
Chapter 9

Islam and the Path to Modernity: Institutions of Higher Learning and Secular and Political Culture

SAÏD AMIR ARJOMAND

In a companion essay (Arjomand forthcoming) I have examined the role of the cities, guilds and *futuwwa* associations of men and youths in the developmental path of Islamicate civilization. In this paper, I wish to do the same with the institutions of higher learning and the culture they produced. As in the earlier case, I will pay special attention to the legal framework of civic agency as it affected the constitution of the *madrasas*. I will, however, go beyond the earlier analytical scheme by also focusing on intercivilizational encounters and their institutional frames as an important feature of what might be called late axiality, and show their decisive importance in determining the directionality of social and civilizational transformation.

The recent move from Karl Jaspers' idea of a specific Axial Age in world history to a typological conception of Axial Civilizations (Arnason/Eisenstadt/Wittrock 2005) is an important theoretical advance. Its focus on the dynamics rather than origins of the institutionalization of transcendence brings out several urgent analytical needs. Of these I will concentrate on the significance of common or interconnected cross-regional patterns and the role of intercivilizational encounters (Nelson 1981). As Arnason, Eisenstadt and Wittrock (2005: 12) point out, the typological thesis forces us to move from the model of (ahistorically conceived) insulated civilizational complexes with distinctive dynamics to world-historical transformations and intercivilizational processes. This requires a historicization of Axial constellations, especially in later formative periods, often involving intercivilizational dialogue. I consider the reception of Aristotle in medieval Christianity and Islam as a common encounter with the Greek civilization with, needless to say, different outcomes. I will attempt to explain different consequences of this encounter in terms of differences in law and institutional structures between the universities and the *madrasas*, and finally comment on the effect of this differential reception on the divergent paths to modernity in the Western and Islamicate civilizations.

In contrast to Toby Huff's (1993) focus on the unique modern science in the West, my contrast centers on the rise of universities and their decisive contribution to secular culture, especially the political culture. My focus is thus on the

development of modern political thought in the West and the contingent and structural factors that hindered a similar development in the Islamicate civilization. This should in turn throw some light on the differentiation of religious and political cultures that have been singled out in this volume as the problematic feature of Islamicate axiality.

Madrasas, universities and the law

The absence of the concept of corporation and juristic personality in Islamic law was highlighted in Joseph Schacht's (1935: 225) early essay, and has more recently been singled out as the key factor hindering the development of modern science in Islam (Huff 1993: 79, 127-29). It is equally true that the possibility of municipal self-government was also adversely affected by this lack, and it is certainly true that no elected city officials emerged in the Islamicate world. The influential Oxford symposium on the Islamic City (1970) proposed a different legal explanation for the lack of urban political autonomy – indeed for the failure of Islam to develop modernity: the individualism of Islamic law, which can conceive no intermediate legal personality between the individual and the *umma* (universal community of believers). The *Shari'a* is accordingly said to withhold recognition to the most crucial such intermediary, the city (Hourani 1970; Stern 1970). According to this theory, the individual freedom of action, contractual obligations, notably commercial partnerships and transactions in private property are legally protected by the *Shari'a*, but free and autonomous civic and public action is severely restricted because no intermediaries between the individual and the universal *umma* is recognized in the Islamic law.

The assertion of the absence of intermediaries between the individual and the *umma* has been vigorously refuted with reference to the Ottoman guilds by Haim Gerber (1994: 119), who states that “the guild system enjoyed a wide measure of autonomy and [...] its legal basis was customary law.” Gerber is absolutely right that guilds were covered by customary law, which was in turn recognized by the *Shari'a*. The agency of guilds was made licit as custom and thus granted autonomy by the legal order in principle. The legal position of the city is, however, more complicated. I have similarly argued against this view elsewhere (1999), maintaining instead that a sphere of autonomy and universality along the lines of Hegel's conceptual definition of civil society was in fact constituted and protected by the *Shari'a*, in particular by the law of endowments (*waqf*). The (civil) law of *waqf* served as the basis for the creation of a vast sphere of educational and charitable activity; and the same civil law granted the ruler, the royal family and the highest office-holders an instrument of public policy which they could

activate as individual agents¹ The strength of that civil society should be seen as historically variable, whereby protection by the law is one factor among many, and in fact was overwhelmed by a contrary development in nomadic state formation after the 11th century.

In his magisterial studies on the Islamic educational system, George Makdisi (1961; 1981; 1990) traces three stages in the development of the *madrasa* into colleges for the study of the Koran, the Traditions of the Prophet and jurisprudence. The three stages are the following: 1) the development of teaching circles (*halqas*) for various subjects in mosques from the earliest times to the 10th century, 2) the emergence of the “mosque-inn colleges” toward the end of the 10th century, and finally, 3) the development of the “*madrasa* colleges of law,” in which the functions of the mosque and the hostel were combined in an institution based on a single deed of endowment. Makdisi includes the official establishment of the *madrasas* by the great Seljuq vizier, Nizam al-Mulk, in the second half of the 11th century in this stage. Makdisi offers an incisive analysis of the impact of the Islamic law of endowment (*waqf*) on the development of Islamic education as the instrument of foundation of the *madrasas*.

This account needs to be modified in some important respect. Roy Mottahedeh (1997) has shown the alleged second stage, which Makdisi further considered the prototype of European colleges, to be based entirely on the misreading of a single text. It has also been pointed out that the *madrasas* were not just colleges of law but also taught other subjects, except for philosophy, and that the development of the *madrasa* in northeastern Iran predates Nizam al-Mulk’s policy by a good century and a half (Mottahedeh 1997; Arjomand 1999). Yet Makdisi’s (1981) argument that the *madrasa* professors enjoyed exclusive “teaching authority” to issue the *ijazat al-tadris/licentia docenti* to their graduating doctors in jurisprudence and the science of Traditions holds firmly. The fact that there was no “episcopal authority” in Islam from which it could be disengaged, however, leaves it both more undifferentiated and not extendable to other fields of knowledge that actually were, or could potentially be, taught in colleges.

Furthermore, Makdisi’s account of the development of colleges does not go far enough in history. What he does not consider is a further stage of the development of the institutions of learning which begins in the latter part of the 13th century, and is marked by the emergence of what I call the educational-charitable complex (Arjomand 1999). The consequences of this omission are not merely chronological but substantive. On the one hand, this development invalidates Makdisi’s assertion that philosophy and medicine were not taught in the *madrasas*. On the other, it brings out certain deleterious effect of the organizational

1 A crucial implication of this Islamic legal system is that the private/public distinction of Roman Law applies very imperfectly, as the line between the two sphere was drawn very differently.

form for the autonomy of the *madrasas* and the development of secular culture that Makdisi leaves out.

The law of *waqf* served as the instrument of agency in a civic, public sphere of charitable and educational institutions. Furthermore,

the possibility of affecting the constitution of the public sphere [...] was open to a private person and a public official alike. The civil law of *waqf* therefore served as an instrument of agency available both to the individuals in the civic community and the rulers and officials of the patrimonial state.

The law of *waqf* was, however, quite rigid, in large part due to the fact that Islamic law had no concept of corporation (*universitas*). To be more precise, it

enabled the founder of an endowment to create public space and specify the socio-cultural activity for which it was to be used. With the combination of the mosque and the college in the institution of the *madrasa* by a single deed of *waqf*, the founder of a *madrasa* could determine the subjects to be taught and the credal and denominational affiliation of the beneficiaries.

[...] the personal nature of delegated authority under patrimonial monarchy meant that the significant acts of the vizier always had a public character, and, more importantly, that there was no real distinction between the private property of a vizier and the public funds at his disposal. Amassing enormous property holdings was inseparable from their extensive procurement of the means of administration, and a part of that property could be expected to be used in pursuit of state policy. This was done in the sphere of education and welfare through the instrumentality of the (civil) law of *waqf* (Arjomand 1999).

In other words, the dead hand (mortmain) of the founder lay upon the college instituted through the law of *waqf* and deprived it of the built-in mutability and active agency of a corporation.

Makdisi (1984; 1989; 1994) has also claimed corporate status for the schools of Islamic law, arguing that they were, by the 11th century, indeed corporations and “guilds of law”² (Makdisi 1984: 239). His argument, however, is based on a loose and flawed analogy between the hierarchical status terms in guilds and schools of law. It is invalidated by the fact that the schools of law, though consisting of individual jurists authorized to issue an *ijâza*, which he sees as the literal origin of the European *licentia docenti*, were translocal and transgenera-

- 2 Makdisi is correct in asserting that the transformation of “the followers” of prominent individual jurists into the (eventually) four Sunni Schools of Law (*madhhabs*) was of crucial importance. However, there is some exaggeration in his statement that “the new professional system, *autonomous* in its guild, *exclusive* in its colleges, and *monopolistic* in its doctorate, was a veritable revolution in higher learning in Islam” (Makdisi 1994: 25). In any event, the *ulema* were not a guild and had no governing body.

tional. Probably the correct sociological concept for what Makdisi has in mind is what Weber called a *Rechtsgenossenschaft* ("legally recognized sodality") and not a corporation.

Immediately after the period studied by Makdisi, changing fashions produced varying blueprints for charitable foundations, which included *madrasas*. The complex, on the basis of the Islamic law of *waqf*, typically came to consist of a mosque, a *madrasa*, a public bath, a soup kitchen and the tomb of the founder. This is worth noting as the major institutional innovation of 13th-century Iran that might have contributed to a breakthrough in the Islamicate civilization. It was certainly adopted by the Delhi and Mamluk sultans, and by the Ottomans at the beginning of their empire. Orkhan Ghazi (1326-1359) modified the use of the *waqf* complex into an instrument of urban development, and built a bedestan at the center of the Ottoman capital, Bursa. In the bedestans or more generally the 'imaret complex the Ottomans set up as *waqfs* in the commercial centers in their cities and they made increasing use of new urban property, mostly shops, in addition to rural estates that had constituted the bulk of the Il-Khânid endowments in Iran. *Waqf* was similarly used throughout the next century of Ottoman conquests as an instrument of state policy for the development of the cities of Edirne and Istanbul (Inalcik 1973: 142-44). Creation of 'imârets around their tombs as public *waqfs* by the great Sultans, notably Mehmed the Conqueror and Suleyman the Lawgiver, was imitated by Ottoman officials, who also acted as endowment administrators, and became an important means for urban development in Istanbul.

Having traced the development of colleges as a component of the charitable-educational complex created, however, I found this procedure of lumping together various components on terms rigidly fixed in the deed of endowment very detrimental to the autonomy of the colleges. Other activities of the complex could take precedence over the needs of the college and stifle its growth. Maya Shatzmiller (2001) points to the rigidity and economic inefficiency of the charitable foundations caused by the restrictions of the law of *wafq*, considering them more deleterious in the Mâlîki Andalusia and the Maghreb than the Hanafî and Shâfi'î East.

The collegium as a component of European universities had the greatest affinity with the *madrasa* in that it often included a hostel for students. For this reason, Makdisi aptly calls the latter 'college.' However, beginning with the establishment of the Sorbonne in 1257, the residential connection became looser, and many scholars at Oxford, Cambridge or Cracow rented lodgings in town (Leedham-Green 1996: 20-21; Podlecki/Waltoœ 1999). Other differences between the *madrasas* and universities were more consequential.

The *madrasa* had two major disadvantages as compared to the newly established European universities of the 13th century: corporate legal personality, and legal jurisdiction. Although major centers of learning called *studia generales* had been and continued to be established by the bulls of popes, emperors or kings, which laid certain conditions for their constitution and operations as did the

deeds of *waqf*, they became by law capable of autonomous agency as *universitas* in the 13th century. Bologna was established in 1193 as a university or corporation of students, and Paris was made into a university or corporation of masters in early 13th century. They provided the alternative archetypes or blueprints for European universities. By the 15th century, the distinction between the two terms was lost and they became synonymous (Rashdall 1936, 1: 4-17). The union of *studium generale* and *universitas* was responsible for the elevation, during the 13th century, of *studium* alongside the two long established forms of authority, *sacerdotium* and *imperium* as the three powers “by whose harmonious cooperation the life and health of Christendom are sustained” (Rashdall 1936, 1: 2).

The University of Paris had already been a renowned *studium generale*, and had thus emerged, around 1200, as a new order alongside temporal and spiritual authority. In the next two centuries, “teaching authority” became differentiated from “episcopal authority” and was variously appropriated by university professors as experts in knowledge, as in the writings of William Ockham, or more exclusively by the masters of theology at the university (Thijssen 1998: 93-117). As a corporation and a new order of authority, the University of Paris played a major role in the politics of France in the 14th and early 15th centuries (Rashdall 1936, 1: 540-84). This had no parallel in the 14th -century urban politics of Iran (Arjomand forthcoming). In the latter case the ulema could play a role as individuals but not as representatives of a corporate entity. The corporate legal status of the universities contributed to the institutionalization of European politics, a possibility precluded by the legal status of the *madrasas*.

Secondly, the rectors or chancellors of universities were freed from subjection to episcopal confirmation by the end of the 14th century while enhancing their internal disciplinary and penal jurisdiction over the community of scholars and with regard to the immunities of university. Their courts and courts of the masters became firmly institutionalized (Leedham-Green 1996: 8-15). At the same time, the deliberations of academic assemblies were formalized and written down as early as 1250 in Cambridge in a form which may be taken as an official code of statutes (Leedham-Green 1996: 6-7). Furthermore, the universities developed extensive institutional interlinkages to both temporal and religious structures of authority. They had special privileges in the ecclesiastical court system, and developed their court and consistory and their “magisterium to suppress false teaching” in the course of the 13th century. In short, the university capitalized on its legal status as a corporation in order to establish its autonomy and self-government (Thijssen 1998: 5-6, 96). The *madrasas* did not develop a similar jurisdiction and institutional interlinkages, and did not benefit from a similar legal status.

The conception of corporation (*universitas*) in Roman law was as a matter of course the critical legal foundation for the autonomy of European universities and development of their jurisdiction. The absence of a parallel concept in Islamic law hampered the autonomous agency of the *madrasa* as a civic organization. The absence of the legal concept of corporation is thus the fundamental fac-

tor differentiating the Christian and Islamic paths of development of higher education in the Middle Ages. The historical evidence we have clearly shows that the colleges could neither free themselves from the weight of the other components of the educational-charitable complex, nor from the control and public authority of the patrimonial state, because of the absence of the idea of corporation in Islamic law in general, and in the law of *waqf* in particular. Without this legal prerequisite, the *madrasas* could not become autonomous universities. I think this emerges clearly from a book on the ethics of the *madrasa* and the mosque written in 1710, toward the end of the last period of unusual flourishing of the *madrasa* culture in Isfahan. The fact that the author was commissioned by a civic benefactor to write on the appropriate ethical rules for mosques and colleges lumped together is in itself revealing of a lack of differentiation harmful to the institutional autonomy of the latter. But it is above all the rambling and formally incoherent content of the tract (Tabrizi 1995) that is worlds apart from the statutes of the governing bodies of the self-governing European universities.

Intercivilizational influences on the Islamicate and Western transformation

Wittrock's (2001) provocative suggestion of a "Eurasian ecumenical renaissance" focuses our attention on common patterns of development across Eurasian civilizations, and the search for such patterns highlights inter-civilizational encounters as an easy way of explaining commonalities. The two critical factors making for the great transformation of the 13th century are the Mongol ecumenical empire, with branches in China and Iran as well as Russia, and the "dialogue between the living and the dead involving Greeks, Arabs [read Muslims] and Europeans" (Huff 1993: 13). Where the former facilitated the most significant encounter between the Islamicate and the Chinese civilizations, the latter marked the divergent path of late axial development of the Christian and Islamicate civilizations set in motion by their respective encounters with the same Greek civilization of antiquity.

The Chinese-Islamicate encounter requires a separate treatment, but I will mention one significant scientific encounter concerning astronomy as it concerns the protagonist of the next section of this paper. Huff (1993: 50) notes the transmission of trigonometry to Chinese astronomy through the employment of "Arab" astronomers in the Astronomical Bureau in Beijing from the 13th century onwards, but he does not seem aware of the fact that, on the Iranian side, Nasir al-Din Tusi employed Chinese mathematicians and astronomers in his famous observatory in Marâgheh (see below), translated the date of the year of the Pig (1203) to various other calendars and "made extensive use of Chinese technical jargon [...] and the Chinese names for the ten celestial stems and twelve earthly branches of the sexagenary cycle" (Lane 2003: 218). Whatever the impact of

such specific cultural exchanges, there can be no doubt about the flourishing of Persianate culture and the revival of the very idea of Iran, with the pictorial assimilation of the ancient Persian kings to the new Mongol rulers in the illustrations of Ferdausi's *Shāhnāma* (Soudavar 1996), in the Il-Khanid period. George Lane (2003) aptly subtitles his comprehensive study of the reign of Hülegü (1256-65) and his successor as "a Persian renaissance" and reminds us that the troops of the Atabeg of Fars, the great patron of learning and culture and of the great Persian poet, Sa'di of Shiraz (d. 1291), who wrote the most moving elegy on the demise of the last 'Abbasid Caliph, in fact accompanied the Mongol conqueror in the fateful siege of Baghdad in 1258 (Lane 2003: 30).

The encounter with the Greek civilization was, however, of much greater axial significance for Christianity and Islam. The transmission of Greek scientific and philosophical texts through Arabic and of the Muslim medical treatises to Europe in the Middle Ages is indisputable. The importation of institutions has not been proven, however. There is little evidence for the influence of the fully developed *madrasas* on the nascent European universities in the 13th century. Makdisi's argument for the influence of the mosque-khān model on the Inns of Court as the first English law colleges set up in London in the 12th century by the Knights Templar returning from the Holy Land rests on a misreading of the textual source and is therefore unacceptable. Inspired by Makdisi, Monica Gaudiosi (1988) claims the law of *waqf* as a source of the English law of trust or use, and argues that the 1264 statutes of the House of Scholars of Merton, the deed of trust that set up the first Oxford College, can "be analyzed as a *waqf* instrument" (Gaudiosi 1988: 1250). But she can only show generic similarities between the deeds of trust and *waqf* rather than giving any direct proof of borrowing. It is true that the influence of the trust's founder was as great as that of a *waqf* endowment. Walter de Merton names members of his own family as the primary beneficiaries. Hugh of Balsham, the Bishop of Ely, founded the first Cambridge College, Peterhouse, in 1284 "for the sake of public utility" (*pro utilitate rei publicae*). It was, however, explicitly modeled on Merton and reserved the appointment of the master and confirmation of fellows for the bishop (Leedham-Green 1996: 21-22). Merton College was soon incorporated by a subsequent deed of 1274, however, and it was not the unincorporated Inns of Court or Peterhouse but, as we have seen, the corporations of masters and/or scholars of Paris or Bologna that provided the blueprint for European universities³ and assured their autonomous civic agency.

Makdisi's (1981) argument from the literal correspondence of *ijāzat al-tadris*

- 3 The first university at Cracow, established in 1364, was modeled on Bologna, and students elected the Rector. When it was reestablished in 1400, like Heidelberg (1386) and other more recently established universities, it used the Parisian model for its constitution, with the masters electing the Rector (Podlecki, J./Waltoe 1999).

and *licentia docendi* is somewhat stronger, but he goes too far in claiming that “Islamic seeds were planted for what was soon to become a second magisterium in Christianity, that of the professors of theology” (Makdisi 1990: 128). Again, this probable original influence cannot explain the enormous growth of the university trained doctors of theology who outnumbered the priests and bishops at the Council of Basel in 1439 by 300 to 20 (Makdisi 1990: 129).

One of the least appreciated features of the Islamicate civilizational synthesis perfected in the 13th century is the composite medieval Muslim conception of state and society. I have argued that certain features of pristine Islam invited the political thought of other civilizations, in particular the Indian science of government and the Greek political science. With the cultural integration of Iran into the Muslim Caliphate, especially after the ‘Abbasid revolution in the mid-8th century, the Indian borrowing via the Middle Persian translations emerged as an integral part of the Arabic and Persian literature on statecraft. The reception of the Greek political science was integral to the translation of Greek philosophy and medicine into Arabic a century later, and was developed into the discipline of practical philosophy or political science. Through the mutual accommodation of the *Shari’a* and a political culture derived from Greek and Perso-Indian sources, the civilizational encounters under consideration introduced an unmistakable element of pluralism – or at any rate, dualism -- in the normative order of medieval Islam (Arjomand 2001). The consummate presentation of this medieval synthesis, which remained definitive for the early modern Muslim “gunpowder empires” as well, is found in the Akhlâq-e Naseri, whose author is no other than Nasir al-Din Tusi. Works on ethics and statecraft by Tusi’s epigones as well as his own treatise dominated the political thought of the Ottoman, Safavid and Mughal empires, and other than the immediate Islamic rejectionist reaction of the Hanbalite Ibn Taymiyya, to be discovered and cherished by the contemporary Islamic fundamentalists, there was no Islamic reaction before the reassertion of the *Shari’a* in the late-17th century Ottoman empire and the reign of Aurangzeb and Shah Wali Allâh of Delhi in the 18th century.⁴ Down to that century, a university educated European and a *madrassa* graduate, if they could communicate in a common language, would have shared the Aristotelian division of the human sciences into ethics, economics and politics as pertaining to the management of the individual self, the household and the polity. This similarity, however, is somewhat deceptive as the development of political thought in the two civilizations follows a sharply divergent path.

4 The fact that the Islamic reaction was so late in coming should cast doubt on Huff’s (1993) attribution of the failure to develop modern science to medieval Islamic ethos, which was in fact less hostile to science than the medieval Christian ethos.

Nasir al-Din Tusi the vizier and Thomas Aquinas the professor

Two great intellects of the 13th century died three months apart in the same year of 1274: the professor friar Thomas Aquinas at Fossanova on his way to the Council of Lyon in March, and the vizier Khwāja Nasir al-Din Tusi in Baghdad, while inspecting the accounts of colleges and other endowments, in June. Nasir al-Din Tusi was prominent among the elite of the radical heterodox *Ismāʿili* sect until his mid-50s, and joined the more moderate heterodox Twelver *Shiʿa* when entering the service of the non-Muslim Mongol ruler of Iran. Both were, however, deeply involved in the institutions of higher learning and key figures in the reception of Aristotle into the secular and political cultures of their respective civilizations. Aquinas was the champion of Christian orthodoxy and a member of the Dominican Order set up in its defense, at the service of the pope.

The Dominican Order had been established in the year of Thomas's birth to preach orthodoxy against the Cathars and to defend the Christian faith by fortifying it with Aristotelian logic. The year he arrived in Paris to begin his studies at the university, 1252, the Cathars assassinated the Italian inquisitor, Peter of Verona. Nasir al-Din Tusi was at that time at the service of the last ruler of the *Ismāʿili* fortresses in the northern Iranian mountains, and was to arrange his surrender to the Mongols in 1256, whereupon he entered the service of Ghengis Khan's grandson, Hülegü, and accompanied him in the sack of Baghdad and the overthrow of the ʿAbbasid Caliphate in 1258. The *Ismāʿilis*, Hodgson's "order of Assassins," were the most radical of the heterodox Shiʿite sects, and are generally considered the transmitters of Dualism to the Cathars through the Bogomils of Bulgaria. After jumping the rocky *Ismāʿili* boat into the solid Mongol ship, Nasir al-Din declared his belonging to the non-radical Shiʿite sect, the Twelvers. Tusi made an important contribution to Twelver Shiʿite rational theology as the leading intellectual and political figure in the sect, as he had done earlier for the *Ismāʿili* doctrine. Tusi's heterodoxy entailed, as his autobiography shows (Tusi 1998: 3-5, 19), his love of secular culture and the dislike of all religious doctrines, which he considered distortions of the same ultimate truth. His philosophical, ethical and political writings were accordingly completely non-sectarian. According to the contemporary Jacobite monk, Bar Hebraeus, "he held fast to the opinions of the early philosophers, and he combated vigorously in his writings those who contradicted them" (Cited in Lane 2003: 214)

Aquinas was a product of the great University of Paris and a professor par excellence. A decade before Aquinas's birth, a "university of masters" had been established in Paris, already an illustrious center of learning, and quickly developed in his lifetime, and with his participation, into the first "university of masters and scholars" or the first autonomous corporation with the right of self-government identical to that granted to a guild or a communia (Ferruolo 1985: 3-5). His teaching career in Paris is closely tied to two epochal institutional devel-

opments. The first is the struggle over the combination of two new institutions: the mendicant orders and the universities. Thomas was imposed upon a combative party of secular masters who were demanding the exclusion of the mendicant masters from the university as a corporation during the 1252-1257 anti-mendicant controversy, which was accompanied by violence in the streets of Paris. His first appointment to one of the two chairs of theology reserved for the Dominicans was in 1256, when Thomas was only thirty-one – four years younger than the minimum age for masters. He held the chair until 1259, and returned to Paris to occupy the chair of theology unusually for a second time from 1269 to 1272 in order to defend the right of the Dominican and Franciscan Orders to hold chairs of theology (Weisheipl 1974: 80-103, 263-72; Inglis 2002: 11). His task was to consolidate the fusion of the college and the convent which was facing the determined opposition of the secular masters at the University of Paris for a second time – a remarkable parallel to the fusion of the *madrasa* and the Sufi convent attempted by Caliph al-Nâsir half a century earlier, and equally unsuccessful in the long run. In the subsequent century, however, the Faculty of Arts became predominant at the University of Paris. The predominance of the Faculty of Arts in 14th century Oxford was even more conspicuous (Rashdall 1936, 1: 439-71; 3: 60). European universities primarily became centers of secular learning.

The second development was the reception of Aristotle. In March 1255, the year before the inception of Thomas in the Dominican chair for foreigners, the Faculty of Arts had passed new statutes that put most of the books of Aristotle on the curriculum (van Steenberghe 1955: 164-65, 191-92). Aquinas' second mission when sent back to Paris in 1269 was indeed to justify the use of Aristotle in rational theology in defense of revelation as advocated by the Dominicans. Here, he found himself in complete sympathy with the secular masters of the Faculty of Arts and was later considered their accomplice by the conservative clerics.

Nasir al-Din Tusi had a higher supervisory authority over all the *madrasas* of the Il-Khânid empire as the vizier in charge of the *waqf* revenues of the empire which supported them. He translated his love of philosophy and dislike of the religious sciences of Traditions (hadith) and jurisprudence into educational policy. According to the historian Ibn Kathir,

Khawâja Nasir set the stipend of the students of philosophy at three drachmas a day, that of the medical students at two, that of the students of Islamic law at one, and the Traditionists' at one half of a drachma. For this reason people crowded the colleges of philosophy and medicine over those of law and Traditions, whereas earlier those sciences were taught in secret (cited in Arjomand 1998: 120).

A generation later, however, the great Mongol Vizier, Rashid al-Din Fazl Allah (d. 1318), though a late convert from Judaism, put the Islamic law above other subjects and did not favor philosophy. Being a physician by training, he also set up chairs and assistantships for the study and teaching of medicine in the numer-

ous colleges he founded with the enormous revenues and resources he appropriated as vizier. From the comparative point of view, there was no mechanism available to the *madrasas*, which were not self-governing corporations, for bringing about either of the above changes in the curriculum or any other themselves, as the Faculty of Arts of the University of Paris had done in 1255. Nevertheless, despite the handicap of the law of *waqf*, the reception of Aristotle did result in the multiplication of disciplines or branches of learning. The growth of secular sciences was not as spectacular as in Europe, where the proportion of theologians dropped from some 40 per cent to some 15 per cent between the 13th and early 15th centuries (Leedham-Green 1996: 19), but it was substantial. It is interesting to note that a century later, Ibn Khaldun, who affirmed that “sciences multiply with the increase of civilization and the growth of cities” (Muqaddima, 465 [Bk 6, title of ch. 3; tr. Section 8 [2: 434] modified)⁵ enumerated a large number of secular sciences⁶ and went so far as to state that, because heretics and innovators have been destroyed, “the science of theology is not something that is necessary to the contemporary student.”⁷ (Muqaddima, 499; tr. 3: 54 modified)

In 1259, Hülügü put him in charge of building an observatory in his capital, Marâgheh, and appointed him the head of the *waqf* bureau of the empire, a position he held for fifteen years. Nasir al-Din Tusi used *waqf* not only for the foundation of the observatory but also as a general instrument of public cultural policy. He appointed officials in each district responsible for remitting one tenth of the revenues of the endowments (the usual administration fee) to the treasury, mainly for expenditure on the observatory. The building of the observatory was completed under Hülügü’s successor, Âbâqâ (1265-81). Nasir al-Din also

5 This assertion, and the fact that over a third of the *Muqaddima* is devoted to sciences as the culmination of the superior type of civilization, namely urban civilization, confirms Arnason and Stauth’s (2004: 37) doubts “about the universality and invariance of cyclical models” attributed to him.

6 These include practical sciences based on experience (*tajriba*) as they cover man’s life in society (Muqaddima, 501-2). This chapter is for some reason not included in Rosenthal’s translation.

7 Having explained the decline of sciences with the collapse of strong dynasties and languishing of city life in the Maghreb (Muqaddima, Bk 6, ch. 2), Ibn Khaldun turns to explaining the flourishing of sciences in the last two centuries in Egypt, where he had taken up residence, in institutional terms in a way that brings out the personal motives of the Mamluk elite in using the law of *waqf*:

The Turkish amirs under the Turkish dynasty were afraid that their ruler might proceed against their descendants, in as much as they were his slaves and clients, and because the chicanery and confiscation were to be feared from royal authority. Therefore they built a great many colleges and Sufi convents, and endowed them with income-producing *waqfs* [...]. Students and teachers increased in number, because a large number of stipends became available from the endowments [...]. Thus the markets for sciences flourished and seas of science swelled to the brim.” (Muqaddima, 465-66, tr. 2:435, modified)

brought the books captured in Khorasan (from the Ismâ'îli fortresses), Mosul and Baghdad, and housed them in the library of the observatory which is said to have contained four hundred thousand volumes. Tusi personally directed the research at the Marâgheh observatory. "And there were gathered together about him in Marâgheh [...] a numerous company of wise men from various countries" (Bar Hebraeus as cited in Lane 2003: 214). Tusi spent the last dozen years of his life on astronomy in the Marâgheh observatory, developing the planetary and lunar models as well as "the Tusi couple" that were all later drawn upon by Copernicus, making the latter "the most notable follower of the Marâgheh School" (Swerdlow & Neugebauer as cited in Huff 1993: 57). Khwâja Nasir al-Din traveled to Iraq to collect more books in 1264, and "since the councils of all the mosques and the houses of instruction (i.e., colleges) of Baghdad and Assyria were under his direction, he used to allot stipends to teachers and to the pupils who were with him" (Bar Hebraeus as cited in Lane 2003: 214).

Tusi died in Baghdad while inspecting the accounts of its *waqf* department in June 1274. His son, Sadr al-Din 'Ali, succeeded him as the director of the observatory and administrator of its endowment. Except for a brief interruption in the late 1280s, the administration of the endowment for the observatory remained in the hands of Nasir al-Din's sons well into the 14th century. Öljeitü (1305-1317) visited the observatory and appointed Tusi's second son, Asil al-Din, to the position of court astronomer (Arjomand 1998: 120). By that time, the Mongol rulers of Iran had converted to Islam and created extensive endowments of their own, while their grand viziers resumed the traditional role of being the benefactors of civic institutions through equally extensive *waqfs*.

Differential reception of Aristotle and political modernity

In this final section, I want to argue that the greatest disadvantage of the Islami-cate world for a medieval breakthrough was due to a gap in the reception of Aristotle. Thomas Aquinas and his teacher, Albert the Great, were the key figures in the reception of Aristotle in Western Christendom. Aquinas was completely familiar with the translations of the Philosopher from the Arabic that came from Toledo and from Sicily distributed among the Italian universities by Emperor Frederick II in the 1230s, and studied Ethics with Albert in Cologne, compiling the surviving notes for his course (van Steenbeghen 1955: 90-91, 167). Aristotle's Politics was not yet available, as it had to be translated from the Greek. But once its translation by William of Moerbeke was published, both Albert (ca. 1265) and Thomas (1269-72) wrote commentaries on it that undoubtedly contributed to the revolutionary impact of that work in Western political thought and constitutional law (Canning 1988: 260). Not only did Aquinas transmit the key Aristotelian political ideas in his introduction of politics as an independent sci-

ence and the most important of practical sciences (Aquinas 1965: 198-99), but he put forward a remarkably Aristotelian definition of law as “nothing else than a rational ordering of things which concerns the common good, promulgated by whoever is charged with care of the community” (Aquinas 1965: 112-113). This paved the way for making the integration of Aristotle’s natural law into divine law as “participation in the eternal law by rational creatures” (Aquinas: 114-15) the cornerstone of Thomism. Human laws proceed from natural law to more particular dispositions, and are “directed to the common good of the city” (Aquinas: 130-31). Therefore,

Human law has the quality of law only in so far as it proceeds according to right reason; and in this respect it is clear that it derives from the eternal law. In so far as it deviates from reason it is an unjust law, and has the quality not of law but of violence (Aquinas: 120-21).

Furthermore, Aquinas elaborated his “constitutionalism” (Sigmund 1993: 219-22), using both Aristotle’s ideas of the commonwealth (*res publica*), in which the whole body of citizens rule for the attainment of the common good, and of a mixed constitution as the judicious combination of monarchy, aristocracy and democracy, defined by the participation in some respect of all the members of a city or nation in government (Aquinas: 148-49; Pennington 1988: 448), together with a corporatist differentiation of community following Aristotle’s division of the city (Quillet 1988: 526-30). Aristotelian political ideas could be readily combined with other legal notions. In combination with the canonistic corporate theory, they produced the constitutional conception of the structure of the church (Pennington 1988: 448). And in combination with Roman corporate theory and public law, they gave birth to the modern idea of the state (Canning 1988: 361).

The reception of Aristotle in the Muslim world had taken place some three centuries earlier, and the Muʿtazilites had used him as the First Teacher to defend the faith by creating rational theology (*kalām*). There was, however, one startling Muslim omission in the Arabic Aristotelian corpus. Unlike Aquinas, Nasir al-Din Tusi and the Muslim philosophers were unfortunate in that the one and only one work of Aristotle which was not translated into Arabic was his *Politics*. They therefore tended to mistake Plato’s *Republic* as the natural extension of Aristotle’s *Ethics*, as Averroes did explicitly. To make good the lacuna, Nasir al-Din Tusi had written *Akhlaq-e Nâseri*, a much expanded translation of the commentary on Aristotle’s *Ethics* by Ibn Moshkuya (d. 1037; Miskawayh in Arabized form), which was to remain the main work on political ethics and statecraft taught in the colleges of the early modern Muslim empires. Partly for this reason, with Tusi and after him, Persian norms constituted much of the substance of the new political theory, while Greek practical philosophy provided its form. To give one crucial example, Tusi’s treatment of justice begins with an interesting general philosophical discussion, but when he turns to the topic in the chapter on

statecraft and kingship, which is immediately followed by the need for spies in statecraft, the Greek spirit is subordinated to the ethos of the Persian social hierarchy (Arjomand 2003a).

Tusi's groping toward the missing concepts of the Philosopher is evident. In Akhlâq-e Nâseri, he develops (207-12, 307-8) the Aristotelian notion of "the common good" (Tusi: 207-12, as "*maslahat-e 'omum*," 307-308 as "*khayrât-e moshtarak*"). In a short tract he wrote much later for the Mongol emperor Hülegü, the idea of common good is applied systematically to distinguish between the king's personal (*khâssah*) revenue and expenditure and those pertaining to "public royal goods" (*mâl-e masâleh-e pâdshâhi*). Gifts, benefices and jewelry should be paid for from the private purse, while the public revenue of the kings should be spent on the army and the bureaucracy, the poor and orphans, couriers and ambassadors, and a postal service throughout the empire (Arjomand 2003a). Nevertheless, it is clear that Tusi could not go far enough on his own, and his synthesis contains only a remote echo of Aristotelian political thought as compared to that of Aquinas. The unavailability of Politics meant continued unawareness of many key Aristotelian political concepts that became available to Aquinas and others in the 13th century and shaped Western political thought, such as the commonwealth (*res publica*) and the rule of law (government by laws and not men), with the citizen being the ruler and the ruled at the same time (Aquinas: 138-39). These ideas penetrated the Islamicate world as the implicit conceptual substratum of modern constitutionalism in the 19th and 20th centuries. Only much later did modern translations of Politics appear, and then as something of an antiquarian text in the history of philosophy.

My final counterfactual question is who would have been the social bearers of Aristotle's Politics for it to have made a difference in the Islamicate developmental path? The simple answer is: the very graduates of the post-Mongol *madrasas*, just as did the graduates of Western universities, especially those of the law faculties. But that would also have required finding an alternative to the civil law of *waqf* as a means for institutionalizing politics.

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