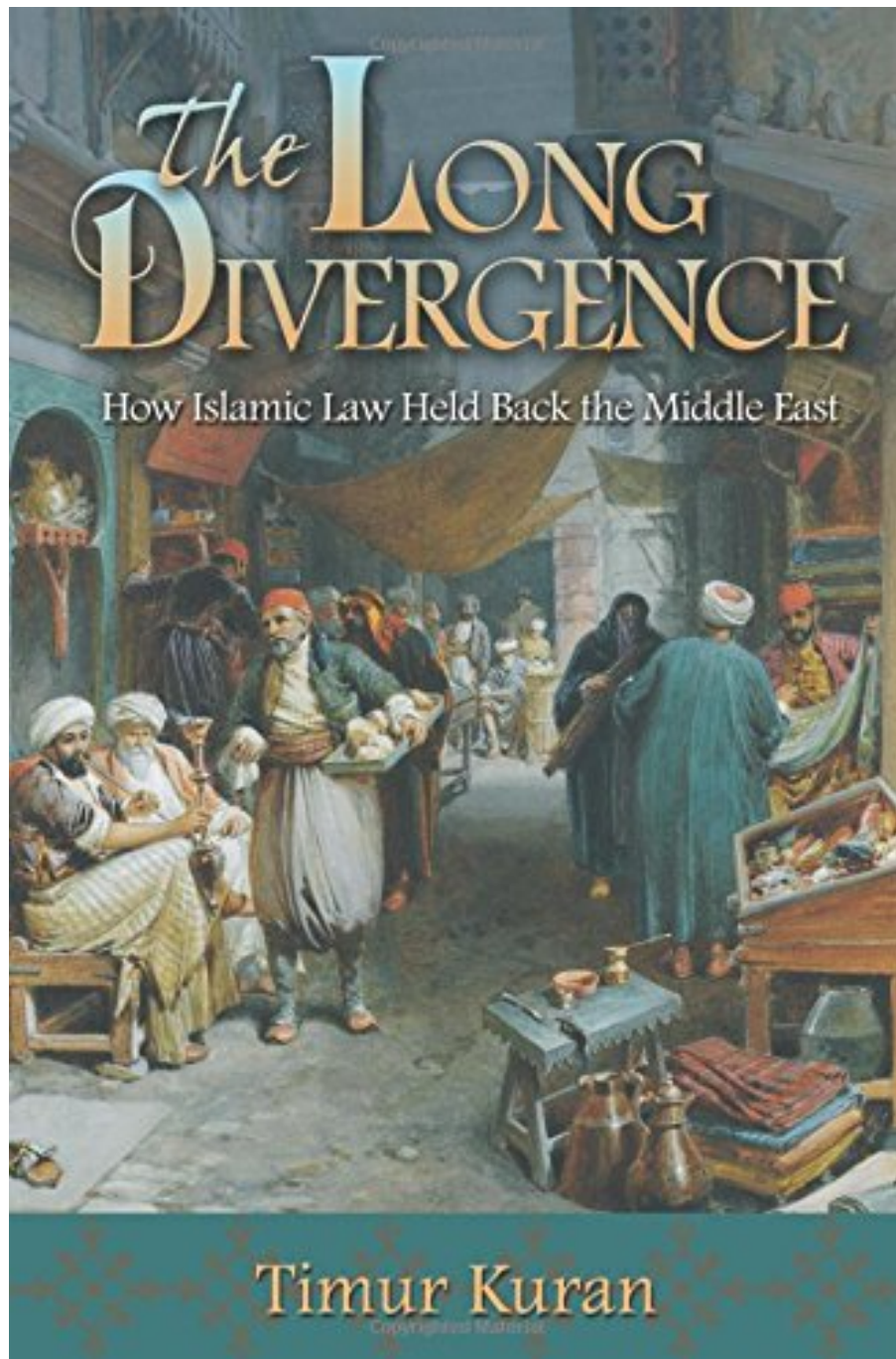


THE LONG DIVERGENCE: HOW ISLAMIC LAW HELD BACK THE MIDDLE EAST BY TIMUR KURAN



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In the year 1000, the economy of the Middle East was at least as advanced as that of Europe. But by 1800, the region had fallen dramatically behind--in living standards, technology, and economic institutions. In short, the Middle East had failed to modernize economically as the West surged ahead. What caused this long divergence? And why does the Middle East remain drastically underdeveloped compared to the West? In *The Long Divergence*, one of the world's leading experts on Islamic economic institutions and the economy of the Middle East provides a new answer to these long-debated questions.

Timur Kuran argues that what slowed the economic development of the Middle East was not colonialism or geography, still less Muslim attitudes or some incompatibility between Islam and capitalism. Rather, starting around the tenth century, Islamic legal institutions, which had benefitted the Middle Eastern economy in the early centuries of Islam, began to act as a drag on development by slowing or blocking the emergence of central features of modern economic life--including private capital accumulation, corporations, large-scale production, and impersonal exchange. By the nineteenth century, modern economic institutions began to be transplanted to the Middle East, but its economy has not caught up. And there is no quick fix today. Low trust, rampant corruption, and weak civil societies--all characteristic of the region's economies today and all legacies of its economic history--will take generations to overcome.

The Long Divergence opens up a frank and honest debate on a crucial issue that even some of the most ardent secularists in the Muslim world have hesitated to discuss.

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Excellent Comparison of the Development of Islamic and European Economic Law

By Steven Zoraster

I have read many books on Islam. I read them to understand why Islam conquered so much so quickly, and why it failed both politically and economically over the last 500 years. The relative economic decline is of interest because around 1000 CE, the Muslim world was as wealthy as Europe. This is the first book that provided understanding that I could use. Not on conquest directly, but on the economics.

In "The Long Divergence", the author emphasizes two themes around Muslim law of inheritance. Islamic law mandated distribution of wealth after death amongst multiple heirs. This mandate had two results. First, it forced partnerships to be short lived: Death followed by demands for their part of the inheritance by heirs required liquidation of a partnership. Knowing that any death would end the partnership, Muslims tended to favor two person partnerships of short duration. In contrast, after 1000 CE Europeans developed forms of partnership and corporations that could survive the death of a single participant. Partly this was adoption of primogeniture, under which a single descendant could inherit the whole on one person's assets in a property, business or partnership. At the same time Europeans were becoming innovative about the types of business arrangements used to accumulate wealth. Something like modern corporations developed to manage guilds, monasteries, and even cities. European rulers, desperate for money, and often only weakly in power, were willing to allow independent groups take local power, in exchange for stability and the right to tax revenues or profits. These independent institutions were allowed to change their internal rules and general goals as circumstances changes.

The second theme in "The Long Divergence" explaining relative Islamic economic decline is Islam's failure to develop anything like the European corporation. Again this relates to Muslim inheritance law. The Waqf, the only way Muslims could create an enterprise that could outlive the founder had to be established for only one purpose and that purpose could never change. So, for example, a Waqf to establish a caravan station could never become anything else, even if trade routes or means of transportation changed. Meanwhile, as mentioned in the last paragraph above, European corporations could adapt to changing circumstances to redirect investment in the more productive ways as circumstances changed.

There is much more in this book. I think the author has discovered something about the role of law in economic development that explains a lot about the relative decline of the Islamic world relative to Europe.

There is one other benefit I got from reading "The Long Divergence". The author argues that the codification of rules of inheritance in Islam provided economic laws that were superior to alternatives available in much of the world at the time of the early Muslim conquests. Although he does not argue that this caused the rise of Islam, it suggests one reason for its early success.

Also noted in the book, is that the separation between Church and State in Europe helped lead to innovation in Europe and stagnation in the Islamic world. This made me remember independently that existence of canon law, which the Catholic Church created to govern its internal ecclesiastical affairs, independent of the

laws of the political entities in which it served the religious needs of Europeans. Canon law still exists and is still used by the Church to settle issues pertaining to the Church alone. (These include discipline of clergy, alteration of church property, etc.) Many protestant religions have their own versions of cannon law.

Another thing: From this book I learned that Shia and Sunni Muslims have slightly different inheritance laws. I did not know that despite much reading on Islam.

The book made is entertaing, and made me think. Not too much more to ask for in a book on a potentially boring subject!

30 of 30 people found the following review helpful.

An excellent technical review of complex phenomena

By Don McGowan

When in law school, I studied Islamic legal theory. I wish this book had existed then. But even for a lay reader who is interested in social development and asks why the Islamic world seems not to have been able to develop a modern commercial society, this book will provide insight into why.

This is not an easy book. It presumes some knowledge of Islamic thought and of Islamic belief, as well as more generally of the history of the region from about 1400 to about 1900. Okay, fine, you weren't going to buy this if you're scared of the big words, but still be ready. I put it aside a few times and came back to it. But I always came back to it.

Kuran is an excellent writer and his prose is clear. His conclusions may not be indisputable, but they are well-drawn from his premises and they are highly plausible. They are also derived from data. He has gone through not just previous writers but also historical archives to get primary source data to back up his thoughts and analysis. This isn't Niall Ferguson - you don't have to wade through pages of tables and statistics - but it's clear that if Kuran had wanted to write that book he could have.

The other review of this book (at time of my posting there was only the one) has gone into great depth on the discussion of the rules of inheritance, and I won't repeat. I'll focus instead on one element that suggests to me that Kuran is onto something: his explanation for why Islamic societies continued to allow choice of law to religious minorities even after it was clear that they were benefiting from this, while denying it to Muslims who therefore couldn't have benefited. In an oversimplified nutshell, Kuran suggests that it's related to various societal factors all of which were intended to benefit Muslims and that this was an unintended side effect, and that foreign governments which were becoming more dominant in the world capitalized on their local co-religionists in order to extend their reach into the Muslim world. You may agree, you may not, but the argument is well-made.

But his most important argument is this: there is nothing innately anti-Islamic about modern capitalist structures, and the fact that Islamic countries haven't adopted them is a historical artefact and not an innate impossibility. As I was reading this, the revolution in Tunisia had just ended, Egypt was just ending, and Bahrain/Yemen/Algeria/Iran/Libya were ongoing. It will be interesting to see, if any of these countries decides to bring themselves into the modern commercial era, whether Kuran is right.

13 of 13 people found the following review helpful.

Hard Reading -

By Loyd Eskildson

In the year 1000, the Middle East's economy was at least as advance as Europe's. But by 1800, the region had fallen dramatically behind. "The Long Divergence's" author, Timur Kuran, argues that the explanation lies not in geography or Muslim attitudes; instead it was Islamic legal institutions that slowed private capital

accumulation, corporations, and large-scale production. Low trust, rampant corruption, and weak civil institutions have followed, and will take generations to overcome.

A good place to start is with the lack of corporate structure in early Islam. The first mostly Muslim-owned joint stock company came in 1851; further delaying Muslim corporations was the lack of a mechanism for trading shares, forcing shareholders to give up liquidity. 'Tax farmers' (those who paid rulers for the right to collect and keep taxes) might have evolved into corporations, but the rulers developed a bad habit of revoking the agreements.

The alternative to corporations, traditional Islamic partnerships, dissolved upon the death, withdrawal, incapacitation of any single member.

Estates, in turn, were divided according to Islamic inheritance rules. The intent was to spread wealth, strengthen families, benefit wives and daughters, and promote political stability. Muslim inheritance practices are embodied in the Koran, and had to modify.

Until modern times, Middle Eastern cities lacked corporate status. Kuran did point out that the early Muslim alternative to incorporated towns providing service was the 'waqf.' The waqf was perpetual, controlled by the founder per his directions, and could provide drinking water, pavement, travelers assistance (especially to those making a pilgrimage to Mecca), even colleges and madrasas. Since the colleges were also constrained by the founders' directives, over time they evolved little and became intellectual backwaters. Regardless, these partially successful alternatives to incorporation reduced pressure to develop the corporate mode, and along with it the accounting and legal framework needed in support.

Non-Muslim subjects of Islamic states had to follow Islamic law only in matters of taxation and security - they were free to do business under the rules of their home jurisdiction. A frequent complaint was that Islamic courts were biased against Muslims (and vice-versa in Europe). Non-Muslims were prohibited from testifying against Muslims. Judges lacked training in commercial law, and the proceedings relied heavily on oral evidence (concerned over forgery, misreading of the contents Muslim illiterates, about 95% of the population). Litigants could hire witnesses.

Many mistakenly believe that Muslim law precluded charging interest. Kuran says this isn't true - it only prohibits 'riba,' the Arabian practice whereby a borrower's debt id doubled if not paid on time. This practice often resulted in the confiscation of the borrower's assets, even enslavement.

Overall, "The Long Divergence" is difficult reading, but worth the effort.

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"Timur Kuran is an avid reader of Islamic economic and legal history and an immensely well informed scholar. This latest work not only combines his earlier arguments but also provides some new perspectives."--Murat Cizakca, *EH.Net*

"[A]n invaluable contribution to the debate."--Choice

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