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## **Cosmopolis of law: Islamic legal ideas and texts across the Indian Ocean and Eastern Mediterranean Worlds**

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*Section One*  
***The Frameworks***



MAP 2. Major Shāfiʿīte hubs around the Indian Ocean before the sixteenth century.

## Introductory Remarks

Drawing on primary and secondary sources, this section sets frameworks to explore the histories of the Shāfi‘ī school from several angles. It calls into question the validity of many narratives on the spread of Islamic legal ideas, and endeavours to shed light on the historical forces that shaped the trajectories of Shāfi‘īsm. In doing this it unravels its roots and traces its routes through time over more than a millennium and across thousands of miles of territories.

The first chapter concentrates on the historiography of Islamic law with a special focus on Shāfi‘īsm. Those who are already familiar with the subject could proceed directly to the second chapter, but glancing through it would be worthwhile because in it I explain my conception of the fuqahā-estate and survey of Shāfi‘īte textual families. Both these facets recur throughout the dissertation. A major suggestion in this chapter concerns the ways in which earlier micro-communities of jurists developed into a text-centric scholarly order that I identify as the fuqahā-estate. Since texts were fundamental to their juridical discourses, huge corpuses of law books were developed within each school. I follow the ones particularly related to the Shāfi‘īte school. In the last section of the chapter, I describe the major textual families and pay detailed attention to one of them.

In the second and third chapters I elaborate further on the concept of the fuqahā-estate by exploring the ways in which they fashioned themselves and defined their connections and disconnections with other sections of society, particularly political and economic sectors. The second chapter is essentially about the regional contexts in which the fuqahā-estate operated, while the third is about its transregional potential. In the second chapter I analyse how they organized themselves, what elements constituted an estate, what they did after they became organized, and to what extent they influenced the contexts in which they worked and were in turn influenced by external contexts. The third chapter takes up almost the same questions but in a transregional framework, broadly covering an area from the Eastern Mediterranean to the Indian Ocean. The reason for stretching so big a canvas is that Shāfi‘īte ideas are explicitly present, historically and in the present time, across these regions. It has been seen as a Shāfi‘īte cosmopolis, a kind of *terra firma* that shares the same texts, ideas, vocabularies, conflicts and contradictions. I examine how the legal cosmopolis evolved in it, what actually constituted a Shāfi‘īte sphere, and who, when and what contributed to its formation.

The three chapters in this section can be described as ones that discuss text, contingency and dissemination respectively, moving from a micro, to a meso and to a macro level. It is in the following section that I shall bring all three levels together into one single microsite for each text. A word of caution is necessary regarding my approach to chronology. The chapters in this section in particular and the dissertation in general do not narrate events in a linear chronological sequence. I follow particular themes, including law, or more precisely law books, examining regional contexts and transregional dissemination. In these themes time flashes in and out, backward and forward, depending on what particular aspect, place or group is under discussion. Where I do refer to time, mostly counted in centuries, I have tried my best to be extremely careful. If confusions should arise, a cautious reading will eradicate doubts.