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

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Concluding Remarks

Recent academic literature on Islamic law has been exposing innovative vistas of the second millennium CE that had otherwise been labeled as intellectually sterile and stifled of originality. Scholarly commentaries demonstrate innovative ways of making one's voice heard over the longer discursive tradition, something that developed after the so-called classical phase of Islamic law. The process of the development of earlier circles of personal knowledge transmission into the umbrella body of the fuqahā-estate, that brought together various conflicting and compromising discourses of each school, set the scene for a more intensive transmission of Islamic knowledge. This progress was increasingly text-centric, and a set of norms and etiquettes emerged around textual transmission. Individual scholars, their collectives as clusters based on affiliation to a school, and the growth of educational institutions all contributed in equal measure to the existence, survival and spread of juridical ideas under the aegis of this estate in every locality. The regional social, economic, cultural and pedagogical contexts influenced the legal formulations, despite the fuqahā's claim to stand for a universal legal system. The vast corpus of Islamic law, particularly of the Shāfi'īte school, that developed through different textual families over a millennium demonstrates this aspect. They were simultaneously rooted in a particular historical context together with an assertion of universal, divine, and all-embracing norms of law: the cosmopolis of law.

Islamic legal historiography has been very much centered on the Middle East. The "pure" Islamic law was synonymous with the traditions of the Islamic heartlands, while non-Middle-Eastern customs were either completely ignored or deprecated as non-Islamic. Within the Shāfi'ī school too, there were internal acknowledgements and constructive criticisms about this, which becomes evident in a growing body of commentary writing. This development can be clearly understood when we appreciate that in the longer tradition of Islamic law peripheral communities were incorporated into its orbit. The textual *longue-durée* of Shāfi'īsm thus shows how texts from the peripheries contributed to innovative developments through subtle changes that would remain unnoticed for long time, yet gave new possibilities for interpretation by experts and followers. This process was facilitated by the spread of the Shāfi'īte networks along the Indian Ocean rim through merchants, scholars, travelers, pilgrims and exiles from a wide variety of regions and ethnicities: the Shāfi'īte cosmopolis of law

At the same time most Shāfi'ītes disengaged themselves from political entities from the thirteenth to the nineteenth century. This was not just because the school lacked exclusive patronage or was actually banished from many areas, but rather that its members preferred to maintain a discreet distance from the state. From their own involvement in mercantile trade or in meagre living conditions supported by donations and endowments, they funded their legalistic activities free from any state intervention. Their Ḥanafīte colleagues from the late-fifteenth century had not been able to resist the Ottoman and Mughal dominions. The transmission networks of Shāfi'īsm, separated from political intervention and spread across a

vast territory from the Levant to Malaya and beyond, thus presents a fascinating story of the dissemination of ideas and texts through independent collectives of jurists.

All the three chapters in the Section I are my entry point to the actual materials I deal with in Section II. Perhaps some of my ideas and arguments in these pages need further clarification. Therefore, I shall provide in the following chapters particular examples from texts. From the Mediterranean to the Sulu Sea, the Shāfi'ites created a shared cosmopolis within which their texts, ideas and adherents could travel around easily. Those developments outlined in the following chapters are traced through the long trajectory of the *Minhāj* family of texts.