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

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Propositions

- 1) Circulation of Islamic ideas intensified across the Indian Ocean and the Eastern Mediterranean worlds in the increasing globalizations of the thirteenth, sixteenth and nineteenth centuries with significant impacts on Shāfi'ism. It enabled and strengthened a “cosmopolis of Shāfi'ite law” with shared legal vocabularies, texts, ideas and practices.
- 2) In “the post-classical phase” of Islamic law the thirteenth-century *Minhāj* systematized, structured and hierarchized the diverse rulings of the Shāfi'ite school. By doing so it became the canon of the school.
- 3) If *Minhāj* demonstrates canonical authority, its sixteenth-century commentary *Tuhfat* shows a commentarial authority. Its indirect summary *Fath* inserted a “peripheral” voice to the textual *longue-durée* as an emblem of the multidirectional journeys of Islamic law. *Nihāyat and I'ānat* in the nineteenth century furthered such journeys with multiple syntheses of geo-legal divisions.
- 4) Crucial to the circulation of Islamic legal texts was the fuqahā-estate that believed in its autonomy vis-à-vis the state and the larger laity. Its idea of a powerful estate and a powerless state was not very different from the contemporaneous European royal-religious linkage.
- 5) Global History is one way towards becoming a global citizen, provided that one does not label one's insularity as global.
- 6) History (and Humanities and Social Sciences in general) is a way to get out of one's comfort zones, as if it is a study “by infidels for infidels” (Crone and Cook, 1977: viii). Only that the line between fidelity and infidelity is too thin.
- 7) If a butterfly in Brazil can really cause a Tornado in Texas, Mathematics can provide a most useful framework to analyse the past across period and place.
- 8) Historically citations and footnotes are political, economic, diplomatic and/or parochial.
- 9) Minority rules the majority, be it in democracy, colonialism, or Islamic law. Otherwise, England and Holland would not have been so small.
- 10) Not only do comparisons make one unhappy; connections too cause sorrow *in time*.
- 11) Just as Shāfi'ite text-centrism emerged in the tenth century, when students had to produce a *ta'liq* (“doctoral dissertation”) defending the school's opinions based on previous texts, so also this dissertation on the circulation of such texts may be seen as nothing more than a *ta'liq*.