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

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Cover Page



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Concluding Remarks

Minhāj's genealogy can be traced four centuries backward to *al-Umm* and six centuries forward to *Nihāyat*, although its ancestry and descendancy go even further backward and forward. This *longue-durée* of a Shāfi'ite text connects a diverse array of lands, people, cultures, texts and periods through a shared set of legal ideas and vocabularies. Its direct and indirect commentaries like *Tuhfat*, *Fath*, *Nihāyat* and *I'ānat*, together with many others, present us with a fascinating nexus of historical continuities and discontinuities.

Each text has made its own contributions to the *longue-durée* textual system of Islamic law through a number of unique ways. It has catalysed its progression, preventing it from reaching an ultimate state of rest, a rest in time supposed of being "sterile" and without "originality" and "independency". Standing within the deterministic legal system of Islam, the texts changed themselves as much as the legal ideas they discussed. Various external and internal forces contributed to their fruitful advancements. If a periodic pressure can lead to a periodic response in any social and natural system, then that is true also for the historical progression of texts with longer genealogies. Furthermore, the texts we discuss prove that nonperiodic or random pressure, such as canonization, precision and complexity, mobility, division and cohesion, did indeed produce many nonperiodic flowing in the legal complex of Shāfi'ism in time and place.

Minhāj's major contribution was its canonization and systematization of Shāfi'ite law. Contesting the political entities and cultural trends of its time, the author endeavoured to make a universally applicable system of law. Yet he was very much influenced by contextual developments of his time and place, and hence many of his legal formulations can be analysed as political, economic, or even more aptly, pragmatic. I identify those subtle deviations which emerge from particular "politics and economy of prioritizations." The text found a wholehearted reception in many Shāfi'ite clusters, although it took some time to reach South and Southeast Asia and East Africa. Its reception in the latter regions was mediated through its one commentary, *Tuhfat*, written in sixteenth-century Mecca. If *Minhāj* had mended an existing division of the school (between Khurasanis and Baghdadis), *Tuhfat* opened a division due to the random obligation on its authors to move from one place to another. This commentary caused a split in the school, the group from Mecca opposing the one from Cairo. It stood for a Meccanized version of Islamic law in which the Hijazi ways of ethnicity, language and culture were projected as the pristine representations of Islam. The text itself was written in a place where its author and his colleagues made powerful avowals of singling out their school as intellectually dominant. In other words, they Shāfi'ized Mecca as much as they Meccanized Shāfi'ism. This process, paradoxically, helped the future advance of the school to South and Southeast Asia and East Africa. There for believers Mecca was synonymous with Islam and now it had become synonymous with Shāfi'ism. A major component in this process was the massive migrations of the Ḥaḍramī and non-Ḥaḍramī Yemeni Shāfi'ites, who found great solace in the arguments of Ibn Ḥajar, who promoted their Arab ethnicity, language and dress.

Tuhfat's ideas influenced the scholars from the peripheries, which included third or fourth generations of Yemenis and others in the diaspora, but they did not subscribe to those ideas completely. They added their own voices and interpretations to the school affirming the significance of their lands to Islamic history as well as finding ways to disentangle their everyday problems within the Shāfi'ite deterministic framework. *Fath* is a text of that category. Written in sixteenth-century Malabar, it affirmed a number of different issues that the believers faced in the non-Arab, non-Middle Eastern rims of the Indian Ocean. The text as well as its author and his scholarly family thus prompted a reimagination of an educational centre of Islam outside the Middle East and the rise of "multiple Meccas". It also prompted recognition in Islamic law itself of the necessities and priorities of the contemporary place and time. Such attitudes, along with its simplicity and precision, contributed to its wider reception across the Shāfi'ite cosmopolis from the Indian Ocean to the Eastern Mediterranean, as an intermediate textbook and a textual source of law. Thus, it attracted a number of commentaries, particularly in the nineteenth century. *Nihāyat* and *I'ānat* belong to this group, and they furthered the ideas of *Fath* in particular and of Shāfi'ism in general, catering for the new developments in their time. In the wake of increasing attacks on Islamic legal tradition from the "Muslim modernists" and political "legal codifiers", the whole traditional community united as a single body, healing many divisions that had existed in their long tradition. Two texts written by two scholars with origins in the periphery and in the centre, *Nihāyat* and *I'ānat*, represent a multi-faceted process of synthesis in the nineteenth century and a commitment to resist a particular set of forces. "If the system is stable," Edward Lorenz would say, "its future development will then remain arbitrarily close to its past history".