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RETHINKING ANCIENT CENTERS OF HIGHER LEARNING: MADRASA IN A COMPARATIVE-HISTORICAL PERSPECTIVE

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ABSTRACT: This study examines the emergence and evolution of madrasa as a specific organizational form of higher learning from a comparative-historical perspective. The article begins by discussing how the madrasa emerged and which factors contributed to its rise and spread among the Islamicate political regimes during the Middle Ages and afterwards. Then, it provides a comparison between the medieval European university and the madrasa, with particular attention to the characteristics of the legal systems on which they were founded and the influences of the political environment on the respective institutions. It is argued that the differences in the legal tradition and the political authority structures may help us to grasp why madrasa and university produced different outcomes in terms of internal governance and institutional autonomy. The short discussion of the Ottoman case, where madrasas functioned as the main higher learning institutions at least until the adoption of the Western-style educational institutions from the 18th century, is presented as an illustrative case to test these assumptions.

Keywords: Madrasa*, medieval university, higher learning, Ottoman Empire*

The university, Makdisi (1970, p. 264) writes, as a form of social organization was peculiar to medieval Europe, which gradually was exported to all parts of the world. Nobody would seriously argue against Makdisi's statement even fifty years after the publication of his paper. However, one may argue that underscoring the peculiarity or originality of universities does not necessarily mean that they are incomparable. Peters (2019), in a recent article, pointed out such a bias in the comparative history of the university by arguing that privileging the university as a specific organizational form of higher learning emerged in the medieval Europe often comes at the cost of denying the history of other organizational forms of higher learning peculiar to China, India, and the Muslim East (Peters, 2019). There are indeed many reasons to validate the claim that the university as a form of organization was uniquely a medieval European phenomenon. Nonetheless, there were actually different ways of organizing higher learning in non-European contexts, some of which predate the universities of Europe.

This article focuses on one of these medieval institutions, namely the madrasa, as a specific form of higher learning and compares it with the medieval European university to see the parallelisms and divergences between them. If we assume that universities and madrasas were different from each other in terms of their organizational form, then we can pose the question of where the difference actually lies. This study contends that the difference can be found in the legal traditions upon which universities and madrasas were built and in the characteristics of the political organization and authority structures underlying them. These factors, e.g., the legal tradition and the political authority structures, arguably account for the divergence in the two different forms of higher learning organizations in terms of many aspects but particularly institutional autonomy and internal governance.

The aim is thus to make a contribution to the comparative understanding and analysis of the university and madrasa. To this end, the study develops its arguments by drawing upon the secondary sources, namely the books and articles of other scholars that have studied on the subject. Working in a synthetic fashion by utilizing the findings and insights of other scholars into various features of the research object, the paper proposes an interpretation of the differences between madrasa and university. By doing so, this paper humbly contributes to the recent comparative-historical research effort delving into the origins of higher learning and development of higher learning institutions across continents and civilizations (see, for instance, Lowe and Yasuhara, 2016; Weik, 2011, 2014; Peters, 2019; Ellis, 2020).

The article is organized as follows. The first section discusses how the madrasa emerged and which elements contributed to its appropriation in the Islamicate World. The second section provides an interpretation of the factors that made the university and madrasa different and alike. The third section briefly describes the trajectory of madrasas during the Ottoman Empire, which provides further insights as to how madrasas evolved and functioned until the 20th century. The final section offers some concluding remarks.

THE EMERGENCE OF MADRASAS AS HIGHER LEARNING INSTITUTIONS

Madrasa, literally meaning a 'place of instruction,' refers to a school or college particularly devoted to the instruction in Islamic law. The medieval usage of the term referred to the institutions providing intermediate and advanced instruction in Islamic law, jurisprudence, and related subjects (Walbridge, 2004, p. 418). In this section, it is meant to refer to only higher-level institutions.

In his monumental corpus on the evolution of medieval Islamic educational institutions, Makdisi (1961, 1970, 1981, 1990a, 1990b) identifies three phases in the evolution of the madrasas into higher learning institutions. The first was the development of teaching circles (*halqas*) for several subjects, including Islamic sciences, grammar, philology, and literature in masjids, mosques, and private

homes from the beginning of Islam to the 10th century. For that reason, Makdisi (1981, p. 10) sees the mosque or masjid as the first institution of learning in Islam. In this period, education was informal and personal in its character. It was common for students to travel intensively to study with prominent scholars (*ulama*) whom themselves were also accustomed to itinerate to seek other places to teach and find personal patronage. During the 10th century, the increase in the number of students and scholars led to the construction of khans as inns that were used for teaching activities. The mosque-inn or masjid-khan complex, built by virtue of philanthropic activities for education, functioned as both the place of learning and the residence or hostel of students. The institution that was set up in Khurasan in this century is generally considered as the prototype of madrasas (Berkey, 2003; Hodgson, 1974; Lapidus, 2002).

The third stage is the beginning of madrasas as distinct modes of organizations in the 11th century. Thus, an institutional development from the masjid to the masjid-khan complex to the madrasas as separate institutional settings can be observed (Makdisi, 1981, p. 27). This third phase is generally considered as the real beginning of higher education in the Islamicate world. The first spurt to construct madrasas officially as institutions combining yet transcending the function of both mosques and khans occurred in the 11th century in the Seljuk Empire (Ephrat, 1993; Makdisi, 1961; Walbridge, 2004).[1] The Seljuk grand vizier Nizam al-Mulk founded a number of madrasas throughout the central provinces of the Islamicate world, the most important of which was the Nizamiyya in Baghdad that was founded in 1067. The madrasa as a specific form of higher education institution dedicated to the teaching of Islamic jurisprudence (*fıkıh*) pursuant to one or more of the four Sunni Islamic legal schools (the Hanafi, Shafi'i, Maliki, and Hanbali), and other fields of study that are ancillary to the study of law, soon spread to the Islamicate world and became the most dominant form until the beginning of the Westernization in the Ottoman Empire in the 18th century. Nizam al-Mulk innovatively utilized the law of waqf as a significant tool of the public policy aiming at building self-sufficient madrasas in major cities throughout the entire Seljuk realm (Arjomand, 2006). He, thus, appeared as the first patron of higher education institutions in the Islamicate world.

The most important thing that makes Nizamiyya madrasas different from the earlier forms of learning was probably the size of endowments that guaranteed these colleges a more sustainable funding source, a large student body, and a relatively predictable curriculum under the supervision of paid lecturers (Ephrat, 1993). Although it was customary for rulers, wealthy merchants, and even professors with private means to provide financial support to scholars from early times on, the institutionalization of charity for educational purposes by the law of waqf paved the way for the emergence of madrasas as distinct learning centers. The waqf, founded and controlled by its donor, was simply an immovable property that is withdrawn from the market exchange and alienated for the provision of specified

fine-tuned services under Islamic law (Kuran, 2005). A madrasa was de jure a waqf, an inalienable charitable endowment. Therefore, madrasas were exclusively funded through the income of these pious foundations. They were endowed with permanent sources of income, land or rent-generating property, through which the salaries of the faculty and the stipends for the students were paid. Henceforth the ulama began to rise to the position of a rentier class (Lapidus, 2002, p. 135). During their long history, madrasas were in a mutualistic relationship with the practice of waqf.

Makdisi's detailed analysis on the impact of the law of waqf on madrasas (1981, p. 35–74) demonstrates that the founder of a madrasa had wide discretion in the administration of the foundation, the appointment of trustees to manage the property, the designation of beneficiaries, and the distribution of income. All these issues were customarily specified with certain stipulations in endowment deeds. The only limitation to the founder's freedom of choice was the general tenet that all of these procedures should be performed in compliance with the general Islamic laws and principles. As a consequence, the capability of the founders to influence or determine the *modus operandi* of these institutions become an established practice. An expectable motive of the founders of religious endowments was to draw near to God by donating for only divine purposes. Yet, evading tax or escaping confiscation were among the other motives which are mostly undeclared since the waqf was seen as the most efficient way of safeguarding one's property from potential state intervention.

The law and practice of waqf have often been seen as the kernel of the civil society in medieval Islamic societies since it legally guaranteed the recognition of a sphere independent from the direct state intervention (for a discussion, see Arjomand, 1999). Nevertheless, it was apparent that the members of the royal dynasty or the ruling elite had the financial capacity to set up foundations and madrasas more than anyone else. Especially the establishment of madrasas on charitable trusts by members of the political elite and dynasty, in due course, could be said to have bolstered the patronage relations between the rulers and scholars since the founders held considerable power over appointments of the teaching staff. Even, as argued by some accounts, these institutions were, in the first place, probably established as a means of furthering the tenets of a certain sect (*madhhab*) or a faction against the others (Hodgson, 1974, p. 47). Some argued that the Seljuk Empire, as the most powerful Sunni Muslim political organization of the period, embraced an irreconcilable anti-Shi'i policy which was geared towards suppressing Shi'i movements in their territory and promoting the legitimacy of their state in the name of the true Islam (Lapidus, 2002, p. 141–142). The Fatimids, the Ismaili Shi'i caliphate based in Cairo, was conceived by the Seljuks as the major threat to the Islamic unity since they claimed themselves as the supreme religious and political authority (Berkey, 2003). Thus, the Nizamiyya madrasas were seen as the reflection of a need for institutionalization in the Seljuks' effort to counteract the Shiite propaganda (İhsanoğlu, 2005, p. 269), to strengthen Sunni orthodoxy

(Arjomand, 1999, p. 284) against the threat of Shi'ism, and to train Sunni scholars who were supposed to contribute to the Muslim unity. Moreover, Nizam al-Mulk personally retained exclusive power over appointment and dismissal of professors in prominent madrasas to direct them to serve the state's ends and guarantee the political loyalty of the professor-jurists (Hallaq, 2009, p. 53–54). Safi (2006, p. 96–97) even goes further and contends that the madrasa was, in an Althusserian sense of the term, an ideological state apparatus, which succeeded in restoring the social order and the balance between the various religious sects and legal schools, training Sunni bureaucrats for the Seljuk regime, and contributing to the re-establishment of Muslim social unity.

Despite these interpretations, a recent study on the Seljuk Empire argues that the religious policies of the Seljuks were often capricious and contradictory than as the former studies had generally asserted it (Peacock, 2010, p. 99–127). According to this re-interpretation, the argument that the Seljuks were adamant protectors of Sunnism is contestable. The Seljuks rather saw religious and sectarian conflicts as a matter of political expediency for their supremacy. This interpretation, however, does not refuse the fact that the madrasa had a political dimension. It rather tones down the starkness of the arguments presented in the former paragraph, casting doubt on any kind of organic link between madrasas and the bureaucratic and political administration of the Sunni governments of the time. The establishment of madrasas, without a doubt, served the political interests of those who established them, yet their academic activities were not subjected to systematic central control and regulation (Berkey, 2007, p. 45). Madrasas were useful to the ruling elite in providing a way of supporting the civilian elites on which they rely as a channel to influence the city, as religious specialists, and agents of social control and legitimation (Chamberlain, 1994, p. 90). There was, according to Berkey, certainly a peculiar *quid pro quo* according to which the ulama had a leeway to determine the method of transmitting and spreading knowledge in exchange for providing religious and ideological legitimacy to the Sunni Islamic regimes. To put it in Berdahl's terminology (1990), the madrasa appropriated a considerable degree of *procedural autonomy* – the power of an institution to determine the means by which its goals and programs will be pursued – yet lacked the substantive autonomy – the power of an institution to determine its own goals and programs.

To sum up, madrasas were founded for two major reasons. First, to strengthen Sunni Islam against the Shi'i challenge. The ruling authorities had to dominate, to a considerable degree, the religious elite to this end (Leiser, 1986). Second, to generate loyal functionaries (imams, muftis, judges, scholars, and bureaucrats of all types) for administration. The law of waqf substantially contributed to the emergence process since it facilitated the supervision of a madrasa by its founder.

MADRASA VS. UNIVERSITY: PARALELLISMS AND DIVERGENCES

A comparison between the madrasa and medieval university as 'two different forms of social organization' (Makdisi 1995, p. 151), respectively, based on the charitable trust and the corporation, might be helpful to grasp the later developments institutional developments. Comparing these types of institutions by focusing the Nizamiyya madrasa in Baghdad in the 11th century and the University in Paris in the 13th century as archetype organizations, it might be possible to epitomize the differences in institutional development and organizational forms in higher education in the Muslim World and the Christian West during the Middle Ages and afterward.

The first and foremost difference is the emergence of the university as a corporate[2] form in medieval Europe as distinct from Islamic and Chinese higher education institutions of the era (see Huff, 2011, p. 145–167). *Universitas*[3] denotes an aggregate of persons, a legal corporation, a guild, or a juristic person in Roman law (Rashdall, 1895, p. 7). Rooted in the Roman law, corporations as forms of organization had already developed in Europe. By the 13th century, the schools in Paris had grown into a *studium generale* from cathedral schools with specific privileges confirmed by the Pope and the French king (Perkin, 2007, p. 163), a process that enabled them to organize themselves vis-a-vis the cathedral clergy and the citizens. In due course, universities appeared as autonomous legal entities with collective legal rights and privileges guaranteed by charters issued by the towns in which they were located or a ruler, which were organized as the guild of students, the guild of masters, or a combination of both (Colish, 1997, p. 267). The corporate status of universities helped them to remain relatively neutral or go beyond the influence of secular and ecclesiastical authorities' endeavor to make universities 'ideological heavy artillery' (Perkin, 2007, p. 169) in their struggles for political supremacy. Thus, the medieval universities almost evolved into a separate estate or a third force within the medieval society, ranked alongside the spiritual (*sacerdotium*) and the temporal (*regnum*), or the church and the state (Grundmann, 1952).[4] They were jealous of their autonomy and struggled as corporations against other authorities (Chamberlain, 1994, p. 72).

To the contrary, the legal basis allowing the foundation and recognition of corporations as fictitious juristic persons with rights and obligations was alien to Classical Islamic law (Schacht, 1982, p. 124–133; Kuran, 2005), which, in general, and the law of waqf in particular exclusively recognized biological/physical persons as juristic persons who are the subjects of legal transactions. For that reason, in contradistinction to medieval European universities, madrasas had no legal rights and privileges to make their internal rules and regulations, the right to buy and sell property, to have legal representation in forums, to make contracts, to sue and to be sued as the rules of operation and the founder's instructions were meant to be fixed in deeds (Huff, 2003, p. 179–189; Kuran, 2005, p. 800). Unlike a corporation, a waqf was deprived of the agency

to designate self-governance, for its rules of operation had been irrevocably inscribed in the deed. The lack of the idea of a fictive corporate personality debarred madrasas from achieving the corporate status and formal procedures to direct or influence institutional change. Hallaq (2009, p. 47) even asserts that the introduction of the madrasa did not constitute a new form of education; it was still a teaching circle (*halqa*) bestowed upon an external legal framework that allowed the instructional activity to be conducted under the auspices of inalienable endowments. Therefore the image of the madrasa was associated with a set of endowed buildings – a mosque, library, sleeping quarters, dining halls, and classrooms – in which scholars and students meet. The understanding of the madrasa as a *community* with its own interests was probably not the case. The form of autonomy they enjoyed was the *individual* autonomy of scholars, in which one can find its sources in the religious charisma and authority of the ulama as a representative, producer, and transmitter of apocalyptic tradition and religious knowledge. Still, in the absence of the institutional autonomy and the separation of religion and state, the sultans in many Islamic polities had never entirely renounced their ultimate rights to intervene in the generation and application of knowledge.

For that reason, many processes and procedures related to higher learning were bound to become *personal* rather than *institutional* in its character. As Berkey (2007) argues, the system of transmitting knowledge remained throughout the medieval period fundamentally informal and personal, characterized by the absence of a system of degrees, curriculum, and regular examinations.[5] For instance, the system of certification in medieval universities, the *licentia docenti* (the license to teach), was very different from the *ijaza* (the permission to teach) in this aspect. The former was an institutional document conferred by the licensed masters acting as a corporation with the consent of a Church authority, whereas the latter was at the personal prerogative of the master bestowing it in the absence of any official regulation (Makdisi, 1970). This had some positive implications for academic freedom in madrasas since the professors were the only authorities in granting licenses in the absence of the ecclesiastical authority in Islam (Makdisi, 1990b). It also made the knowledge transmission considerably inclusive and flexible. However, from an institutionalist perspective, it can be also argued that this source of freedom engendered a negative feedback mechanism in the sense that it hampered the institutionalization of relatively uniform educational practices over time by making the curriculum, the duration of education, the methods of examination, and the selection of topics and materials entirely personal, informal, unstandardized, and sometimes arbitrary. For both the transmission of knowledge and the conferral of licenses were highly personal endeavors, the student had to seek a particular master rather than an institution and to intimately submit himself to the chosen scholar wholeheartedly (Nasr, 2001, p. 73–74).

The second and equally critical factor that made the trajectory of universities and madrasas divergent was the differences in the political organization and authority structures. The European style of separation of powers between the landed aristocracy, the clergy, and the sovereign led to competition, and sometimes conflict, between the members of these relatively autonomous groups during the Middle Ages, and hence led to the emergence of a *modus vivendi* by limiting each other's power (see Chaney, 2012). The fractured power structure and the weakness of central authorities enabled institutions such as universities to carve out a space for the intellectual class in the social structure and even to bargain between groups (sovereign, aristocracy, clergy, and cities) to protect their autonomy and rights. In the Islamicate world, on the other hand, rulers used their armies to prevent the emergence of a landed aristocracy and allied with religious scholars to suppress institutional innovations. In a recent study, Kuru (2019) argues that the emergence of the Seljuk model of 'ulama-state alliance' in the eleventh century was a critical juncture before which Muslims had achieved socio-economic and intellectual progress and after which they began to experience socio-economic and scholarly stagnation. According to Kuru, Nizamiyya madrasas were the institutional symbols of this alliance, which used its institutional and ideational hegemony to discourage scholars from intellectual creativity and exploration outside of boundaries drawn by itself. The Seljuk and Ottoman state authorities, therefore, made the central control of madrasas norm by systematically influencing the formation of ulama, the waqf deeds, and the appointment of the teaching staff.

A parallelism, on the other hand, might be seen in the integration of scientific inquiry into the organizational structures of higher learning institutions. The pedagogic tradition of the Middle Ages in both the Christendom and the Islamicate world was saliently religious and hierarchical in its nature, giving precedence to the study of Christian theology and Islamic law, respectively. In terms of power and prestige, the faculty of theology was at the summit of the hierarchy, with the faculties of law and medicine coming below it, and the faculty of arts being ranked last (Verger, 1992, p. 41–45). The members of the faculties of arts were less prestigious and paid less than theologists, jurist, and medical scholars during the Middle Ages. The major contributions to early modern science were made outside the universities (Ben-David, 1965). Madrasas were primarily devoted to the study of Islamic law based on curricula decided entirely by a professor who himself were, to some degree, open to directions. The natural or rational sciences were included as ancillaries and in so far as they served the study of Islamic sciences. Although the Islamicate world had the most advanced scientific knowledge in astronomy, medicine, mathematics, and optics from the 8th to the end of the 13th centuries, these achievements took place in hospitals and observatories rather than madrasas which occasionally harbored scholars practicing science sub rosa within the prevailing educational arrangements (Huff, 2003, p. 152). The madrasa began to replace

institutions inclusive of foreign sciences from its beginning (Makdisi, 1981). In a recent study, Chaney (2016) provides robust empirical evidence of how scientific production gradually declined in the medieval Islamic world, although it had greatly surpassed the West and China. His findings are the most consistent with the Sunni revival hypothesis that briefly discussed above.

Another parallelism was the fact that scholars of both medieval universities and madrasas were close to power elites. As Bleiklie suggests (2018), medieval European scholars were close enough to political, religious, and economic power to generate support and resources, and adequately distant to prevent direct intervention in academic affairs. Yet, as distinct from their counterparts in Islamic polities where relatively monolithic and centralized power structures were at issue, they made use of the fragmented, decentralized, and competitive authority structure shared by Pope, emperor, kings, princes, and barons. This enabled them to seek protection in another place when they are expelled from one.

CASE DISCUSSION: THE EVOLUTION OF THE OTTOMAN MADRASA SYSTEM

During the classical period of the Ottoman Empire (1300–1600), madrasas were expected to provide the public service to the society, providing knowledge of religious and legal issues and training the legal and administrative manpower (İhsanoğlu, 2008). Moreover, the ulama assumed another crucial task in the early Ottoman era in assisting the sultans in their effort to enhance their legitimacy, which was based on an ecumenical imperial ideology. A systematic and functional link appeared in the mid 15th century in its most distinct form, when Mehmed II codified a law code (kanunname) providing provisions, inter alia, regarding the appointment, promotion, and salaries of the academic personnel as well as the privileges and rights of scholars that would pursue the government service in the Ottoman Empire. This marked the emergence of the 'scholar-bureaucrat' (Atçıl, 2016, p. 5–8), who remarkably differed from their predecessors and contemporaneous non-bureaucratic scholars by forming a special corps (e.g., ilmiye) within the bureaucratic hierarchy.

The crucial point is that the imperial center involved not only in the appointment of scholars and their assistants but also in the appointment of lower-level administrative staff. The central approval was required even in the assignment of security guards (bevvab) whose only aim was to provide security services (Akgündüz, 1997, p. 474). The central supervision, from the grand vizier to the bottom, produced a system of relations in which the purchase of a book was a matter of control (İzgi, 2019, p. 43–49).

Süleyman I maintained the decisive centralization policy in the 16th century, bringing almost all madrasas under the financial and administrative control of the state, although the extent of governmental control changed from case to

case. Hence, the degree of autonomy considerably shrank and, in fact, experienced a semantic shift. Since the politico-bureaucratic logic of the state permeated, if not colonized, the madrasa system, the problem henceforth was not to gain professional and scholarly autonomy *from* the polity, but rather to achieve a relative degree of operational autonomy *within* the polity in the face of the other bureaucratic groups. With partial exceptions, being close to power and serving the state had not been deemed as inappropriate with respect to scholarly prestige or academic freedom. Rather, they likely had a notion that they had their own autonomous sphere within the empire, and their scholarly independence was not easily harmed (Atçıl, 2016).

The symbiotic co-evolution of the bureaucratic and higher education fields continued during the reform period, albeit under different guises. The military defeats of Ottomans during an array of battles in the 18th century can be conceived as exogenous shocks that transformed the needs of the state system. French-inspired professional academies were founded with an intent to ameliorate the technological capacity of the army and the skills of the military officers. From the 18th century onwards, the Ottomans started to establish Western-style higher education institutions to keep up with the military technology of European and Russian forces. They founded many military and (then civil) academies, similar to French *grande écoles*, to raise the new bureaucratic elite of the empire. The introduction of these institutions into the system led to the emergence of a bifurcation in the organization of higher education for the first time in the history of the empire. From that time to the end of the empire, Western-type higher education institutions had to have thrived in a track distinct from the deeply-rooted madrasa system. The co-existence of these two sets of institutions created idiosyncratic tensions and power struggles between the reformist/secular and conservative/religious actors (see Bein, 2011).

From an educational point of view, one of the most crucial outcomes of the higher education reform efforts during the Late Ottoman period was the emanation of a new conception of education and knowledge that were unfamiliar and peculiar to the ulama. As Berkes argues (1998, p. 99–106), the new conception of education and knowledge found its expression in the word *maârif*, which represents a challenge to the traditional concept of *ilm*. The word *maârif* as a hypernym referred to many different aspects of education and knowledge. (see Yalçınkaya, 2015). Nevertheless, it was specifically deployed to refer to the specialized knowledge which mainly generated for technological, industrial, and military purposes. Thus, it was a kind of knowledge that is relevant for some technical and practical purposes, which was deemed by the Ottoman reformers as one of the main drivers that lie behind Western advancement. The knowledge, *ilm*, that had been generated and transmitted in madrasas throughout centuries was, on the other hand, substantially pertinent to God and to man's duties to the God, although it had a vast area of application with regard to the Islamic law.

What is of utmost importance in the 19th century when it comes to higher education was the envisioning of the *university* as an integral part of the education system for the first time in the history of empire (Tekeli and İlkin, 1993). This was the first attempt to establish the first Ottoman university, i.e., *Darülfünûn* (the House of Sciences), which would be distinct from both madrasas and professional academies in its scope and organization. After a couple of reorganizations, interruptions, and trial-and-error between 1845–1900, the *Darülfünûn* was re-opened in 1900 under the reign of Abdülhamid II for the fourth time as a full-fledged university with a faculty of theology. This was an enunciation of the conviction that madrasas were no longer hothouses of religious sciences. As a result, madrasas lost its monopoly over education in religious science in addition to their ever-declining role in law education. During the first quarter of the 20th century, the Ottoman governments aimed at transforming madrasas into centralized and controllable modern public school systems (Bein, 2011). Madrasas irrevocably vanished with the proclamation of the Law of the Unification of Education (Tevhîd-i Tedrîsât Kanunu) by the newly-established Republic of Turkey in 1924.

The European university spread worldwide from the 19th onwards as the main organizational pattern of higher education either through colonialism and missionary activities or as a product of policy borrowing and emulation (Meyer and Schofer, 2007). The Ottoman Empire was no exception. As is seen, this historical process rendered the gradual setback of madrasas and the adoption of Western-style higher education institutions.

CONCLUDING REMARKS

I have argued that the rise of the Nizamiyya madrasas based on the law of waqf in the Seljuk era represents a period of institutional genesis that corresponds to a critical juncture characterized by the adoption of a particular institutional arrangement, i.e., the 'ulama-state alliance' (Kuru, 2019), from among other alternatives. Nizam al-Mulk's utilization of the law of waqf as a public policy tool opened a path-dependent process that was largely followed by both contemporaneous and subsequent Islamic dynasties, including the Ottomans. Even if we reject the sharp arguments holding that the madrasas provided the medieval Sunni governments with bureaucrats, endorsers, or ideologues to lend a hand them in their struggle against the rival Shi'i principalities, this does not alter the fact that the emergence of madrasas served the political interests of those who founded them by somewhat providing religious and ideological legitimacy to the Sunni Islamic regimes. In exchange, scholars guaranteed the endowments from the ruling elite through the institution of waqf and *individual* autonomy in determining the ways of transmitting knowledge in the lack of direct central supervision.

Yet, the legal loophole that debarred madrasas from formulating their *corporate* autonomy made them susceptible to the influence of both ruling elites and founders over time. This was one of the differentiating factors between the Christian and Islamic paths of higher education in the Middle Ages (Arjomand, 1999, p. 291). In fact, in the classical period of the Ottoman Empire, the link between the madrasa system and bureaucratic-judicial domains was institutionalized through the emergence of *ilmiye* as a distinct career path within the imperial bureaucracy. Thus, scholar-bureaucrats were harnessed to their primary missions of interpreting Islamic law and legitimizing the Ottoman dynastic rule. They could have freed themselves from the influence of neither the 'educational-charitable complex' (Arjomand, 1999) nor the patrimonial authority of the empire due to the absence of the notion geared towards collectively formulating and claiming a corporate autonomy vis a vis the external forces.

The European university used its competitive advantage, benefiting from the fragmented authority structures implying less severe external control and intervention and the legal tradition helping them to claim institutional autonomy as a corporate body. The emergence and consolidation of the nation-state waned the fragmented authority structures, yet the institutional autonomy remained to be the recognized value of academia.

NOTES

[1.] This does not mean that there had been no similar higher learning institutions in the Islamicate world prior to the Nizamiyya madrasas. One can mention of Ez-Zitouna of Tunis or Al-Azhar of Cairo as relatively older institutions of that kind. Moreover,

scholars such as Lowe and Yasuhara (2016, p. 122–123) argues that although the Nizamiyya in Baghdad emerged as the most outstanding member of the multi-campus Nizamiyya system, it owes too much to its prototype institution that had been founded by Nizam al-Mulk in Nishapur. Yet, it was the Al-Nizamiyya of Baghdad that built an institutional framework that would be emulated by the subsequent madrasas in many other Islamic dynasties, including the Ottoman Empire.

2. Universities, just like merchant guilds, villages and towns, and the Church, were among corporate entities in the high medieval Europe. The corporation, as a legal term, comes from the metaphor of body (corpus) and expresses an indivisible unit that cannot be reduced to its individual parts. For an up-to-date discussion on medieval corporations, see Mansell and Sison (2020).

3. Universitas, a Roman term for a sub-political corporate body, literally means 'all-togetherness' – from unum (one) and vertere (to turn to) (Black, 1992, p. 14–24).

4. Still, a degree of caution might be necessary since the institutional autonomy was not taken for granted property of medieval universities. Cobban (1992) aptly argues that the university autonomy from ecclesiastical and secular authorities was false dawn or something of a chimera because of the fact that they were often weaker to combat encroachments of these external forces. For the purposes of the comparison, the crucial criterion is yet not the actualization of autonomy, but rather the capacity to collectively formulate and claim that autonomy vis a vis the external forces.

5. Medieval madrasas, for instnace, had no regular curriculum such as trivium and quadrivium as of medieval universities or an agreed-upon regular examination system.

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