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What the West Doesn't Owe Islam*

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Globalization has brought more and more peoples and societies around the world into contact with *international* standards of law, commerce, and communication. That process has also enabled a number of formerly underdeveloped societies to experience extraordinary patterns of economic growth, especially in the last third of the twentieth century. For some scholars the rise of Asian economies during this period has suggested an impending “Pacific Century” along with the thought that, after all, Asian societies such as China must have hidden cultural “resources” that enabled them to make the modernizing turn that apparently did not conform to Western models of the past.¹

In part, as a reaction to these developments, North America and to some extent Europe experienced the flowering of *multiculturalism*, which includes the view that all peoples and societies are equal.² Sometimes this point of view has been taken to mean that all peoples everywhere are the same. One scholar called this *uniformitarianism*, as it allows little room for alternative life choices and life ways: everyone is deemed to be identical in their habits and wishes.³ From either an anthropological or historical perspective, uniformitarianism is a highly unlikely claim, but it has been assimilated into the multicultural viewpoint.

Furthermore, such a perspective has led still others to assume that if Europe was undergoing rapid economic development in the past, a scientific revolution, and an enlightenment, then other parts of the world must have been experiencing similar developments prior to the twentieth century. This is a myth, though prevailing

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¹Tu Wei Ming, “Multiple Modernities: A Preliminary Inquiry into the Implications of East Asian Modernity,” in *Culture Matters: How Values Shape Human Progress*, ed. Lawrence E. Harrison and Samuel P. Huntington (Cambridge, MA: MIT Press, 2000), 256–66. For the contours of these developments see Erza Vogel, *The Four Little Dragons: The Spread of Industrialization in East Asia* (Cambridge, MA: Harvard University Press, 1991); Simon Winchester, *Pacific Rising: The Emergence of a New World Culture* (New York: Prentice Hall, 1991); and Mark Borthwick, with contributions by selected scholars, *The Pacific Century. The Emergence of Modern Pacific Asia* (Boulder, CO: Westview Press 1992).

²Charles Taylor, *Multiculturalism and “The Politics of Recognition”*: An Essay, edited and introduced by Amy Gutman, with commentary by Steven C. Rockefeller, Michael Walzer, and Susan Wolf (Princeton, NJ: Princeton University Press, 1992).

³Benjamin Nelson coined this term in the 1970s. See *On the Roads to Modernity: Conscience, Science and Civilizations: Selected Writings by Benjamin Nelson*, ed. Toby E. Huff (Totowa, NJ: Rowman & Littlefield, 1981), 241ff.

sentiments do not approve of casting a critical eye on those (non-)developments from the seventeenth century onward in other parts of the world. To do so is said to be Eurocentric.

But if Asian and South Asian development seems to be real in economic terms, the Islamic world—especially the Middle East—has not shown such a dashing path of development over the twentieth century, either economically or politically. Indeed, the rise of political Islam and its many jihadist offshoots reveals a civilization torn apart, with the spillover bringing serious acts of terrorism to Europe and America.

Nevertheless, there are a few writers who manage to see elements of positive development in the history of the Muslim world that may have influenced Europe-in-the-making. If some of these writers do not see major Islamic influences on European culture, they at least claim “parallel” development.

Traces and Parallels: An Islamic Legacy?

For example, Marià Rosa Menocal finds evidence of poetic influences on “European subjectivity” and perhaps “images of self” flowing from Arabic to medieval European troubadours.⁴ However, this debate has raged for centuries. Without examining the details about how this was said to have occurred, it is surely a stretch to imagine that medieval poetry—rhymed or not—contributed anything significant to the political, legal, and scientific foundations of Europe as a civilization. With all due respect to Petrarch and the many other scholars who sought the key to modern Europe in language and poetry, it seems unlikely that the hidden soul of Europe can be found in pre-modern poetry, with or without Arabic influences.⁵

A somewhat more plausible suggestion has been signaled by the title of George Saliba’s *Islamic Science and the Making of the European Renaissance*.⁶ This 2007 work concerns itself almost entirely with Islamic astronomy and the possibility that Arab astronomers, especially Ibn al-Shatir (d. 1375) and Nasir al-din al-Tusi (d. 1274), influenced, rather indirectly, Copernican astronomical models.

Some commentators claim that the connection between Ibn al-Shatir’s models and those of Copernicus has been “proved,” when in fact no one has shown that Copernicus had access to manuscripts written by al-Shatir, nor indeed those of al-Tusi, never mind that Copernicus did not read Arabic. While it is true that al-Tusi’s famous “crank

⁴See Marià Rosa Menocal, *The Role of Arabic in Medieval Literary History: A Forgotten Heritage* (Philadelphia: University of Pennsylvania Press, 1987) and *The Ornament of the World. How Muslims, Jews and Christians Created a Culture of Tolerance in Medieval Spain* (Boston: Little, Brown, 2002). Menocal probably overstates the level of tolerance in medieval Spain.

⁵For a discussion of these issues, see David Nirenberg, “Islam and the West: Two Dialectical Fantasies,” *Journal of Religion in Europe* 1, no. 1 (2008): 3–33, especially 19ff.

⁶George Saliba, *Islamic Science and the Making of the European Renaissance* (Cambridge, MA: MIT Press, 2007).

mechanism” appears on one page of his new system, no one has shown that that device led to a sun-centered universe.⁷ Indeed, the crank mechanism plays no supporting part in the construction of his *De Revolutionibus (The Revolution of the Heavenly Spheres)* of 1543. Furthermore, Arab astronomy remained steadfastly geocentric for centuries after Copernicus.⁸

Most telling of all, what European astronomers and physicists accomplished in astronomy and the science of motion, from Galileo through Kepler to Newton, has no parallel in the Muslim world. The last Arab contributor to the science of motion was Ibn Bajja of Spain, who was probably poisoned by a co-religionist in 1138. Consequently, there is little evidence to show a significant path of influence from the Arab-Muslim world to the scientific revolution. Its new science of motion was capped by the discovery of universal gravitation, all uniquely constructed by Newton in his *Mathematical Principles of Natural Philosophy* of 1687. All antecedents of that achievement, including Newton’s use of geometry, are Greek or European.⁹

But if scholars cannot find major influences on intellectual outcomes in Europe, then they fall back on “parallel developments.” This is Richard Bulliet’s approach in *The Case for Islamo-Christian Civilization*.¹⁰ It must be said that this little book is a valiant attempt to reconcile the Islamic and Western worlds after 9/11. The work relies mainly on the suggestion that 1543 developmentally Islamic civilization experienced somewhat similar sociological patterns to the West. For example, after the religious message of Muhammad was delivered, it took many centuries before the new faith gained a majority of believers throughout the Middle East. That did not occur until about the middle of the eleventh century. Gradually the new Islamic faith extended its reach militarily and politically, and perhaps more notably, found millions of converts around the world.

Unfortunately Bulliet uses twentieth-century population references as a gauge of this trend. This is inappropriate for judging pre-twentieth century demographics or conversion rates. It has become popular to say that Islam is the fastest growing religion, but this is because of the high birth rates in Muslim countries. A simple test of this is to look at the top twenty most populous countries in the world in 1950 and 2000. In 1950,

⁷There is a more indirect connection involving a geometric device that does not concern either al-Shatir or al-Tusi. See F. Jamil Ragep, “Ali Qushji and Regiomontanus: Eccentric Transformations and Copernican Revolutions,” *Journal for the History of Astronomy* 6, no. 4 (2005): 359–71.

⁸My own review of *Islamic Science and the Making of the European Renaissance* is “Islamic Science and the Renaissance,” *Middle East Quarterly* 15, no. 4 (2008): 77–79. There is a significant literature on the proposed connections between Copernicus and Arab astronomers, but it is too technical for discussion here.

⁹I have traced these developments in *Intellectual Curiosity and the Scientific Revolution: A Global Perspective* (New York: Cambridge University Press, 2011).

¹⁰Richard Bulliet, *The Case for Islamo-Christian Civilization*, rev. ed. (New York: Columbia University Press, 2004).

only five predominantly Muslim countries appeared in that list and they constituted 11 percent of the group.

In 2000, the number of Muslim countries in the top twenty most populous countries grew to seven and their share rose to 18 percent. Moreover, in 2000 the population of qualifying Muslim countries had quadrupled: from 221 million to over 817 million. Pakistan's population increased by 3.7 times, while Nigeria and Iran (not on the 1950 list) each increased by 3.8 times. In a word, during the twentieth century the expansion of the Muslim population was due to indigenous population growth, not conversion.¹¹

Bulliet suggests parallel systematizing processes regarding the legal traditions of the two civilizations, but fails to mention that whereas the European Canonists systematically integrated Roman law, divine law, and other European legal traditions, the Islamic legists made no such inclusive efforts, insisting instead that the *sharia* (Qur'an and *hadiths*) is a complete system, fully revealed by God and therefore not in need of human supplements from other traditions.

Attempting to avoid any sense that something could have “gone wrong” in the Muslim world, Bulliet casts aside the fact that the Ottoman Empire ranks as the longest-lived dynastic world empire (from the thirteenth to the twentieth century). The Ottomans, who developed considerable wealth as well as military prowess, held Europe at bay until the twentieth century. Comparisons are often made with the Ming dynasty, but that period lasted only three hundred years. Moreover, in the seventeenth century there was not one but several Islamic empires, including the Safavid Empire and the great Mughal Empire stretching from Afghanistan nearly to the tip of southern India.

The Mughal Empire had over a hundred million subjects and was probably richer than the Ottoman Empire. European officials posted to the Mughal Empire considered it the richest in the world. That fact might lead some to wonder why the Mughals did not invest some of those riches in science, technology, and education in the same manner as the Europeans, who had more limited budgets. This question can also be asked of the Ottoman Empire, for the Scientific Revolution obviously took place during the seventeenth, and not the eighteenth or nineteenth century. Despite the earlier effervescence of Arab scientific thought, the Ottomans and the Mughals did not participate in the Scientific Revolution.

Likewise, the European Enlightenment was an eighteenth-century rather than a nineteenth- or twentieth-century phenomenon, whereas Bulliet constantly makes comparisons with the later period and simply ignores several centuries of “non-development” in the Muslim world. He makes an unfortunate reference to Victorian England, suggesting that it had not achieved universal education, not knowing that there

¹¹See U.S Census Bureau, International Data Base, www.census.gov/ipc/www/idb/ranks.php.

was an education revolution in England in the sixteenth and seventeenth centuries.¹² Yet no Muslim country in the world achieved the literacy level of 1830 England until the middle of the twentieth century (Egypt in 1960 to be precise).¹³

Most serious of all is the puzzling fact that Bulliet does not explicate Islamic law, for that excessively restrictive and underdeveloped structure is the heart and soul of Islam under any Muslim's definition. While he dwells on the role of religious scholars in the ninth century and acknowledges the role of the *sharia*, Bulliet's discussion does not provide a description of its basic nature or its differences from Western law. As Muslims and Christians have long known and as we shall see, Islamic law is sharply at variance with European and international law.

Similarly, there is no discussion of the great bodies of theological literature of two religions that have very different orientations. There is no Peter Abelard or St. Thomas Aquinas of Islam; nor do we need to belabor the absence of a Luther, Zwingli, Calvin, or John Wesley in Islamic thought. Similarly, there are no Islamic Enlightenment figures in the mold of Montesquieu, Voltaire, Diderot, and many others.

In a word, the "parallelisms" approach skates around the fundamental legal, theological, and intellectual differences that have played (and continue to play) a major role in any hoped for dialogue between Christianity and Islam.

So let us reconsider Europe as a civilization and examine its trademark identity: the revolutionary creation of a legal system that went global long ago; the traditions of political democracy and election by consent that flow out of that legal revolution; the conception of corporate legal autonomy, along with autonomous legislation; and the rudiments of a *public sphere*. European universities are part of that tradition—without them the Scientific Revolution would have been improbable—and they have negligible overlap with Islamic *madrassas*.

Europe as a Civilization

I begin with the idea of "Europe" or "the West" as a *civilizational* entity. In that sense it is a physical and metaphysical space comprised of multiple societies or peoples sharing a unique set of religious, legal, and philosophical principles. There are also underlying intellectual categories and modes of thought that often separate one civilization from another. For example, the medieval Christian idea that "theology is the queen of the sciences" is not found in Islamic theology (*kalam*), nor indeed, in Chinese thought.¹⁴

¹²Lawrence Stone, "The Education Revolution in England, 1560–1640," *Past & Present* 28, no. 1 (1964): 41–80; and "Literacy and Education in England, 1640–1900," *Past & Present* 42, no. 1 (1969): 69–139.

¹³See the tables in Richard A. Easterlin, "Why Isn't the Whole World Developed?" *Journal of Economic History* 41, no. 1 (1981): 1–19, 18ff.

¹⁴This and the following sections draw on some of my own earlier publications, especially *The Rise of Early Modern Science: Islam, China, and the West*, 2nd ed. (New York: Cambridge University Press, 2003). Those themes have now been extended in *Intellectual Curiosity and the Scientific Revolution*.

This approach to “civilizational analysis” was pioneered by Emile Durkheim and his nephew Marcel Mauss.¹⁵ More recently it was revived by Benjamin Nelson, who translated the famous Durkheim/Mauss essay and began undertaking other inquiries.¹⁶ In the current dialogues and debates, the religious components of such an analysis seem to stand out, making this appear to be a religious debate. I suggest, however, that what became the foundational dimensions of Western civilization are actually non-religious, non-denominational structures, because the medieval reconstruction of European law laid the foundations for modern Europe as well as the modern world order.

The great defining European transformation, as many scholars of the past have pointed out, took place during the European Renaissance of the twelfth and thirteenth centuries. That is when the extraordinary fusion of Greek philosophy, Roman law, and Christian theology gave Europe a new and powerful civilizational coherence. It must be noted that the Islamic world (as well as China and India) did not undergo a parallel *reconstruction* during that period. Consequently, those civilizations lagged with respect to legal, philosophical, and theological innovation, scientific development, and ultimately economic development.

Nor should we overlook the fact that non-Western civilizations lagged for centuries in the development and promotion of constitutional government based on elected representation and related democratic institutions. Even the existence of newspapers and what many scholars now call the *public sphere* that emerged in Europe in the early *seventeenth* century did not appear in the Islamic world or China until the early or late nineteenth century.¹⁷ Some would claim that even today the Middle East does not have much of a public sphere.¹⁸

The European Legal Revolution

As suggested above, the great revolutionary reconstruction of Western Europe took place in the twelfth and thirteenth centuries. That era witnessed sweeping legal reforms, indeed, a revolutionary rethinking of all the realms and divisions of law—feudal, manorial, urban, commercial, and royal—and therewith the reconstitution of medieval

Readers of this piece will discover that virtually all of the references to my earlier book by Peter O'Brien, "Islamic Civilization and (Western) Modernity," *Comparative Civilizations Review* (#65 Fall 2011) are distortions of what I wrote and that his essay stands in contrast to this essay and the two books.

¹⁵Emile Durkheim and Marcel Mauss, "Between Sociology and Anthropology I: Note on the Notion of Civilization" (1913), translated with an introduction by Benjamin Nelson, *Social Research*, 38, no. 4 (1971): 808–13.

¹⁶Benjamin Nelson, "Civilizational Complexes and Intercivilizational Encounters," *Sociological Analysis* 34, no. 2 (1973): 79–105, and other writings reprinted in Huff, *On the Roads to Modernity*.

¹⁷I have discussed this in the "Epilogue" to *Intellectual Curiosity and the Scientific Revolution*, especially pp. 305ff.

¹⁸Regarding the Muslim world, see my "Freedom of Expression in the Muslim World," *Society* 42, no. 4 (May/June 2005): 62–69. The most recent report of Reporters without Borders places China 167th out of 173 counties on its index of press freedom. See Evan Osnos, "The Forbidden Zone," *New Yorker*, July 20, 2009, 55.

European society. It is this great legal transformation that laid the foundations for the rise and autonomous development of modern science, but also the rise of parliamentary government, the very idea of elective representation in all forms of corporate bodies, the legal autonomy of cities and towns, and a vast array of additional legal forms unique to Western law.¹⁹

At the center of this development resides the legal and political principle of treating collective actors as a single entity, a whole body—a *corporation*. The emergence of *fictive legal personalities* as corporate actors was unquestionably revolutionary in that the legal theory that made it possible created a variety of new forms and powers of association that were in fact unique to the West, since they were wholly absent in Islamic as well as Chinese law. Furthermore, the legal theory of corporations brings in its train *organizational* principles establishing such political ideas as constitutional government, consent in political decision-making, the right of political and legal representation, the powers of adjudication and jurisdiction, and even the power of *autonomous legislation*.

Aside from the Scientific Revolution, and perhaps the Reformation, no other revolution has been as pregnant with new social and political implications as the legal revolution of the European Middle Ages. By laying the conceptual foundations for new institutional forms in legal thought, it prepared the way for these two other revolutions.

From this point of view the unparalleled legal revolution of Europe in the twelfth and thirteenth centuries created *breakthrough conditions* in three major spheres of societal development: the emergence of representative democratic politics, a secure environment for scientific thought, and economic development.

The New Theory of Corporate Autonomy

The theory of corporate existence refashioned by twelfth- and thirteenth-century Canonists and Romanists granted legal autonomy to a variety of corporate entities such as cities and towns, charitable organizations, and merchant guilds. It also granted autonomy to professional groups such as physicians and lawyers. Not least of all, it granted legal autonomy to universities. All of these entities were permitted to create their own rules and regulations, and in the case of cities and towns, to create their own governing structures, mint their own currency, and establish their own courts of law. Nothing like this kind of legal autonomy existed in Islamic law or in Chinese law.²⁰

Furthermore, with regard to the economic and political spheres, the theory of corporate existence as articulated by the medieval legists distinguished between the property, goods, liabilities, and assets of the corporation and those of individual members. A debt

¹⁹In addition to my *Rise of Early Modern Science*, 118–46, see Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983).

²⁰See chapters 3, 4, and 7 of my *Rise of Early Modern Science*,

owed by the corporation was not owed by the members individually but by the corporate entity. Likewise, *ownership* of property by the corporation was not equivalent to *jurisdiction* by the head of the corporation, because those empowered to adjudicate within or for the corporation were distinguished from the *owners* of the property. Most important, the allegiance of the individual members was said to be to the corporation, not to other members of the corporation personally. These ideas served to create a foundation for a *public* versus a *private* sphere of action and commitment—a clear distinction still lacking in many parts of the world.²¹

In short, the theory of corporate existence developed solely by twelfth- and thirteenth-century European legalists created a new array of *corporate actors* and a *bundle of rights*. These included the right to own property, buy and sell property, have representation in court, sue and be sued, and be consulted when one's interests were affected by actions taken by others, especially kings and princes following the Roman legal maxim, "What touches all should be considered and approved by all."²² Of course, putting these new ideas into practice was a slow process, but a new legal framework had been gestated. In the centuries to come, these ideas were transported across Europe and around the world. Such ideas are a necessary but not a sufficient condition for establishing democracy based on formal legal principles.

Islamic Law

In contrast to this, Islamic law experienced no such legal development or reform until the late nineteenth century when it was displaced by importing Western legal ideas and structures.²³ The very idea of a *fictive legal personality*, a legally autonomous entity, cannot be found in Islamic law. It did not develop the idea of a juridic person. As the Islamic legal scholar, Joseph Schacht, put it, "Public powers are, as a rule, reduced to private rights and duties, for instance the right to give a valid safe-conduct, the duty to pay the alms-tax, the rights and duties of the persons who appoint an individual as Imam or Caliph."²⁴ Islamic law had no provision for *legally* autonomous groups: corporate personalities such as business corporations, guilds, cities, towns, and universities did not exist in Islamic law. Nor were legally autonomous professions such

²¹ I have elaborated on this in *Rise of Early Modern Science*, 143–45.

²² This was thoroughly studied by Gaines Post, *Studies in Medieval Legal Thought: Public Law and the State, 1150–1322* (Princeton, NJ: Princeton University Press, 1964). See also Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983), 221, 608.

²³ Herbert J. Liebesny, "The Development of Western Judicial Privileges," in *Law in the Middle East*, ed. Majid Khadduri and Herbert J. Liebesny (Washington, DC: The Middle East Institute, 1955), 309–33. See also my "On Weber, Law, and Universalism: Some Preliminary Considerations," *Comparative Civilizations Review* 21 (Fall 1989): 47–79.

²⁴ Joseph Schacht, "Islamic Religious Law" in Joseph Schacht and C.E. Bosworth, eds., *The Legacy of Islam*, 2nd ed. (New York: Oxford University Press, 1974), 398.

as lawyers recognized by Islamic law.²⁵ In fact, Schacht observes:

The whole concept of an institution is missing. The idea of a juridic person was on the point of breaking through but not quite realized in Islamic law, [but] this did not happen at the point where we should expect it, with regard to the charitable foundation or *waqf* [pious endowment], but with regard to the separate property of a slave who is being sold not as an individual but together with his business as a running concern.²⁶

The Italian Islamic legal scholar of an earlier generation, David Santillana, expressed the same view: “Muslim jurists do not know—and that is easy to understand if we think of the political and social differences between the Islamic state and those of the Roman type—[either] the juridical personality of municipalities, [or]...that of collectives of persons such as guilds.”²⁷ Waqfs had none of the properties of a legally autonomous entity. They fall under the heading of Deeds and Trust and so remained incapable of change. Once the founding deed of a waqf was drawn up, strictly conforming to Islamic religious law, no changes were permitted. They could not create their own rules and regulations, or buy and sell property, or sue and be sued, and so on. In Europe, on the other hand, merchant guilds and associations of doctors and lawyers as well as charitable organizations were recognized as legally autonomous corporate bodies that enjoyed the whole bundle of corporate rights that did not exist under Islamic law.

These limitations in Islamic law (and advantages in European law) had a significant afterlife in commercial law. Unlike the situation in Islamic law, whereby all juridic conceptions had to be tied to if not derived directly from the *sharia*, medieval European merchants had a long history of developing their own law, independent of other legal systems, especially Canon law. Eventually this branch of law emerged as “The Law Merchant.”²⁸ During this new phase of legal development, many changes in commercial law occurred, including “negotiable instruments, secured credit, and joint ventures, together with many older legal institutions that were refashioned.”²⁹

Harold Berman notes in particular “the replacement of the more individualistic Graeco-Roman concept of partnership (*societas*) by a more collectivistic concept in which there was a joint ownership, the property was at the disposition of the partnership as a unit,

²⁵ See Farhat Jacob Ziadeh, *Lawyers: The Rule of Law and Liberalization in Egypt* (Stanford, CA: Hoover Institution, 1968).

²⁶ Schacht, “Islamic Religious Law,” 398.

²⁷ David Santillana, *Istituzioni di diritto musulmano malichita* 1:170–71, as cited in S. M. Stern, “The Constitution of the Islamic City,” in *The Islamic city*, ed. A. H. Hourani and S. M. Stern (Philadelphia: University of Pennsylvania Press, 1970), 49.

²⁸ W. A. Bewes, *The Romance of the Law Merchant* (1923; London: Sweet and Max Franklin, 1969); and Berman, *Law and Revolution*, chap. 11.

²⁹ Berman, *Law and Revolution*, 348ff.

and the rights and obligations of one partner survived the death of the other.”³⁰ These possibilities of joint ownership (and hence joint stock companies) surviving the death of a partner stand in contrast to the Islamic practice whereby partnerships dissolve immediately if one partner to the enterprise dies or simply withdraws.³¹ Furthermore, in contrast to Islamic law, European inheritance laws were reformed so that beneficiaries could be named independent of religious or traditional assumptions.³²

In short, the whole legal framework that evolved in European law was entirely different from that of Islamic law. Islamic law had an extraordinary deficit of conceptions for political and legal development that could hardly have been transmitted to Europe. Furthermore, one of the most important for political considerations is the idea of *legitimate jurisdiction* over a limited territory, that is, *sovereignty*—another Western legal concept absent in Islamic law but highly coveted in contemporary international law. The very idea of jurisdiction, of limited legal authority, is unknown because Islamic jurists assumed that the *sharia* and its interpretation applied to the entire Muslim *ummah* (community) and that, therefore, there could be no separate entities or jurisdictions distinguishing classes (or “countries”) of Muslims.

This is another side of the traditional Islamic view that a legal decision must be founded on either a passage in the Qur’an or on an *hadith* (saying of the prophet Mohammad). No powers of autonomous legislation existed. All of this suggests that the foundations of political and legal life in Europe, from the medieval period forward, diverged from the Islamic pattern and that the political and legal rights of Europeans stand in marked contrast to Islamic conceptions. Likewise, the very notion of a legal *constitution* instituted by human actors was foreign to medieval Islamic law.

Universities and Modern Science

Let us turn to another central aspect of European identity: its unique gestation of modern science. It is fairly clear in the history of science literature that no Muslim equivalents exist to Copernicus, Galileo, Tycho Brahe, Kepler, and all the other sixteenth- and seventeenth-century pioneers of astronomy. There was a burst of creative thinking in the Arab-Muslim world between 750 CE and the eleventh or twelfth century, but there were no Muslim innovators after the fourteenth century in such fields as optics, medicine, microscopy, pneumatics, or electrical studies.³³ Ibn al-Haytham (d. ca 1040) pioneered optics in the eleventh century. Ibn al-Nafis (d. 1275) made strides in medicine in the thirteenth century, but there were no advances in human anatomy thereafter.

³⁰Ibid., 348–51.

³¹Abraham L. Udovitch, *Partnership and Profit in Medieval Islam* (Princeton, NJ: Princeton University Press, 1970).

³²Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich (Berkeley, CA: University of California Press, 1978), 2:691ff, “Freedom of Testation.”

³³See chapters 7 through 9 of *Intellectual Curiosity and the Scientific Revolution*.

Two Persian scholars, Qutb al-Din al-Shirazi (d. 1311) and Kamal al-din al-Farisi (d. ca. 1320) both arrived at the conclusion that the rainbow is the result of two refractions and one reflection of the sun's light in a drop of water, but virtually simultaneously Theodoric of Freiburg (ca. 1250–1310) reached the same conclusion. That happenstance signaled that the torch had been passed to Europe. Indeed, spectacles were invented in 1286 in Florence, and soon thereafter thousands of pairs of eyeglasses were being manufactured and shipped around the world through Venice and other ports to Istanbul and to Mughal India.³⁴ Those who cite the influence of Middle East glassmaking ignore the fact the Muslim world had already slipped behind Europe by this time, and that it made no progress toward inventing eyeglasses, telescopes, or microscopes. What then happened?

Aristotle's Natural Books

It is true that in the twelfth and thirteenth centuries a vast cargo of philosophical and scientific works was transmitted from the Middle East, especially through Spain, to Europeans, who translated them into Latin. This included the great works of Aristotle and other Greek scholars such as Euclid and Ptolemy, as well as Galen's medical canon and a variety of Arab commentaries and supplements. These included Avicenna's medical Canon (a revision of Galen) and Averroes's commentary on Aristotle. This transmission brought the so-called "Natural Books" of Aristotle to Europe. They were directly incorporated into the curriculum of the new European universities being created all across Europe as legally autonomous entities, thanks to the legal revolution then underway.

But what set the universities apart from the Middle Eastern *madrasas* was not only their singular status as *legally autonomous* entities that could create their own rules and regulations as well as curriculum, but also that they embedded within themselves the great scientific and philosophical heritage of the Greeks. Beginning with the three philosophies—natural philosophy, moral philosophy, and metaphysics—the Europeans placed at the center of this new curriculum the natural books of Aristotle. These included *Physics*, *On the Heavens*, *On Generation and Corruption*, *On the Soul*, *Meteorology*, and *The Small Works on Natural Things*, as well as biological works including *The History of Animals*, *The Parts of Animals*, and *The Generation of Animals*. These are the treatises at the center of a curriculum "essentially based on science."³⁵ These works formed the comprehensive foundation for the medieval conception and operation of the physical world.

³⁴Vincent Ilardi, *Renaissance Vision from Spectacles to Telescopes* (Philadelphia: American Philosophical Society, 2007).

³⁵Edward Grant, "Science and the Medieval University," in *Rebirth, Reform and Resilience: Universities in Transition, 1300–1700*, ed. James M. Kittelson and Pamela J. Transue (Columbus, OH: Ohio State University Press, 1984), 68, 78.

Put differently, the Europeans *institutionalized* the study of the natural world by making it the core of the university curriculum. By incorporating the natural books of Aristotle in the curriculum of the medieval universities, *a disinterested agenda of naturalistic inquiry had been institutionalized*. It was institutionalized as a curriculum, a course of study, and it was this curriculum that remained in place for the next four hundred years in European universities. It did so by *instilling a profound sense of curiosity* as well as *methodological skepticism* about the sources of knowledge, how one demonstrates true propositions, and ideas about how nature works. It inculcated a broad spirit of scientific curiosity found only in Europe. Those studies, which persisted within the universities through the seventeenth century, nourished Copernicus, Galileo, Tycho Brahe, Kepler, and the rest.

Madrasas: Preserving the Tradition

But when we look at the *madrasas* and their founding purpose, the context is radically different. From their emergence in eleventh-century Baghdad, their purpose was preserving and passing on the religious or “transmitted sciences.” These included the Qur’an, the *hadith* collections, Arabic grammar, genealogy and history, and most important of all, Islamic law. Medical studies, which were generally highly valued in Middle Eastern culture, were almost never allowed into the *madrasas*. It was just the Greek naturalistic agenda that was *omitted* from the *madrasas* of Islam.³⁶ Logic, mathematics, and even Ptolemy’s astronomy found their way into the *private* instruction of students at *some madrasas*, but not the study of Aristotle’s natural books; not his physics, science of motion, meteorology, plants and animals, and metaphysical works. Likewise, post-mortem examinations were forbidden by Islamic law and tradition, as well as by Judaic culture.³⁷

Moreover, according to Aristotle’s classification of the sciences, which was followed by both Arab scholars and Europeans, astronomy was included among the *mathematical* sciences, not the natural sciences. This meant that only *natural philosophers* could decide what the shape of the cosmos really is, and that search involved finding the *causes* of the changes and alterations of the natural world. That deep philosophical assumption was at the center of al-Ghazali’s attack on natural philosophy wherein he rejected natural causation in favor of God’s omnipotent powers. On the other hand, affirmation of the causal explanatory agenda was at the center of Galileo’s wish to be named “philosopher and mathematician” to the Grand Duke of Tuscany in 1610, because he wanted to talk about cosmology, the real shape of the universe, not arbitrary mathematical models. It was only with Copernicus, and then Galileo and especially

³⁶For the classic study of the madrasas, see George Makdisi, *The Rise of The Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981).

³⁷Toby E. Huff, “Attitudes Towards Dissection in the History of European and Arabic Medicine,” in *Science: Locality and Universality*, ed. Bennacer El Bouazatti (Rabat, Morocco: Mohammed V University Press, 2003), 61–88.

Kepler, that European mathematical astronomers claimed that they were arguing about the real shape of the cosmos, and had a right to do so.

Galileo put this most bluntly in his first “*Letter on Sunspots*” (1613). He insisted that he was investigating “the true constitution of the universe—the most important and most admirable problem that there is.” Then he claimed, “For such a constitution exists; it is unique, true, real, and could not possibly be otherwise.”³⁸ Earlier in the eleventh and twelfth centuries, people like al-Haytham and Ibn Rushd recognized that Ptolemaic astronomy had serious defects, that it did not fit the data as it should. But Arab-Muslim astronomers could not work forward from that realization to a heliocentric system and never claimed that they understood “the real constitution” of the universe. They remained confined within the geocentric worldview and a world controlled by Islamic occasionalism: the view that God controls the workings of the natural world.

A New Revisionism?

Given this background, it is difficult to credit the Muslim world as a significant source of the fundamental *values and structures* that have been at the center of European identity for a millennium or more.

The idea of competing legally autonomous entities—business, educational, charitable, scientific, religious—bound by a shared set of rights and agreed upon juridical procedures is not something that can be claimed by Islamic law and tradition. Likewise, the *madrasa* tradition of the Muslim world had nothing to offer the university tradition that was deeply rooted in Greek philosophy as well as the newly fashioned Civil and Canon law. Those who cite Averroes (Ibn Rushd) as a great Muslim “rationalist” forget that he was driven out of Spain to Morocco, where he died, and that his work was rediscovered and claimed by Europeans. His views remained alien to the Muslim world.

In 1998, a celebration was planned in Cairo to commemorate Ibn Rushd’s eight-hundredth anniversary but never took place. Even today, for very complicated reasons, the pursuit of science in the Muslim world continues to lag severely behind the West, as does China, whose scientific traditions also went into decline hundreds of years ago and only revived in the late twentieth century.³⁹

None of this is meant to deny the transfer of small and large elements of daily life that were transmitted to Europe in the distant past. Surely coffee, coffee houses, “Turkish” baths and Turkish towels, various food items, and even architectural elements were transmitted to Europe from the Middle East. But such things are not the foundation of contrasting societal and civilizational developments that emerged in the Muslim world

³⁸Galileo, *Discoveries and Opinions of Galileo*, trans. and ed. Stillman Drake (New York: Doubleday, 1957), 97.

³⁹See “Epilogue,” 2nd ed., *Rise of Early Modern Science*.

and Europe over the centuries. At the same time I do not believe that “Islam” and “the West” are at war with each other. Nor should they be. The recognition of differences is the first step toward building harmony.

For many Europeans today it is probably a latent fear that Islamic law and tradition could displace Western conceptions that drives some aspects of Islamophobia. While there are benighted Islamist groups around the world who wish to impose outmoded forms of Islamic law on all “others,” it seems doubtful to me that most Muslims living either in Europe or in the Middle East wish to live under such a regime. The problem in Europe today is that the extremists on all sides claim too much. Some paint Islam as irredeemably hostile to the West. Others claim that Islamic conceptions are just another cultural persuasion seeking recognition, while overlooking the deeper conceptual differences.

My reading of the twentieth (and twenty-first) century tells me that the vast majority of Muslims around the world want to live in some version of a democratic society. They do not necessarily want what George W. Bush called “freedom,” but rather a political regime in which they can be *free to be Muslims* as they choose, not forced into a rigid way of life dictated by narrow-minded Islamists. I expect that the vast majority of Muslims living in Europe realize, the headscarf issue aside, that they are much freer to practice their understanding of Islam there than in any other part of the world—except for the United States.