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Why the Arab Spring turned Islamic: the political economy of Islam

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Abstract This paper argues that the fundamental reason for the ascendancy of political Islam in the wake of the Arab revolutions lies in the uncompetitive nature of the religion and its implications for political economy: the fact that Islam is one and long since unchanged, which makes the Islamists' call very costly to resist and very attractive to follow. The argument is developed through an examination of sectarian and legal history in Islam and a comparison of the nexus between church, state and individual in Christian and Muslim religious traditions. Special attention is devoted to Islamic Law and the law schools that define it.

Keywords Islamic law · Political Islamism · Political economy of religion · Religious competition · Sectarianism

JEL Classification D72 · Z12

1 Introduction

The Arab Spring started at the beginning of 2011 as a movement aiming at the overthrow of authoritarian rule in a number of countries. While it failed to remove traditional autocracies such as Bahrain's monarchy, it did succeed against secular, post-colonial dictatorships including Egypt, Libya, Yemen, and Tunisia. Although initially the stated goal of many participants and leaders of the movement was "democracy", more than 6 years on Islamist parties and groups of various

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descriptions, supported by majorities or pluralities of voters, have either taken control or established themselves as critical players in the aforementioned countries (and increased their influence in still others such as Morocco). Even though a partial backlash from turned-off citizens has belatedly been observed in places like Tunisia and Egypt, the Islamists' position is firmly entrenched in parts of the society; it is remarkable that in Egypt it took a military coup, cheered by disappointed erstwhile supporters, to boot them out of government. While the outcome of the fighting in Syria is still undecided at the time of this writing, many observers fear that there too the Islamists may eventually gain the upper hand—which is itself one big reason why the Assad regime still enjoys substantial support, domestic and international.

Of course Islamic fundamentalism and Islamist politics had been on the rise throughout the Muslim world for several decades prior to the Arab Spring—the Iranian theocratic revolution of 1979 may be seen as an early warning. Usually, however, it was fuelled by repression: the dictatorships cracked down on Islamic movements, which turned them more radical (Algeria, Egypt, and Chechnya are good examples). So, in many a Western observer's reasoning, once repression is replaced by toleration and freedom, popular support for the radicals will subside and the radicals themselves will turn moderate and "reasonable". This expectation has been contradicted by post-revolutionary developments. In part, the Islamists' initial ascendancy must be put down to the fact that because all of the regimes in question were authoritarian, Islamic organizations like the Muslim Brotherhood in Egypt and Ennahda in Tunisia were among the few ready to take over power after the revolution; but their endurance through time suggests that this cannot be the whole explanation. While these Islamist parties may be expected to undergo further change in their ideology and agenda under the challenge posed by their hold on power and by the competition from other parties, it seems clear that their central position in the new Arab political landscape in one form or another is here to stay, as is their radical confrontation with non-Islamic parties. Hence the central question that motivates this paper: why is political Islam on the rise in the wake of the Arab revolutions?

For perspective, consider the post-communist transition. After the collapse of communism in 1989–1991, most of the countries of Eastern Europe and the former Soviet Union turned democratic and established full freedom of religion, thereby overturning the communist system of religious repression and state-sponsored atheism. This is a good benchmark for comparison because it bears a superficial resemblance to the position of religion in the Arab Spring, which emerged from marginalization or repression into political freedom. Yet in none of the traditionally Christian countries of Europe did a party with an explicitly religious agenda manage to acquire lasting prominence (Grzymala-Busse 2013). In striking contrast to Islamism in the wake of the Arab Spring, militant Christian politics has not been an important factor in the European democratic transition.

This paper disregards the specifics of each particular country's history and politics and tries to get at the root of the problem: it will argue that the fundamental reason is the uncompetitive nature of the Islamic religion as it has historically evolved, when coupled with the disarray of political alignments left by the power vacuum. We will examine the contrast between Islam and Christianity in terms of

their different propensity to sectarianism and sectarian competition, or lack thereof, and their different nexus between church, state and individual; in this connection, special attention will be devoted to Islamic Law and the law schools that define it. Finally, we will weave all this together and outline an explanation of the rise of political Islam based on political economy.

This paper provides a cultural explanation for differences in the nature of constitutional or law-bound governance. It differs from the cultural explanation suggested in de Montesquieu (1989), which stresses differences in civic norms and climate, and instead focuses on religion as an ideological foundation of legitimate governance and dissent. The main focus is on Islam, but some analysis of Catholicism and its effect on medieval governance is also outlined. The idea that religious grounding may amount to a quasi-constitutional constraint on government, however, is not new. In his masterful history of government, Finer (1997) suggests that the kingdoms of ancient Israel before the Babylonian captivity were the first historical instance of limited government, in which the laws of God as enshrined in the Torah and interpreted by the priestly class functioned as bounds on monarchical absolutism. This paper probes into the Islamic counterpart of such a religious "constitution".

In seeking to establish a link between the (un)competitiveness of a religious tradition and that religion's political prominence, this papers breaks new ground. There is a rich political-economy literature on the compatibility of Islam and democracy (Paldam 2009; Rowley and Smith 2009; Maseland and van Hoorn 2011; Potrafke 2012). On the other hand, there is a literature, pioneered by the work of Timur Kuran (summarized in Kuran 2010), that probes the effects of key economic institutions and legal rules of Islam on long-run economic development in the Middle East. But there is as yet no study of the structure of the religion as such as it impacts contemporary political developments. This paper takes a step towards filling this gap.

2 The uncompetitive structure of Islam

It is commonplace among Western scholars and pundits to emphasize the unique intertwining of religion and politics in the Muslim worldview: a theocratic vision in which society is to be ruled by Islamic Law and the state, like the caliphate of old, is to be the guardian and enforcer of the Law. By itself, however, this observation does not take us very far. In the domain of Western Christianity the church fought for centuries to wrest control of the appointment of its officials from the hands of kings and emperors and finally succeeded with the resolution in its favor of the so-called Investiture Controversy, enshrined in the Concordat of Worms (1122). In the aftermath of this success, the church not only secured its independence from the state and its monopoly position as state church, enlisting the strong arm of the state against sectarians, heretics, and pagan peoples, but took control of extensive areas of civil law to its own benefit, including marriage law, the laws of inheritance, and

the money market (through the doctrine of usury).[1] This monopoly role as state church was then taken over by the Lutheran and Reformed churches in the countries where the Reformation established itself. In the domain of Eastern Christianity, by contrast, churches historically had a special intimacy with the state that originated in the Byzantine Empire, where it was thought to be the king's job to be the protector of the true faith and the promoter of Christian policies, thus sparing the Byzantine church the conflicts that its Western counterpart had to endure. This Byzantine approach was then passed on to all the sister Orthodox churches and remained in place until recently. Under both Western and Eastern versions, however, the ostensible purpose of the alliance of church and king was the creation and enhancement of a Christian society—so, if we leave aside the large, obvious differences in language, doctrine, and behavioral prescriptions between the two religions and focus solely on the relationship of state and religion, it is not clear that the Islamic arrangement was all that different.[2]

However, unlike the Muslim-majority countries where religion is still largely entangled with the state to this day, such an alliance of church and state is long since gone in the Christian West, where there is either separation of church and state or, at least, a regime of religious toleration and freedom. In the Christian East, due to the Byzantine "theocratic" legacy[3] mentioned above, full separation is rare but secularization of society and politics has substantially loosened the church's grip on the state. Yet religion has not generally collapsed in the wake of separation and secularization—indeed, in America today it is more flourishing than anywhere else in the world. On the other hand, and crucially important, in stark contrast with Islam, there are many Christian churches and sects: almost since the beginning, Christian history has been a history of division, giving rise to a huge variety of versions of the same faith. From the late Roman Empire through the end of the Middle Ages, the minority groups spawned by theological or organizational controversies among Christians were marginalized or stamped out as heresies by the mainline church, and survived, if at all, only beyond the borders of established Christian states and out of their reach, but they finally managed to establish a territorial foothold with the Reformation and kept producing new branches and sects to this day.[4] By contrast, nothing like that could be seen in the early centuries of Islam. Although, following the settlement enshrined in the Peace of Westphalia (1648) which ended a century of religious wars, one particular church became the national church in each European country, mass defections to a rival church did occur during and after the Reformation and individual denominational switching has been occurring to this day, especially in the British colonies overseas and their

[1] See the detailed analysis of Ekelund et al. (1996).

[2] For an interesting modelling approach to the conflict and cooperation of church and king that allows comparison between Christian and Islamic theocracies see Salmon (2009).

[3] "Theocracy" is how the Byzantines themselves called their own system. The label is inaccurate and confusing because in a theocracy, as usually understood, the emperor would ultimately be answerable to the head of the church whereas in Byzantium the opposite was the case. See Ferrero (2009) for discussion.

[4] For an economic analysis of the theological controversies and sectarian conflict inside and outside the Christian church in the Roman period see Ferrero (2008). For an outline of subsequent developments, down to the Reformation and beyond, see Ferrero (2017).

successor states. The two observations are related through a deep historical connection: especially in the West, religious pluralism and competition supported, or even necessitated, the secularization of the state. This points to a fundamental difference between the two religious traditions: while Christianities are several and competitive, Islam is one and uncompetitive—one consequence being that only with the greatest difficulty has the state been able to extricate itself from religion in Muslim-majority countries. To provide evidence for this claim, we will first address the issue of external competition—sectarianism within Islam—and then the issue of internal competition—the diversity, or otherwise, of Sunni Islam.

2.1 Sects in Islam

The word sect, originally coined with reference to Christian splinter groups, is only with difficulty applicable to other religions, but if we try nevertheless, we see that Muslim "sects" are fundamentally different from Christian ones. First, the different schools of jurisprudence (*madhhab*) within Sunni Islam, which issue legal norms that affect the ordinary people's behavior, are not sects in the sense that each recognizes the others as legitimate; the differences and relationships among them will be examined in detail below. Second, the Sufi orders are not sects either (Berkey 2003, ch. 24; Nasr 2004, ch. 2). They pursue a form of esoteric knowledge to be acquired through mystical practice, which often earned them suspicion and the accusation of "innovation" from traditionalist scholars, but in the Middle Ages they finally found a way to coexist with the orthodox Sunni (as well as Shiite) religious establishment by submitting to the "exoteric" rule of the *Shari'a*. Sufi orders are much like religious orders in Catholic and Orthodox Christianity, which represent an intensification of religious practice and commitment that keeps within the bounds of orthodox belief and behavior but which goes beyond the ordinary believer's obligations. In both religious traditions, there has often been not a little bickering and ill feelings among these orders (in Turkey, for example), but such "competition" is over the supererogatory efforts of the most devout and is bound by, and subordinate to, the authority of the *Shari'a* and the church, respectively.

Third, the groups that broke away from mainline Sunni Islam are indeed sects in that they do not recognize, and are not recognized by, the Sunnis, nor one another, as legitimate Muslims: these are on the one hand the Shiites (which in turn ramify into the Twelvers, the Ismailis, and the Zaidis) and on the other hand the Kharijis (which, while now extinct in their historical form, begot a successor group, the Ibadis, which has been the dominant form of Islam in Oman to this day).[5] All of

[5] For completeness, we must mention in passing several fringe groups that loosely belong here. The Alawis of Syria are self-described Twelvers and accepted as such by the latter's authorities. They engage in secretive cult practices, perhaps in syncretism with Christian practices, which are not well understood and, if perhaps not theoretically closed to conversion, they are certainly ethnic. Similarly, the Alevis of Turkey are Twelver Shiites of Anatolia who were there before the Ottomans' Sunnification of the country. They too follow deviant, secretive worship practices that include Sufi elements and, allegedly, pre-Islamic traces, and it is not clear that they accept conversions. Finally, the Druze of Lebanon and Syria were originally Ismailis but can now be bracketed out of Islam not only because of their deviant beliefs but especially because they have for several centuries been a completely closed group, formally disallowing conversion into and out of the group (even for marriage).

these groups are divided from the Sunnis and from one another over one issue only: succession to the Prophet in the time of the early Caliphate, from which implications are derived for the correct form of government (both secular and clerical).

These Muslim sects all arose in the first two centuries of Islam, while there has been no new sect formation thereafter.[6] Unsurprisingly, given that their differences do not involve theology or fundamental belief but exclusively what in Christian jargon would be called issues of church government, individual switching among them on properly religious grounds is not observed, at least in modern times. Some mass shifts that took place in the past were the result of forced conversion imposed by the state or were due to social reasons that had little to do with religion. An example of the former is the thorough conversion of Persia from Sunni to Shiite Islam, which was forced through by the Safavid monarchy in the sixteenth century (Berkey 2003, 266–267). An example of the latter is the massive conversion to Shi'ism that was the unintended consequence of the Ottoman government's policy of tribal settlement in Iraq in the nineteenth century: the nominally Sunni nomadic tribes settled near the great Shiite learning centers and shrine cities of Najaf and Karbala simply because it was there that, due to the Ottomans' new irrigation works, sufficient water for agricultural activity could be found, and conversion helped them to adjust their social and economic contacts with their new, urban Shiite neighbors (Nakash 1994). At an individual level, it seems that in Iraq, where Sunnis and Shiites live side by side, elderly Sunnis without a surviving male descendant would often convert to Shi'ism on their deathbed because Shiite succession law, unlike its Sunni counterpart, allows a daughter to succeed and exclude from inheritance any male agnate relatives of the deceased (Coulson 1969, 37–38). But no one seems to have switched either way because they changed their mind on who was entitled to succeed in the Caliph's office thirteen centuries ago. The fact that the Muslim sects do not compete for members by proselytizing goes some way toward understanding why they so often "compete" by making war on each other, as can be seen in all the conflagrations that have been tearing the Middle East apart in recent decades and which typically involve a Sunni against Shiite dimension; indeed, it could be argued that war and violence are a substitute for peaceful conversion when the latter is not an option—an argument that cannot be pursued in this paper.

Why issues of community government have been the exclusive focus of sectarian dispute in Islam and why those divisions have been so persistent are questions to which we shall return below. For the moment, the contrast between the above picture and the picture of denominational struggle, competition and switching that has characterized the history of Christianity to this day can hardly be overstated.

[6] There have been a few unsuccessful attempts to found new Muslim sects in modern times. The best known is perhaps the Ahmadi sect, founded in British India near the end of the nineteenth century and still in existence in South Asia and elsewhere, which is rejected by all established Muslim sects as an apostate group because its founder is alleged to have re-opened prophethood after Muhammad—a rejection which is testimony to the current persistence and power of the commitment to Islam's oneness. In his comprehensive presentation of Islam to Western readers, Nasr (2004, ch. 2)—who classifies all branches of Shiites as mainstream—lists as sects only the Ibadis, the marginal groups discussed in note 5 above, the Ahmadis, and the Baha'i who, though originally a nineteenth-century offshoot of Iranian Shi'ism, clearly put themselves out of Islam. Despite his commitment to document the "rich tapestry" of the world of Islam, Nasr has very little to show for it.

The situation in Islam is much like if the only divisions within Christianity were over the proper election of some of the popes in the line of succession from St Peter. Christianity did have its share of such controversies—for example the tide of anti-popes sparked by the conflict between papacy and empire, which started in the eleventh century and culminated in the so-called Western Schism of the fourteenth century—but it also had many other grounds for division. None of those splits over legitimate papacy left any lasting trace, whereas the divisions over other issues did. Perhaps the closest parallel to the Muslim case in Christianity is the division between the Western and Eastern churches following the Eastern Schism of 1054, in which no substantial theological difference was involved—which is why it is called a schism, not a heresy. Like the sects in Islam, and for similar reasons, that division too has over time crystallized into a national/ethnic division between the Roman Catholic and the many Orthodox churches, where individual switching is all but nonexistent.[7]

The reason for the contrast is not hard to see.[8] There is no doctrine in Islam that can be ground for contrasting interpretations; theologically speaking, one is either in or out of Islam. Given its pure, uncompromising, uncomplicated monotheism, its theology is so simple as to leave no room for controversy. By contrast, due to the unique theological intricacy of the Christian faith, conflicts and schisms in Christianity have typically revolved around strictly theological issues—the riddles of divinity, the trinity, the resurrection, the promise of individual salvation, and the role of sacraments. Therefore the proclamation of dogmas, and the reaction thereto, has long been the typical mode of evolution of Christianity and the mainspring of sect formation within it. Christian history is a history of expulsions that begot new groups. In the long haul of history, this has produced a landscape densely populated by Christian denominations which each time encouraged new dissidents to try and fight for reform, in the knowledge that they would not be stranded alone in the world even if they failed in their endeavor.

This cannot be the whole story, however. Judaism too has a form of monotheism so simple as to leave next to no room for argument over theology, although, unlike Islam, it has no historical founder and so no issue of legitimate succession to the founder. Yet modern Judaism is rife with sects that contend with each other over behavioral observance. Observance ranges from the strictest to the loosest. These groups often argue bitterly with one another but also recognize a common core of scripture, interpretation and tradition, and denominational switching is common. From this point of view they are not unlike Christian sects and churches: whether the differences are theological or behavioral, a person stigmatized or expelled by a given group can find a home in another group and feel he/she is still a Christian or a

[7] Nasr (2004, 86–87) similarly argues that the position of Twelver Shi'ism vis-à-vis Sunnism within the Islamic tradition is exactly the same as that of Eastern Orthodoxy vis-à-vis Catholicism in the Christian tradition—both had been there from the beginning. He sees both Muslim groups as lying together in the middle of the spectrum of Islamic orthodoxy, with the other sects mentioned above lying at various distance on either side.

[8] The following two paragraphs draw on Ferrero (2017), which provides an extended discussion of the sectarian history of Christianity and Judaism and explains it with a model in which religions set optimal thresholds of compliance for members and the members' reaction to the thresholds generates sects.

Jew nonetheless. Then the question naturally arises, are there groups—whether we call them sects or otherwise—competing over behavioral rules under Islam?

2.2 The Sunni schools of law

In Islam, behavior is regulated by the Law (*Shari'a*). The early centuries of Islam saw a lively debate among scholars and schools who sought to work out the details of the divine law from the four accepted sources: the Quran, the *Sunna* or Traditions relating words and deeds of the Prophet, analogical reasoning from those two (*qiyas*), and the consensus of the scholars (*ijma*). By the end of the ninth century, many of the original disagreements of method and substance had been reconciled or smoothed out, but not all. At that point the Sunni scholars—the *ulemas*—agreed to disagree: such disagreements as still remained crystallized in the four Sunni schools of law (*madhhab*, pl. *madhahib*) that still exist today—the Hanafi, Maliki, Shafi, and Hanbali schools—and which recognize one another as legitimate—a situation of "mutual orthodoxy" of the schools (Coulson 1969, 24); a fifth, the Zahiri school, which arose alongside the four schools just listed and was so extreme as to reject any use of human reasoning and rely exclusively on the literal meaning of the texts, became extinct in the Middle Ages.[9]

As regards further evolution, until recently the prevailing view among Western scholars (Schacht 1964, 70–71; Coulson 1964, 80–81) was that, sometime in the tenth century, the Sunni scholars reached a general consensus to freeze the main body of positive law as it then existed and declare that "the gate of independent reasoning (*ijtihad*) had been closed"; thereafter, in their work of interpretation the scholars were bound by the duty of "imitation" (*taqlid*) of the doctrine of the masters of the four established schools. As a consequence, since further evolution was thwarted by the principle of *taqlid*, the schools' doctrines have remained basically unchanged from the tenth century to this day. This view has been challenged by more recent scholarship, starting with Hallaq (1984), who holds that a general "closure of the gate" never really happened, that the replacement of *ijtihad* by *taqlid* was much more gradual, uneven and controversial than the received theory would have us believe, and that *ijtihad* in fact had to, and did, retain a role in legal theory and practice at least up until the pre-modern era as it was the only way in which positive law and judicial decisions could grapple with newly arising problems in society—a view supported by the fact that the groups that totally rejected any use of *ijtihad* (such as the Zahiris mentioned above) were finally excluded from Sunnism. Gerber (1999, ch. 4) finds support for this view in his detailed study of *fatwas* (legal opinions) issued by prominent Ottoman *muftis* from the sixteenth to the eighteenth centuries. In this relatively late period, *ijtihad* (and other mechanisms for legal innovation) did exist but was permitted and routinely exercised by the *muftis* only in areas of the Law which remained "open", that is, where there was disagreement (itself hallowed by the authority of tradition) not only between schools but, importantly, within the schools, taking due account of minority opinions in each

[9] The non-Sunni sects have their own separate jurisprudence; in particular, most of the Shiites follow the Ja'fari school of law, which among other things still relies on *ijtihad* and rejects *taqlid*.

school; Gerber's interesting finding is that there were quite a few such unsettled issues that turned out in a large number of legal cases. Entering into this scholarly controversy would fall outside the purview of this paper. Suffice it to note that even the revisionist view accepts that the actual scope of *ijtihad* from classical times onward was increasingly limited to new or subsidiary developments or to specific, though often important, applications, so that the main lines of the Law, in each of the schools, have indeed remained fixed for a very long time.

We must now examine the doctrinal differences among the schools and ask if those differences in interpretation of the Law—in a manner analogous to the differences among modern Jewish sects—implied, or allowed for, anything resembling denominational competition.[10] Here follows a list of some of the main differences in substantive law between the four schools[11] (for each rule we indicate the school(s) that uphold it in distinction to the other schools).

(a) An adult woman can marry without her guardian's consent (only Hanafi) (Coulson 1969, 25–26).
(b) An adult woman can be married off for the first time by her guardian without her consent (only Hanbali) (Hallaq 2009, 274–275).
(c) Conditions can be written into a marriage contract that limit the husband's rights, such as excluding further wives or allowing the wife to work or have a social life (only Hanbali) (Coulson 1964, 189–190; 1969, 28–30).
(d) A wife can petition a court for divorce on grounds of cruelty, failure to support, desertion, or serious ailment of the husband (only Maliki) (Coulson 1964, 97).
(e) Law of succession: the Public Treasury is residuary heir in the absence of agnate relatives, excluding all cognate relatives (only Maliki) (Coulson 1964, 97–98).
(f) Legal stratagems (*hiyal*), such as a double sale to circumvent the prohibition of interest (*riba*) or a trick that allowed the founder of a *waqf* (religious endowment) to reserve for himself the income from it, are lawful (only Hanafi and Shafi) (Coulson 1964, 139–141; 1969, 87–91).

[10] Social historians have drawn attention to the fact that, in the early centuries of Islam, the *madhahib* were not just scholarly circles but attracted wide affiliation of lay followers, often vying with each other for members and getting involved in factional politics. In particular, in tenth-century Baghdad, the Hanbalis became a mass movement that policed the propriety of behavior of fellow citizens and officials, attracting the unfriendly attention of the caliph and his police—they were engaging in the practice of "forbidding wrong" (see below). See Hurvitz (2000, 2003) and the literature cited therein. However, such militancy had to do with either personality politics or public enforcement of religious rules, not with the substance of the rules themselves that are the focus of this sub-section. In any case, this mobilizational aspect of the schools seems to have died out in the Middle Ages.

[11] The list that follows was pieced together by scanning through my reference works as best I could; it should be understood as suggestive of the most important points at issue, not as a complete or exhaustive list. To the best of my knowledge, no scholar has ever thought of drawing up a systematic, comparative table of such inter-school differences—which is itself an indication that no one has thought of the schools as competing for followers.

Also, the list focuses on substantive laws and disregards procedural or methodological differences among the schools, which are regarded as important by all scholars of Islamic law.

(g) In the Maghreb, sharecropping contracts—an old customary arrangement but one involving uncertainty (*gharar*), which is forbidden—were recognized by the courts (only Maliki) (Coulson 1969, 70–71).
(h) All aquatic animals other than fish are prohibited food (only Hanafi) (Chehabi 2007).
(i) For the crime of apostasy, women are exempted from capital punishment and subjected to life imprisonment (only Hanafi) (Hallaq 2009, 319–320).
(j) For the crime of alcohol drinking, Shafi law imposes a penalty of 40 lashes instead of the 80 lashes of the other schools (Hallaq 2009, 316).
(k) Homosexuality is treated differently from the general crime of fornication (*zina*) and subjected to discretionary punishment, not capital punishment (only Hanafi) (Hallaq 2009, 315).

It seems obvious that, when seen in the context of a body of rules designed to regulate every aspect of the Muslim way of life, these differences are really small,[12] and mostly confined to marriage law and some economic laws—points (a) through (g) above.[13] For example, the differences in family law pale to near-insignificance when set against the two cornerstones of Islamic family law—the husband's rights of polygamy and unilateral repudiation—which command the unquestioning and unqualified support of all schools and all strands of legal opinion within schools.

Furthermore, note that there is no one school that is obviously more "liberal" than the others on all counts. For example, in marriage law the Hanafi school looks most liberal by (a) but not by (c) and (d), the Hanbali school is most liberal by (c) but not by (a), (b) and (d), the Maliki school is most liberal by (d) but not by (a) and (c). Similarly, in the matter of criminal offences regulated by so-called Quranic penalties (*hadd*), Hanafi law is more lenient by (i) and (k) while Shafi law is more lenient by (j). The fact that the schools cannot be ordered on a uni-dimensional line from most to least strict is important: it helps to diffuse tensions and prevents the consolidation of a school into a sect that might attract followers from other schools; in short, it works against competition.

Since medieval times, the schools came to have a well-defined geographical distribution (Coulson 1964, 101–102). A school would spread because of the influence and prestige of its scholars, or because it was imposed by the political authority—for example the Ottoman Empire officially endorsed Hanafi law—or because it was the school which the missionaries, merchants or warriors who

[12] Hallaq (2005, 151) decries the "notion, dominant in modern scholarship, that the differences between and among the schools are minor" as a "falsehood", but provides no evidence to substantiate his claim other than one example concerning the definition of usurpation. His more recent book (Hallaq 2009) is devoted to a detailed exposition of the substance of *Shari'a*'s positive laws; the few differences between schools I was able to cull from it, in addition to those underlined in the standard literature, are listed above [points (i), (j), (k)].

[13] Shiite law diverges from Sunni law as a whole in some more substantial ways, including the legality of temporary marriage and the priority of any descendant of the deceased, male or female, over any male collateral in inheritance law (Coulson 1969, 31–33)—the latter being the rationale for the deathbed conversions to Shi'ism discussed in the previous subsection. Also, Shiite law further restricts the Hanafi rule regarding the consumption of seafood (point (h) above) to permitting only fish with fins and scales (like the Jewish rule from Leviticus 11: 9–12) (Chehabi 2007).

converted a new population to Islam subscribed to. As a result, Hanafi law came to predominate in the Middle East, Central Asia, and the Indian sub-continent; Maliki law in North, West, and Central Africa (as well as in Muslim Spain as long as it existed); Shafi law in East Africa, southern Arabia, and South East Asia. The Hanbali school never secured any territorial predominance until the eighteenth century, when it was endorsed by the Wahabi movement and became the official law of Saudi Arabia.

Despite the fact that boundary lines between the four schools, both in terms of substantive doctrine and geographical area of application, were firmly drawn since medieval times, this fact did not trigger switches of allegiance (Coulson 1964, 182–183, 1969, 33–35). According to the unanimous doctrine of all schools, which recognized their mutual orthodoxy, each individual Muslim was always free to follow the school of his choice and any Muslim court was bound to apply the law of the school to which the individual belonged. However, and crucially, an individual had the right to change school at will on any particular issue, without necessarily embracing the new school for all purposes. For example, Shafi girls in British India were able to defend in court their marriage against their father's will by claiming they had married as Hanafis (Coulson 1969, 35)—this being the only school that grants adult women full legal capacity in marriage (point (a) above). Similarly, in Ottoman Cairo people often bought property according to Hanbali law and got married according to Maliki or Shafi law (Hallaq 2009, 176 n. 62). This established right of choice bypassed the need for people to switch membership from one school to another in order to avail themselves of a more convenient rule on a given occasion—a switch which, as we have seen, would have been difficult to contemplate in any case because of the contradictory rankings of the schools across the relevant dimensions.

Whatever the differences between the schools, then, there was in effect *choice of law*, which dampened dissatisfaction with one's particular school and obviated the need to change allegiance. Kuran (2004) has stressed the importance of the choice of law that was available to the protected non-Muslim minorities (*dhimmis*) in traditional Islamic states: this choice left Jews and Christians, who could rely on the law and courts of their own communities, under no pressure to convert to Islam and, indeed, afforded them a legal resource that was to become a valuable asset in commercial transactions starting in the eighteenth century. In a similar way, the choice of law from among the orthodox Sunni schools relieved the tensions around school boundaries and allowed Muslims to pick and choose the most convenient rule for any particular legal incident.[14]

The terminal blow to the possibility, however remote, for the schools to compete with one another was dealt by so-called "modernist" legislation, which in the twentieth century—starting with late Ottoman legislation—sought to codify and

[14] This choice of law could in certain places cross the boundaries to the non-Sunni sects, wholly unorthodox as this was. In Zanzibar, which traditionally had a mixed Sunni and Ibadi population, and where the Sunnis belonged to the Shafi school, Shafi wives could obtain dissolution of their marriage on grounds of the husband's cruelty by submitting their petition to an Ibadi judge since Ibadi law, unlike Shafi law (see point (d) above), allows it (Coulson 1964, 183–184). This belongs in the same class as the deathbed conversions to Shi'ism in Iraq for inheritance reasons (discussed in the previous subsection).

"modernize" family law in each country without formally breaking the *Shari'a* rule of *taqlid*, or submission to established doctrine (Coulson 1964, 129–134, 151–162, 184 ff., 1969, 35–37, 68–73). (Criminal and commercial law had already been taken out of *Shari'a*'s domain in the Middle East in the late nineteenth century by virtue of the special legislative power—*siyasa*—that traditional Islamic jurisprudence had always recognized to the sovereign.) This effort joined the principle of free choice among law schools to the sovereign's power of legislation in the public interest to produce a "liberal" fusion product, picking rules from different schools (and from different individual jurists' opinions within each school) and thus exploiting the width of divergence between the schools to the maximum allowed by orthodoxy. For example, marriage laws simultaneously adopted the Hanafi rule that frees adult women from marriage guardianship, the Maliki rule that grants a wife divorce on wide grounds of ill-treatment by the husband, and the Hanbali rule that gives binding legal force to conditions in the marriage contract designed to safeguard the wife's position (points (a), (c), and (d) above). This process produced a uniform, binding legislation in each country and, by so doing, in effect put an end to the choice of law: judges were henceforth bound to apply, and citizens to follow, the codified national law.

Summing up, even before the modern codification of national laws, competition and switching among the Sunni law schools did not happen because the differences in substantive rules were minor, because such differences as existed prevented a consistent ranking of the schools from most to least liberal, and because individual choice of law made switching unnecessary. This collection of factors explains how a completely decentralized system such as Sunni Islam, lacking any collective decision-making institution and absent any coordination among the schools or the *ulemas*, can be uncompetitive—an unusual, striking combination from an economic point of view.[15]

So this is the answer to the question we asked at the end of the previous subsection: like the Jewish sects, the Sunni law schools agreed to disagree, but unlike the Jewish sects, they never competed for members. A famous saying of the Prophet Muhammad, often cited by Muslim jurists and theologians in praise of doctrinal divergence, says that "Difference of opinion within my community is a sign of the bounty of Allah" (cited in Coulson 1969, 20; Nasr 2004, 55). Our review of the law schools, much as that of the sects in the previous subsection, suggests that this *hadith* is a poor description of classical and post-classical Islam: the said difference may have been significant in the formative period of the religion but not afterwards, at least if compared with other religious traditions.

[15] In an important contribution which is at variance with the consensus view in the economics of religion, Eswaran (2011) offers a model of the religious market that emphasizes the distinction between pluralism and competition and shows that the two may change in opposite directions following entry (or deregulation), thus suggesting that decentralization may not entail competition—although for different reasons than with the Sunni law schools.

2.3 Why the oneness of Islam

We have seen in the previous subsections that Muslim sects have been frozen in a controversy over political government—as opposed to religious doctrine or practice—that harks back to the earliest times of Islam; that Sunni Islam is basically unitary (as are the other sects as well); and that it has not undergone meaningful doctrinal (i.e., legal) change in more than a millennium. Mechanisms for adaptation and covert innovations there were—there had to be for the system to function at all—but in a basic framework that was never challenged. Such a picture of immobility is so striking for *any* religion that it cries for explanation.

The demand for unity is relatively easy to explain. Unlike Judaism, Islam was a religion of conquest for most of its history and over most of its territorial spread, brought by a coercive state onto vastly heterogeneous populations (even though forced conversion was the exception rather than the rule). Its laws were originally designed for enforcement across the board by a rightful Muslim ruler, so they had to be simple enough for that purpose and focused mostly on publicly observable behavior, while they need not be as time-intensive and detailed as the Jewish ones in the private sphere (Cook 2000). Effective political rule thus demanded a measure of uniformity and standardization of rules that could hardly make room for sectarian wrangling. By contrast, because they were always a minority wherever they lived, Jews were never much in demand as a support to political rule, so they could as well be left alone to argue among themselves. Viewed from the jurists' side of the problem, with the passing of time and the accumulation of legal treatises and manuals the diversity of legal opinions, if unchecked, would have threatened to get out of control and shatter the *ulemas*' profession, thereby jeopardizing their ability to function as providers of legitimacy to the caliphs and other Muslim rulers and hence undermining their source of social status and income. Since the *ulemas* were a self-selected, self-appointed profession based on mutual recognition and had no formal hierarchy,[16] there was neither a central authority (like the papacy in the Catholic church) nor a collective decision-making institution (like the councils of bishops in the Orthodox churches) empowered to set the bounds of orthodoxy, so the range of acceptable differences had to be frozen at some point by mutual consensus of the scholars for their work to be a manageable exercise.[17] This

[16] The *ulemas* seem to have preserved their scholarly independence as a professional class even in the Ottoman Empire, where from the sixteenth century they were appointed by the state and organized into a centralized hierarchy with the Great Mufti at its head. The latter apparently refrained from exercising his authority on legal rulings and judicial decision by individual scholars, who—imperial patronage of the Hanafi school notwithstanding—remained fragmented among all the orthodox schools as before (Gerber 1999, ch. 3).

[17] A reviewer has suggested that a centralized organization like the Catholic Church, in sharp contrast to the Sunni system, may after all facilitate adaptation to the changing needs of society. The problem, however, is that the church is bogged down by the cumulative weight of the dogmas enacted in two millennia, which span a huge range of issues defined as theological, and none of which can ever be touched because of the dogma of infallibility of the church (and now, of the Pope alone) on such matters. If so, adaptation and flexibility must be sought in ways other than changing the doctrine, such as competitive saint-making (Ferrero 2002) and religious orders (Ferrero 2017). In turn, the dogmatic build-up itself, culminating in the infallibility of the pope, can be given a rational-choice explanation (Ferrero 2011, 2014).

consensual stop to divisive discussion naturally reinforced and consolidated the suppression of potential competition that was inherent in the features of the Sunni law schools system—minor differences, choice of law, and impossibility of a consistent ranking from more to less liberal—discussed in the previous subsection: in effect if not in intent, it functioned as a form of implicit collusion among the *ulemas*. So oneness of the faith and unity and relative immobility of the Law were in both the rulers' and the legal scholars' collective interest.

The supply of unity, however, is another matter. If the argument just given may explain why excessive diversity would have been inconsistent with Islamic political power and with the role of the religious class as linchpin of the system, it does not explain why a challenge to the prevailing behavioral rules that would be strong enough to result in expulsion of the dissident group failed to materialize. In other words, the absence of historical evidence of expulsions suggests that no form of dissent was ever thought to be radical enough to warrant expulsion; as a consequence, in stark contrast with Christianity, there has always been one Islam—or, more accurately, one set of hostile but non-competing sects whose differences are rooted in issues of legitimate religious governance. Likewise, the absence of change in religious rules suggests that the demand for change was never strong enough to be granted—for a challenge to the prevailing rules can be either accommodated through internal change or rejected and answered with expulsion (Ferrero 2017). So we are led to ask why the dissent was so moderate to begin with, and why it has remained so to this day.

The received scholarship on Islamic history does not seem to have squarely addressed such a question. One suggestion that is sometimes aired is that the *Shari'a* was impervious to change because it was never, and never really meant to be, implemented: it remained throughout a theoretical construct laying down the details of behavioral rules ordained by God, not a body of law meant for practical use, so the jurists kept aloof from the state and its courts and indulged in their theological exercise; hence, because in real life only lip service was paid to it, there was no real pressure to amend its outdated or impractical features. This view seems to be grounded in the traditional appraisal by Western scholars (Coulson 1964, ch. 9; Schacht 1964, 50–55), according to which only some sections of the law—essentially, private law, and in particular the laws of family, inheritance, and *waqfs*—were applied by the *qadis* in classical and medieval times. Whatever the case in the earlier Muslim states, however, Gerber's (1994, ch. 2) study of the Ottoman *qadi* courts' records, supplemented by his study of the *fatwas* (Gerber 1999, chs. 1, 2), shows a completely different picture. From the sixteenth century onward, in the Ottoman empire the *qadi* courts rose to judicial monopoly and their appointed judges, the *qadis*, applied the full range of the *Shari'a* in all fields, including commercial and criminal law, supplemented by the *qanun*—a sixteenth-century penal code which itself incorporated and enacted the whole of the penal code of the *Shari'a* while merely adding the option of fines as punishments. Thus in the early modern Ottoman empire and until the nineteenth century the *Shari'a*—which in its origin and essence was jurists' law, not deriving its authority from the state (Gerber 1999, 23–24, 44–46; Hallaq 2005, 204–205)—became state law

enforced across the board, as had apparently never happened previously in any Muslim state.

A more promising approach is to see change, or lack thereof, as an observed outcome driven by the underlying incentives of the interested parties. Coulson (1969, 43–44) suggested long ago that just like other historic legal systems, Islamic Law remained settled and static for a long time because the society itself remained essentially static until the twentieth century, so there was no social pressure to challenge the authority of the medieval legal manuals. To gain explanatory power, however, this general insight needs specification. Rubin (2011) has taken a step with one particular, but important, provision of the Law: the prohibition of interest. He offers a politico-economic model that explains the persistence of this prohibition under Islam, in contrast to its eventual demise under Christianity, as an outcome of the weak incentives the relevant religious and political actors faced to revise the rule in the relevant institutional environment. So on this topic, the gate of *ijtihad* could have been "pushed open" but it was not because the cost for anyone concerned to do so outweighed the benefits. We will now argue that a key to the incentives or disincentives to push for general change in the *Shari'a* lies in the form of the conversion process.

In its first few centuries Islam spread in the wake of the Arab conquests. A geographically dispersed, rapidly expanding, religiously and culturally diverse subject population could be expected to offer varying degrees of resistance to the conquerors' rules. Why, then, were these rules never seriously challenged? We submit that the answer lies in the slow, gradual progress of conversion and its voluntary nature. The conquered peoples in the first several centuries were mostly Jews, Zoroastrians, and Christians of various stripes, not pagans. As "peoples of the Book", they were classified as protected but discriminated minorities (*dhimmis*) which could retain their religion and associated behavior as long as they paid a special tax (*jizya*). Conversion did eventually occur, in several countries bringing Christianity to near extinction, but this was a long, uneven, drawn-out process. In one of the very few quantitative studies of conversion, Bulliet (1979) finds that rates of conversion to Islam in the medieval period reached a peak some centuries after the initial take-off and then slowly decreased, so that the Muslim fraction of the population followed a logistic growth curve. As a result, it took many centuries for the Muslim fraction of the population to reach the levels that, subject to slow attrition, remained then approximately stable until the twentieth century. The same process continued in later times in the Ottoman and Mughal empires. Furthermore, the pattern of conversion was not random. Michalopoulos et al. (2012) provide strong statistical evidence that geographic inequality of land endowments and proximity to long-distance trade routes drive differential rates of Muslim adherence observable to this day, and this finding holds both for societies included in former Muslim empires and those outside of them, such as the societies of Sub-Saharan Africa, Central Asia and Southeast Asia, where Islam spread peacefully through trade and missionizing.

So the conversion decision, at least on the margin, was the object of a sort of cost–benefit calculus; as a consequence, subject peoples had plenty of time and opportunity to adapt, choosing if and when to join Islam, which dampened dissent,

triggered self-selection, and discouraged challengers from ever standing up to the existing threshold of observance. By contrast, perhaps because it always confronted forms of pagan religion, triumphant Christianity never left much room for voluntary conversion. Soon after the Christian takeover of the Roman Empire in the fourth century, the state began to actively suppress the practice of pagan religion throughout its domains; then the policy of forced mass conversion—usually proceeding top-down from the rulers to their subjects—was extended to all the European territories successively brought under Christian political control in the course of the Middle Ages (see the historical account in Fletcher 1999). This contributed to enhanced diversity among the faithful and hence fuelled the sectarian strife that, as we have seen, accompanied Christian history from very early on. Such strife was mostly suppressed by the church-state alliance in the Middle Ages but it eventually broke open in the Reformation and produced an open-ended string of new sects through the following centuries.

If we accept that the voluntary process of conversion muted conflict within early, classical, and early modern Islam, then we have a clue to why this state of affairs has continued into contemporary Islam. The cumulative result of this long tradition of muted dissent and lack of expulsions is that there are no "heretical" Muslim communities out there: this in itself must be a very powerful disincentive to openly expressing one's dissent. As we have seen, one does not leave the Sunnis to join the Shiites in the same way as one leaves the Anglicans to join the Methodists: that is not a real alternative for dissidents. So if one contemplates challenging existing religious authority, one must discount the likelihood of ending up really alone on the outer fringe of the Muslim world. This does not mean that a religious schism can never happen; it means, rather, that a group contemplating such a prospect must face up to the likelihood of becoming the first Muslim-yet-non-Muslim group in the whole world: a forbidding prospect. Small wonder, then, that many Muslims choose to disguise their issues with the religion (through twisting or bypassing the rules) rather than openly expressing their dissent. Similarly, the long, consistent tradition of absence of internal change strongly discourages anyone from ever voicing a demand for such change for the first time.

In the end, the historical evolution of a religious tradition is a self-sustaining process. In the long haul of history divisions, and lack thereof, feed on themselves: the more there are former "traitors"—now rival groups with a claim to legitimacy—the more there will be in the future; the less such precedents there are, the harder it is to start. Similarly with internal change: the more dissidents raised their voices and were able to secure changes in the past, the more such dissidents will arise in the future, and vice versa. Furthermore, the two processes are related: the threat of schism encourages change to maintain unity, the occurrence of schism (i.e., the actual existence of competing groups) encourages new threats from within, and a past history of change testifies to the effectiveness of the competitive threat and thereby encourages it. Put another way, the fundamental difference between Islam and Christianity is that by never changing or splitting, Islam has proofed itself against division and reform, whereas by changing and splitting all the time, Christianity has ensured that competition and reform are always a possibility.

An implication of the oneness of Islam—of its uncompetitive, unitary structure—is worth stressing: "moderate" Islam—a favorite of Western pundits and media, and of many well-wishing Muslim intellectuals, in opposition to "radical" Islam—is something of a misnomer. There are non-complying Muslims and there are societies and polities whose Islamic character is watered down, but not moderate Islam because there is no reformed Islam: if you look at the doctrine, Islam is one. It is like if Catholicism had never split and were still the only form of Christianity—an appropriate comparison since it is a religion as minutely rule-bound as Islam (though in different domains). Now most Catholics take birth control, many divorce, some undergo abortion, some are gay, and not a few priests engage in sex—all of which is forbidden. However, it is delusional for these people to think of themselves (or, for others to think of them) as "moderate" Catholics rather than just non-complying Catholics: there is no such thing as moderate Catholicism because, doctrinally speaking, Catholicism is one. In both religions, people span the whole spectrum from strict through conservative to liberal in their behavioral choices, but the religion itself is unitary. Instead, moderate are the Protestants, who may rightfully divorce and whose priests may marry. And moderate are the Reform Jews, whose rules are different from the other Jewish groups. That is, for moderation to have a legitimate existence in a religious tradition there has to be either diversity inside or pluralism outside, or both: Islam has neither.

3 Another look at the political dimension of Islam

The previous section has argued the uncompetitive, unitary structure of Islam. This would not matter all that much if Islam were a religion of purely private piety, in which believers for example move out of society and into monasteries to lead a religious life. But of course Islam was never like that. We must now come full circle and go back to its public and political dimension.

We noted at the beginning of the previous section that the commonplace observation of the special association of religion and politics under Islam does not go very deep nor very far. There is a nontrivial grain of truth to it, however, that can be grasped if we step behind church and state and look at the fundamental association between church and individual—that is, the "public" versus "private" character of religious duties and prescriptions in the two religions.

Due to the specifics of its theology, Christianity places the center of a person's religious activity in the attitude of his/her soul and in the participation in church service. Attending church service is not just a good thing for a Christian to do: it is the essence of his/her relationship to God and his commandments. This is regulated in minute detail in the Catholic Church, which stipulates that "there is no salvation outside the Church" and lays down detailed prescriptions for attendance at mass and reception of sacraments. Such prescriptions are loosened to various degrees in the Protestant churches, which play down the role of sacraments and emphasize congregational participation. But in all versions of Christianity there is a conversation between man and God, or man and Christ, which begins in man's heart and ends in the communal gathering of believers—the "church" (*ekklesia*) in

its original meaning. This conversation centers on man's redemption from sin through the agency of divine grace. What happens in the public space outside the church is in a sense secondary. Of course one's behavior must be consistent with church teachings if salvation of the soul is to be hoped for, and in turn good behavior is made so much easier if everyone else is also behaving well—hence the importance of a society ordered by Christian principles and the consequent pressure by the church on governments. If, however, the surrounding society is un-Christian, if the church is disestablished or even persecuted (as it was in the beginning in the Roman Empire, or again during the French Revolution, or under the communist regimes of the twentieth century), it becomes so much more difficult for a Christian to be steadfast but the possibility of salvation is still within reach: the Christian community then becomes a "church of saints" who take shelter in church, make ready to stand trial, and confidently await redemption there, no matter what happens outside. The group and the society are helpful, but Christian salvation is a strictly individual matter.

Not so with Islam. Going to the mosque is very good but attending the Friday prayers at the mosque is not listed among the Five Pillars of Islam. The Muslim does not ask God for personal forgiveness and redemption but for guidance in setting the world aright, since men stray into error if left to their own devices. This the Muslim community must jointly do through *jihad*, or holy war, understood in the broad sense—the struggle with the enemies of the believing community as well as the struggle to purify the community within (Cook 2005).[18]

The difference is most clearly highlighted by the influential American historian of Islam, Marshall Hodgson.[19] In his words, the Christian church is a "redemptive fellowship", which "becomes essentially a special *sacramental society* in contrast to society as a whole (even when statistically the limits of the two are coterminous), set off by its sacred mysteries and dogmas, explicitly at variance with the world" (Marshall 1960, 55). By contrast, in Islam the "community is not a sacramental body set off from a profane world… [It] is ideally a single *homogeneous brotherhood with a common witness* and with a common mission to purify the world, incumbent equally on every believer and at every moment" (ibid., 65; italics in the original). It follows, among other things, that since "every political problem is in principle in the fullest sense a religious question, the source of the earliest and most abiding doctrinal disputes (notably that between the Shiites and Sunnis) has

[18] Akin to *jihad* is the duty known as "commanding right and forbidding wrong", which enjoins ordinary Muslims to confront, rebuke, and if needed, put down anyone found to engage in any wrongdoing in a public space; according to the majority of the scholars, this duty includes recourse to violence and confrontation with unjust rulers—two features that are alien to the comparable doctrines of Judaism and Catholicism. This duty is founded on a principle that each and every Muslim possesses an executive power of the law of God, and it takes no account of differences of social standing. Unsurprisingly, then, "forbidding wrong" was often invoked by Muslim political rebels in history and can still be invoked by Islamic radicals today. See the discussion in Cook (2000, chs. 17, 19).

[19] The essay is here quoted and referenced as it originally appeared in print, by "G.S.H. Marshall". The latter is an otherwise unknown writer, and reading the essay makes one immediately suspect that the real name of the author is the distinguished Marshall G.S. Hodgson. American scholars closer to his time knew it. For example Brown (Brown 1983–1984, 167, 171 n. 20) cites the essay as authored by "M.G.S. Hodgson".

not been the interpretation of subjective experience but the form to be taken by community leadership" (ibid., 66). This is then the answer to the question, asked in the previous section, of why issues of community government have been the exclusive and persistent focus of sectarian divisions in Islam.

So Islam, unlike Christianity, is political in a most fundamental sense: the Muslim community is "a total political society built upon prophetic standards, which is ultimately to be the order of the whole natural world. Every aspect of piety is to be channeled through this total brotherhood" (ibid., 65). Then the last link in our chain of argument is what this political Islam implies for a Muslim citizen and voter at a time of fundamental political change. As the *Shari'a* lies at the heart of any Islamist political program, this brings us back to the Law.

As we have seen, the system of Islamic Law acquired its permanent shape in the tenth century, when the jurists' consensus crystallized around the four orthodox schools; legal judgment was thereafter to be exercised essentially within the framework set down by the schools' great masters and their followers. Even though this doctrine of "imitation" cannot be taken too literally, it is certainly the case that the basic rules of *Shari'a* law have been fixed for many centuries and therefore long since known to everyone.[20] As we have also seen, the differences in substantive law as between the different legal schools, and consequently in its application to current problems through the legal opinions (*fatwas*) issued by the jurists, are minor, and finally, the choice of law allowed individuals to get around whatever differences there were. Hence, a group or political party urging the enactment, or tightening, of *Shari'a* enjoys a twofold advantage over rival, non-Islamic groups. First, it presents its audience with something well known and familiar. For ordinary Muslims, understanding, or indeed following, the Islamist program involves no treading on virgin ground but rather the opposite: going back to precedent and certainty, going back to the roots. It is like for Catholics to choose whether to go back to the former obligation to abstain from meat on Fridays—should some group ever put forward such a proposal: they may or may not like it, but surely they are making a decision under full information. This becomes important in times of political uncertainty, when alignments and loyalties are constantly reshuffled and citizens' aversion to risk becomes a critical factor. Secondly, since the Law is one, the Islamist call is virtually a call to all Islam—the universal community of all Muslims (*ummah*); so there is no need to tailor a political program on the specifics of a given country, people, or situation, which allows the Islamists to enjoy the cost advantages of one-size-fits-all production.

This twofold advantage of an Islamist program—low-cost production, and low-risk, hence low-cost, acceptance—goes some way toward explaining the ascendancy of radical Islamism in recent decades. When in the Middle East and elsewhere the traditional autocracies beholden to the *ulemas* were replaced in the twentieth century by new rulers who relied on alternative, non-religious sources of legitimacy—be they secular, post-colonial dictatorships or competitive secular

[20] There is some historical evidence for this. It seems that in Ottoman Cairo the details of the law, and the technical distinctions between the law schools, were common knowledge, and people were able deliberately to exploit the differences between schools to best advance their interests in any particular legal case (Hallaq 2009, 176 n. 62).

democracies—the Islamic character of the legal system and the society at large was whittled down to near-insignificance. Given the total political nature of the religion discussed above, this was naturally perceived as a terminal threat to the religion itself. The current drive toward the establishment, or re-establishment, of an Islamic theocracy can then be understood as the reaction of radical groups to Islam's perceived failure to hold its ground in the face of this Western-driven corruption and secularization.[21] If so, the twofold advantage of an Islamic program, just discussed, helps to explain how the theocracy goes down well with the public and why it is the natural fallback option for the radicals.

4 A political-economy wrap-up

Political economy focuses on the costs and benefits for individual and groups to engage in political action. Such an approach helps to weave the successive steps of our argument together and suggest an answer to the question asked at the beginning of this paper: what explains the rise of political Islam in the aftermath of the Arab revolutions.

Due to the way Islam spread through the populations subjected to the Arab conquests and the ensuing difficulty of later change, Islam has remained one and basically unchanged to this day. The consequences of this basic fact are twofold: first, it makes it enormously costly for an individual Muslim, unlike an individual Christian, to resist the Islamists' call—as opposed to turning a deaf ear to it—challenge the religious authorities, and risk expulsion; second, it makes it enormously appealing for an Islamist group, unlike a Christian political group, to engage in politics because if it succeeds, it will take over not a section of society but the whole of it—in principle, the universal Muslim community. Furthermore, for an Islamist group, unlike a Christian group, the political use of religion is not an "add-on" but an appeal to the very essence of the religion, which provides a blueprint for how a Muslim society should be rightfully ordered: a relatively easy task since the political platform is already there. Hence the enormous attraction of Islamic discourse as a cloak to put on whatever short-term goal a political group may seek in a given situation of a given country, and symmetrically, the great difficulty for any opposing political group to explicitly reject the Islamic cloak. Finally, since the heart of an Islamic program—the *Shari'a*—crystallized more than a 1000 years ago and has undergone little change since, an Islamist platform offers its target audience a strong insurance against political risk: the Islamist way asks followers not to tread

[21] See Ferrero (2005) for a general model of Islamic extremism as a rational response to failure. More specifically, Ferrero (2013) offers a model of theocracy (defined as a religion's taking over the state) in which theocracy is found to be the optimal choice of government form for a religion faced with a threat to its survival, when this threat is perceived as deadly but not too likely; the model is then applied to contemporary cross-country data on Muslim-majority countries. In a different approach, Coşgel and Miceli (2013) model theocracy as the merger of religious and political authorities in government (regardless of who takes over whom) and find that theocracy is most likely when the religion is monotheistic, when it achieves monopoly in the religion market, and when it confers legitimacy on the state—which, unsurprisingly, perfectly fits the Sunni Muslim group in their total sample of contemporary societies.

on uncharted territory but to follow established, hallowed tradition. In this way, somewhat paradoxically, the persistent lack of change and inflexibility of an Islamic program can be turned from a liability into a political asset.[22] By contrast, an explicitly Christian political program today, much like its secular counterparts, would have to address unprecedented issues, would have no ready-made blueprint to rely on, and consequently would have to break new, risky ground. Small wonder then that in the political vacuum left by the collapse of authoritarian, modernizing regimes, Christian politics stands little chance whereas the rise of Islamist politics is difficult to stem.

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[22] Of course, if the Islamists have their way, sooner or later the drawbacks of a government program that is 1000 years old will become apparent and its costs may begin to offset the benefits in the supporters' balance sheet, but such a day of reckoning may be a long way off, giving the Islamists more steam to carry on and time to find a way out of their problem. At the time of this writing, such developments are difficult to predict.

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