

Conference Report

Ocean of Law II: Islamic Legal Crossings in the Indian Ocean World

Leiden University, 12-14 December 2016

THE SPREAD AND GROWTH OF ISLAMIC LAW across the Indian Ocean world have been largely neglected by scholars of Islamic law, Middle East specialists, and scholars of the Indian Ocean, despite South and Southeast Asia together being home to the largest Muslim population in the world. The international conference 'Ocean of Law II: Islamic Legal Crossings in the Indian Ocean World' held at Leiden University between 12 and 14 December 2016 explored this understudied area, particularly the ways in which Muslim communities from the so-called 'peripheries' of the Islamic world shaped their lives and thoughts within and beyond the juridical frameworks of Islam.

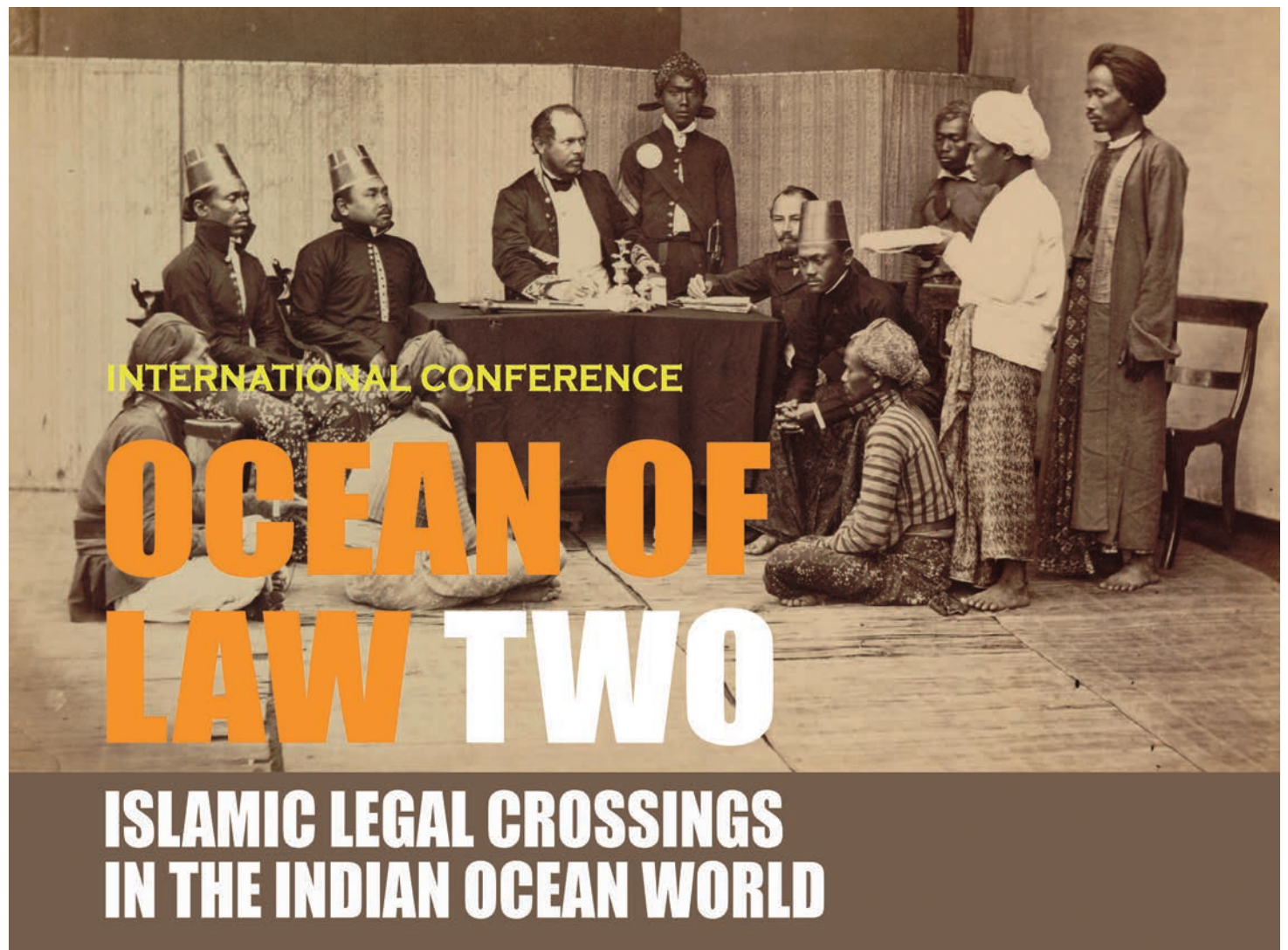
The conference was held in continuation to the conference 'Ocean of Law: Intermixed Legal Systems across the Indian Ocean World' organised in December 2015. It was made possible in part by a major grant from the Leiden University Centre for the Study of Islam and Society (LUCIS) and the Institute for History. Scholars from various countries, disciplines and expertise came together and presented their research on histories of Islamic law in different regions of the Indian Ocean littoral. They explored how and why Islamic legal ideas and texts travelled across borders; how ideas and texts shaped legal traditions and systems they encountered during their journey; how and why legal cultures negotiated, influenced and contested each other at the moments and sites of their interactions; and how the unique predominance of Shāfi'ī school of Islamic law in this Indian Ocean rim has been a vital phenomenon in shaping many social, cultural, religious and political perspectives of its Muslim communities across centuries. The conference unravelled such nuances in a long-term historical perspective and/or with multi-cited ethnographic approaches.

On the first day, the conference was opened by a keynote speech by Iza Hussin (Cambridge University) who analysed the mobility of two formulations of Islam in law in the nineteenth century: Islam as the religion of the state, and Islam as providing the content of state legislation and policy. Taking the journeys and experiments of Sultan Abu Bakar of Johor across multiple legal realms from Japan to Hawaii to Istanbul and England, she drew attention to the processes of translation, comparison and repetition as useful tools for studying the mobility of law in the Indian Ocean world.

On the second day, Ronit Ricci (Hebrew University of Jerusalem and Australia National University) and Léon Buskens (Leiden University and NIMAR) also delivered keynote speeches on the circulation of Islam, its law, texts and/or people. In her speech, Ricci explored nuances of Islamization, vernacular writing, and frontiers in the histories of Malay Muslims in colonial Sri Lanka. Focusing on a historical narrative written in the Malay *syair* genre titled *Syair Faid al-Abad* by Baba Ounus Saldin, she unravelled how this maritime region stood as a frontier of Southeast Asian Islam and of the Malay language in South Asia. Buskens investigated the life and career of Snouck Hurgronje, the Dutch Arabist and advisor to the Dutch colonial government, with regard to the reinvention of Islamic law and discovery of *adat* law. Based on a number of materials in Arabic, Indonesian and European languages, he demonstrated how Hurgronje's understandings of Islamic law were equally shaped by his extensive fieldworks and interactions with the elite circles of the West and the East. In turn, his conclusions and arguments influenced the Dutch colonial policies as well as Western scholarship on Islamic law.

Apart from the keynote speeches, there were seven panels in total which were chaired by Jatin Dua (University of Michigan), Robert Gleave (University of Exeter), Debjani Bhattacharyya (Drexel University), Carolien Stolte, Alicia Schrikker, Anita van Dissel, and Jos Gommans (all from the Leiden University Institute for History). The panels were not organized thematically as all papers were more or less connected to Islamic legal cultures of the Indian Ocean world.

In the first panel, Elizabeth Lhost (University of Chicago) talked about the *fatwa* literature from South Asia in the nineteenth and twentieth century. She argued that those *fatwas* explicated a persistence of regional affinities and local connections, despite of the boom in modern technologies like printing, telegraphs and steam transportation – which themselves were discussed extensively in the *fatwas*. Travelling to the seventeenth century, Louie Buana (Leiden University) also demonstrated how the regional exchanges among the Southeast Asian *ulamā* had resulted in the production and Islamization of *adat* in West Sulawesi. He took the Mandarese Records called 'Lontar Mandar' as an example to show how the *adats* of the region were influenced by the wider networks of scholars and Islamic law in the Indian Ocean world; from Java and Mecca in particular.



In the following panel, Tom Hoogervorst (KITLV Leiden) took a lexical approach to demonstrate various levels and layers of influences on Island Southeast Asia's legal terminologies and related practices. With several examples of phrases and words in local, Indic and Arabic languages used in the archipelago, he illustrated historico-linguistically that the Hindu-Buddhist and Islamic legal practices and texts were localized in premodern Southeast Asia rather than that the Island was assimilated to external influences. Mahmood Kooria (IIAS-ASC Leiden) discussed cases of several African jurists who worked in South and Southeast Asia before 1500. He drew attention to seeing the history of Islamic law as a product of an Afro-Asia-Arab triangle instead of limiting it to an Arab export (see also this issue, pp.8-9).

In the third panel, Sanne Ravensbergen (Leiden University) articulated the functions of Javanese Penghulu as advisors on Islamic law to the Dutch colonial pluralistic courts. She argued that several stereotypes attributed to them in the popular writings or later studies were only exaggerations, and often the pluralistic court maintained their position for the status quo, the recognition they had in the community and for the effectiveness of the courts. In a similar vein, Omer Aloni (Tel-Aviv University) also presented a case from the Israeli Supreme Court that ruled in favor of bigamy in order to "restore the peace in the village". His paper focused on the dilemma of bigamy and polygamy in early Israeli Law with regard to the existing practices among the Eastern Arab communities.

On the second day, Naveen Kanalu (University of California Los Angeles) talked about the discourses of legalism and sovereignty in the Mughal Empire with reference to the production of the *Fatāwā al-'ālamkīriyyah* compiled during Aurangzeb 'Ālamgīr's reign (r. 1658–1707). He said that the *Fatāwā* reveals the Mughal attempt to assert its legitimacy through this codification and the structural transformations in its imperial domination. Following him, Arfiansyah (Leiden University) also underscored another imperial codification from a different place and time: from Gayo in the Aceh Province of Indonesia. The Gayonese legal code called 45 Articles of Linge Lord was assumedly codified by the Linge Kingdom in the twelfth century CE. He explained how this code has been used by the contemporary local government to police public morality, in spite of questions on the authenticity and legitimacy of the code.

Hassan Khalilieh (University of Haifa) presented in the next panel on how piracy was perceived in Islamic law over several generations. Quoting the foundational scriptures and early classical law, he expounded various restrictive measures Islamic law took to curtail piracy with clear distinctions from maritime jihad. Nicholas W.S. Smith (Northwestern University) presented a concrete case from Somalia in the late nineteenth century with his emphasis on the political and diplomatic career of the self-proclaimed sultan, 'Uthmān Maḥmūd Yūsuf. However, Smith showed that Yūsuf's sovereign-state in north-eastern Somali coast

did not follow any European, indigenous or Islamic legal practices, but rather it took highly malleable and heterogeneous laws as the situations demanded.

On the last day, Philipp Bruckmayr (University of Vienna) opened the penultimate panel by focusing on major Islamic legal debates in Malabar in the early twentieth century. On the basis of *fatwas* of Malay muftis in Mecca and Kelantan and the French colonial documents from the Cambodian National Archives, he highlighted the active engagement of the Cambodian Muslims in the Islamic legal crossings across the Gulf of Siam and the Indian Ocean at large. Similarly, Abbas Panakkal (Griffith University) emphasized the juridical contributions of Malabar to the broader Shāfi'ite legal discussions in its maritime context. He analysed a sixteenth-century legal text, *Fath al-Mu'in* of Shaykh Zayn al-Dīn Makhdūm II, to illuminate how its author took a moderate stand in his legal formulations to benefit the particular contexts of his audience.

Nurfadzilah Yahaya (National University of Singapore) elucidated how East India Company (EIC) courts in the Straits of Malacca asserted authority at the expense of Malay sovereignty from the late eighteenth till the mid-nineteenth century. With the help of the British legal identities granted to as many local inhabitants, the EIC courts often used law to declare the local kings as unlawful and to bring them under the imperial sovereignty. Rishad Choudhury (Harvard University) spoke about the journeys of South Asian *ulamā* to the Hijaz and their ramifications on local webs of knowledge in late Mughal India. Concentrating on a Sunni revivalist Muhammad Hāshim (d. 1761) and his Indo-Persian Hajj manual titled *Ḥayāt al-Qulūb fī Ziyārat al-Maḥbūb*, Choudhury argued that the South Asian *ulamā*'s participation in the contemporary intellectual and pilgrim networks reflected the rapid transitions in political and ideological realms of the subcontinent and the Hijaz.

R. Michael Feener (Oxford University) moderated the roundtable at the end of the conference. He emphasized the broad themes that had come up in the presentations, particularly with regard to the very form and structure of law as understood varyingly from the early Islamic heartlands to the later Indian Ocean littoral. He motivated the presenters to think about the potential terminologies and conceptions for comparative and connected analyses of Islamic legal circulations across the Indian Ocean world that would help future researches. In the following discussion, several participants highlighted a few recurrent themes such as the cultures of Muslim encounters, the infrastructure of the Indian Ocean that enabled legal circulations, and constant dialogues within and without the maritime communities. The conference proceedings will be published as a peer-reviewed edited volume in the *Leiden Studies in Islam and Society* series of LUCIS.

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