

EXHIBIT 11

Citation 10:

The Politics of Fundamentalism in Bangladesh

In Bangladesh, the rise of fundamentalism is connected to a history of military dictatorships and fragile democracies, as well as extreme dependence on economic aid. Autocratic regimes have used Islam as a legitimating ideology. Similarly, democratically elected governments have asserted the need to uphold religion and religious values and sentiments (not only for populist reasons, but also to visibly demonstrate the maintenance of the status quo of the social order), and have thus facilitated the growth of fundamentalist politics.

The rise of fundamentalism has accompanied the gradual Islamization of the State. The creation of Bangladesh was a nail in the coffin of the theory of religious nationalism. The Constitution firmly established secularism as a Fundamental Principle of State Policy. Over the years, however, a series of constitutional amendments by two successive military governments resulted in the removal of the principle of secularism. The principle, for example, has been replaced by a clause enunciating "trust and faith in almighty Allah," and by the establishment of Islam as the State Religion. State policies, such as the provision of government funding for madrassah (religious schools for Muslims), the training of imams, and the patronage extended to governmental institutions such as the Islamic Foundation, have facilitated the ability of fundamentalists to operate.

The fundamentalists' invocation of the cry "Islam in danger" to further their own political ends is a familiar one. The Jamaat-e-Islami, a leading Islamic political party, which calls for an Islamic state and the introduction of Islamic law, in particular, has raised this banner repeatedly throughout the country's history. It did so viciously in 1971, during Bangladesh's war of independence, when leading members of the party collaborated with the Pakistani Army and allegedly led paramilitary groups that perpetrated mass killings, rapes, and other atrocities.

Unable to make any significant headway through a democratic process, the Jamaat-e-Islami have played the religious card in order to enter the political arena. They have been particularly successful in doing so in periods of dictatorship. Banned from organizing immediately after the independence war, the Jamaat, together with other religious extremist parties, were able to recommence their activities after a military coup.

44 Am. U.L. Rev. 1319, 1338-1339 (footnotes omitted).

Citation 20:

In the 1990s, the Nuba people of central Sudan began to suffer the brunt of the government's war of extermination against indigenous peoples. There were one to two million Nuba people living in Sudan in 1989. The Sudanese government

"formally declared a Holy War (Jihad) in the Nuba Mountains" in 1992. It launched a campaign of "wholesale murder, abduction, rape, family separation, forced religious conversion, and the forced relocation of tens of thousands of Nuba" residents, which one non-governmental organization (NGO) summarized as an attempt by "the Khartoum government . . . to extirpate the Nuba peoples themselves." In order to "Arabize[]" Sudan, the al-Bashir regime pursued "a ten-year campaign of forced Islamization, pillage, rape, and murder against the people of the Nuba mountains in central Sudan, where allies of the regime covet scarce arable land" Pro-government militias destroyed crops, farmlands, and shops, triggering widespread famine. A Nuba leader working with the SPLA declared that "ethnic cleansing" was replacing the Nuba people with Arabs.

25 Ariz. J. Int'l & Comp. Law 1, 11-12 (footnotes omitted).

Citation 30:

In this segment, I explore the views of the evangelizer and the processes of evangelization in Black Africa and raise some of the human rights issues implied by their penetration of the continent. I attempt to highlight the tension between proselytization, coupled with force and power, and respect for difference and cultural identity. Islam was introduced to Africa through military conquest by the Arabs. Thereafter, the processes of Arabization (in North Africa and the Nile Delta) and Islamization (in East and West Africa) proceeded simultaneously through force, the slave trade, and general commerce.

5 Buff. Hum. Rts. L. Rev. 75, 86.

Citation 40:

A significant number of the world's population are subject to torture, starvation, terrorism, humiliation, mutilation, and even murder simply because they are female. Crimes such as these against any other group would be recognized as a civil and political emergency, as well as a gross violation of the victim's humanity. Yet considering the seriousness of the situation, it is often felt that these abuses receive far less publicity and international attention than they demand. From its conception in the aftermath of the Second World War, the United Nations has attempted to highlight some of the problems faced by women. The institutions set up to tackle these problems have tended on the whole to be limited in their scope and have not managed to break down the many factors which still cause women to be treated as second class citizens, with limited rights and opportunities. Thus with the passing of the United Nations Declaration for Women in 1967, it was to be hoped that the attention of the international political arena was finally addressing all the problems faced by women and not simply the occasional highlighted problem that had come to the attention of the international community.

The Declaration triggered a chain of events causing the evolution of the Convention for the Elimination of All Forms of Discrimination Against Women,

which was drafted and submitted to the General Assembly of the United Nations 1979. The Women's Convention, which has been described as the "definitive international legal instrument requiring respect for the observance of the human rights of women", quickly entered into force and by the end of 1993 had over 130 ratifications -- even more than either of the two main United Nations Human Rights treaties. The majority of states who ratified the Women's Convention were already party to the two main United Nations Human Rights Treaties. Of those who ratified the Women's Convention, however, a proportionally small number came from countries which can be classified as Islamic states. Furthermore, those Islamic states that have signed the Convention have entered wide ranging reservations regarding some of the major substantive provisions in the treaty, using Shari'ah as a basis for justifying the continued subjection of women.

Because of the resurgence of Islamic movements, the position of women living under Islamic laws has become of increasing importance in recent years. Although it is commonly thought that the rise of Islamic "fundamentalism" began to encroach on the international arena after the "Islamic Revolution" in Iran in 1979, it can also be argued that the outbreak of the Arab-Israeli Wars (particularly after 1967), has led Muslim communities throughout the world to once again become highly aware of their religious identity. In recent years this "re-awakening" of religious identity has led to a surge in the "Islamisation" of domestic laws in countries such as Iran, Egypt, Sudan, Malaysia and Pakistan, and a corresponding decline in the fortunes of women living under these regimes.

2 Buff. Jour. Int'l L. 1, 1-3 (footnotes omitted).

Citation 50:

This treatment of women under state laws is designed to make them submissive and obedient. The violence inflicted by husbands, religious men in the streets and Shari'ate jurists is designed to keep women in their subordinate place, obedient and dependent. Indeed, the success of Islamization throughout the Muslim world has primarily been measured in terms of either the repeal of laws that granted women more rights or the codification of fundamentalist interpretation of Shari'ah personal status and family laws that support the institution of the patriarchal family.

35 Colum. J. Transnat'l L. 271, 316 (footnotes omitted).

In general, husbands may divorce their wives at will and without court order (the right of talaq). Talaq is the unilateral declaration of a husband divorcing and repudiating his wife and can be performed by word of mouth or in writing. It is legally binding. For statutory enactment of talaq, *see, e.g.*, Syria art. 87/2, Morocco art. 44, Jordan art. 87, Iraq art. 34, and Kuwait art. 104; Sudan Personal Law for Muslims Act of 1991 Other Muslim states incorporate Shari'ah law with its provisions of talaq. Fundamentalists have interpreted these to allow the husband to make an unwitnessed declaration of repudiation, with no evidence that

he has repudiated other than his own word. If the woman divorced by unwitnessed repudiation now remarries, her ex-husband, either for revenge or financial reasons, may later deny he pronounced talaq, at which point the woman can be tried for adultery (with the new husband) for which she risks being stoned to death. For example, in Pakistan, the state allows the ex-husband to retain control over his ex-wife by granting him the sole responsibility of filing a divorce notice of talaq with the state. In a case where the husband had pronounced talaq, failed - allegedly purposefully - to file the divorce notice, and subsequently notified the police of his wife's remarriage, the court found the ex-wife and her new husband guilty of adultery and fornication and ordered them flogged and imprisoned for 7 years. *See Shera v. State*, P.L.D. 1982 F.S.C. 229 (1982); *see generally* Mark C. Hulbert, *Islamization of the Law in Pakistan: Developments in Criminal Law and the Regulation of Banking* (unpublished paper on file with author).

35 Colum. J. Transnat'l L. 271, 377, n. 191 (internal citations omitted).

Citation 60:

Abdullahi An-Na'im, *The Rights of Women and International Law in the Muslim Context*, 9 Whittier L. Rev. 491, 501 (1987). An-Na'im discusses the impact secularization has had on the rights of women in Islamic societies. *Id.* at 498-500. He notes the resultant growth in Islamization groups working to bring back the Shari'a as the public and private law.

25 Cumb. L. Rev. 651, 714, n. 196.

An-Na'im believes that Islamization movements are growing because due to Islam's power, "the forces of Islamization were merely suppressed and never neutralized or assimilated in the secularization processes of the liberal age."

25 Cumb. L. Rev. 651, 714, n. 198 (internal citations omitted).

Citation 70:

Nigeria is a federal republic of thirty-six states and one territory; however, it is primarily divided into the North and the South. Islam is predominant in many of the northern states. Since the end of military rule in 1999, Muslims in the north have exercised their new freedom and have insisted on Islamic law, embodied by Shari'a courts. "The people believed that with Shariah [sic], everyone would be good, there would be plenty to eat and everyone would be his brother's keeper." The Shari'a code has since been instituted regionally and, although the constitution provides for certain Shari'a courts, the strict Islamic law is in conflict with the goals of the secular federal government. Neither Shari'a nor civilian rule has pacified the corruption and poverty in Nigeria.

Twelve northern states have enacted Shari'a penal codes and have reintroduced Islamic criminal law. As noted before, the federal constitution provides for the institution of a Shari'a court of appeal in each state. *The Islamization of the legal*

system in the North has brought the institution of Shari'a courts - upper and higher - and adjudication according to the Shari'a code. The laws making up the code are borrowed from the Maliki school of jurisprudence within the Muslim faith. The code contains provisions on the Qur'anic offenses (hudd), the law of homicide and hurt, and prescribes corporal punishment as penalties for certain other offenses. The hudd offenses are theft (sariqa), unlawful sexual intercourse (zina), robbery (hiraba), drinking alcohol (shurb al-khamr), and false accusation of unlawful sexual intercourse (qadhf). A person accused of committing one of the Qur'anic offenses is presumed guilty until proven innocent. These offenses are punishable by a myriad of fixed sentences including amputation, death-by-stoning, crucifixion, or lashes.

Similar Islamic penal codes explicitly prescribe how the punishment of stoning should be carried out. For example, the Islamic Penal Code of Iran describes a stoning as the "intentional infliction of grievous pain leading to death." With respect to the penalty of stoning for adultery, the Islamic Penal Code states: "The stones should not be too large so that the person dies on being hit by one or two of them; they should not be so small either that it could not be defined as stones."

17 Emory Int'l L. Rev. 1203, 1211-1213 (footnotes omitted).

Citation 80:

Spaulding argues in his magisterial *The Heroic Age in Sinnar* that the processes of Arabisation/Arabicisation/Islamisation -- and the interaction between the three processes -- are the product of the seventeenth and eighteenth centuries, dominated by urban centres along or near the Nile, Khandaq, Dongola, Shendi, Arbaji, al-Masallamiyya, and alUbayyid, where a combination of trader and holy man laid the foundations of northern Sudanese culture and a very specific northern Sudanese Arab identity. He calls these centres "enclaves," where Islamic norms, law, language, and seclusion of women prevailed.

30 Fletcher F. World Aff. 27, 31-32.

Citation 90:

Islamic Law or Shari'ah is the general source of ethical, religious, and legal principles for Muslims. Shari'ah literally means "the path to follow." The "Shari'ah does not recognize the separation of 'Church' and state as is largely advocated in the West, it imposes on every aspect of a Muslim's life." In 1979, under the martial law government of President Zia ul-Haq, five new laws derived from Shari'ah were introduced and adopted as a part of "Islamization." These laws, known as Hudood Ordinances, as passed are fundamentally religious in nature. The Hudood Ordinances apply to all Pakistanis, regardless of their religion, and override all other laws.

12 Geo. Immigr. L.J. 379 (footnotes omitted).

Citation 100:

Mir-Hosseini, *supra* note 9, at 145-46, 151; HOMA HOODFAR, THE WOMEN'S MOVEMENT IN IRAN: WOMEN AT THE CROSSROADS OF SECULARIZATION AND ISLAMIZATION 13 (Women Living Under Muslim Laws, The Women's Movement Series No. 1, 1999).

28 Harv. J.L. & Gender 85, 142, n. 12.

See, e.g., Interview by Azadeh Kian-Thiebaut with Shirin Ebadi, Paris, Fr. (Mar. 1995), quoted in Azadeh Kian-Thiebaut, From Islamization to the Individualization of Women in Post-Revolutionary Iran, in WOMEN, RELIGION AND CULTURE IN IRAN 127, 133-34 (Sarah Ansari & Vanessa Martin eds., 2002). Ebadi, the 2003 Nobel Peace Prize laureate, and other women judges were removed from their judicial positions shortly after the Revolution. *Id.*; Interview with Nobel Laureate Shirin Ebadi, IRIN News (Oct. 21, 2003), available at http://www.irinnews.org/report.asp?ReportID=37340&SelectRegion=Central_Asia&SelectCountry=IRAN (last visited Nov. 9, 2004).

28 Harv. J.L. & Gender 85, 142, n. 20.

Citation 110:

Despite its omissions and flaws, the resulting Constitution provides a legal framework that is largely consistent with international state practice for constitution drafting and progressive for the region in most respects. It also provides an underlying frame-work for the creation and maintenance of a unified, democratic, and pluralistic Iraq in which the rule of law and the equality of all people is respected. Iraq must still take a number of steps, however, before this constitutional mandate can be fully realized. The draft contains significant ambiguity, and the framers postponed a number of critical decisions, which future legislation must address. If the political will exists within Iraq, the Constitution can be implemented, interpreted, enforced, and even amended to realize this mandate. Such a process could help prevent the Islamization of the state, the marginalization of minorities, the feared disparities between regions and provinces, and the dissolution of Iraq. The Constitution's value will therefore depend largely on who interprets its provisions and ensures its implementation, as well as how this implementation is carried out. The issues outlined below will merit special attention.

13 Hum. Rts. Br. 21 (footnotes omitted).

Citation 120:

Zolan, Alexandra J. The Effect of Islamization on the Legal and Social Status of Women in Iran, 7 B.C. Third World L. J. 183 (1987).

11 J. Contemp. Legal Issues 811, 880.

Citation 130:

The case thus presented the judges on the Islamic court, all Gayo men, with a clear choice between two sets of norms, Islam and adat. The judges could have taken either side, redividing the property in the name of Islam, as the plaintiff wished, or reaffirming the appropriateness of Gayo norms, in accordance with the defendant's rebuttal. But taking either side on these grounds would have been difficult. Affirming Gayo adat against Islamic law would have contradicted the judges' sense of their mission as Islamic judges, their very reasons for having joined the court. Several of the judges, in particular Tengku Mukhlis, Chief Judge from 1945 until 1972, were vocal proponents of a greater Islamization of Gayo society.

34 Law & Soc'y Rev. 97, 106.

Citation 140:

Yazdanism is a term introduced by Mehrdad Izady to denote a group of native Kurdish monotheistic religions descended from an ancient religion known as the "Cult of Angels." This "Cult," he states, is "fundamentally a non-Semitic religion, with an Aryan superstructure overlaying a religious foundation indigenous to the Zagros." Only three branches of this cult have survived from ancient times: Alevism, Yarsan, and Yazidism. Izady claims that the Yazdani faiths were the primary religion of the Kurds until their Islamization in the tenth century. The three religions of Yazdanism are primarily practiced in relatively isolated communities. The adherents of Alevism, Ahl-e Haqq, and Yezidi are estimated to constitute about one third of the Kurdish population. This paper deals with Yezidism as one of the main branches of the "Cult of Angels," which still exists in spite of the fact that adherents have been persecuted throughout its long history.

29 N. Ill. U. L. Rev. 335, 361.

Citation 150:

In 1966, the UN General Assembly adopted the International Covenant on Civil and Political Rights (CCPR). Parties to the Covenant recognize "the inherent dignity and . . . the equal and inalienable rights of all members of the human family," which rights are derived "from the inherent dignity of the human person." Furthermore, the CCPR contemplates that all UN States have the obligation, recognized even before codification in the Covenant, "to promote universal respect for, and observance of, human rights and freedoms."

Under these premises, the CCPR delineates basic rights that should be upheld and protected. These rights include the right of self-determination, the right of a people never to "be deprived of its own means of subsistence," the right to life of every human being, the right to be free from "torture or cruel, inhuman or degrading treatment or punishment," the right not be held in slavery, the right to "liberty and security of person," the right to move freely and choose residence, the right to due process of law, the right to "freedom of thought, conscience and

religion," and the right to equal protection of the law. These rights are to be respected and protected by parties within their territory and jurisdiction "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion"

The obligations in the CCPR are binding upon Sudan, as a Party to the Covenant by accession in 1986. However, the Sudanese government is violating every right previously listed. This note has documented the arbitrary deprivation of life by government militia, rape and torture, slavery and slave trade, forced relocation, and systematic forced Islamization on Southern Sudanese. The reason for the atrocious human rights violations and violence against these southern citizens is their dark skin color, tribal heritage, and faith in Jesus Christ.

Although Sudan has not ratified the Torture Convention, it is a signatory to the treaty. Thus, despite the fact that Sudan is not specifically bound by the treaty provisions, Sudan nevertheless has an obligation under international law to "refrain from acts which would defeat the object and purpose" of the Convention. More importantly, since the prohibition on torture is a *jus cogens* norm in customary international law, it matters little whether Sudan is bound to all of the provisions of the Torture Convention for purposes of noting its human rights violations in torturing and maiming its own citizens, usually in the course of its forced Islamization program.

The UN Rapporteur also reports continued slavery, slave trade, abduction of children and women, often for sexual purposes, all of which is flatly denied by the government, but in fact, is perpetrated by government forces themselves. Finally, the reports prove the government's ongoing forced Islamization regime and the abuses and violations of rights to free speech, conscience, and religion perpetrated by the government.

5 Rutgers J. Law & Relig. 2 (footnotes omitted).

Citation 160:

The colonial State embarked on a series of modifications in personal laws, initiating a policy known as the Islamization of Muslim law and the Sanskritization of Hindu law. The formulation of personal laws was informed by the colonial conception of the Hindu and Muslim communities as oppositional, distinct and homogenous, and by the presumption that the primary source of law was the Koran for Muslims and the Brahminical Shastras for Hindus. This privileging of textual law over custom and usage served to make family law rigid and abstract, and unable to respond to the lived experience of those it was meant to serve. More importantly, it resulted in establishing religion and personal laws as important signifiers of community identity, as the colonial legal structure

administered a unified Muslim law hitherto unknown in India.

8 S. Cal. Rev. L. & Women's Stud. 43, 46 (footnotes omitted).

Citation 170:

Anita M. Weiss, *Implications of Islamization Program for Women, in Islamic Reassertion in Pakistan: The Application of Islamic Laws in a Modern State* 97, 99 (Anita M. Weiss ed. 1986).

9 Tulsa J. Comp. & Int'l L. 319, 354, n. 107.

Citation 180:

In short, the uncritical un-historicized employment of medieval treatises only serves to advance the fiction of "empire" that finds its fulcrum implicit in the discursivities and pragmatics of Islamic law. Much of what passes as Islamic law today, whether in Islamic Iran, Sudan and Afghanistan or in the formal and informal legal tribunals elsewhere in the Muslim world, continues to advance consciously or unconsciously the political philosophy of empire. The most visible manifestation of this is the establishment of the Islamic state, and especially the undue haste with which such states apply unreformed versions of Islamic law. Women are the first targets of these laws that are applied to them with undisguised brutality. In other words, the Islamization of women's bodies appears to be, by means of the discursivities of law, one of the marks of the empire of law. At other levels it is a moralistic empire with supremacist and self-righteous overtones, only to be matched by the supremacist and triumphalist discourses of Euro-American global liberal capitalism. Islamism that espouses the vision of empire is of course a crude attempt to discipline the body of society, by invoking blueprints and models made in a world very different from the one that Muslims inhabit today. In this guise of Islamism, women are viewed as the index of society's moral and ethical well being in discourses that are deeply offensive to the integrity and humanity of women.

1 UCLA J. Islamic & Near E.L. 1, 39.

Citation 190:

This millenarian vision is hardly useful for the non-Muslim, and provides little sense of what, short of the establishment of the universal umma, Muslims expect from international law. Islamic law's millenarian vision itself impedes answers to more limited questions. As in the application of the shari'a to municipal law, which many Muslims insist has never really been tried, the failings of the international legal regime can always be excused as the failures of an imperfect realization of Islam. The prevalence of such failures, from the death of the Prophet on (the right-guided Caliphs seemed to have had problems with just this issue of violence and the state), is irrelevant. Even among reformers, a frequent response to failure is a more perfect Islam, indeed, the Islamization of knowledge itself, or a return to the true Islam of Qur'an and Sunna. Islamic international law

works directly towards the ideals of justice, the universal umma, and the realization of divine will; these are its predicate, its justification, and its desire. The task - the hard work - of creating an Islamic international law is thus deferred, and Islamic international law remains necessary but unstarted. Each of the works surveyed here is highly preliminary, a defense of the idea of Islamic international law rather than an explication of Islamic views of a particular, relatively focused topic.

33 Va. J. Int'l L. 819, 860-861 (footnotes omitted).

Citation 200:

The legal situation of women living in Muslim countries and communities has been deteriorating over the past two decades through the process of Islamization, i.e., the creation of "Islamic" states. A certain version of Islam (best known in the media as "fundamentalism") is being promoted and is expanding, mainly to the detriment of women.

Failing to set up anything specifically Islamic in their politics or economics, "Islamic" states turn to their only specificity - making women the guardians of culture and religion and confining them to a model and a way of life which is 14 centuries old.

Their focus on Family Codes is crucial to the deterioration of women's lives. Family Codes set the rules for aspects of life which affect women: marriage, polygamy, divorce, repudiation, custody and guardianship of children, sexual control, reproductive rights, inheritance, and testimony in court.

33 Willamette L. Rev. 774, 845, n. 100.

Citation 210:

For all its insights, Feldman's account leaves several gnawing issues unresolved. The first concerns Feldman's presumption that the revival of Islam as a political solution derives from popular sentiment across Muslim-majority countries, as exemplified by electoral support for Islamists. While this may be the case in certain countries like Iraq and Jordan, it is far from true in other countries where political trends in fact show lack of popular support for Islamists. Pakistan is a case in point. Feldman believes that "Pakistan's formal constitutional structure already embodies many of the goals of mainstream Islamists" (p. 144). But he fails to distinguish populist voices from those of the highly unpopular military establishment, which was singularly responsible for "Islamization" of laws in the 1980s, in an attempt to legitimize its unconstitutional rule through certain shari'ah laws. These laws have been neutralized to a large extent in subsequent years. Added to that is the empirical observation that in Pakistan's February 2008 elections, the military-sponsored Islamist political parties were clearly outvoted in favor of more secular elements. Feldman's account of a homogenized culture of popular support for Islamists in Muslim countries around the world leads to a

disingenuous assessment of the politico-legal ideology of these countries.

Feldman similarly fails to confront sufficiently the substantive dimension of shari'ah. Any meaningful discourse on whether a modern Islamic State can succeed must take cognizance of the effect of substantive shari'ah laws in present day. Implicit in Feldman's thesis is the argument that with a functional shari'ah state founded on some form of democratic separation of powers, the substantive laws will be reprogrammed through popular struggle over time to meet modern demands of social justice. This is not a particularly persuasive argument. It is precisely the substantive side of shari'ah as interpreted by Islamists that makes moderate Muslims skeptical of the desirability of an Islamic State in the first place. Moderate Muslims would like to see an end to violent jihad, greater rights and equal treatment for women, equal protection of law and equal opportunity in the public sphere for non-Muslim minorities, and a rationalization of state intervention in the private lives of citizens. These moderates, who continue to advocate change to discriminatory shari'ah laws around the world, do not seem to find a voice in Feldman's discourse. Neither does Feldman effectively explain how the initial revivalism of the Islamic State can be sustained without first engaging with the draconian laws which shari'ah has largely come to represent.

34 Yale J. Int'l L. 257, 262.

Citation 220:

Pamela Geller, leader of a group called Stop Islamization of America, testified against the proposal. During a recent speech to a tea party convention in Tennessee, she described the center as "a shrine to the ideology that inspired 9/11."

The Daily Record (Baltimore, MD), June 3, 2010.

Citation 230:

KUALA LUMPUR, Dec. 29 Kyodo As part of its Islamization program, the fundamentalist Islamic Party of Malaysia (PAS) has given two months notice to all gaming outlets in the state of Terengganu to shut down their operations, official news agency Bernama reported Wednesday.

Kyodo News International, Inc., Asian Economic News, January 3, 2000.

Citation 240:

The consequent Islamization of non-Muslim legal practices did not necessarily produce a net gain in commercial efficiency. Insofar as this legal convergence was motivated by uncertainty reduction rather than the substance of the adopted practices, the Middle Eastern economy may have suffered. There would also have been dynamic losses insofar as legal uniformity extinguished incentives to improve organizational forms. Islamization of the region's inheritance practices created just such an evolutionary barrier, I have maintained. Had these practices

not converged, the region's peoples may well have generated large and durable private enterprises on their own. Moreover, they might not have sought foreign protection or chosen to transplant foreign laws. The modern history of the Middle East would have been markedly different.

33 J. Legal Stud. 475, 506-507.