Separation of Powers and the Medieval Roots of Institutional Divergence between Europe and the Islamic Middle East

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Abstract

An influential literature sees the roots of sustained economic growth in Europe's unique institutional framework. In this article, I combine historical evidence with insights from my ongoing research to propose a conceptual framework to better understand the emergence of Europe's peculiar institutional nexus. I suggest that a succession of shocks following the collapse of the Western Roman Empire led to a gradual separation of powers between a landed aristocracy, the clergy and the sovereign in Europe. This separation of powers, in turn, provided a political environment that was uniquely conducive to growth-enhancing institutional innovation. In the Middle East, rulers did not experience the same succession of shocks and were able to prevent a European-style separation of powers through the use of slave armies.

1. Introduction

An influential literature sees the roots of sustained economic growth in Europe's unique institutional framework. The events and the factors contributing to the emergence of these institutions, however, remain a topic of scholarly disagreement.

In this article, I contribute to this debate by combining historical evidence with insights from my ongoing research (Blaydes and Chaney 2011, Chaney 2011). I propose a historical narrative and a conceptual framework to better understand the emergence of Europe's peculiar institutional nexus (which included parliaments, city states, juries, impersonal exchange…) through comparison with the institutional equilibrium in the Islamic Middle East before the rise of the Ottoman Empire (i.e. I center my attention on the period between the 9th and 15th centuries CE). [2]

I suggest that the existence of a monotheistic clergy together with a succession of shocks following the collapse of the Western Roman Empire (476 CE) led to a gradual separation of powers between a landed aristocracy, the Church and the sovereign in Europe. This separation of

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[2] Throughout the article I use Europe as shorthand for Western Europe, or Christian Europe west of the Elbe and the Middle East as the Arab World, the Iberian Peninsula, Sicily and Turkey as long as they were under the rule of Islamic dynasties. For the economic importance of Western European institutional arrangements see among a large literature North and Weingast (1989), DeLong and Sheifer (1993) and Acemoglu and Robinson (2005).

powers, in turn, provided a political environment that was uniquely conducive to growth-enhancing institutional innovation.

In the Middle East, rulers did not experience the same succession of shocks and were able to prevent a European-style separation of powers by importing slave armies (mamluks) to avoid the emergence of a landed aristocracy. Religious leaders maintained a monopoly over popular coordination networks while the sovereign retained control over military force. In this equilibrium, military leaders allowed religious elites to both devise and control civil institutions in return for control over the allocation of the economic surplus. Institutions were consequently tailored to jointly maximize the rents of the sovereign and the religious elites. The sources of the political power of these elites led to institutional developments that had negative long-run economic impacts.

By arguing that competition within states between politically powerful groups facilitated institutional change, the analysis in this article complements recent studies highlighting the salutary effects of such separation of powers (e.g. Persson et al. 1997). In addition, the analysis complements research suggesting the importance of competition between European states in facilitating economic progress (e.g. Mokyr 2002, p. 276).

Finally, it is important to stress that I view this analysis as complementary to other studies of the rise of the West. Many areas that initially experienced a separation of powers seem to have eventually reverted to a less dynamic equilibrium. Here evidence suggesting that the Atlantic discoveries positively affected the evolution of some Western European entities (Acemoglu and Robinson 2005) while negatively affecting others (Drelichman and Voth 2008) is fundamental to understanding why the sovereign-constraining institutions of the Middle Ages survived to a greater extent in some areas than in others.

2. Institutional Divergence: Europe and the Middle East

Scholars generally agree that while in the year 1000 CE the Middle East was economically more advanced than Europe, by the 17th century CE the opposite was true (e.g. Issawi 1980). One influential line of scholarship views the roots of this reversal of fortune in a flurry of institutional changes that occurred in medieval Europe. In a series of publications, Avner Greif has highlighted the economic importance of the emergence of European institutions supporting impersonal exchange (see Greif 2006 and the references therein). DeLong and Shleifer (1993) and more recently van Zanden et al. (2011) have stressed the importance of sovereign-constraining institutions. Other authors have also highlighted important changes in other institutional arenas (e.g. van Zanden 2008). Regardless of which institutions were "pivotal" in stimulating European growth, there is a broad consensus that the Middle East did not develop a similar growth-enhancing institutional framework (e.g. Pamuk 2004, 2007; Kuran 2011).

Although these studies have provided important additions to our understanding of the institutional advantages that Europe developed from an early date, the events that led to the

development of these institutions remain a topic of scholarly disagreement. In this paper, I provide a historical narrative and a conceptual framework to better understand this institutional divergence. To do so, I follow the approach of Acemoglu and Robinson (2008) and concentrate on the actions and constraints faced by groups with political power in both Europe and the Middle East to interpret both the historical evidence and recent empirical evidence (in Blaydes and Chaney 2011). I focus on three groups that wielded substantial political power in Europe and/or the Middle East: the sovereign, the military and religious leaders.

3. *The "Classical" Equilibrium in Europe and the Middle East*

The institutional equilibrium in Europe prior to the year 800 CE had many similarities with that in the Middle East prior to the Ottoman period. Both regions had an influential monotheistic clergy and a sovereign who had a monopoly over coercive force.

In Europe, this institutional framework arose after the conversion of the Emperor Constantine to Christianity in 312 CE. Following his conversion, the emperor became head of the Church, retaining the authority to appoint bishops and other high-ranking ecclesiastical authorities. Importantly, the first Christian emperor seems to have noted the unique ability of monotheism to harness popular support. Scholars have found support for this insight, noting that the emergence of monotheism gave those in positions of religious authority "tremendous power."[3]

Although the emergence of monotheism gave religious leaders increased political power (when compared to their pagan predecessors), the Emperor retained control over military forces leading to a "caesaropapist" equilibrium. In this equilibrium, the emperor appointed high-ranking religious officials and satisfied their demands to the extent necessary to prevent rebellion (Drake 2007, p. 414).

Religious leaders used their political power to exercise control over urban institutions and to mold these to serve their interests. In the later Roman Empire, for example, bishops came to dominate urban institutions and became "spokesman of their cities […a]s the cities were increasingly Christianized, the roles of the highest representative of the Christian community and of prominent civic life fell into one." Many of these bishops used their positions to increase their wealth (Rapp 2005, pp. 7, 211-219, 289).

As the political power of religious leaders grew, their economic power seems to have also extended to the countryside. Many individuals entrusted land to religious leaders in order to protect their holdings from confiscation or partition between heirs. In general terms, individuals

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[3] The historical evidence suggests that this power came, in part, from the ability of religious leaders to rouse the populace to revolt (Drake 2007, pp. 406, 412, 414).

appear to have given the right of ownership over land to religious leaders in return for control over a part of the proceeds (such as a share of the agricultural production) for the donor and his heirs. The political power of religious leaders meant that "by placing an estate under the spiritual patronage of a saint a donor might put it beyond the reach of political opponents or acquisitive kinsmen […] there was now no question of its partition between heirs, or expropriation by enemies." Religious leaders seem to have enjoyed substantial incomes from these land holdings. One estimate suggests that as much of 50% of all land was held in such a manner in early medieval France (Innes 2000, pp. 41-42).

In the Islamic Middle East, a similar equilibrium emerged a few centuries after the Islamic conquests. Political leaders enjoyed a monopoly over military support. Monotheistic religious leaders used their control over popular coordination networks to extract concessions from military elites (Lapidus 1984, pp. 190-191; Chaney 2011). Like Europe, religious leaders emerged as spokesman for their cities (Bulliet 1972, Lapidus 1984). These religious leaders also influenced the development of urban institutions and derived income from their role as protectors of property (Amin 1980, Kuran 2001).

4. *Military Shocks and the Separation of Powers in Europe*

Although historians generally consider the end of the Western Roman Empire in 476 CE little more than a formality, there is widespread agreement that the Germanic invasions of the 5th century CE marked the start of a series of military shocks that greatly altered the "classical" political equilibrium in Europe. Marc Bloch (1961, p. xviii), for example, notes that "two far-ranging movements of peoples […] destroyed this equilibrium […t]he first of these was the Germanic invasions [of the 5th century CE]; the second, the Moslem conquests [of the 7th and 8th centuries CE]."

Scholars have stressed the importance of these and other shocks in generating the Carolingian institutional equilibrium in which military leaders gradually gained autonomy at the expense of the sovereign (Pirenne 1980 [1939]; Ullman 1969, p. 111). This historical narrative stresses that these military shocks weakened both the financial and military position of the sovereign. This initially led the sovereign to remunerate his military forces with land grants. The long-lived nature of these shocks, however, meant that military forces increasingly became independent of central authority and eventually emerged as an independent interest group. The emergence of this group led to a uniquely European separation of powers between the aristocracy, the clergy and the sovereign. [4] In this narrative, the sovereign would have liked to avoid the emergence of a landed aristocracy. He was prevented from doing so, however, by the succession of military shocks following the collapse of the Western Roman Empire.

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[4] This process seems to have culminated in a flurry of political changes that occurred in the late 10th and early 11th centuries CE when the Carolingian Empire fractured into castellanies (see Bisson 1994 for a detailed discussion).

Preliminary results in Blaydes and Chaney (2011) provide empirical support for this historical narrative. They use the ruler durations of over 3000 rulers in Europe and the Middle East to show that by the 12th century CE rulers in Europe remained in power longer than their Middle Eastern counterparts. In addition, they provide evidence that this increase in political stability is linked to increased constraints on the sovereign. Perhaps somewhat paradoxically their results suggest that greater constraints on the sovereign facilitated longer reigns and greater political stability. Blaydes and Chaney (2011) also use trend break algorithms to locate the root of this political divergence somewhere between the 8th and 9th centuries. These centuries correspond to the period in which some scholars have suggested the military began to emerge as an independent interest group (Pirenne 1980 [1939]; Ullmann 1969, pp. 111-134).

5. *Institutional Effects of the Separation of Powers*

Evidence suggests that institutional changes in medieval Europe were linked to this separation of powers. In a recent article, van Zanden (n.d., p. 30) notes that this fracturing of power may have played an important role in facilitating medieval institutional innovation. He notes that the "power vacuum […] left a lot of room for experimentation […which] may help to explain why this sudden `wave of institutional gadgets' so characteristic of Western Europe between 950 and 1300 occurred."

The historical record is consistent with such claims. This evidence suggests that the emergence of a landed aristocracy with an independent power base led to competition and at times open conflict between members of the clergy, the aristocracy and the sovereign. This fracturing of power allowed institutional innovators to leverage one group against another in order to accomplish their designs.

The evolution of urban institutions in Europe provides a striking illustration of this process. Following the collapse of the Western Roman Empire, these cities were predominantly controlled by ecclesiastical authorities (Pirenne 1946 [1925], pp. 60-69). As the sovereign lost control over the landed military, however, merchant elites seem to have used the conflicting interests of the nobility, the clergy and the sovereign to obtain greater independence.

Henri Pirenne (1946 [1925]), a renowned Belgian historian, describes how merchants (burghers) were able to leverage conflicts between the nobility, the sovereign and the church to their advantage. In one passage Pirenne clearly lays out how the conflicting interests of the bishops, the nobility and the sovereign created the political space for the emergence of autonomous urban institutions. He notes that bishops:

> had to defend their government against the demands of their subjects and endeavor to keep them under an authoritative, patriarchial regimen […] they [the bishops] feared, with good reason, the difficulties which would be caused them by the autonomy of the burghers in whose midst they lived […] Out of this came misunderstandings, clashes and soon an open hostility […] It is certain that the nobles took part in the agitation, for it

gave them the opportunity to shake off episcopal suzerainty, and made common cause with the burghers […] The clear interest of the monarchy was to support the [burghers]. Naturally help was given whenever it was possible to do so [… since the burghers] who in arising against their lords fought, to all intents and purposes, in the interests of royal prerogatives (Pirenne 1946 [1925], pp. 173-180).

Pirenne suggests that the conflicting interests of the clergy, nobility and the sovereign aided merchants in their quest for greater independence. Although the exact alliances between these groups varied, the evidence suggests that the ability of merchants to ally, for example, with the sovereign (or the local aristocracy) against the bishop of their town proved key to the emergence of autonomous urban institutions (see Pirenne 1946 [1925] chapter 7 for examples and a more detailed discussion).

Since the merchant classes led the quest for urban independence they molded urban institutions to serve their interests (Pirenne 1946 [1925], pp. 169-171). The abnormal levels of political power these merchants enjoyed due to the separation of powers described above provides a plausible explanation for why scholars have found medieval urban institutions to be abnormally beneficial to the long-run development of trade. These trade-friendly institutions benefitted the merchant classes who wielded political power and shaped the urban institutional framework.

In addition to facilitating the greater autonomy of European cities, Harold Berman has noted the salutary effects of the separation of powers on the legal system. Berman (1983, p. 10) sees the existence of various jurisdictions in the areas controlled by the nobility, cities, clergy as providing "a source of freedom. A serf might run to the town court for protection against his master. A vassal might run to the king's court for protection against his lord. A cleric might run to the ecclesiastical court for protection against the king." By encouraging such competition between jurisdictions, it seems plausible that the separation of powers aided in the development of a more equitable legal system.

The historical evidence also suggests that the separation of powers facilitated the gradual emergence of the Catholic Church as an independent institution with a corporate structure. As noted above, prior to the emergence of a landed aristocracy, religious leaders were appointed and dismissed by political leaders. In this "classical" framework the pope was little more than another prestigious bishop with little control over what occurred outside of Rome (Tellenbach 1993, pp. 70, 304-305). The rise of the landed nobility, however, created both new challenges and new opportunities for ecclesiastical elites. On the one hand the weakening of the sovereign often deprived these ecclesiastical elites of their most important historical source of protection. On the other, the rise of a landed aristocracy gave ecclesiastical elites a new potential ally. Historical evidence suggests that both the loss of the ability of the sovereign to protect religious leaders and the ability of the clergy to form alliances with the aristocracy played an important

role in the emergence of a hierarchical and corporate institutional structure centered on the pope (Tellenbach 1993, pp. 223, 224, 230).

European parliaments may have also been rooted in the separation of powers between the sovereign, the landed aristocracy and ecclesiastical elites. Otto Hintze, a distinguished scholar of European parliaments, stresses the importance of the existence of the Catholic Church in addition to a landed aristocracy in the emergence of medieval parliaments. He noted that the rise of parliaments could only happen "after the Church […] had freed itself from patrimonial and feudal dependency on the protective secular power" (Hintze 1975, p. 317). Similarly, Tierney (1973, p. 133) suggests that the rise of parliaments can in part be attributed to the existence of "two structures of government, ecclesiastical and secular, intricately interlinked but dedicated ultimately to different ends, often in conflict with one another, each constantly limiting each other's power."

Although the exact process by which the separation of powers led to the emergence of parliaments remains an area for future research, it seems plausible that parliaments emerged -at least in part- as a forum for bargaining between groups (sovereign, clergy, landed aristocracy and cities) that had conflicting interests. This point is stressed in Graves (2001, pp. 25-26 emphasis added). He notes that when:

> medieval kings required advice and assistance, it was natural to turn to the **first estate of clergy** and the **second, noble, estate**. These were the men who wielded great local authority […] It was also expedient to enlarge assemblies by the inclusion of the **third estate, consisting usually of rich cities and towns**, or at least representatives of them, because they provided an important and growing source of tax revenue.

Prior to the separation of powers, no formal bargaining forum was needed because the clergy and the sovereign (who stood at the head of a dependent military) could reach agreements privately.

6. *Slave Armies: Circumventing the Separation of Powers in the Middle East*

In the Middle East, no separation of powers occurred. Instead, rulers used slave armies (mamluks) to prevent the emergence of a landed aristocracy and a European-style separation of powers (for an overview these slave armies see Crone 1999). As a consequence, the Middle East remained in the "classical" equilibrium and the sovereign continued to ally with religious leaders. Together, these two groups worked to block institutional innovations that would have been detrimental to their interests.

The widespread use of slave armies across the Islamic world has long puzzled historians. Daniel Pipes, for example, notes that despite the fact that the use of slave armies "had no religious, legal, or institutional tie to Islam" the use of such slave armies was "widespread" and was largely "absent outside Islamdom" (Pipes 1981, p. xv). Comparison with the European equilibrium described above suggests that rulers in the Islamic world may have developed slave

armies in order to circumvent the emergence of an independent landed aristocracy and the concomitant European-like restraint on the sovereign's power (Blaydes and Chaney 2011).

Existing scholarship is consistent with this explanation for the rise of slave armies across the Islamic world. Patricia Crone (2005, p. 88) –a prominent scholar of Islamic history- views the emergence of slave armies under al-Mu'tasim (reigned 833-842 CE) as an attempt to "repair the foundations of his power […] by building up a retinue of freed slaves, mostly of Turkish origin, with which he hoped to make himself independent of other wielders of power, whether military […] or civilian (such as the [religious leaders])." M.A. Cook (1976, p.7) similarly notes that slaves armies developed in the 9th century "in response to the failure of Islamic society to domesticate the category of aristocracy."

Crone (1999, p. 326) provides an explanation for why European rulers did not follow the path of the Islamic world that is consistent with the explanation provided for the emergence of a landed aristocracy in Europe in section 3. Crone argues that although European sovereigns (e.g. Charlemagne) would have like to have avoided the emergence of a landed aristocracy, the series of military and financial shocks described above prevented them from doing so. This narrative is also consistent with empirical evidence presented in Blaydes and Chaney (2011), suggesting that while constraints on the sovereign gradually increased across Europe from the 9th through the 15th centuries, constraints on the sovereign in the Islamic world remained roughly constant.

I have argued that rulers in the Islamic world developed a system of slave armies to avoid a European-like separation of powers. Although this explanation is consistent with the historical evidence, it should be stressed that other monotheistic world civilizations (such as Byzantium) seem to have avoided the emergence of a landed aristocracy and a separation of powers without the use of slave soldiers. Consequently, while the use of slave soldiers was a sufficient measure to avoid the emergence of a landed aristocracy it does not seem to have been necessary.[5]

7. *Institutional Effects of Slave Armies in the Middle East*

The use of slave armies circumvented the emergence of a landed aristocracy and a European-like separation of powers in the Middle East. The historical evidence suggests that this facilitated the persistence of the "classical" institutional framework.

As noted above, the sovereign and his mamluks (slave armies) largely seem to have left the development of the institutions that regulated the day to day workings of society to members of the religious elites (ulama).[6] The highest ranking of these religious leaders were appointed by military rulers, and seem to have used their popular influence to constrain military leaders (although their ability to do so seems to have varied, see Chaney 2011). Religious leaders used

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[5] It should be noted, however, that the use of such slaves seems to have addressed classical principal-agent issues between the sovereign and the military (see Acemoglu et al. 2010 for a discussion of these issues).
[6] See, for example, Lapidus (1984, pp. 113-115)

this (popularly derived) political influence to develop an institutional framework that served their interests.

The lack of a separation of powers meant that both sovereigns and religious leaders found it beneficial to resist institutional innovations. Ira Lapidus, a prominent historian of medieval Egypt, provides a clear description of how the military and religious leader worked together to discourage the emergence of worker associations that could have facilitated institutional changes such as those that occurred in Europe. He notes that in medieval Egypt both military and religious leaders:

> were strongly opposed to independent associations of artisans and workmen, and strongly inclined to suppress such tendencies if any existed […] any association […was] capable of being turned to political action and resistance in the interests of its members. It was a natural tendency of [the military] to inhibit the development [of such associations…] The [religious leaders] were [also] opposed to [such] associations [… since they] were also likely to create implicit opposition to [the] teaching and authority [of religious leaders] (Lapidus 1984, pp. 103-104)

Lapidus' analysis suggests that religious and military leaders resisted the emergence of corporate organizations and worker associations because these would have threatened the sources of their rents.

The historical evolution of European institutional outlined above suggests the relevance of this analysis. As noted above, European bishops appear to have resisted the emergence of independent cities and other organizations but were unable to secure support from a sovereign who was financially and militarily weakened. Instead, both the sovereign and religious leaders seem to have often allied with the landed aristocracy and/or the merchant classes against each another. In the Middle East, merchants could only appeal to religious elites or the sovereign. Neither of these groups had an incentive to support changes to the status quo.

This narrative is consistent with a body of scholarship by Timur Kuran (2011) arguing that the persistence of many of the institutions supported by Islamic law ultimately dampened economic growth. He and other authors have noted that many of the equilibrium institutions in the Middle East served the interests of religious leaders (e.g. Amin 1980, p. 367; Kuran 2011, p. 130). This suggests that these institutions were slow to change because the religious leaders who had vested interests in the perpetuation of these arrangements wielded political power.

The organization of the legal system in the Middle East is also consistent with this conceptual framework. This legal system was divided into two branches i. the Shari'a (which was administered by religious leaders) and ii. what were often know as the *mazalim* courts (which were administered by the military). Although it seems that individuals could in theory appeal the rulings of the Shari'a courts to the *mazalim* courts, it appears that there was a large

degree of collusion between the two (Nielsen 1985, p. 138). This coordination of judicial decisions seems to have been facilitated by the limited number of politically powerful groups.

Finally, the lack of a separation of powers also provides insights into ecclesiastical organization in the Middle East as well as into to the lack of the emergence of Middle Eastern parliaments. Since religious leaders did not have the ability to form alliances with members of the landed aristocracy there was little scope for the emergence of an independent and corporate ecclesiastical structure as occurred in Europe. Similarly, the existence of only two bargaining groups made collusion between these groups relatively straightforward and obviated the need for parliamentary institutions.

In sum, the absence of a landed aristocracy and the concomitant lack of separation of powers in the Islamic world seem to have played an important role in perpetuating the "classical" institutional framework of the Middle East. The European experience suggests that had the Middle East witnessed the rise of a landed aristocracy, a separation of powers would have ensued. This separation, in turn, would have facilitated the emergence of European-style growth-enhancing institutions.

8. *Conclusion*

I have used historical evidence and insights from my ongoing research to argue that the emergence of a landed aristocracy across Western Europe played an important role in generating a political environment conducive to institutional innovation. The rise of this interest group led to a separation of powers between the aristocracy, the sovereign and a politically influential monotheistic clergy. Competition between these groups weakened the ability of any one group to resist institutional innovations.

In the Middle East, rulers circumvented the rise of a landed aristocracy –and the concomitant separation of powers- through the use of slave armies. Consequently, the Middle East remained in the "classical equilibrium" in which religious leaders retained a monopoly over popular coordination networks and the sovereign monopolized military force. The sources of political power of these groups led to the development and subsequent perpetuation of an institutional framework that seems to have led to long-term economic stagnation.

The analysis suggests the importance of the emergence of a plurality of political powerful elites with conflicting interests in generating medieval Europe's unique institutional framework. Further understanding of this process is likely to increase our understanding of the emergence of the medieval European institutions that many believe to lie at the root of the European economic miracle.

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