

Islam and Political Underdevelopment

In 2011, as uprisings in Tunis and Cairo initiated the Arab Spring, a common interpretation was that long-submerged Arab yearnings for freedom were catapulting to the surface. The masses that toppled aging dictators united young and old, high professionals and illiterates, rich and poor, the pious and the secular, Muslims and Christians, economic conservatives and socialists. From this rich diversity, observers inferred that the overthrow of dictators would usher in a liberal order. Arabs would gain freedoms to pursue lifestyles of their choice, speak their minds, interpret religion on their own, even opt to remain irreligious. Moreover, in exercising freedoms themselves, they would respect those of others.¹

This optimism was misplaced. What united these Arab demonstrators was not a commitment to freedoms, and certainly not a desire to institute a generally liberal new political order. Some were seeking dignity. Others were simply fed up with incompetent, corrupt, and oppressive governance. Every individual demonstrator wanted to be freer in some respect – to express dissent, call out nepotism, decline conservative attire. In the case of Mohamed Bouazizi, the fruit vendor whose self-immolation triggered fateful riots in Tunis, it was simply to do business without extortion from the police. But no grand vision united the protestors. Nowhere in the Arab world had a coherent liberal ideology emerged. The demonstrators formed no organized movement, let alone one aimed at general liberalization.

The absence of a systematic reform plan and lack of an organized movement were themselves consequences of the repression responsible for widespread discontent. Arabs are not free to conduct honest public discussions about the causes of social pathologies. They cannot explore, except superficially, how their institutional history, which was grounded in Islamic law for more than a millennium, limits present possibilities. They cannot contextualize how institutions absent from the original Islamic order came to be identified as Islamic

without risking charges of sacrilege. No meaningful diagnosis can emerge in an intellectual vacuum. No movement can be organized without general agreement on objectives.

The jubilation of the Arab crowds that toppled dictators signaled a widespread desire for change. It pointed to a potential for basic reforms if ever a critical mass manages to unite in favor of a new social contract, a new form of governance, and a new set of common understandings. In 2011, though, few demonstrators had well-formed preferences as to what sustainable reforms would entail. That, too, reflected a history of systemic repression. When options cannot be debated freely, it is hard even to imagine future possibilities, to say nothing of evaluating their feasibility and identifying paths for reaching them. For this reason alone, the Arab Spring generated overly optimistic expectations.

Indeed, with the fleeting exception of Tunisia, the regimes that followed the toppling of widely despised dictators became at least as repressive as their predecessors. Egypt's experience is revealing. The first national election after Mubarak's fall brought to power the Muslim Brotherhood, Egypt's only nationally organized opposition movement, which stood on the sidelines until the uprising appeared certain to succeed. Terminating a brief "Spring," the Brotherhood took to forcing on Egyptians its own brand of cultural conservatism. Though it had won a basically fair election, crowds filled the streets again, this time to install a new dictatorship headed by Mubarak's cronies.² At no stage of these developments did liberalization dominate Egyptian discourses. Although advocacy of specific freedoms was not absent, the most salient themes involved the containment of feared groups.³

The Arab Spring was not the Middle East's first explosion of liberal optimism. Two centuries earlier, in 1839, the Ottoman Sultan's Gülhane Edict granted equal rights before the law to all his subjects, regardless of faith or social status; it also voided his longstanding right to confiscate property at will. Though details of the reforms remained to be specified, celebrations erupted across the empire. Ecstatic crowds had inferred that liberalization was afoot on multiple fronts. In fact, nobody understood what it would take to implement the new freedoms, make them sustainable, and fulfill the new expectations they unleashed.⁴ Though the edict set a precedent for bold innovations, no subsequent modernization initiative – the Reform Edict of 1856, the constitutions of 1876 and 1908, the Kemalist reforms of the 1920s and 1930s – aimed at broadening individual freedoms generally. Extending Westernization into new domains from above, Kemalism quashed dissent and replaced one form of religious repression with another.

A century and a half later, in 1978–79, Iran experienced a moment of liberal optimism. The occasion was the toppling of the repressive Pahlavi monarchy. The demonstrators who vanquished the Pahlavis united socialists committed to radical redistribution with Islamists eager to make religion omnipresent. Neither side favored free speech for all or the freedom to choose a lifestyle.

After defeating their common enemy, they turned on each other. Winning quickly, the Islamists proceeded to force their own values on Iranian society. Again, the outcome was the replacement of one repressive regime with another – a brutal secularist monarchy with a brutal theocracy.

The Middle East has seen many successful attempts to end specific forms of repression. None has produced liberalization in general. Hence, the Middle East stands out as an unfree region. It is also an undemocratic region, which is no coincidence.⁵ One virtue of democracy is that it tends to support civil liberties; another is that it enables broad political participation through institutionalized constraints on executives, legislatures, and courts. Political freedoms rest partly on checks and balances among branches of government. Private associations, which collectively form civil society, contribute to preserving democratic rule.

But democracy does not necessarily advance freedoms, and it may even help to extinguish them. Free and fair elections may empower groups prepared to restrict dissent and impose their values on citizens who reject them. Turkey's democratic era, which began in 1946, offers a poignant example. For several decades, secularist-dominated governments restricted public manifestations of Islam, most notoriously headscarves in official spaces. The conservative party that achieved power in 2002 initially advanced certain civil liberties. But it used its rising popularity to destroy political checks and balances; and thereafter it unleashed the worst repression of Turkey's Republican Era, which began in 1923.⁶

Regardless of religious beliefs and attitudes toward religion, every decision maker in the region operates within an institutional complex inherited from the past. Today's institutions obviously bear the influence of yesterday's institutions, which in turn rest on those of the day before. For more than a millennium, the entire Middle East was governed under Islamic law, known formally as Sharia and colloquially as Sharia law. Islamic institutions must matter, then, to present patterns. The channels of influence form the essence of our inquiry. Islamic law was abrogated in some places, and in others it has been superseded by essentially secular systems that retain few substantive connections to Islam. Nevertheless, Islamic law remains deeply rooted in the region's politics. Patterns of civic engagement, understandings of religious liberties, distributions of political power, and relative economic capabilities all bear influences of the Middle East's legal history.

THE MIDDLE EAST AND ITS HISTORY

Choosing a geographic scope would pose a challenge for any work focused on the long-term effects of an institutional complex as vast as a world religion. Limiting the analysis to the Middle East, rather than the broader Muslim world, avoids complexities stemming from interactions with Hinduism, Confucianism, Buddhism, and other religions outside the Abrahamic tradition.

It simplifies the task by narrowing the variations that must be considered. For instance, it avoids the need to address the effects of India's caste system, which predates Islam. The chosen regional emphasis is also advantageous because it focuses analysis on countries that fell under Islamic rule, largely if not fully, through conquest and within the first half-millennium of Islam's existence. Islam reached the territories of today's Muslim-majority countries outside the Middle East mostly through traders. Yet another rationale for highlighting the Middle East is that among all Muslim-majority regions it has had the longest and strictest exposure to Islamic law. Prior to the 1800s, the waqf – Islam's instrument for providing social services – saw much more use in the Middle East than elsewhere.

"The Middle East" is an elastic term. Ordinarily it includes Israel, but here it serves as a shorthand for an area that, in the early twenty-first century, spans the twenty-two members of the Arab League, including those in North Africa, plus Iran and Turkey. All twenty-four of these states belong to the Organization of Islamic Cooperation (OIC), founded in 1969 as the "collective voice of the Muslim World." The OIC has fifty-seven members – all the world's Muslim-majority countries, plus several with a large Muslim minority. Geographically, it also spans parts of Central, South, and East Asia, Sub-Saharan Africa, Eastern Europe, and South America (Figure 1.1). Territories under the control of Israel are considered part of the Middle East only until 1948. The analytic justification is that a substantial share of the Jewish immigrants to Palestine and then Israel originated in countries where Islam's historical influence was slim. Besides, at least until the late 1970s, Jews with European origins formed a highly disproportionate share of elites who shaped Israeli institutions. Indigenous Israelis, Jewish or Muslim, played minor roles.⁷ Cyprus was part of the region until 1878, when it became a British Protectorate.

Turkey's inclusion in the Middle East may draw objections on the ground that it has belonged to pan-European organizations since the Congress of Paris in 1856. But until its modernizing reforms of the 1800s and 1900s, Turkey's basic institutions were all grounded in Islam, as they were in the Arab world and Iran. Besides, analogous modernization campaigns were launched elsewhere in the region, too. True, Turkey's repudiation of Islamic law under its first post-Ottoman leader, Kemal Atatürk (1881–1938), was the Muslim world's boldest attempt to break with the past. Nevertheless, Turkey's history of secular government provides a difference of degree rather than kind. Even the Islamic Republic of Iran refrains from enforcing certain Islamic prescriptions; and life in Saudi Arabia, whose constitution consists of the Quran and Muhammad's Sunna (his remembered words and deeds), departs from traditional Islamic norms in broad domains, in some cases more radically than generally appreciated. As the book's argument unfolds, we shall see that all Muslim-majority countries of the Middle East, including those with secular constitutions, share a common legal heritage. This heritage poses similar

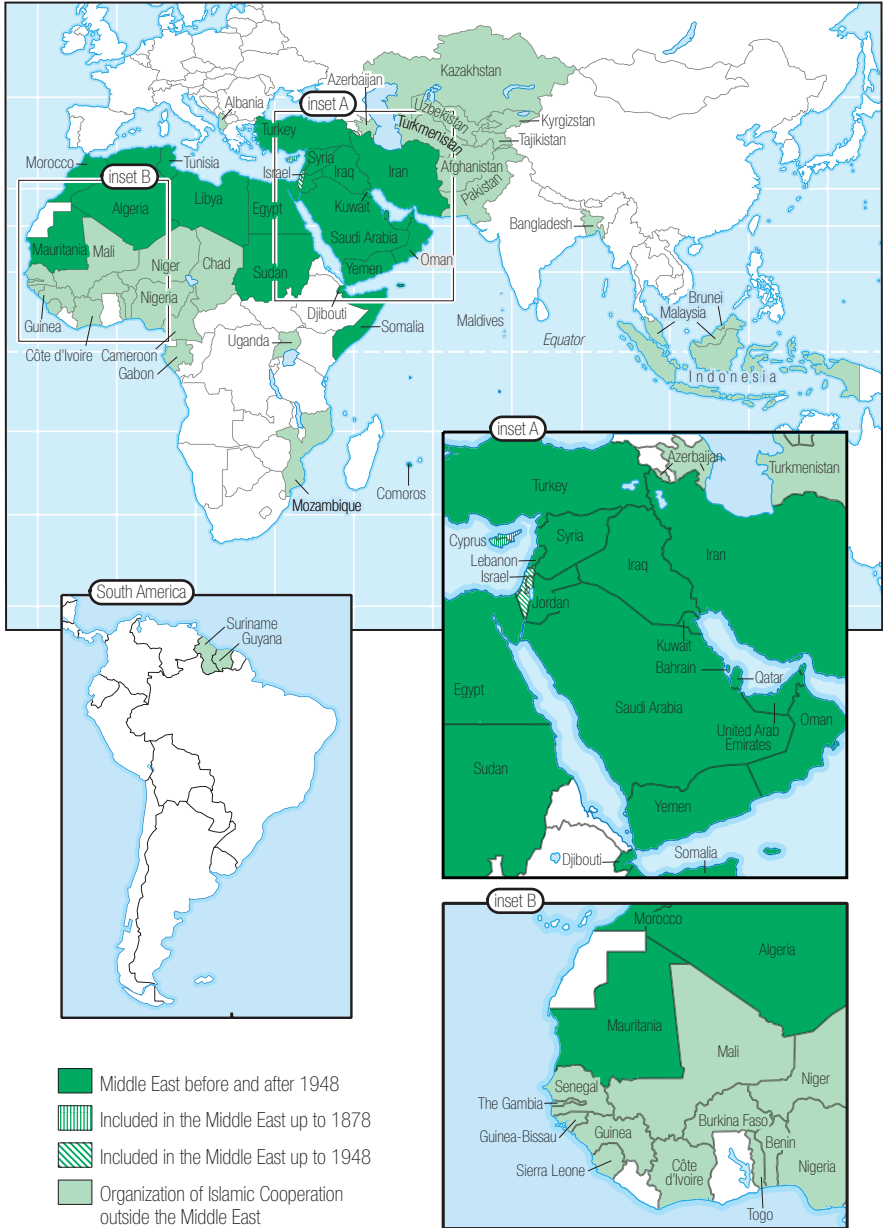


FIGURE 1.1 The Middle East and the rest of the Organization of Islamic Cooperation

challenges everywhere, with differences only in details and severity. There is an analytic rationale, then, for treating Turkey as Middle Eastern for the purpose at hand.

To pick a geographic focus is not to ignore developments and trends elsewhere. The Middle East has never existed in isolation. It has interacted with other Muslim-majority regions as well as other places. Impacting the flow of history in the Balkans, Iberia, East Africa, and elsewhere, it has itself reacted to external challenges and opportunities. Some phenomena of central concern here cannot be understood without reference to interactions among regions. Consider the rise of modern Islamism – the political ideology that seeks to reconstitute states according to what it considers authentic Islamic principles. Indians and Pakistanis contributed massively to its ideology, and their motivations had much to do with intercommunal conflicts and matters of identity without close analogues in the Middle East. In earlier times, caravan traders who linked the Middle East with Central Asia and Sub-Saharan Africa contributed to the development of supra-regional Islamic commercial practices. As necessary, the Middle East's historical and contemporary relations with other regions will make appearances.

Many historical works use a Euro-centric periodization that distinguishes among four eras: Antiquity to the fall of the Western Roman Empire in 476; the Middle Ages or Medieval Era from 476 to the fall of the Eastern Roman Empire, the Great Explorations, the Protestant Reformation, and the start of the Europe's Scientific Revolution around 1500; Early Modernity from around 1500 to the beginnings of the Industrial Revolution around 1750; and Modernity from 1750 to the present. This periodization will serve us well in referencing Western history. But for the Middle East itself, a different periodization will be more informative. We shall distinguish among three main periods: Premodernity, Modernization, and Modernity (Figure 1.2). Premodernity begins around 613 with the founding of the first Islamic community; it continues to the beginnings of state-directed Modernization around 1820. Two subperiods of the region's Premodernity will be invoked. "Early Islam" runs from the birth of Islam to the end of the Medina-based Islamic Empire in 661. The "Development of Classical Islamic Law" spanned the period to about 900. To turn now to the Middle East's "Modernization Period," it runs from around 1820 to the Ottoman Empire's collapse in 1922. Finally, Modernity refers to the period from 1922 onward. The lower left of Figure 1.2 illustrates critical country-specific periods within the Modern Era. The right-hand column provides a chronology of the major political events in the book's narrative.

MEASURING POLITICAL PERFORMANCE

By itself, the Middle East's distinct institutional heritage does not imply that as a region it must stand out in political performance. Institutional reforms could

have voided the impact of its history. However, the Middle East *is* a poor political performer according to diverse basic indices. It underperforms relative to the rest of the world, but also relative to the rest of the OIC. Although these statistics say nothing about the *causes* of the Middle East's troubles, they provide an added reason to probe the legacies of the Middle East's distinct institutional history.

One indicator of political performance lies in global migration patterns. Far more people leave the Middle East to settle elsewhere – mainly Western Europe – than move into it. Middle Eastern emigration is driven partly by poverty. But economic deprivation depends, in turn, on political repression. In any case, political repression itself fuels departures. Between 1990 and 2018, Middle Easterners constituted 26.5 percent of the world's refugees, as against 7.6 percent of the world population; and from 2000 to 2018, 16.1 percent of asylum seekers originated in the Middle East.⁸ Some Middle Eastern political refugees were escaping ethnic or religious persecution; others were displaced because of dissent. Almost 100 million more Middle Easterners would have emigrated for one reason or another if they had had the opportunity. According to a Gallup poll conducted in 2018 in 119 countries, Middle Easterners are twice as likely as others to want to emigrate (Figure 1.3).⁹ As with all bar graphs in the book, figures for country groupings are weighted by population.

The region contains a few spots teeming with foreigners. In oil-rich monarchies of the Arab Gulf, nonnationals make up around half the population, and high-skilled foreigners constitute 17 percent of the labor force.¹⁰ In contrast to Middle Eastern immigrants in the West, practically none want to stay permanently. Living mostly in expatriate enclaves, they are in the Gulf temporarily to work for multinational companies chasing oil wealth.¹¹

There exist country-based global indices that enable quantification of the Middle East's political blemishes. One is the Civil Liberties Index of Freedom House, which is based on four factors: freedom of expression and belief; associational and organizational rights; rule of law; and personal autonomy and individual rights.¹² This index puts heavier weight on personal freedoms than on government functions through which people achieve joint objectives. Its 2019 figures show that civil liberties are much weaker in the Middle East than in the rest of the world (Figure 1.4).¹³ The Middle East also performs poorly relative to OIC, which underscores the Middle East's exceptionalism within the Muslim world.

Abundant examples of restricted personal freedoms give credence to the Middle East's low Freedom House scores. Only in 2017 did Saudi Arabian women acquire the right to drive, and less than 2 percent are exercising this freedom.¹⁴ Moreover, through arrests of women's rights activists, the Saudi regime has signaled that rights will be expanded only from above and only as much as the leadership wants.¹⁵ In Egypt, a Coptic man may be forced to divorce his wife if she converts to Islam.¹⁶ In Turkey, criticizing the president's policies is to risk being charged with belittling the state, insulting him personally, even abetting terrorism.¹⁷

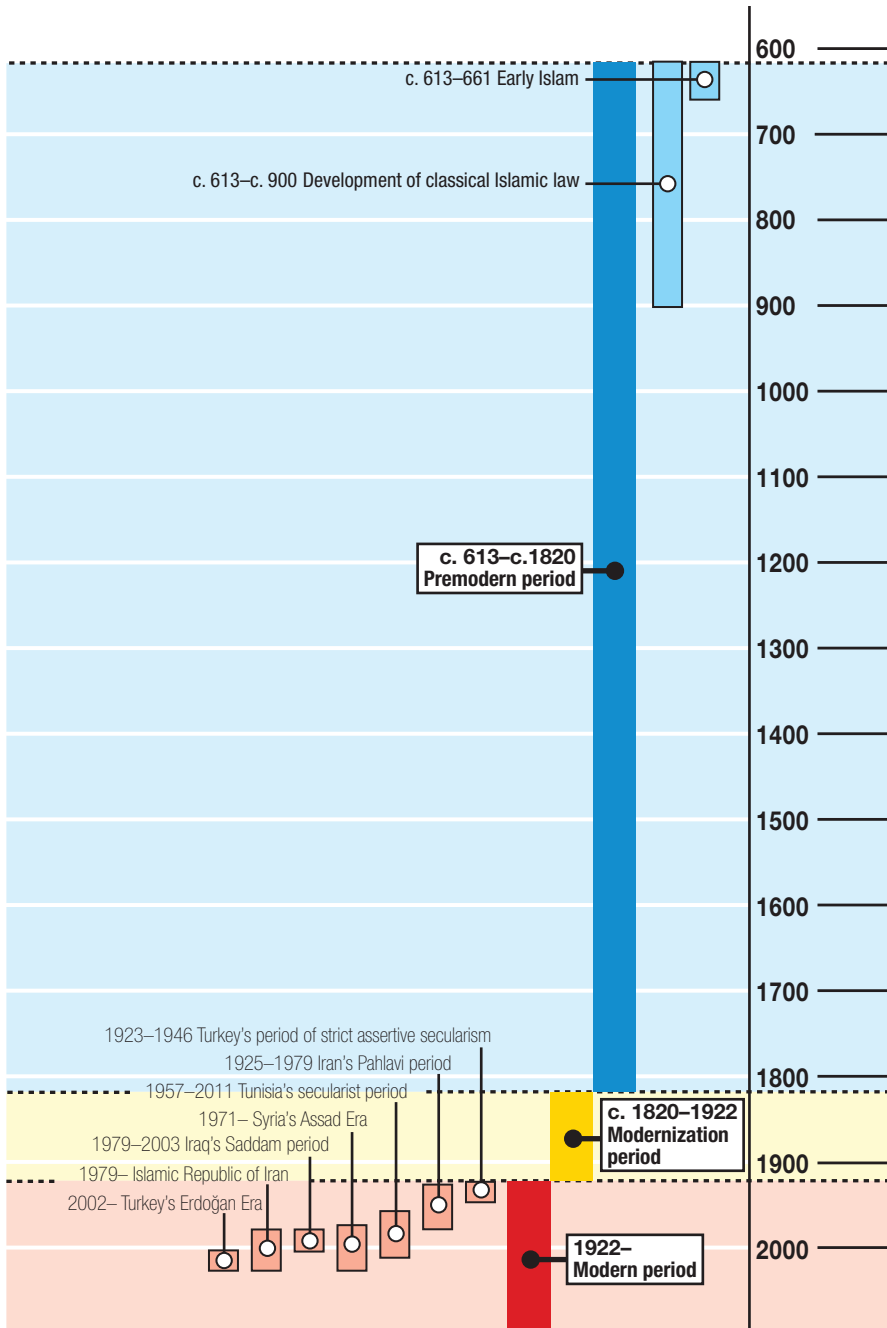


FIGURE 1.2 Periodization of Middle Eastern history and chronology of major political events

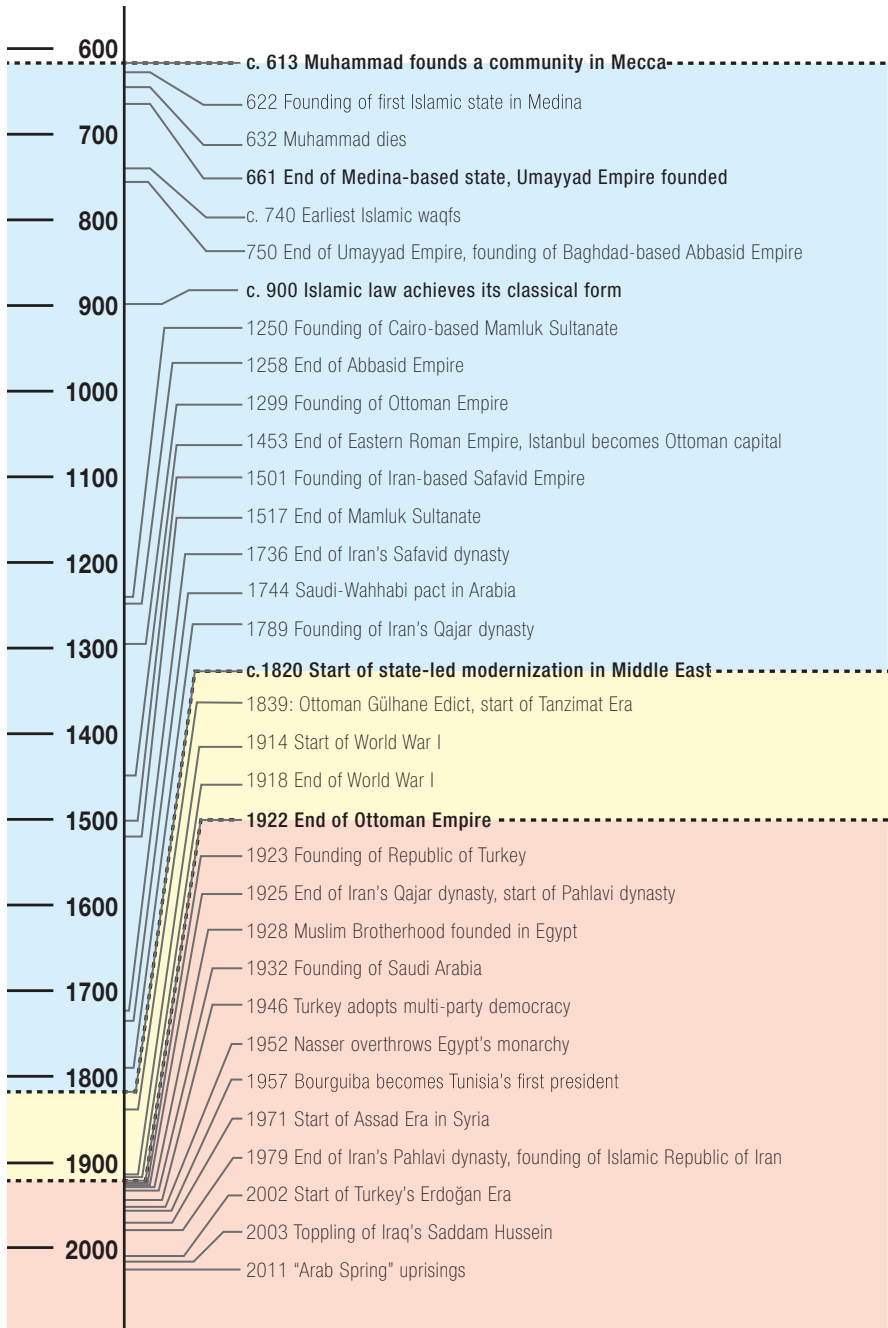


FIGURE 1.2 (cont.)

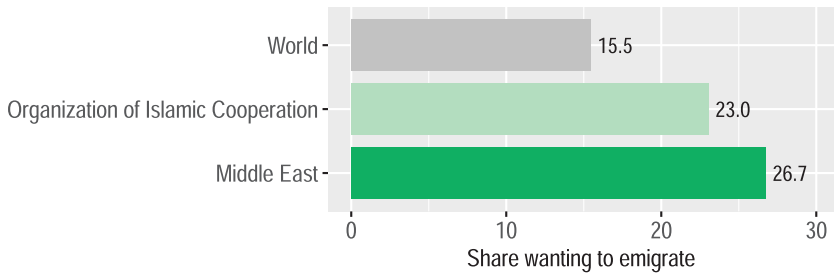


FIGURE 1.3 Desire to migrate: Middle East in global perspective

Source: Computed from Gallup World Poll, 2018.

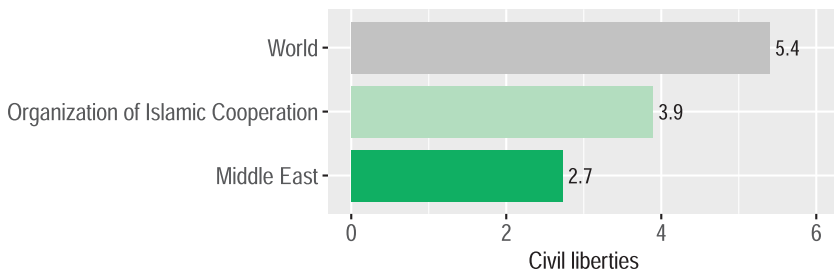


FIGURE 1.4 Civil liberties: Middle East in global perspective

Note: The range for Freedom House ratings is 0–100, with higher numbers referring to more freedom. This graph converts the range to 0–10.

Source: Computed from 2019 data in Freedom House, *Freedom in the World 2020*.

Another relevant global index is the World Bank Rule of Law Index. It balances the thin conception of rule of law, which focuses on procedures, and the thick conception, which emphasizes substantive outcomes such as self-governance and censorship. It thus provides a summary statistic encompassing government accountability, equal access to justice and the political process, efficient judicial and political systems, clear laws, legal stability, and fundamental human rights.¹⁸ As with the Civil Liberties Index, the Rule of Law Index for 2019 marks the Middle East as a poor performer (Figure 1.5). Reasonable people can differ on the components of the World Bank index; relative weights are also disputable. But the Middle East performs poorly on all its components. For example, the region's courts are notoriously slow; and, as shown further on, its religious freedoms are quite limited in practice, if not also under the law.

A third revealing measure of political performance is the Government Cleanliness Index. Based on the Corruption Perceptions Index of Transparency International, it draws on the perceptions of businesspersons. This index is of interest for two reasons. First, obstacles to commerce limit various economic freedoms. Second, in corrupting government, economic roadblocks also tilt the

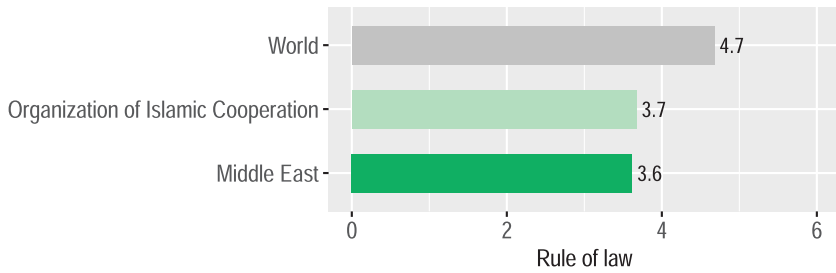


FIGURE 1.5 Rule of law: Middle East in global perspective

Note: This index gives country scores in units of a standard normal distribution, on a scale running from -2.5 to 2.5 . This graph converts scores to a $0-10$ range, with 5 corresponding to 0 on the World Bank's scale.

Source: World Bank Worldwide Governance Indicators, 2019.

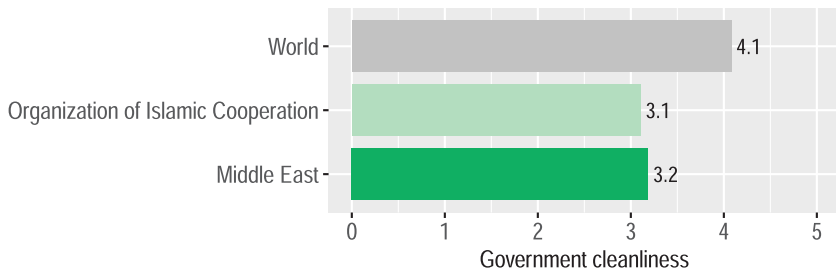


FIGURE 1.6 Government cleanliness: Middle East in global perspective

Note: The Government Cleanliness Index rates countries on a $0-100$ scale, with higher numbers referring to less perceived corruption. This graph converts the range to $0-10$.

Source: Computed from data in Transparency International's Corruption Perceptions Index 2020.

political playing field against the unconnected. According to the 2020 edition of the index, Middle Eastern governments are considerably less clean than those elsewhere (Figure 1.6).¹⁹ The pervasiveness of Middle Eastern corruption is widely recognized even among people unfamiliar with formal indices. In 2011, Arab protestors complained bitterly about the bribes required for routine government procedures and cronyism in public hiring and contracting.

Tradeoffs may exist in the short run among elements of a liberal order. Certain civil and economic liberties may be curtailed during wartime or to respond effectively to a natural disaster. Over the long run, however, there are no basic conflicts. Political liberalization requires the strengthening of rule of law, the extension of a broad range of freedoms, and cleaner government.

Numerous indices prepared by different organizations, based on distinct methodologies, and varying in factor weightings all rank the Middle East as a poor performer. In fact, according to the indices used in Figures 1.4–1.6, it is

the world's least free region.²⁰ But validating a pattern meriting explanation is the easy part of our task. A greater challenge is to identify the social mechanisms through which key institutions now keep the region relatively repressed. Another is to explain the origins of freedom-suppressing institutions. Following chapters show that certain key institutions of the premodern Middle East, all associated with Islam, kept civic engagement weak, government unrepresentative and unaccountable, corruption endemic, both expressive and religious freedoms highly restricted, and commercial enterprises politically uninfluential.

What Islam entails is open to reinterpretation. Certain elements of what became the Islamic institutional complex were absent from the Islamic order established in seventh-century Arabia. Controversies over what counts as Islamic will be covered extensively as the narrative unfolds. Suffice it to say here that our focus throughout will be on institutions shared widely and for centuries throughout the Middle East.

PREVIEW OF ARGUMENT

Until modern times, the Middle East was governed under Islamic law, which started taking shape already during the Prophet's lifetime. The effects were not necessarily negative; and even when they were, liberalization opportunities presented themselves.

During the rise of Islam, the Muslim community did not lack checks and balances. A verse of the Quran says that good believers conduct their affairs by "mutual consent."²¹ Indeed, there are indications of broad participation in early Islamic governance.²² At his deathbed, the second caliph Umar (served 634–44) had a consultative committee known as a *shura* select his successor, Uthman (644–56).²³ Yet Uthman was the only *shura*-selected Arabian caliph. Three different procedures were used to select the other caliphs who led the Muslim community from Muhammad's death in 632 to the traumatic Sunni–Shii schism in 661. These variations sowed confusion as to what qualifies as properly Islamic succession.

No political system is equally responsive to every constituency. This puts in perspective the political inconsistencies of Islam's inaugural decades. The new procedural precedent set at each new caliphal transition must have reflected changes in the relative strengths of Muslim factions, which multiplied as the community expanded through conversions.

Intra-communal tensions made it impossible to govern by consent even the Sunnis, whose doctrines kept it legitimate for believers to disagree on what God prescribes. After 661, Sunnis were governed autocratically, with power passing from father to son. True, the Damascus-based Umayyad caliphs, who ran the first Arab empire centered outside Arabia from 661 to 750, operated a *shura*. But the Umayyad *shura* did not broaden political participation. Composed of the caliph's cronies, it merely simulated power sharing.²⁴ Among the

consequences was lower material security. Restraints grounded in balances among factions gave way to arbitrary dynastic rule. A century after Islam's emergence, high officials, who were paid mainly through conquered lands, responded by seeking a tax and wealth shelter. The outcome was the development of the waqf, which became a key Islamic institution.

The Waqf and Its Thwarting of Civic Engagement

An Islamic waqf was a trust established to finance designated services in perpetuity. The founder and his or her family could be among the named beneficiaries of its endowment's income. They could also benefit by serving as successive caretakers. What shielded waqf revenue from rulers was primarily the common belief that waqf assets are sacred. This belief made rulers reluctant to confiscate waqf assets, lest they lose legitimacy by appearing impious.

In allocating resources, caretakers were supposed to follow the founder's directives. In principle, their own preferences were immaterial, as were those of beneficiaries; Islamic courts made caretakers enforce waqf deeds. The waqf's emergence in the Middle East coincided with the spread in Western Europe of the corporation, which was used to provide analogous services. Whereas mosques and madrasas (Islamic colleges) were established as waqfs, churches and universities were founded increasingly as corporations. Unlike the Islamic waqf, the corporation is a self-governing organization.

Waqfs came to control vast resources. They could have used their financial base to constrain the state and advance their constituents' freedoms. The resulting decentralization of power might have placed the Middle East on the road to liberalization and perhaps also democratization. However, despite their immense wealth, waqfs remained politically powerless, glaringly so in relation to European corporations. Chapters 3 and 4 show that several factors kept them persistently weak. Above all, the requirement to follow the founder's instructions denied waqfs the flexibility to respond to the evolving needs of their beneficiaries. Second, waqfs lacked legal standing as organizations, which denied them a collective voice. Third, beneficiaries had no say over caretakers, who were accountable only to courts.

Organizations standing between the state and the individual serve as barriers to despotism. They ensure that if the state tramples on liberties, civil society will resist. Cognizant of the potential reactions, state officials show restraint in the first place. Classical Islamic law granted the freedom to found nongovernmental organizations (NGOs). A waqf could serve any function allowed under Islamic law, as interpreted by ruler-staffed courts. Yet engaging in politics was not among the permissible functions. The waqf's capacity for civic engagement was also weakened by its lack of organizational autonomy.

The Islamic waqf's organizational features constituted key reasons why, as the West developed political checks and balances, no such tendency emerged in the Middle East. The West liberalized and democratized through epic struggles

driven partly by groups organized through universities, cities, religious orders, and guilds. Such groups demanded rights. Challenging power structures, they developed ideologies and institutions that extended both personal and associational rights. A virtuous circle thus emerged. As civil society strengthened, it took steps to facilitate the establishment, management, and security of private organizations. In the Middle East, by contrast, the waqf created a vicious circle. By keeping civil society weak, it limited freedoms and perpetuated autocracy. Strong NGOs could not exist, making it hard to challenge rulers through organized collective action from outside the state. Revealingly, over more than a millennium, waqfs fostered no political movements or ideologies.

Under changing conditions, every waqf that adhered to its deed eventually became dysfunctional. The consequent inefficiencies held back the region economically.²⁵ Along the way, though, the needs of beneficiaries incentivized the circumvention of deed stipulations, as did caretakers' interest in self-enrichment. Enterprising caretakers found ways to overcome inconvenient restrictions with the help of judges, who made their cooperation contingent on side payments. Chapter 5 shows that waqf rules, practically unchallengeable because of their benefits to clerics, contributed to a culture of corruption. As it became common knowledge that rigidly enforced waqf rules caused economic harm, they helped to make law breaking socially acceptable.

Islam has no priesthood, so the term "cleric" is used in a generic sense. A Muslim cleric is someone who exerts Islamic authority through generally recognized genres of Islamic leadership. Often, clerics have Islamic educational credentials and hold religious positions recognized by the state. But sometimes they derive authority simply from their reputation among the faithful.²⁶

By the early 1900s, the provision of Middle Eastern urban services passed to municipalities and private companies formed under new local laws or foreign legal systems. The charities, professional societies, cultural organizations, and political associations established during this tumultuous transformation laid the foundations of today's civic life. To one extent or another, the Middle East's modern private organizations enjoy self-governance. Ordinarily, they are bound by the preferences of their founders only at a high level of generality. Meanwhile, the waqf was reborn as a fundamentally different organizational form. A modern waqf enjoys flexibilities that its premodern namesake lacked. Functionally, it resembles the West's charitable corporations.

Yet more than a century after the removal of legal obstacles to forming self-governing organizations, civic engagement remains weak. A proximate reason is that autocracies try systematically to undermine NGOs. But states succeed in keeping power centralized because NGOs are weak. That weakness is a legacy of the Islamic waqf, Chapter 6 proposes. Most protests of the Arab Spring brought together masses unaffiliated with any political organization. That, too, is among the manifestations of chronically weak civil society.

One century is a short time to learn how to form and collectively operate politically effective NGOs. Western Europeans have had a millennium and a

half to master these skills. For all their political ineffectiveness now, the Middle East's current NGOs, except those captured by the government, are serving as founts of civic education. Promoting a culture of bargaining and compromise, they are teaching how to communicate ideas and form coalitions. Although the region's path to a liberal order is long, at least it has already freed itself from the civically suffocating Islamic waqf.

Weak Religious Freedoms and Missing Schisms

Organizational weaknesses can hinder the production and spread of ideologies. But ideological change depends on individual creativity, which itself depends on interpersonal communication and cooperation. Although a radically new vision may emerge from a single mind, it will more easily be refined in environments where ideas are shared and critiqued. By this logic, the Islamic waqf would have hindered intellectual progress by limiting innovation. The waqf was designed to have a caretaker follow instructions blindly, not to facilitate the spotting of new opportunities. Rules that excluded beneficiaries from governance also restricted the caretaker's inventiveness by limiting feedback. True, every caretaker received complaints from beneficiaries. But beneficiaries lacked incentives to think deeply about the allocation of waqf resources. Waqf restrictions induced thinking about circumventing rules for marginal gain, not about redesigning organizations.

In the premodern Middle East, the Islamic education system was supported through waqfs, which kept curricula essentially fixed through specifications included in deeds. In a slowly changing world, the resulting brake on intellectual advances might have been insignificant. Under rapidly changing conditions, outdated curricula handicapped generations by making education irrelevant to real challenges. Madrasas thus hindered Muslim intellectual development both because of rigidities common to all waqfs and by failing to prepare students for addressing social problems.

Observers who treat Islam as an impediment to intellectual progress usually point not to the waqf, which emerged several generations after the birth of Islam, but instead to repressive institutions thought to have been present, if in rudimentary form, during Islam's inaugural decades. These institutions include punishments for apostasy, blasphemy, and heresy. The fear of being accused of such sins has impoverished intellectual discourses down to the present. The 1988 controversy over Salman Rushdie's *Satanic Verses* is a case in point. Many Muslim leaders accused Rushdie of blasphemy, and Iran's Ayatollah Khomeini ordered his execution. In response, Rushdie took to avoiding commentary on Islam. Nevertheless, he was gravely injured by an attacker convinced that he deserved execution.²⁷ Consider also the Egyptian blogger Abdel Karim Suleiman, who in 2005 criticized the teachings of al-Azhar, his former school, and decried attacks on Copts. He was sentenced to three years for blaspheming Islam.²⁸ Like Rushdie's ordeal, Suleiman's persecution impoverished discussions on policies somehow identified with Islam. As in the past,

apostasy, blasphemy, and heresy charges are used to restrict various liberties. The fear of being accused of religious offense constrains political discourses, deflects attention from inequalities, preserves ethnic and/or sectarian dominance, protects monopolies, and prevents mass mobilization.

Contrary to a common view, Islam's fundamental sources do not unequivocally bar out-conversions or novel religious viewpoints. The Quran's relevant verses are subject to interpretation. Accordingly, Islamic apostasy, blasphemy, and heresy rules could have evolved in the direction of broadening tolerance and liberties. In fact, critical events during Islam's initial few decades diminished Muslim religious choices and restricted acceptable discourses. Chapter 7 covers the key episodes and consequent dynamics.

At Muhammad's death, certain Arabian tribes suspended tax payments to the Islamic state on the ground that they had agreed to pay tribute to him personally. Accusing these tribes of apostasy, the first caliph Abu Bakr (served 632–34) forced them to comply. Abu Bakr could make the episode a matter of religious loyalty because the tax in question, *zakat*, was a Quranic requirement. But his reaction may be likened to any state's enforcement of its tax laws. Hence, later interpreters could have treated his coercion as necessary for tax enforcement. Conventionally, though, the "Apostasy Wars" are viewed as a precedent for barring out-conversion. Opportunistic uses of Abu Bakr's apostasy charge, like other early episodes that cloaked political repression in religion, have harmed intellectual development.

Precedents do not necessarily carve patterns in stone. Christianity, too, has a history of punishing alleged sinners. The Spanish Inquisition is among the infamous attempts to squash religious freedoms. It restricted public discourse in various contexts, including science and dealings with non-Christians. Equally significant, most Christians now consider it a horrible aberration. In the same vein, Muslims could have reinterpreted the "Apostasy Wars" as an unfortunate episode driven by a young state's fiscal needs. However, for most Middle Eastern Muslims overt out-conversion requires emigration to freer lands.

In stages, Middle Eastern modernization drives have transferred power from clerics to secular officials. Turkey's secularization under Atatürk and İnönü (1923–50) is the boldest effort in this vein. Other ambitious campaigns occurred in Iran under the Pahlavis (1925–79), Egypt under Nasser (1954–70), and Tunisia under Bourguiba (1957–87). These regimes might have been expected to facilitate exit from Islam, radically reinterpret the Quran, and broaden religious freedoms generally. In fact, they simply made it easy to ignore Islam. Their ideal was to have citizens basically disconnect themselves from religion of any sort. Meanwhile, they treated certain Islamic practices as archaic. However, as Chapter 8 shows, their reinterpretations of Islam occurred through top-down commands, with minimal debate beyond the leadership. Just as reformers were once repressed as heretics, so now the pious were persecuted as obscurantists. In the process, modernizers constricted discourses on adapting Islam to the modern age.

Secularist repression caused widespread discontent, which then induced leaders of all stripes to broaden the rights of the pious. It also paved the way for regimes led by traditionalists or Islamists. Both groups have contributed to the aridity of discourses on Islam through selective secularization. A case in point is the corporation's presence in the region's modern legal systems. The corporation violates the Islamic principle of limiting legal standing to natural individuals. In failing to disclose that Islamic law fell behind the times with respect to legal personhood, traditionalists and Islamists alike have allowed secularization in disguise. In so doing, moreover, they have lightened pressures for comprehensive debate on the content of Islamic law. An unintended consequence is the domination of discourses on Islam's substance by Islamists, who espouse cultural isolationism.

Disagreements over a religion's interpretation can cause a schism – a formal division into variants with their own officials, doctrines, and rituals. Islam's main division, the Sunni–Shii split, came early in its history, over succession disputes. One might expect Muslim modernizers, or liberal Muslims, to have split Islam further. They have done so only informally, in that the global Muslim community is divided between practicing and nominal Muslims. For reasons developed in Chapter 10, one might expect nominal Muslims to have produced major movements espousing a radically new interpretation. But there is no Islamic counterpart to Protestantism or Reform Judaism. Ongoing religious tensions within the Middle East hint that such a break is in store. Chapter 11 attributes the absence of liberal schisms thus far partly to collective action difficulties rooted in the chronic weaknesses of civil society. A reinforcing factor is the potency of the apostasy charge, which preserves the appearance of a unified Muslim community. Potential members of a liberal Muslim denomination lack a comparably effective ideological instrument.

Economic Hindrances to Liberalization

The freedoms of a liberal order include the rights to produce at will, exchange on mutually agreed terms, own property, and accumulate wealth. These may be restricted where they clash with other freedoms or provide public goods. But any restrictions are transparent and applied uniformly. Tax obligations are predictable. People who prosper through hard work know that their assets will not be seized through arbitrary taxation or outright confiscation.

The Quran contains rules to regularize taxation. They involve zakat – one of Islam's canonical five pillars. As initially understood, Muslims of sufficient wealth and/or income paid zakat to the communal treasury. Dues were fixed in proportional terms to finance eight broadly defined functions, each of which corresponds to services that modern states generally supply themselves or else regulate. As its specifics unfolded, zakat also capped dues to the state. As discussed in Chapter 12, therein lies an additional reason behind zakat's status

as a “pillar.” In financing the state and stipulating public responsibilities, it also put Islam’s weight behind private property rights.

Yet zakat’s enforcement lasted just a few decades. It became an anachronism under the Arab empires that ruled for several centuries starting in 661; and, down to the modern era, it has remained an unenforced Islamic tax, except in scattered small localities where communal pressures ensure compliance. A consequence was the waqf’s emergence as a core Islamic institution. In effect, the waqf was a creative response to zakat’s abandonment as a state-enforced transfer system. As zakat gave way to arbitrary taxation, rich landowners yearned for a wealth shelter. The institution that met this need precluded the deployment of sheltered assets for political activity, which then inhibited the growth of civil society.

Zakat has survived widely only as a voluntary practice that follows no set template. Donors decide amounts and recipients themselves. The history of zakat’s implementation will ring familiar to anyone acquainted with distributional politics. Powerful constituencies captured both sides of the transfer system. On the collection side, broad exemptions appeared; and the resulting revenue loss then induced the imposition of new taxes, all free of restrictions that had strengthened material security. On the disbursement side, the beneficiaries were mainly powerful constituencies. These developments diminished zakat’s value to the poor and powerless.

As zakat lost economic significance and arbitrary taxation became the norm in Muslim-governed states, it practically disappeared from religious discourses. Limited and predictable taxation ceased to be viewed as a fundamental principle enshrined in a religious pillar. Scripture on zakat was not used to resist arbitrary fiscal policies as un-Islamic, or to hold rulers accountable for their policies.

Private economic players shape political outcomes through collective action of their own and financing broader civic activity. Chapter 13 shows that several elements of the Islamic institutional complex restricted the size and longevity of commercial enterprises. Some of these institutions were rooted in the Quran; others were transplanted from other civilizations and given an Islamic pedigree. As European merchants gained political influence during the half-millennium preceding Europe’s Industrial Revolution, the Middle East’s merchants were conspicuously weak. One manifestation is a delay in the emergence of formal business associations, which tiny and ephemeral enterprises could not have sustained.

Until the 1800s, when many European institutions were transplanted to the Middle East, even the largest indigenous enterprises were established for finite periods. One reason was that, as a matter of practice, ongoing Islamic commercial partnerships were easily terminated under the pretext of sickness or other hardship. Premature dissolution harmed partners who wished to continue. Another factor was the Islamic inheritance system, which by premodern standards was notably egalitarian. Because a sudden death could force remaining partners to deal with numerous heirs, partnerships were kept small and short-lived.

Had Islamic law allowed some form of corporation, handicaps rooted in Islam's inheritance and partnership rules could have been overcome. The corporation could have been used in business, as it was in Europe when the need emerged during the Great Explorations that presented lucrative investment opportunities in distant lands.²⁹ Every Middle Eastern country now recognizes both business corporations and charitable corporations. Evidently, there was no insurmountable obstacle to borrowing the corporate form from Europe. But this became a practical option only after the transplant, during the modernization wave of the 1800s, of other institutions that had failed to develop indigenously.

Islam's main political mission was to unite Arabia's feuding tribes. That is why the Quran recognizes no community between the individual and the full community of believers, the Muslim *umma*. Recognizing some form of the corporation would have given Arabia's tribes, and, within decades, also communities beyond Arabia, the organizational means for autonomy. But the corporation's exclusion from Islam's legal toolbox reduced the bargaining power of entrepreneurs. It thus compounded the political weaknesses of the Middle East's private enterprises and business communities.

The persistent handicaps of private companies stemmed from the simplicity of their operations. Because structurally simple enterprises do not face the coordination and communication problems that fuel institutional creativity, advanced organizational forms did not emerge indigenously. This stagnation handicapped the Middle East during the Industrial Revolution, when the efficient use of modern technologies required large and enduring companies. Small and transitory Middle Eastern businesses could not bargain collectively with the state, as their counterparts in Western Europe were doing long before the Industrial Revolution. Their impermanence also precluded business associations.

The private commercial sector's atomism was among the factors holding back civil society across the Middle East. Merchants organized into larger units could have worked with other constituencies to impose mutually beneficial restraints on rulers. True, they might have brandished power also to gain monopoly rights. But monopolization and the binding of rulers are mutually compatible processes. The history of English liberalization offers a case in point.³⁰

Since its existential crisis that erupted in the 1800s, the Middle East has witnessed many campaigns for economic reform. Few have drawn inspiration from Islamic history. The main exception is Islamist movements of the twentieth century. Attributing Muslim failures to colonization and secularization, they have sought to restore selected Islamic institutions. Their main initiatives are critiqued in Chapter 14. Prioritizing symbolism over substance and conformism over liberalization, Islamism has missed opportunities to draw from Islam's rich history universal lessons for economic progress and rule of law. Its initiatives have reinforced the illiberal view, widespread among Muslims, that Islamists are unfit for governance.

Among the economic themes of Islamism is that Muslim-governed regimes are neglecting to enforce zakat. But the Islamist-initiated new zakat systems are vastly truncated versions of what they purport to be reviving. They are meant only to alleviate poverty and reinforce Muslim identity. None has dented inequality. More critical here is that none serves functions commensurate to its status as a religious pillar – strengthening property rights, constraining the state, and financing public goods. Nevertheless, in practically all Islamic education today, zakat is treated as a pillar of Islam. The dissonance between the reality of zakat's minor role in modern Muslim life and its persistent centrality in basic teachings is a manifestation of expressive taboos on Islam's social roles.

Much more salient than zakat initiatives have been efforts to purge interest from economic life through Islamic finance. Its various forms – banking, bonds, credit cards – avoid interest symbolically, through euphemisms and accounting gimmicks. Though Islamic finance holds about 1 percent of global financial assets, it has not contributed measurably to Muslim economic development. Its costs include lower financial transparency, the legitimization of obfuscation, and the neglect of major social problems. As with zakat, an opportunity is being wasted to demonstrate the relevance of early Islamic institutions to modern economic life. The Quran's interest ban that Islamists treat as a blanket prohibition of interest originally targeted a genuinely menacing practice, one that commonly led to enslavement.

A broader missed opportunity is the stimulation of discourses on Islam's possible roles in a liberal order. Deep cleavages exist on Islam's compatibility with various freedoms. Differences could be bridged through frank exchanges. They could help non-Islamists recognize that the Islamic heritage harbors lessons compatible with their own ideals.

Reasons for Guarded Optimism

If in the early 2000s the Middle East is extremely repressed, it is not destined to remain so. The book's core argument, developed in Chapters 3–14, gives reasons why speedy liberalization is impossible. However, in reviewing and linking the mechanisms at play, Chapter 15 also identifies grounds for optimism over the long run.

Certain elements of Islam's historical institutional complex have delayed the region's establishment of a liberal order, not blocked it permanently. The institutions primarily responsible for the Middle East's historical trajectory are either gone or, under new conditions, no longer inhibit liberalization. The region now possesses the institutional infrastructure for a stronger civil society. In addition to laws that support private associations, it includes networks of large and enduring firms that allow private capital accumulation and decentralize political power. Were their significance better understood, these developments of the past couple of centuries would foster hope that Middle Eastern

liberalization is not an oxymoron. There is great discontent in the region, as evidenced by the emigration preferences shown in Figure 1.3. The wish to emigrate reflects a sense of hopelessness – a feeling that the Middle East cannot escape heavy repression for the foreseeable future. Yet such despair makes the region ready for a revolution from below. The East European revolutions of 1989 broke out at a time of immense pessimism about the future even among dissidents who held – correctly, it turned out – that their communist dictatorships would fall quickly if ever their vulnerability was exposed.³¹ Indeed, just as self-propagating fear sustained hated communist regimes for decades, opposition to the regime, once it reached a critical mass, fed on itself. The mass mobilizations of the “Arab Spring” show that the Middle East, too, is capable of sudden political eruptions.

An institutional complex entails many mutually supporting institutions. So it is with the institutions responsible for repression in the Middle East. Religious illiberalism facilitates associational repression, and vice versa. The interlinkages among the region’s various institutions provide ample grounds for hopelessness: change in any one context is difficult because its success depends on appropriate changes in many complementary institutions. But these interlinkages provide reasons for optimism, too. The very complementarities among Middle Eastern institutions imply that altering a single institution can destabilize others, possibly unleashing a cascade of mutually reinforcing reforms. The region is unlikely to transition within a generation or two to what one might characterize as a liberal order. However, successes in one place would energize reformists elsewhere.

Islam’s fundamental sources have been reinterpreted repeatedly. Various reinterpretations coexist today. Insofar as the Middle East’s political deficiencies are linked to religion, they involve Islamic institutions that took shape mostly after its canonical Golden Age. Besides, even those that rest on early precedents, such as the criminalization of apostasy, have alternative interpretations derived from readings of the Quran and contextual knowledge. Therein lies yet another reason for long-run optimism. No absolute barrier exists to religious freedoms in the Middle East. They can be activated by Muslims who believe sincerely that they are correcting misinterpretations.

LIBERAL ORDER

The foregoing preview has invoked the concept of a liberal order, which needs to be defined precisely. The word “liberal” connotes the protection of freedoms. As for “order,” it connotes constraints. A liberal order is also known as an “open-access order,” which Douglass North, John Wallis, and Barry Weingast define as a system in which enforceable laws protect a constellation of social, economic, and political freedoms.³² Another equivalent is “open society,” by which Karl Popper means a society whose members give one another freedoms out of awareness of their personal limitations, how often

they err, and their dependence on others for knowing their shortcomings.³³ The antithesis of liberal order is “illiberal order,” whose characteristics closely match those of a “closed society” and “limited-access order.” For maximal clarity as well as brevity, we shall continue to use the liberal–illiberal distinction here.

Implicit in the notion of “order” is a state that taxes citizens through transparent, predictable, and broadly supported means. It supplies services that cannot be provided optimally through private initiatives. Maintaining a monopoly over instruments of mass violence, a liberal state defends society against external enemies and preserves internal peace, as necessary, by enforcing rules coercively. The rules of the state form its constitution. The officials who wield powers on its behalf are themselves subject to the constitution. The constitution contains procedures for sacking, and possibly punishing, any official who abuses the state’s capacities.³⁴ A liberal order is protected from its own guardians partly through institutional checks and balances that empower branches of the state to keep each other in line.³⁵ Ordinary citizens assist the protection process through autonomous civic organizations that monitor official agencies and expose their abuses. A liberal order’s checks and balances also protect civil liberties by keeping any person or clique from attaining absolute power.

The civic organizations that help to restrain the state and keep it from governing arbitrarily include, among others, professional societies, social clubs, neighborhood associations, ethnic assemblies, religious organizations, political lobbies, labor unions, and consumer cooperatives. Collectively such associations form “civil society.”³⁶ Their common trait is *de facto*, if not also *de jure*, autonomy from the state. A robust civil society requires freedom of association. Individuals must be able to join organizations through which like-minded people pursue collective action. Like-mindedness need not entail a perfect coincidence of wants or visions. A civic association can be effective even if its members disagree on objectives, strategies, or tactics. Yet its influence requires a membership ready to compromise with each other in the interest of unity on core issues. Members must also be in broad agreement on procedures for admitting members, selecting officers, dividing tasks, and formulating policies. In a liberal order, the offenses that draw responses from civic organizations may involve any violation of the general rules within the constitution. They could mobilize to protect a minority’s expressive rights or to end discrimination in government contracting. In either case, they might seek redress from the state’s dispute-resolution institutions.

By itself, a strong civil society cannot protect, let alone advance, freedoms. Political checks and balances give civic organizations the capacity and security to be effective.³⁷ Conversely, a state’s own checks and balances are insufficient to generate a sustainable liberal order. They could harmonize the powers of elites without extending freedoms to the masses. Despotic states of Antiquity balanced elite factions while denying their subjects associational rights.³⁸

Civic organizations, or their members as individuals, do not necessarily respect liberal principles themselves. Groups need not feel bound by rules that they support in the abstract and find beneficial when enforced on others. A generic name for such discrepant behavior is free riding. Among its manifestations are efforts to divert resources to one's own group or cause even when the transfer results in a net loss to society.³⁹ Timeless and universal forms of privilege include trade restrictions detrimental to consumers, censorship that suppresses information on policy outcomes, regulations that block religious competition, subsidies favoring politically connected charities, licensing requirements unnecessary to professional efficacy, and regressive tax codes. Even in democracies that score high in indices of political performance, much legislation contains provisions that benefit narrow groups.

No society, past or present, has been governed strictly according to general rules, without special privileges for any persons or groups. But departures from liberal principles are matters of degree. Some societies have political institutions that make it difficult to obtain special privileges. Administrative transparency norms serve this purpose by facilitating countermobilization; so do judicial systems committed to impartial enforcement of the constitution. Throughout history, most constitutions, written or implicit, have been conspicuously illiberal; they have privileged certain groups, for instance a ruling family, a caste, an ethnicity, or a religious community. Illiberal constitutions typically criminalize organizing to equalize rights, and even speaking of equality. The liberality of a constitution may differ across contexts. Societies with religious outgroups vary in the forms and severity of sectarian discrimination. Besides, those that persecute outgroups may be quite liberal on, say, economic matters.

A liberal order's defenses against special interests include an ideology that venerates freedoms and impartial governance. Known generically as liberalism, it promotes confidence in markets and values free speech. It treats individuals as the best judges of their personal interests. A freedom may be restricted in a liberal order, but only to avoid undermining other general goals. Yelling "Fire!" in a mosque can be prohibited to prevent panic. Weapons transactions may be regulated for public safety. Building codes may be imposed to protect occupants from underestimated risks. Such constraints often enjoy broad acceptance as widely beneficial. By the same token, the acceptable constraints may change over time. As lifestyles evolve, certain building regulations may become anachronistic; and climate change may make others seem too permissive. Liberalism does not stand, then, for either unlimited or unchanging liberties. But it treats freedom as the default condition and imposes a high bar for restrictions. It stands out among rival ideologies as promoting skepticism toward rationales for regulation or coercion.

Supporters of liberalism in the abstract may inadvertently interpret rules self-servingly. It is routine to confuse one's personal interest with the common good.⁴⁰ Thus, the beneficiaries of privileges will often portray them as constitutional policies serving the common good.⁴¹ Whatever their awareness of self-

serving biases, state authorities inevitably face demands for special favors. They are asked to bend rules for a particular group or to allow discriminatory policies that are unconstitutional. A liberal state's officials are expected to avoid special favors. Insofar as members of society subscribe to liberalism, they will support the enforcement of general rules even when inconvenient to themselves. Liberalism uses both the state and civic organizations to align social norms with enforcement of the constitution.

Coercive religion is obviously incompatible with liberalism. Religion *per se* is not. Within established rules, people are free to form a religion, proselytize, worship as they please in spaces of their own, enjoy recognition as an autonomous social organization, display markings of their beliefs, and generally pursue the life they want. What liberalism disallows is religious compulsion and favoritism. Individuals must be as free to exit a religion as to enter it. Opportunities accorded to any one religion must extend equally to other religions as well as to the nonreligious. The state must not privilege a certain religion by using it for guidance, or allowing it to vet policies, or helping it financially.

In certain contexts, including contemporary politics in the United States, the term "liberalism" is associated with interventionist and heavily regulatory economic policies; considered the opposite of "conservative," it is about ends rather than means.⁴² That is not what the term connotes here, so it will avoid confusion to elaborate on the economic dimensions of liberalism, in its sense adopted in this book. In line with its high trust in markets, liberalism entails skepticism of the capacity to correct for market failures through state intervention. Sensitized to state failures, it insists on weighing the tradeoffs between state and market inefficiencies. It also aims to keep the state as small as possible. Indeed, liberalism considers it healthy for economic activity to be carried out primarily by private enterprises within markets open to competition. As in other contexts, exceptions to these principles are allowed according to general rules, not ad hoc considerations tailored to narrow constituencies. Food processing may be regulated because consumers cannot judge food safety on their own. For legal efficiency, enterprise founders may be required to choose among a finite number of organizational templates.

The concept of a liberal order is not specific to any one region or civilization. It is used in this book as a reference point in interpreting the Middle East's historical political trajectory and evaluating its potential for further transformations. The dynamics just outlined, such as the struggle between enforcers of general rules and seekers of special treatment, have counterparts throughout Middle Eastern history. The Quran contains prescriptions that are reasonably construed as elements of a liberal order. The region's ruling elites have had many opportunities to deploy these as justifications for liberalization. As we shall see, Islam has expanded freedoms, sometimes dramatically. It has also been reinterpreted to legitimize practices once considered un-Islamic. Yet missed opportunities have also been plentiful. Facing a fork in the road, leaders

have often favored coercive uniformity over negotiated pluralism, or the familiar over the new. The book's key challenge amounts to explaining why, thus far, the Middle East has failed to take advantage of its critical liberalization opportunities. In addressing this challenge, we shall gain an understanding of why the Middle East is now the world's most repressive region.

Countries that have come closest to attaining the ideals of a liberal order are generally in Western Europe and its cultural offshoots in the New World. That does not make Western politics an infallibly superior model universally. For one thing, even in modern times the West has produced destructive dictatorships, Nazi Germany being the most notorious example.⁴³ For another, the West's liberal institutions are not carved in stone. Since the 2010s, many Western countries have experienced "democratic backsliding" and "de-liberalization."⁴⁴ Two countries that have set standards of liberalism, France and the United States, are less liberal in the 2020s than they were in the 1990s.⁴⁵ In both countries, people feel less free to express their opinions publicly.⁴⁶ As of late 2021, 40 percent of Americans who identify as Republican support state censorship of disfavored media networks, as do 38 percent of Democrats. At least 4 percent of all Americans would support using violence if the other party wins the next presidential election.⁴⁷ In 2004, France banned "the wearing of signs or clothes through which pupils ostensibly express a religious allegiance."⁴⁸ Evidently, sustaining a liberal order is a constant struggle even in the West, its birthplace. To borrow a metaphor from Daron Acemoglu and James Robinson, the task requires running just to stay in place.⁴⁹ Whether Western countries will run fast enough to maintain even their diminished freedoms is by no means assured.

The terms democratic backsliding and de-liberalization often go together. But they are distinct. Whereas the former refers primarily to the weakening of political checks and balances, the latter emphasizes loss of liberties. The links between these processes go both ways. Greater concentration of power diminishes society's ability to preserve personal rights and freedoms. Conversely, weaker rights and freedoms pave the way for dictatorship. This book's focus on liberties rather than democracy has two pragmatic justifications. First, liberties mattered to development long before modern democracy. Second, democracy of any kind has never been common in the Middle East.

PRE-ISLAMIC, EXTERNAL, AND COLONIAL INFLUENCES

The Middle East has never existed in isolation from the rest of the world. Its peoples have had intercontinental commercial relations. Ideas have flowed between the Middle East and other regions, sometimes over fabled paths, such as the Silk Road, or through legendary intermediaries, such as Venetian merchants. The inspiration for the Islamic waqf and various tax policies came from institutions present in the Persian and Roman empires. Certain key themes of modern Islamism were hatched in India. Middle East-centered empires once

controlled far-flung areas that are now self-ruling: the Caucasus, the Balkans, Iberia, and the Sahel. Developments in these regions affected trajectories of the Middle East.

Although the significance of external effects is uncontroversial, disagreements abound on specifics. Because of data limitations, debates are particularly heated on pre-Islamic influences. But even here scholars generally agree on the significance of conditions in Arabia during Muhammad's youth.⁵⁰ Insofar as early Islamic institutions had pre-Islamic roots, the Middle Eastern trajectory under Islamic rule is attributable to non-Islamic institutions. Indeed, by invoking pre-Islamic origins, some scholars absolve Islam of responsibility for undesirable historical patterns; and, using analogous logic, others deny Islam credit for commendable outcomes. This origin-focused logic is applicable, of course, to every civilization. All political analysis, not just research on the Middle East, can be deepened by stretching its temporal range further into the past. For instance, partisan polarization in the United States draws energy from parliamentary rules transplanted from England. Yet every social inquiry must start from an institutional complex in place at some point in history.

Patterns observed under Islamic rule do not become un-Islamic merely for having pre-Islamic roots. When an institution was borrowed from a non-Islamic source, it became Islamic; and insofar as it evolved under Muslim rule, it became a distinctly Islamic variant or descendant of the original. What justifies designating such an institution Islamic is its selection by Muslims from among all the available pre-Islamic options. When the caliph Umar convened an assembly to designate his successor, it was a *shura*, not a town council of the type used in the Mari Kingdom in Mesopotamia (2950–1760 BCE), or the Athenian *ekklesia*, which in the 650s BCE gave lower-class men a political voice, or the Persian Empire's assembly of elders (550 BCE–651 CE).⁵¹ Islamic institutions also influenced the uses of Islamized pre-Islamic institutions. If no *shura* assembled to choose the successor of the *shura*-selected third caliph, and subsequent Umayyad caliphs turned the *shura* into a legitimation instrument, other institutions must have been at work. Even Islam's transplanted institutions are inexplicable, then, without reference to its broader institutional complex.

External political effects on a society can work through invasions. In the case at hand, the Mongol invasion of the thirteenth century – most notoriously, the sacking of Baghdad in 1258 – is often cited as the cause of sundry problems, including economic torpor, scientific stagnation, and persistent authoritarianism.⁵² The Mongol raids did indeed devastate present-day Iran, Iraq, and parts of Syria and Turkey. But the long-term effects are vastly exaggerated.⁵³ Islamic law attained its classical form almost a quarter-millennium before the fall of Baghdad. By the time the Mongols reached the Middle East, key Islamic institutions that sustained autocracy were already in place; so were complementary institutions that kept merchants politically powerless, allowed arbitrary taxation, and limited religious and expressive freedoms. These institutions

outlasted the Mongols, without identifiable changes. They include, for instance, waqf law and the apostasy ban, both politically significant. In any case, when military occupation has lasting effects, they are not necessarily unfavorable. Defeat in World War II made the Japanese and Germans freer, not more repressed. Another reason for skepticism about lasting damage is that the ills attributed to Mongols transcend Mongol-ravaged areas. North Africa, which Mongol hordes did not reach, is no beacon of freedom.

European colonization is a more recent intervention that gets blamed for Middle Eastern authoritarianism.⁵⁴ The British and French grabbed resources, redrew borders without regard for communal links, stoked divisions, and destroyed traditional institutions. The interferences occurred in some places after annexation (for example, Algeria, as a French department); in others, under a partly autonomous colonial administration (French and British mandates in Syria, Lebanon, Palestine, Iraq); and in still others, through influences over independent regimes (Iran, Turkey). Whatever the form of interference, it is said, European misdeeds distorted economic and political development. Some authors stress that colonial powers sapped the region's capacity for collective action especially by keeping it from forming cohesive nations.⁵⁵

Other scholars go so far as to claim that European colonizers actively undermined democratization drives. Ostensibly, one such drive was the power-sharing agreement between Syrian liberals and Islamists in 1920; had the French withdrawn from the region after the end of Ottoman rule, Syria would have evolved into a freer, more democratic society.⁵⁶ This argument presumes that neither party to the Syrian agreement would have tried, after a French departure, to gain advantage over the other. Yet similar alliances formed against a common enemy have collapsed after the enemy's defeat. People of diverse persuasions united during Turkey's War of Independence in 1919–22. After the coalition's victory, the modernizers lost no time in ejecting traditionalists from positions of power. They also took to secularizing the country aggressively.⁵⁷ In Pahlavi Iran, Islamists and communists formed an alliance to topple the monarchy. The shah ousted, they turned on each other, and Islamists decimated their former allies.⁵⁸

Among the contributions of colonial rule was the establishment of modern schools that provided instruction in a foreign language. Variants teaching in local languages were quick to follow. Prominent families, which had been sending their children to Islamic schools, started favoring modern schools. One side effect was lower student quality at Islamic schools; another was a decline in the quality of Islamic scholarship.⁵⁹ It does not follow, though, that colonization of the Middle East led to de-liberalization through lower educational performance. The graduates of modern schools played leading roles in invigorating civic life. They contributed mightily to economic growth. They served as conduits for liberal philosophies. Insofar as Islamic schools lost appeal as vehicles of upward mobility, it is because of their lack of responsiveness to changes in labor demand and their adherence to outdated pedagogies.⁶⁰

Other reasons exist for dismissing colonization as the main cause of the Middle East's poor record in advancing freedoms. Among formerly colonized peoples that won independence in the twentieth century (mostly after World War II), 89.5 percent of those in Latin America had an electoral democracy in 2020, as did 18.6 percent of those in non-Arab Africa; the corresponding figure for the Middle East was just 2.7 percent.⁶¹ On the standardized 0–10 scale used in Figure 1.4, the corresponding population-weighted civil liberties ratings were 4.5 for the decolonized countries of non-Arab Africa and 6.5 for those of Latin America, as against 2.8 for those of the Middle East.⁶² The reason for the Middle East's rock-bottom numbers is not that European colonizers treated it especially badly. Former colonies that are both freer and more democratic than the Middle East include ones that endured the worst abuses of colonization.⁶³ Evidently, colonial rule is not the key to understanding modern Middle Eastern politics.

Might proto-colonization stemming from patron to client relationships with a superpower explain the Middle East's political record? A prominent view is that alliances with the United States corrupted the region, tilting its political playing field in favor of pro-American groups, which happen to be antidemocratic.⁶⁴ True enough, ever since World War II, the policies of certain regimes have reflected the interests of American elites. But it does not follow that the United States has shaped, or could shape, the Middle East's institutions from scratch. American-influenced institutions have been superimposed on a vast preexisting institutional complex. It is the historical roots of that preexisting complex that is under investigation here. The effects are shared by longstanding American clients in the region – Saudi Arabia, Kuwait, Jordan, Egypt – but also nonclients – Baath Syria and Iraq, Islamic Iran, Libya, and Yemen. Evidently, American patronage is not a necessary condition for political repression.

Nevertheless, colonization *is* relevant to the task at hand. A more sophisticated class of explanations, initiated by Daron Acemoglu, Simon Johnson, and James Robinson, merits serious consideration.⁶⁵ This trio recognizes variations in how Europeans treated their colonies. In places where colonizers intended to resettle permanently, they established “inclusive institutions” – institutions favorable to broad-based growth with expanding personal freedoms. But in climatically hostile territories that interested colonizers only for their resources, they installed “extractive institutions.”

In the Acemoglu–Johnson–Robinson framework, precolonial institutions are irrelevant to current patterns, presumably because they were superseded by whatever institutions colonizers chose. The literature based on this framework has pointedly avoided engaging with the Middle East, which is fortuitous.⁶⁶ French, British, and Italian institutions were superimposed on an institutional complex that could not possibly have been voided no matter how hard the colonists tried. When national regimes emerged, many precolonial institutions, or at least their legacies, were still influencing individual behaviors and social patterns. This point is substantiated in following chapters. In any case, the

Acemoglu–Johnson–Robinson logic suggests that European colonies would have established inclusive institutions at least where they settled in large numbers, for example in Algeria, Tunisia, eastern Libya, and Ottoman Istanbul.⁶⁷ And if they did not stay, it is because they were forced out – in Turkey after World War I and the War of Independence, in Egypt under Nasser, and in Algeria after its own War of Independence.⁶⁸ Hence, the legacies of European colonization should not have been uniformly negative across the region.

Indeed, certain colonial policies helped to overcome inefficiencies of Islamic institutions. In Algeria, for instance, France expropriated waqfs on a huge scale, both to expand its economic footprint and to release resources for development.⁶⁹ Hence, the net effects of these confiscations were not necessarily negative. That many native Algerians lost wealth is clear. However, as we shall see later on, there were also unmistakable gains from unlocking resources trapped in a dysfunctional institution. Besides, in Algeria and other Arab lands, the French followed a pattern already initiated by Ottoman, Egyptian, and Turkish leaders, who acted with broad local support.⁷⁰ Colonizers also founded modern courts, which displaced Islamic courts in expanding domains. Furthermore, they helped to establish municipalities, which took over many functions from waqfs. Such measures created markets, spawned opportunities, facilitated transactions, and expanded freedoms.

Even some explicitly extractive institutions of the European powers brought long-run benefits. The infrastructure of the Ottoman Public Debt Administration (OPDA), which creditors established to make their Ottoman debtor solvent, contributed to the fiscal capacity of Ottoman successor regimes.⁷¹ Their modern tax systems all benefited from the OPDA's architecture. Although enhancing a regime's fiscal capacity does not necessarily improve economic freedoms, in this case there were obvious gains. For instance, taxation became more predictable and property rights stronger.

To sum up, whatever their benefits to foreigners, interventions did not necessarily diminish local political freedoms. Moreover, in certain contexts the effects were decidedly positive. The region's pre-Islamic heritage also affected its political trajectory. But the influences involved distinctly Islamic and sometimes also distinctly Middle Eastern interactions.

THE CENTRALITY OF ISLAMIC LAW

In sketching the book's architecture and highlighting its relevance to prominent controversies, this chapter has identified diverse mechanisms involving Islamic law. Some scholars confuse inquiries into the effects of legal institutions with "Islamic essentialism," an approach that treats early Islamic institutions, described in caricatured form, to have sealed the fate of Muslim societies.⁷² In fact, there is no connection. We have already seen that Islamic law was reinterpreted in various contexts and periods. We know, too, that certain

Islamic institutions have been dismantled or drastically altered. In any case, no necessary link exists between an institution's fixity and its long-term consequences. Depending on specifics, lack of institutional stability can harm freedoms as surely as the fixity alleged by essentialists.

The multiplicity of the Islamic institutions that left imprints on the Middle East's political culture may raise additional qualms; so may the multiplicity of the mechanisms associated with each institution. Some readers may expect the book to identify a single Islamic institution that has made the Middle East score low on global freedom indices. Hence, it will help to review the book's analytic challenges early on, before delving into details. How does one select elements of Islamic law to focus on? What connections exist among the various mechanisms at play? There is nothing unusual, of course, about multiple institutions contributing to an observed outcome. Christianity affected European societies through myriads of factors: Church dogma, canon law, the Protestant Reformation, ecclesiastical governance, overtly political clerical initiatives, and more. Likewise, Islam has affected the Middle East's political performance through multiple channels.