



The Long Divergence: How Islamic Law Held Back the Middle East

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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.

The Long Divergence: How Islamic Law Held Back the Middle East Details

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Ali Gül says

Timur Kuran, önyargılardan uzak bir şekilde Ortadoğu'nun geri kalma sürecinde, İslam Hukuku'nun ve İslam Hukuku'nun yarattığı kurumların etkisini harika bir teknikle çok güzel aktarmış. İki medeniyet arasında yaşıyan bu farklılıkların ve açılan makasın uç noktalarına dokunuyor.

A.J. Deus says

Nicely written analysis explaining the progression of Islamic law. Early Muslim period rests on assumptions of traditions and consensus. Hence, it remains guesswork. Sometimes confuses cause and effect, in particular in its treatment of the effect of the inheritance laws on the economy. It essentially argues a self-fulfilling prophesy of the author. Instead, more focus should have been given to the anti-mercantile belief system that emerged 200 years after Muhammad and which is in stark opposition to the teachings in the Koran. It focuses on the business side, which is instead an effect of the underlying motivational factors to achieve material success.

A.J. Deus, author of The Great Leap-Fraud - Social Economics of Religious Terrorism

David says

Lots of good historical data, but some of the arguments have issues, particularly direction of causality.

D. says

Just a little bit too long-winded for my liking....

Phoenix says

Empire and Law

A robust and detailed analysis of the effect of different forms of Islamic Law on the ME, focusing largely on the Ottoman case. Turan's focus is on 3 main issues: inheritance law, taxation and support for alternate legal systems.

Compared to prior Arab tribal law and even European Law, Islamic inheritance law was more equitable in the division of wealth, but there were emergent problems of asset fragmentation which worked against the accumulation of capital over the long term, from one generation to the next. This often resulted in farms and businesses that were too small to work profitably. A way around this was to create a tax free trust known as a

"waqf" but dedicated to a public purpose such as a school or fountain which surviving family members could then run - but the waqf's purpose was completely static and could not be changed once established. Another problem was the requirement that all business partnerships were automatically terminated on the death of any one of the partners. Continuing a partnership required renegotiating the terms with all the heirs, any one of whom could have arbitrarily caused problems. The result was that the majority of partnerships were small and short term. The contrasting European approach was the establishment of family networks such as the Medicis (lasting 97 years), Fuggers, Bardi and Peruzzi conglomerates, which eventually lead to the idea of corporations and selling shares - abstract instruments which allowed enterprises to continue and assets to be divided without disruption of commercial agreements.

Turan uses the interesting example of Abu Taqqiya, a 16th century coffee merchant who essentially franchised a series of cafes and also dominated the sugar market as well - in effect the original Starbucks. This feat was later reproduced by Qasim al-Sharaybi and also by Mahmud Muharram in the early and late 18th century - yet none of the above created a business that survived him.

Notwithstanding these problems, Muslims were not unsuccessful in business. Muhammed after all was first a merchant and many passages of the Quran are quite business friendly. Muslims colonized the far east through trade quite successfully, rather than the reverse, bringing their own scribes and systems of jurisprudence with them, though Turan does pass over the aspect of militant conquest.

With regard to religious tolerance, different faith groups could have their own judges for internal matters. Which sounds fair. Except that in matters involving even a single Muslim the matter had to be referred to a Muslim court, or for interfaith disputes between different sects of Christians or with Jews, both parties were likely to prefer the 3rd party Muslim courts rather than the court of one side or the other. Even Muslims had different courts depending on the "school" to which an individual belonged, ie: Hanafi, Hanbali.... This could lead to shopping around for a suitable court, though switching from court to court was discouraged.

Another bias was, that since under Islamic Law only Muslims could bear arms, only the Islamic courts had recourse to physical enforcement - other faiths had to rely on moral or economic means of suasion.

Ad valorem taxes on merchandise in the 8th century were fixed at 2.5% for Muslims, 5% for dhimmis and 10% for foreigners. The practice of giving foreign communities their own legal privileges and tax reductions (capitulations), with reciprocity on the foreigner's home turf, was a practice adopted from the Byzantines (pp221). In the 19th century the Ottomans found it necessary to sign trade with various European powers. Turan mentions the Anglo-Ottoman Commercial Convention of 1838, where the Sultan agreed to enforce higher duties on exports than on imports, though he doesn't mention that this was a quid quo pro for English help against rebel Ali Pasha who had taken control of Egypt and was advancing by land and sea towards the Turkish core of empire.

European consuls were allowed to include their local agents as part of their grouping, and so began the process of different non-Muslim groups within the empire soliciting the protection of the consuls, to a point where a the majority of the merchant class, though native born, were essentially foreign citizens. Again reciprocity was applied, but was largely taken up by members of the dhimmi classes - Greeks, Armenians, Bulgarians and Jews went to Europe and availed themselves of the infrastructure of their European diaspora communities to establish trade, but very few Muslims did the same.

This fragmentation of the legal system had a disastrous effect over the long term in that it hollowed out the legal and taxation power of the Ottomans. IMHO it also widened a division between Muslim and non-Muslim wherein the Muslim regarded the Jews and various Christian groups as outsiders. This wouldn't be true everywhere - the pattern would only have a chance to establish itself in cities and towns with access to a foreign consul.

The lesson for modern times might be that one should severely restrict foreign or even international legal systems within national jurisdictions as over the long term that jeopardizes national sovereignty. On the other hand, I've supported the North American Free Trade Agreement along with its dispute management system. No doubt my position will evolve over time on this as there should always be a balance between open borders and sovereignty, and policy needs to be adjusted when society swings too far in either direction.

Recommended as an excellent resource for students of the ME, particularly the Ottoman empire and its successors, but also those interested in the origins and evolution of contract or inheritance law. The book is well written, abounds in good and interesting details, and presents some counter arguments in addition to the author's POV. Well worth reading and having on your shelf!

Phil says

Impressive economic and legal history that provides a sober interpretation of Middle Eastern underdevelopment.

George Serebrennikov says

Likely, it was the most interesting and most difficult book to read for me in the last few years. Mr. Kuran tries to explain the economic underdevelopment of the Muslim world in comparison to western civilization. Through the book he covers multiple possible contributing factors such as Inheritance system, contract law, Waqf, ban on interest charging, a court system, capitulation, absence of merchant organizations, and others. Interestingly enough, the author does not think that any of such factors, including Islamic law as the title suggests, are necessarily the critical reasons for the stagnation. Instead, in the last and shortest chapter he proposes the following as reasons: relatively high corruption and nepotism; weaknesses of private sectors and civil societies; inward-looking ideologies that limit the willingness to change and experiment. The problem is, however that Mr. Kuran failed to explain those.

Tom King says

Insightful and interesting exploration of how commercial cultures founded in religion and history created an uneven playing field for modern economic success. Did not change my lens for looking at the world like Kuran's "Private Truths, Public Lies," but that's a high bar. This is worth reading after that one.

Saeid says

Very interesting about how and why Middle East through history lost the economic race to Europe. The reasons are quite interesting and it's negatively interesting that how still some of these reasons in 2018 still existing in my country (Iran).

Richard Sansing says

A dry read, but the author puts forth an interesting thesis. Kuran blames certain aspects of Islamic law for why the region did not develop as Western Europe did in the 18th-19th centuries. The main culprits were Islamic inheritance laws, which made it difficult to pass businesses intact to the next generation; and the lack of business forms (such as the corporation) that had a legal existence distinct from its owners.

Ajk says

I was afraid this would be a polemic, and was very happy to see it wasn't. Kuran does an good job talking about how, basically, it's not the point of Islam to make money. And that's ok. The book assumes you have a background in the subject, so be warned. But it was an interesting read attempting to explain why Muslim countries tend not to be economic powerhouses without being all "HURBLE GURBLE ISLAM BAD!"

Michal Huniewicz says

The author aims to explain why the Middle East is backwards, but - refreshingly - without the usual finger-pointing at everyone else (e.g. the Crusades). Instead, he offers a dispassionate account of which aspects of the Islamic law and customs, as well as non-Islamic regional practices, led to the region not developing sophisticated financial services that did emerge in Western Europe, and how that inhibited both economic and social growth. He never ceases in asking the question "why?", and the analysis becomes really deep as a result. Competing explanations are often cited and argued against. There are tables and charts with data from court registers, quotes from legal proceedings, and interesting real life examples of early Middle Eastern enterprise. Four stars, because it could have been written more clearly.
