

Circulation Networks

In the making of Islam and its laws, a learned community of jurists, authors, teachers and ordinary people intertwined their contributions across geographical and chronological borders. By contesting or undercutting political entities, they asserted the centrality of divine law in the socio-religious lives of people and advanced the ways in which the law was perceived, practised and discussed. From the formative stages, texts stood at the forefront of the progress of discussions. For the Shāfi'ī school, diverse transregional stimuluses helped it to survive and spread and occasionally to decay and contract between the ninth and the twentieth centuries. After its initial spread in ninth-century Iraq and Egypt, the school had found further sociocultural support in Khurasan, Transoxiana and the Levant by the tenth and eleventh centuries; it arrived in South Arabia by the twelfth century and circulated further into South|East Asia and Africa. In the following centuries, it was to become the dominant legal school on the Indian Ocean rim. How did the school achieve this, and who were the people behind its continuous spread and survival? What role did legal texts play in this process?

This chapter analyses the pivotal historical elements that enabled the expansion of the Shāfi'ī school, and Islamic law at large, in the Indian Ocean and Mediterranean littorals with a focus on individual, collective and institutional circulations from circles of learning. The emphasis here is on *the people* who participated in and contributed to the circulatory regime from its formative lands to its eventual movements in the oceanic rims, while Chapter 2 focuses on *the texts* as such. This chapter starts with a brief overview of early circles of juridical learning that leads to a discussion on the formation of the legal schools and consequently of

“the fuqahā’ estates”. It then identifies a “maritime wave of Shāfi‘ism” in the Indian Ocean arena, contesting some anachronistic assertions in existing literature on the spread of the school and the exclusivity of the Ḥaḍramīs. I argue that a cosmopolitan network of Kārimī merchants, Egyptians, Syrians, etc. along with other Arabs, Persians, Malays, Javanese, Sumatrans, Indians, Swahilis, Ethiopians and Comorians led to a simultaneous expansion of the school.

EARLY CIRCULATORS

Since the early history of Islam, there were certain specialist “scholars” of “Islamic knowledge” who learned and interpreted the Qur’ān and narrated the sayings and stories of the Prophet and his companions. These discussions took place at gatherings in mosques, houses and other places. By the mid-eighth century, such groups led by a specialist formed the prototype for a network of scholars and students who would move across borders to teach and circulate what they knew and to listen and learn what they did not know. For obvious reasons, geographical locations played a role in such micro-networks but were not decisive in forming a school of thought. Even so, we do see certain scholars in certain regions forming their own circles of adherents with clear methodological and hermeneutical frames in which the Qur’ān and Prophetic traditions were used and reused to address many everyday concerns unresolved in the scriptures.

By the eighth and ninth centuries, law had become a serious subject of discourse in the micro-networks. There were several reasons for this, varying from everyday trivia of personal etiquettes of piety to larger crises such as identity and authority. In the still expanding regions of Islam, the communities and subcultures from outside the initial heartlands were being integrated into the Islamic community (*umma*) through political conquest and widespread conversion. These developments naturally generated multi-layered predicaments for the Muslim leadership in social, cultural, political and legal spheres. Codifying and canonising Islamic teachings thus became the highest priority, and law played an important role in the process. The circulatory regime of individual specialists and students through educational circles addressed this conundrum in their academic ventures when they zoomed into exclusive circulation of legal ideas, methods and texts.

There were certain crucial circles which had led to the spatial expansion of Islamic legal ideas, such as those led by al-Shāfi‘ī, Mālik bin Anas, ‘Abd

al-Raḥmān al-Awzā'ī (d. 774), Sufyān al-Thawrī (d. 778), Abū Ḥanīfa and his two prominent disciples, Abū Yūsuf (d. 798) and Shaybānī (d. 805). Students flocked directly or indirectly to the circles of such masters. This led to a connection between micro-networks with intensifying legalistic disagreements, in both methodology and outcome, and some students came up with distinctly new approaches.

By the end of the first millennium CE, Islamic legal debates were more institutionalised and organised. The micro-networks spread over place and time to become explicitly legal schools (*madhabs*), and there were more than ten prominent such schools by the end of the millennium. Among Sunnīs there was Shāfi'ism, named after al-Shāfi'ī; Ḥanafism, after Abū Ḥanīfa; Mālikism, after Mālik bin Anas; Ḥanbalism, after Aḥmad bin Ḥanbal; Thawrism, after Sufyān al-Thawrī; Zāhirism/Dāwūdism, after Dāwūd al-Iṣfahānī (d. 884); Awzā'ism, after 'Abd al-Raḥmān al-Awzā'ī; and Jarīrism, after Muḥammad bin Jarīr al-Ṭabarī (d. 923). There were two prominent schools among the Shī'īs: Zaydism, named after Zayd bin 'Alī (d. 740), and Ja'farism, after Ja'far al-Šādiq (d. 765). The school of the Khārijīs was Ibādism, after 'Abd Allāh bin 'Ibād (d. 708). By the tenth century many of these schools had gained a strong foundation that bound together their followers. This led to the birth of macro-networks.

The case of al-Shāfi'ī, the founder of Shāfi'ī school, offers a convincing example for the interconnections between micro-networks, the formation of an independent micro-network and its gradual evolution to macro-networks. He participated in the micro-networks of many scholars, including Mālik bin Anas. He may have been born in Palestine or Yemen, and when he was two years old his mother took him to Mecca, where he grew up. After studying there and in Medina, he went to Baghdad. For unclear reasons he then moved to Cairo and lived there until his death at the age of fifty-two.¹ During this latter part of his life he

¹ Not many detailed primary sources for the life of al-Shāfi'ī are available to us. The earliest biography of al-Shāfi'ī is said to have been written by Dāwūd al-Zāhirī, but that text has not survived. Ibn Abī Ḥātim al-Rāzī's (d. 939) and Aḥmad Bayhaqī's (d. 1066) biographical writings are therefore our earliest detailed sources, even though they were written almost one and two centuries respectively after al-Shāfi'ī's lifetime. An early biographical study in a European language is Joseph Schacht, "Shāfi'ī's Life and Personality", in *Studia Orientalia Ioanni Pedersen*, ed. Flemming Hvidberg (Copenhagen: Einar Munksgaard, 1953), 318–326. For recent studies, see Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (Cambridge: Cambridge University Press, 2013); Kecia Ali, *Imam Shafi'i: Scholar and Saint* (Oxford: Oneworld, 2011).

is said to have dictated his work to his students, as was the practice of the time. Through his teaching circles, a distinctive and strong micro-network evolved in which his disciples in Baghdad, Mecca and Cairo all contributed to the strengthening of his legal thoughts in their respective regions.² This led to the development of a “doctrinal” school of law by the mid-ninth century.³

Even though Shāfi‘ism could not maintain a stronghold over Egypt in the ninth century, as the country was strongly influenced by Mālikism, the political structures offered favourable conditions for its expansion for more than a century. For example, the then semi-independent ruler in Cairo, Aḥmad bin Ṭūlūn (d. 884), encouraged members of his household to study al-Shāfi‘ī’s teachings by attending the lectures of his one disciple, to whom the former even gave financial support.⁴ The ideas began to expand beyond Egypt, attracting a wide audience by the tenth and eleventh centuries in Iraq, Transoxiana and Khurasan, which in turn became new centres for Shāfi‘ism. The Transoxiana students and teachers had mostly been educated in Egypt, but some were also educated in Baghdad by the immediate disciples of al-Shāfi‘ī. In the course of time, the school (and Sunnism at large) was endangered when the Shī‘ī dynasty of the Fāṭimids took control of the region and introduced their jurisprudence. It regained strength after the Ayyūbids came to power in the twelfth century. Ever since the school had become prominent in the region, as the historian Ibn Khaldūn would write later in the fourteenth century: “It [the school] turned out to be in a better position than before, and was greatly cultivated” through numerous jurists, followers, teachers and students.⁵ Their movements and activities contributed to the development of micro-networks into macro-networks and further into fuqahā’ estates within and beyond the borders of Arabian, Arabised and Persian lands.

² Some of his leading disciples were Abū ‘Alī al-Ḥasan al-Za‘farānī (d. 874) in Baghdad, Abū al-Walīd Aḥmad in Mecca and Ismā‘īl bin Yaḥyā al-Muzanī and Rabī‘ bin Sulaymān al-Murādī in Cairo.

³ This argument of El Shamsy opposed the existing claim of Wael Hallaq on the “personal schools”. Hallaq himself questioned Schacht’s view of “regional schools”; see Wael Hallaq, “From Regional to Personal Schools of Law: A Re-evaluation”, *Islamic Law and Society* 8, no. 1 (2001): 1–26; Ahmed El Shamsy, “The First Shāfi‘ī: The Traditionalist Legal Thought of Abū Ya‘qūb al-Buwayṭī (d. 231/846)”, *Islamic Law and Society* 14, no. 3 (2007): 301–341.

⁴ The disciple was Rabī‘ al-Murādī. Ahmed El Shamsy, “Al-Shāfi‘ī’s Written Corpus: A Source-Critical Study”, *Journal of the American Oriental Society* 132 (2012): 334.

⁵ ‘Abd al-Raḥmān Ibn Khaldūn, *Muqaddima*, ed. ‘Abdullāh bin Muḥammad al-Darwīsh (Damascus: Dār al-Balkhī and Maktabat al-Hidāya, 2004), 2: 190. The translated quote is from ‘Abd al-Raḥmān Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal (New York: Pantheon Books, 1958), 3: 11–12.

FUQAHĀ' ESTATE

The expansion of Shāfi'ī circles into macro-networks, with systems of organisation and transferring knowledge and texts focusing on Islamic law, emblemises the rise of a phenomenon identified here as “the fuqahā' estate”. In many ways it is an indirect adaptation of Georges Duby's seminal tripartite conception of the medieval European society into three imaginary “orders”,⁶ but a major difference would be that the fuqahā' are not a broad order like the clergy and are not merely *those who pray*. They are more of an “estate”, like the jurists or journalists who formed the third or fourth estates in a democratic society – terms again derived from the “estates of the realm” of premodern Europe. The conception of the fuqahā' estate has two principal levels, a formative micro-level and a developed macro-level. In the early centuries of Islamic legal thought, knowledge was circulated from person to person through small “circles”, as mentioned earlier. These circles of individuals eventually developed into doctrinal “schools”. People journeyed through them until the mid-ninth century, yet most of their journeys remained within central Islamic lands. This is the formative stage, the “micro-level” of the fuqahā' estate. By the late ninth century, mobility had increased and in many other parts of the Muslim world conflicting doctrinal schools began to arise. The collective of members of those different schools as a single body of jurists formed the fuqahā' estate.

The increase in the number of specialists and opportunities for long journeys and interactions with other, differing views required the sub-groups within the estate to acquire more organised structures with distinctive functions, identity, autonomy and etiquette. The Shāfi'īs were only one group among many Islamic jurists looking for a more organised structure for their professional activities. If the “school” is about intellectual engagements with a particular stream of thought, the “estate” is about having a common platform for all the specialists (*khawāṣṣ*) of law on which to organise, debate and assert the distinctiveness of their profession and protect it from the intrusions of an uninformed public (*'awāmm*), including political powers.

By the tenth century, the geographical spread of legal networks with a local and translocal authority had evolved into clusters of members of the scholarly class in the Islamic world. Individuals participated in

⁶ Georges Duby, *The Three Orders: Feudal Society Imagined*, trans. Arthur Goldhammer (Chicago, IL: University of Chicago Press, 1980).

micro-networks and eventually moved into broader educational realms. They formed and made use of macro-networks cutting across the existing social and political arenas through their legal engagement. They aimed to be a parallel society of legal specialists outside the dominant frameworks of society. If we follow the jurists' own perceptions about themselves, they are the *true* 'ulamā' and all their pursuit of knowledge is aimed at a better study of the law. Good examples of this are the general gradation of fiqh as the highest knowledge, and the development by the jurists of a professional distinction within the 'ulamā' class as experts in legal matters.⁷ As for the other disciplines, such as Qur'ān exegesis and ḥadīth, which could be seen as being at the top of Islamic subjects of study, or grammar, logic and linguistics, which might stand outside spiritual concerns even though they were taught in a purely religious environment, these were understood by them as a source or a means for making legal inferences. Hence, the specialists of other disciplines and sub-disciplines, who would otherwise be identified as 'ulamā', are just mediators or facilitators for fuqahā'. This self-perception helps in analysing their space and sphere as a determined fuqahā' estate rather than the generalised and abstract 'ulamā' estate.⁸

In the long discursive tradition focusing on particular texts, the collective of Muslim jurists as fuqahā' estate comprises a number of individuals, institutions, ideas and texts. Every place may have its own estate, either with members of Sunnī, Shī'ī and Ibādī schools or with members of only one particular school. If there were many schools then I call each a "cluster", such as the Shāfi'ī cluster of Khurasan which opposed the Ḥanafī cluster, while both belonged to the Khurasani fuqahā' estate. Each cluster might have had its own institutions, such as madrasas and mosques, but it is quite possible that most clusters shared the same institution. The interaction between the fuqahā' of distant lands, as when the Shāfi'īs of Khurasan arrived in Damascus, marked the beginning of the "macro-level" in the evolution of the estate. This increased mobility arose

⁷ In the earlier phases, fiqh was identified as the knowledge of religion, "for its leadership, nobility, and uprightness over all other disciplines". Muḥammad Ibn Manẓūr, *Lisān al-'Arab* (Beirut: Dār Ṣādir, n.d.), 13: 522. However this perception became more constrained over time.

⁸ For an example, see a sixteenth-century Shāfi'ī text entitled *Ajwibat al-'ajība* in which many scholars of the time deliver the fatwās that if an endowment is made for 'ulamā', only the fuqahā' and those who stand close to them are eligible for its benefits. Zayn al-Dīn al-Malaybārī, *Ajwibat al-'ajība 'an al-as'ilat al-gharība*, Ponnāni MS. 1203 [also numbered 2598], fols. 38a–39a, and an edited version by 'Abd al-Naṣīr Aḥmad al-Shāfi'ī al-Malaybārī (Kuwait: Dār al-Diyā', 2012), 157–158.

from a macro-network of scholars, across which texts, ideas and certificates moved beyond borders. To put these organisational terms simply, we see that a circle evolved into a school, whose members formulated a cluster in a region.⁹ A cluster is a community of ideas in which ideas distinguish a school. Members of one or more clusters in one place formulate a single body of jurists called a fuqahā' estate, able to share values, norms, protocols and institutions. The micro–macro distinction is about the widening scale of interactions between and among the circles and schools in the formative stage of the estate, and then among and between the clusters in its developed stage. The evolution of micro-networks into macro-networks should not be taken as a process of elimination. Even after the expansions, micro-level circles and regional networks still existed in the central Islamic lands and beyond, feeding the needs of macro-mobilities.

Through the expansion of macro-networks in the tenth and eleventh centuries, the fuqahā' rose to a position of power in which their notions of religious authority were invested exclusively into their own legal collectives. This period also witnessed a transition of the supremacy of caliphs to various amirs and sultans. They began to decentralise notions of ultimate power and to make the institution of a caliphate purely symbolic. Consequently, the holders of political power came to be perceived as servants of the Muslim community, whereas the fuqahā' thought of themselves as having “true” power of religion vis-à-vis ruling polities.¹⁰

⁹ Here the word “cluster” is close to the existing usage of “school”, but differs in its emphasis in two ways: (a) on the agency of people, institutions and everyday nuances; a school denotes intellectual frameworks; (b) on the region in which the people and institutions were based; a school is more universalistic in appearance.

¹⁰ Previous historiography of Islam has looked at the relationship with the state and polity. Many historians followed different paths on the complex relation between ‘ulamā’ and the society in general and the polity in particular, when the fuqahā’ come to assume a more deterministic role. For example, see Guy Burak, *The Second Formation of Islamic Law: The Hanafi School in the Early Modern Ottoman Empire* (Cambridge: Cambridge University Press, 2015). For more details on this eventual transition in Mamlūk Egypt, see Yossef Rapoport, “Legal Diversity in the Age of Taqlīd: The Four Chief Qādis under the Mamluks”, *Islamic Law and Society* 10, no. 2 (2003): 210–228; Sherman A. Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfi* (Leiden: Brill, 1996); for an Indian Ocean perspective on this transition, see Iza R. Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (Chicago, IL: University of Chicago Press, 2016). In this last case, when the European colonial structures became predominant in the Muslim world, there was no question of freedom for and jurisdiction of Islamic jurists against the increasing powers of colonisation. Cf. Steven C. Judd, “Al-Awzā’ī and Sufyān al-Thawrī: The Umayyad Madhhab?”, in *The Islamic School of Law: Evolution, Devolution, and Progress*, ed. Peri Baerman, Rudolph Peters and Frank E. Vogel (Cambridge, MA: Harvard University Press,

INDIVIDUAL AND INSTITUTIONAL FRAMES

In the circulation of Shāfi'ism and broadly Islamic law, individual and institutional frameworks had significant roles in the nourishment of proto-, micro- to macro-networks and fuqahā' estates. These frames of networks enabled the very presence of an estate and its functions, and facilitated the production and dissemination of texts central to its survival.

The foremost pillars on which the estate's regional space rested were *the individuals*. The polity and community, with their religious, legalistic or social lives and thoughts, circle around individual jurists, with diverse traditional, textual and charismatic authority. The fuqahā', with traditional authority, asserted power from the domain in which they were engaged, such as classrooms, podiums, niches (*miḥrāb*) or pulpits (*minbar*). Although they were predominantly men, women also participated in studying and teaching law and issuing fatwās across centuries independently or alongside their male colleagues and classmates at public venues, private houses, mosques and madrasas.¹¹ Irrespective of gender, a pious Muslim would encounter some of these spaces every day. The traditional legitimacy ascribed to the fuqahā' allowed them to control the regularity of rituals, social and religious norms, commercial dealings and any violations to the order of everyday life by law. Usually a believer came to an individual jurist in the locality, not the other way around.¹² If an issue

2005), 10–25; Nurit Tsafirir, *The History of an Islamic School of Law: The Early Spread of Hanafism* (Cambridge, MA: Harvard University Press, 2004); Muhammad Qasim Zaman, "The Caliphs, the 'Ulama' and the Law: Defining the Role and Function of the Caliph in the Early 'Abbāsīd Period", *Islamic Law and Society* 4, no. 1 (1997): 1–36; Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350* (Cambridge: Cambridge University Press, 1994); Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986). For earlier engagements with this question, see Ignaz Goldziher, *Introduction to Islamic Theology and Law*, trans. Andras and Ruth Hamori (Princeton, NJ: Princeton University Press, 1981); E. I. J. Rosenthal, *Political Thought in Medieval Islam* (Cambridge: Cambridge University Press, 1958).

¹¹ Muhammad Akram Nadwi, *al-Muḥaddithāt: The Women Scholars in Islam* (Oxford: Interface Publications, 2007), 77–80, 115, 119–120, 122, 280–281. Cf. Asma Sayeed, *Women and the Transmission of Religious Knowledge in Islam* (Cambridge: Cambridge University Press 2013); Jajat Burhanudin, *Ulama Perempuan Indonesia* (Jakarta: Gramedia & PPIM IAIN, 2002).

¹² For example, with regard to the fatwās that constitute a recurrent node of interaction, the very epistemological basis of the fatwā is the *istiftā'* (a request for a fatwā) which connotes a layperson initiating an approach towards a jurist. This is an illustrative example of the direction that legal rulings took in an Islamic context, from bottom to top rather than vice versa.

could not be solved at a lower level it was referred to the *fuqahā'* of higher expertise, charisma and/or position in the congregation, higher institutions or legal courts.

In both the early and later periods, individual jurists have been at the core of circulating Islamic legal knowledge and praxis. Most of the successful *fuqahā'* achieved a certain charisma, though the quality varied, which helped to mobilise their own circle of followers within the community. Besides students, the members of the state, nobility and the community at large also provided the *fuqahā'* with far-reaching status. The existence of this circle formed an axis of jurists around which text-based knowledge, such as *fatwās*, advice and morals, was disseminated. The most important segment of the circle, the students, had direct and intense engagement with the texts. They were a significant factor in sustaining a jurist's profession as a teacher. Normal teaching involved producing commentaries, summaries and other textual writings on texts used in the curricula. With the help of one's intellectual environment (one's students and texts), and of constructed notions of charisma (through narratives about one's personal qualities in teaching, writing, *fatwā*-giving and piety), the micro-networks of a teacher-jurist and/or an author-jurist expanded into a macro-network. It should be stated, though it is partly obvious, that these local micro-communities and circles facilitated the existence of an estate as a dynamic entity in most localities.

When there was more than one noteworthy jurist attracting separate circles in the same locality this often resulted in the formation of a cluster for a particular school. If most or all members of multiple circles belonged to the same school, they together formed the estate there and controlled its various expressions. If the members followed different schools, they formed clusters, which could bring together adherents who traversed across circles and individual affiliations. In such cases of divided clusters, the internal dynamics of a legal fraternity were at times competitive, hostile and argumentative. One example of this was made explicit in eleventh-century Nishapur when violent conflicts emerged between the *Shāfi'īs* and *Ḥanafīs*.¹³ Another is seen in thirteenth-century Cairo, where the *Shāfi'ī* cluster dominated, provoking protests from representatives of the others. The clusters, with their internal disagreements, defined the characteristics of the *fuqahā'* estate's unity as a single body in each region.

¹³ Shihāb al-Dīn Abū 'Abd Allāh Yāqūt al-Ḥamawī, *Kitāb Mu'jam al-buldān* (Beirut: Dār Ṣādir, 1977), 1: 209–210; cf. Wilferd Madelung, *Religious Trends in Early Islamic Iran* (Albany: State University of New York, 1988), 26–38.

Despite their internal scuffles, they all stood together whenever they realised that the power of their estate was under threat from polity or community. For example, we see many leading scholars from the Ḥanafī, Mālikī and Ḥanbalī schools endorsing a bitterly worded letter Nawawī wrote to the Mamlūk ruler Baybars (r. 1260–1277).¹⁴

Where there was a cluster of many jurist teachers and authors in one locality students could study the laws of whichever school they chose. They could move between circles looking for teachers expert on a particular theme or text. Within the cluster, students could switch between teachers or study the same text with many different teachers with the aim of achieving blessings (*baraka*), listening to different interpretations, or clarifying doubts by applying the frames of linguistics, philology and rational sciences. The clusters functioned as a pool of scholarship in which enthusiasts could use many available teachers to master subjects or texts. These possibilities were extended when multiple clusters coexisted in one estate, providing aspirants more opportunities for interschool studies.

Institutions were a clear visible space for Islamic legal circulations. They included mosques (*masjids*), colleges (madrasas) and occasionally legal courts (*maḥkamas*). Religious, educational and juridical activities were intertwined in these places. Mosques also were centres of learning across the Islamic cultures; legal procedures and judgments were often brought in front of a teacher in a college, who may also have been a muftī or a judge. These institutional frameworks were infused with a strongly divine spirit, which ensured the estate's authority over the space and its legitimacy among the community. With reference to many Qur'ānic verses and ḥadīths, the masjid was identified as the "house of God", and its custodians were the professionally defined groups among the fuqahā', the imāms and *khaṭībs*. Similarly, the college was seen as a place where God's knowledge was transmitted and it was proclaimed as a sacred space of divine arbitration between the *umma* and God from the fuqahā' through their knowledge. The acceptance among the community of such dictums encouraged increased financial backing for the estate from laypersons, who perceived their offerings as meritorious acts.¹⁵

¹⁴ 'Alā' al-Dīn 'Alī Ibn al-'Aṭṭār, *Tuḥfat al-ṭālibīn fī tarjamat Shaykhinā al-Imām Nawawī*, Tübingen University Library MS. Ma VI 18; 'Alā' al-Dīn 'Alī Ibn al-'Aṭṭār, *Tuḥfat al-ṭālibīn fī tarjamat li al-Imām Muḥy al-Dīn*, ed. Abū 'Ubayda Mashhūr Āl Sulaymān (Amman: Dār al-Athariyya, 2007).

¹⁵ For a historical elaboration on this interlinkage in an Indian Ocean region, see Mahmood Kooria, "Doors and Walls of Mosques: Textual *longue-durée* in a Premodern Malabari Inscription", in *Social Worlds of Premodern Transactions: Perspectives from Indian*

The most important progress in the eleventh and twelfth centuries was the proliferation of many higher educational centres across the Islamic world. Their rise can be traced to the rise of legal education in the Islamic world for professional purposes. Most colleges in the earlier phase focused exclusively on law, and “the colleges of law” were inseparable from the “schools of law”.¹⁶ Some clusters in various fuqahā’ estates were successful in dominating newly established colleges on behalf of their respective schools. However, the benefactors of the colleges had their own priorities and, depending on the general trends in a particular locality, they chose to offer endowments inclusively or exclusively. The scholarly opulence of Shāfi’ism came from clusters with benefactors from various social strata of Egypt, Syria, Iraq and Iran, who all contributed to the expansion of the school. Niẓām al-Mulk (d. 1092), the vizier of the Seljūq Empire, is one important figure in this regard. He not only contributed to the general advancement of Islamic educational institutions by establishing numerous colleges across the empire in the late eleventh century, but also through his endowments provided a chair primarily for the school of Shāfi’ism. Some endowments he made were exclusively for Shāfi’ism. Political entities were by no means alone in making endowments. Merchants, nobles, scholars themselves, slaves and laypersons all contributed to the rise of colleges and thus to the circulation of the ideas of the school.

The establishment of Islamic law as a professional field and of many associated prestigious centres of higher learning attracted several students to pursue fiqh more dynamically. Shāfi’ism gained remarkable numbers through the charisma of such scholars as Abū Ishāq Ibrāhīm al-Shīrāzī (d. 1083), Juwaynī al-Ḥaramaynī (d. 1085) and Ghazālī in the eleventh century. Fiqh in general, and Shāfi’ī fiqh in particular, thus became a glamorous discipline. Ghazālī wrote in the late eleventh century that jurists receive “more fame, financial security and supremacy over anyone else including preachers, storytellers and theologians”.¹⁷ The academies of Baghdad, Nishapur, Cairo and Damascus attracted students from different parts of the Islamic world. These cities hosted the prominent higher educational centres of Shāfi’ism from the eleventh to the fifteenth

Epigraphy and History, ed. Mekhola Gomes, Digvijay Kumar Singh and Meera Visvanathan (New Delhi: Primus Books, 2020), 128–151.

¹⁶ George Makdisi, *Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 1–4.

¹⁷ Abū Ḥāmid al-Ghazālī, *Jawābir al-Qur’ān wa duraruh* (Beirut: Dār al-Jīl wa Dār al-Āfāq al-Jadīda, 1988), 20–21.

centuries, although there were constant shifts in their relative rankings of prestige. Students from adjacent rural areas mostly ended up at these urban centres of learning, which could be ruled by ‘Abbāsids, Ayyūbids, Seljūqs or Mamlūks. This was not a geographically restricted pattern. Both students and teachers travelled across political borders. Changes in economic, social, cultural and political conditions influenced the mobility of scholars, but no single component, certainly not politics, controlled circulatory networks.

Institutions, whether colleges or mosques, were also spaces for contestation between individuals, schools and clusters. Only a few mosques and colleges had imāms, muftīs, judges and/or chairs for all the four legal schools. In Egypt, for example, the influential Sunnī-Mālikīsm and Shī‘ism were replaced by Sunnī-Shāfi‘ism when the Ayyūbid ruler al-Nāṣir Ṣalāḥ al-Dīn, better known as Saladin, (r. 1174–1193) took political control of Syria and Egypt. He appointed a Shāfi‘ī scholar, Ṣadr al-Dīn ‘Abd al-Malik al-Kurdī (d. 1209), as the chief judge, a move that had reverberations for a century; all subsequent chief judges were Shāfi‘īs until the rule of Baybars. This helped in making Shāfi‘ism the predominant legal school in Egypt, with other schools such as Mālikīsm and Ḥanafīsm being relegated to a minor status. The school affiliations of madrasas also demonstrate this fact. Of the twenty-seven colleges founded between 1172 and 1265 and whose school affiliations are known, “fifteen were exclusively Shāfi‘ī institutions, four exclusively Mālikī, four exclusively Ḥanafī, and none exclusively Ḥanbalī; two were Shāfi‘ī-Mālikī, two Shāfi‘ī-Ḥanafī, none Shāfi‘ī-Ḥanbalī, and one, the Ṣāliḥiyya, had a chair for each of the four schools. There were no combinations (e.g. Ḥanafī-Mālikī) that excluded the Shāfi‘īs.”¹⁸ This prominence of Shāfi‘ism and absence of other schools in many madrasas had costs. Many jurists protested against the Shāfi‘ī dominance and asserted their individual and independent frameworks, making the institutions places of interschool contestations.

For students, such institutional constraints could be intimidating. If a student or believer belonging to a particular school wanted to seek instruction, advice or a fatwā from scholars in his or her school, and there were none available in the locality, then it would be necessary to travel to a place where they were available, or alternatively satisfy themselves with the expertise of an available representative of another school. Only a few

¹⁸ Jackson, *Islamic Law and the State*, 54.

scholars were well-versed in all four schools; all had an adherence to one school, although most fuqahā' also had training in the basic laws of the other schools.

Various individuals (a jurist and members of his or her circle), organisations (clusters and schools) and institutions (masjids, madrasas and maḥkamas) were units in spaces where legal ideas, texts and practitioners had a collective sovereignty under the umbrella of the estate. It was this dominion which accelerated the circulation of Islamic legal knowledge across borders and through the centuries. The legal regimes and their textual mainstays continued to appeal internally to the fuqahā', and externally to the community and polity associated with their traditional, textual and/or charismatic authority. Except when radical change occurred, the shared sovereignty of fuqahā' over these domains remained mostly unquestioned throughout the diverse regional and transregional expressions of Islamic legal cultures.

OCEANIC NETWORKS

How did the individual and institutional frameworks and fuqahā' estates contribute to the prominence of the Shāfi'ī school in the Indian Ocean littoral? Thanks to certain regional settings and scholarly–mercantile inter-connections in the Indian Ocean and the Mediterranean, Islam and its laws appealed to a wider following beyond its former borders. In each locality, individual, collective and institutional efforts strengthened the development of Islamic legal thoughts and practices by processes of vernacularisation. The itinerant scholars and their clusters connected the regional and transregional developments with spread of ideas, texts, norms and ethics. The gradual domination of Shāfi'ism in the oceanic rim occurred mainly through the decisive contributions of particular micro-communities, individuals and a few institutions.

With regard to the micro-communities, the credit for bringing and spreading Shāfi'ism to the Indian Ocean shores has been attributed, both in traditional Muslim accounts and in scholarly writings, to the Yemenis, or more precisely to the Ḥaḍramī Sayyids.¹⁹ But the scholars never make clear why,

¹⁹ For example, see Edward Alpers, *The Indian Ocean in World History* (Oxford: Oxford University Press, 2014), 58; particularly on South Asia, see Omar Khalidi, "Sayyids of Hadramawt in Medieval and Early Modern India", *Asian Journal of Social Science* 32, no. 2 (2004): 329–351; Abdul Latif, *The Concise History of Kayalpatnam* (Kayalpatnam: Shamsuddin Appa Publication, 2004); 'Abd al-Ghafūr 'Abd Allāh al-Qāsīmī, *al-Muslimūn fī Kayralā* (Malappuram: Akmal Book Centre, 2000); Andre Wink, *Al-Hind: The Making*

when or how this happened in the early centuries. It is true that ports in Malabar, Konkan, Gujarat, Coromandel, Java, Sumatra, Kilwa, Mogadishu, Mombasa or Zanzibar had maritime mercantile connections with South Arabia, but that does not explain the mobility of juridical thought and practice from Yemen, especially if such legalism was yet to flourish in the country. Therefore we need to discuss briefly when and how Shāfiʿī legal thought arrived in Yemen and how and when it intensified through scholarly practices. This would in turn explicate how the trajectories of Shāfiʿism from Egypt, Syria and Iran relate to its spread across the Indian Ocean rim, without limiting the narrative only to Yemenis or Ḥaḍramīs.

Shāfiʿism spread in both Yemen and on other Indian Ocean coasts at almost the same time through scholarly-mercantile interconnections in what can be considered as the initial phase of its spread in the oceanic littoral. Shāfiʿism only came to clear prominence in Yemen in the twelfth and thirteenth centuries. “Shāfiʿism, its texts and scholars were not popular in Yemen” before the arrival of Qāsim al-Jumaḥī al-Qurashī (d. 1045) in the eleventh century, according to Ibn Samura (d. 1190), who wrote a biographical dictionary of Yemeni jurists.²⁰ Until the end of the tenth century, the predominant school in the region was Ḥanafism, with a small amount of Mālikism.²¹ When Qurashī arrived in Yemen after his studies in Mecca and Medina, he set up an educational circle at Sahfana and attracted students from across Yemen, including Ṣanʿāʾ and Aden.²² In the same century, some of his students produced studies engaging with previous works of the school. In the twelfth century, they were introduced

of the Indo-Islamic World, vol. 1: *Early Medieval India and the Expansion of Islam, 7th–11th Centuries* (Leiden: Brill, 1990), 69–71; vol. 2: *Slave Kings and the Islamic Conquest, 11th–13th Centuries* (Leiden: Brill, 1997), 276–277; A. D. W. Forbes, “Southern Arabia and the Islamicization of the Central Indian Ocean Archipelagoes”, *Archipel* 21 (1981): 80–85; A. Cherian, “The Genesis of Islam in Malabar”, *Indica* 6, no. 1 (1969): 8; M. H. Ilias, “Mappila Muslims and the Cultural Content of Trading Arab Diaspora on the Malabar Coast”, *Asian Journal of Social Science* 35, nos. 4–5 (2007): 444, says: “The spread of Shafii School in Malabar can really be traced back to Hadramis. Religiously speaking, the Hadrami Saiyids had a particular mission of spreading Shafi sect of orthodoxy”. On Southeast Asia, see Kazuhiro Arai, “Arabs Who Traversed the Indian Ocean: The History of the al-ʿAttas Family in Hadramawt and Southeast Asia, c. 1600–c. 1960” (PhD diss., University of Michigan, 2004); on East Africa: B. G. Martin, “Arab Migrations to East Africa in Medieval Times”, *International Journal of African Historical Studies* 7, no. 3 (1974): 367–390; Joseph Schacht, “Notes on Islam in East Africa”, *Studia Islamica*, no. 23 (1965): 91–136.

²⁰ Umar bin ʿAlī al-Jaʿdī Ibn Samura, *Ṭabaqāt fuqahāʾ al-Yaman*, ed. Fuʿād Sayyid (Cairo: Maṭbaʿat al-Sunnat al-Muḥammadiyya, 1957), 80.

²¹ Ibn Samura, *Ṭabaqāt*, 79.

²² Ibn Samura, *Ṭabaqāt*, 88.

to Shīrāzī's *Muhaddab*, which revolutionised their legal ideas, especially in opposing Ḥanafism.²³ Yaḥyā bin Abū al-Khayr al-Yamanī (d. 1163) was a leading scholar in the region and he set up another group of Shāfi'ī scholars. He himself wrote a commentary on the *Wasīṭ* of Ghazālī.²⁴ The texts of these scholars and many others gave Shāfi'ism wider currency in and around the region in the twelfth century.

In the thirteenth century, Yemen witnessed the arrival of many Shāfi'īs who deepened the ideas of the school there. Some political and economic turbulence under the Mamlūks caused many Egyptian businessmen flee to Yemen in the early and middle parts of the century. They returned to Egypt at the end of the century, when the most influential Mamlūk sultan Baybars introduced new policies that persuaded many expatriates to come back. But until then these businessmen had been settled in the ports of Yemen and had become involved in local socio-religious spheres.²⁵ Most Egyptians followed Shāfi'ism by this time, so their religious practices and legal procedures in Yemen would have followed the prescriptions of this school. As a consequence, the juridical orientation of the general populace in the region was influenced by Shāfi'ism, complementing the efforts of legal scholars. During this time, probably due to the influence of Egyptian expatriate elites and local scholars, the Rasūlid sultan Maṣṣūr 'Umar (r. 1229–1249) converted from Ḥanafism to Shāfi'ism, an act that further contributed to the popularity of the school.²⁶ Thus the expansion of Shāfi'ism in Yemen was precipitated greatly by events in Egypt.²⁷ The role of Egyptian networks was crucial for the spread of the school across the Indian Ocean rim, as it was for Yemen, and also Khurasan, Baghdad and Damascus. There were many intermediary micro-communities, but none was as exclusive a force as that attributed to Yemenis in the existing literature.²⁸

²³ Ibn Samura, *Ṭabaqāt*, 126–129.

²⁴ 'Alī Mu'awwid and 'Ādil 'Abd al-Mawjūd, Introduction to Abū Ḥāmid al-Ghazālī, *Wajīz fī fiqh al-Imām al-Shāfi'ī* (Beirut: Dār al-Arqam, 1997), 68.

²⁵ The royal biographer, Muḥy al-Dīn 'Abd Allāh bin 'Abd al-Zāhir has written about the return of these businessmen, see his *al-Rawḍ al-zāhir fī sīrat al-malik al-Zāhir*, ed. 'Abd al-'Azīz al-Khuwayṭir (Riyadh: no publisher, 1976), 132.

²⁶ 'Abd Allāh al-Ḥibshī, *Ḥayāt al-adab al-Yamanī fī 'aṣr Banī Rasūl* (Yemen: Manshūrāt Aḍwā' al-Yaman, 1980), 53.

²⁷ Ibn Samura, *Ṭabaqāt*, 88. Even Abū Bakr bin al-Muḍarrab, the main teacher of Qurashī, who taught him Muzanī's *Mukhtaṣar* and some of its commentaries, was an Egyptian who had migrated to Zabīd in the early eleventh century.

²⁸ A telling example comes from fourteenth-century Malabar, where religious scholars from Oman, Persia, Somalia, Iraq and the Hijaz functioned in different roles and positions, but

Before examining the role of Egyptians and other micro-communities in this network, there is one more problem related to the Yemenis. Most studies have focused on a particular community of the Yemenis, the Ḥaḍramī Sayyids, despite the prevalent argument that the massive migrations from Yemen happened because of natural calamities and socio-economic intricacies.²⁹ Could not the same predicaments have affected other Yemenis apart from the Ḥaḍramī Sayyids? Did they not also want to migrate to other regions? The answer should be yes, but very few studies have been conducted on this issue. We have clear evidence of non-Ḥaḍramī members of a premodern Yemeni diaspora in different coastal townships of the Indian Ocean. They also contributed significantly to the spread of Shāfi‘ism along the ocean rim. This urges us to separate the Yemenis into different ethnic groups, not merely the Ḥaḍramīs.

Most of the non-Ḥaḍramī Yemenis belonged to or claimed to belong to such families as the Āmudīs, Makhdūms, Bakrīs, Ḥumaydīs and As‘adīs, whose lineages arguably went back to the early stages of Islam. In that way they assumed a legitimacy to preach the correct forms of Islam transmitted directly and authentically from the Prophet through their ancestors. Yemeni tribes and clans such as Banū Ḥamdān, Qaḥṭānī, Azd and Ḥumayr, which are spread around the Indian Ocean rim, were mentioned in the hierarchical structure of noteworthy Arab tribes by Ibn Ḥajar al-Haytamī.³⁰ In a way, these non-Ḥaḍramī Arabs contributed to the Islamic legal culture of the rim more than the Ḥaḍramīs. The Ḥaḍramī Sayyids took part in the religious sphere, with a stress on spiritualism backed by their claim of descent from the Prophet Muḥammad. The non-Ḥaḍramī Yemenis, however, established themselves in the legal culture through intensive training and their aspirations for a career in law. This difference between “ascribed” authority and “achieved” authority is clear, but only once we consider the internal dynamics. Otherwise, as a single block, both

hardly any of them came from Yemen. Sebastian Prange, “The Social and Economic Organization of Muslim Trading Communities on the Malabar Coast, Twelfth to Sixteenth Centuries” (PhD diss., University of London, 2008), 141.

²⁹ There are many explanations for their migrations, relating to geographical, climatic, political and economic aspects. The most important study on the Yemeni migrations, primarily focusing on the Ḥaḍramī community, is Engseng Ho, *Graves of Tarim: Genealogy and Mobility across the Indian Ocean* (Chicago, IL: University of Chicago Press, 2006).

³⁰ Shihāb al-Dīn Ibn Ḥajar al-Haytamī, *Mablagh al-arab fī fakhr al-‘Arab* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1990).

micro-communities contributed to strengthening the Shāfi‘ī clusters on the coasts.

The Ḥaḍramī Sayyids were perceived in the Indian Ocean arena as a religiously privileged group because of their claim of lineage from the Prophet Muḥammad. They occupied various religious positions. In Southeast and East Asia and elsewhere they operated mainly in mercantile matters, but religious and mercantile involvement intersected. They contributed to the life of Shāfi‘ism in the regions where they congregated by writing texts, influencing local praxis, establishing standards and norms, etc. This dynamism gave them their own space as a micro-ethnic community in the fuqahā’ estate. But all this happened only after the sixteenth century. Before that, the Egyptians, Syrians and Persians were influential in this sphere.

The roles of Egyptian Kārimī merchants and their links with the fuqahā’ world in spreading Islamic law in general and Shāfi‘ī ideas in particular are remarkable. They were a loosely organised group of merchants who were active across the shores of Egypt, South Arabia, South|East Asia and East Africa. Their organisational structure has been a point of debate among social historians, yet scholars agree that Arab Muslims and Egyptian Islam enjoyed a general superiority.³¹ Although they admitted non-Muslim merchants including Christians and Jews into their ranks, Sunnī-Shāfi‘īs held a prominent position among them, as a detailed list of Kārimī merchants from the twelfth to the fifteenth centuries demonstrates.³² By the fifteenth century, Kārimī had become a synonym for a maritime trader in the Islamic commercial world and in scholarly discussions. The long-existing mercantile connections of ports in the Indian Ocean and the Mediterranean through Kārimī merchant-scholars contributed to strengthening the legal systems of Islam.

³¹ S. D. Goitein, *Studies in Islamic History and Institutions* (Leiden: Brill, 2010), 351–360; see “The Beginnings of the Kārim Merchants and the Character of their Organization”; S. D. Goitein, “New Light on the Beginnings of the Kārim Merchants”, *Journal of the Economic and Social History of the Orient* 1, no. 2 (1958): 175–184; Eliyahu Ashtor, *A Social and Economic History of the Near East in the Middle Ages* (Berkeley: University of California Press, 1976), 241–242, 300–301, 320–321; Eliyahu Ashtor, “The Kārim Merchants”, *Journal of the Royal Asiatic Society* 88, nos. 1–2 (1956): 45–56; Walter J. Fischel, “The Spice Trade in Mamluk Egypt”, *Journal of the Economic and Social History of the Orient* 1, no. 2 (1958): 157–174.

³² Muḥammad ‘Abd al-Ghanī al-Ashqar, *Tujjār al-tawābil fī Miṣr fī al-‘aṣr al-Mamlūkī* (Cairo: al-Hay’at al-Miṣriyya al-‘Āmma li al-Kitāb, 1999), provides a list of more than 200 Kārimī merchants with their full names, personal information and bibliographical details of primary sources.

Apart from some passing references, no one has paid much attention to the juridical affiliations of these merchants and how ideas could have circulated with them between so many distant nodal points. Almost all the Muslim Kārimī merchants were affiliated to one or other Islamic legal school, among which Shāfi'ism dominated because of its influence as a standard and widespread form of legalism in Egypt, along with some influence from the Mālikī school. Therefore, in the thirteenth to fifteenth centuries an ordinary trader would have been aware of it through social and commercial engagements.

The biographical dictionaries prepared by Ibn Ḥajar al-'Asqalānī (1372–1449) and others talk about merchants who clearly followed a school, and Shāfi'ism was the most prevalent one. The normal practice in a biographical dictionary was to mention most persons with their legal school affiliation. For example, the full name of a Kārimī merchant is given as Ghars al-Dīn Khalīl bin Muḥammad al-Aqfahsī al-Miṣrī *al-Shāfi'ī*, which indicates that he followed the Shāfi'ī school. Apart from being professional merchants, some were also legal scholars who played crucial roles among the Kārimīs.³³ The Maḥallī family was a renowned Kārimī mercantile group involved in Levantine trade in the fourteenth and fifteenth centuries. One of them in particular, Burhān al-Dīn al-Maḥallī (d. 1403), was known as the “sultan’s trader” or the “outstanding merchant” (*tājir al-khāṣṣ*).³⁴ Some became famous in the world of legal scholarship. One of the noted commentaries of the *Minhāj*, on which this book focuses, was written by Jalāl al-Dīn Muḥammad bin Aḥmad al-Maḥallī (1389–1459). He titled his commentary, which became one of the most celebrated texts in the school, *Kanz al-rāghibīn*, but it was widely known in Shāfi'ī circles as “Maḥallī”.³⁵

There were direct connections made from the Eastern Mediterranean to the coastal belts of the Indian subcontinent. These, as well as arrivals of

³³ Ibn Ḥajar al-'Asqalānī, *Inbā' al-ghumr bi abnā' al-'umar* (Hyderabad: Maṭba'at Majlis Dā'irat al-Ma'ārif al-'Uthmāniyya, 1967–76), 225; he also talks about many other merchant-scholars. For another example, one Badr al-Dīn Ḥasan bin Suwayd was a juristic consultant who occasionally acted as a notary public of Mālikism, but he was essentially a Kārimī merchant.

³⁴ Ashtor, *Levant Trade in the Middle Ages*, 218, 275–276; on the family in general, 74.

³⁵ Its original title was forgotten over the course of time. A nineteenth-century writer went as far as saying that Maḥallī did not entitle his work. See Aḥmad Mayqarī Shumaylat al-Ahdal, *Sullam al-Muta'allim al-muhtāj ilā ma'rifat rumūz al-Minhāj*, ed. Ismā'il 'Uthmān Zayn (Jeddah: Dār al-Minhāj, 2005), 627. He was reasonably active in commerce and he is said to have made a huge profit in the early fifteenth century before he turned to full-time academic activities.

Kārimī merchants, further explain a possible input of Shāfi‘ism from the Levant. The merchant-scholars who travelled to the Indian coasts made references to Shāfi‘īs from Damascus as well as Cairo. The aforementioned Ghars al-Dīn Khalīl is noteworthy among them.³⁶ Another is Qāḍī Abū ‘Alī ‘Abd al-Raḥīm al-Baysānī al-‘Asqalānī (d. 1200), who made huge profits every year from his trade in the Indian Ocean and the Mediterranean. He was a Shāfi‘ī judge based in Egypt and a friend of the Ayyūbid sultan Saladin.³⁷ Two other jurist-merchants, Ibrāhīm bin ‘Abd al-Karīm al-Khwāja (who came from Damascus but then migrated to Cairo) and Jalāl al-Dīn Muḥammad bin Muḥammad, arrived on the Malabar Coast, but we have no clear evidence of their affiliations.³⁸ Based on biographical dictionaries, Carl Petry has convincingly tabulated the travel patterns of some medieval Muslim notables who came to the Indian subcontinent and took up occupations there, including legal: *muḥtasib*, *shāhid*, notary, judge and assistant judge; scholarly: *mudarris*, lecturer; and religious: *khaṭīb*, sermoniser, *muqri*, reciter and *mu‘taqad*; others were *nāẓir*, supervisor, or *tājir*, dealer, and other bureaucratic or commercial occupations. In his table the legal affiliations of judges or assistant judges are not given,³⁹ yet they all show a direct link between the Mediterranean and the Indian Ocean with mutual influence on each other’s legalist formulations, together with those from Yemen, Persia and other nodes on the oceanic rim. Where their school affiliations are not known or if they were not Shāfi‘īs, they can be identified as part of an early stage of “the intermixed schools” in the maritime legal scape. That indicates a simultaneous presence of more than one school, without any of them being dominant, as was the case on the Indian Ocean rim prior to the sixteenth century.

All this evidence helps us appreciate the role of Egyptians and Syrians in the expansion of Shāfi‘ism in the Indian Ocean arena. While some Kārimī traders only ventured up to the ports of Yemen, many voyaged further eastwards, to the Indian coasts and farther into East Asia as well as to East Africa, and they had a similar juridical affiliation to the merchants whose

³⁶ Carl F. Petry, “Travel Patterns of Medieval Notables in the Near East”, *Studia Islamica* 62 (1985): 78–79. The following details are from him, but I also cross-checked with the original source, Muḥammad bin ‘Abd al-Raḥmān al-Sakhāwī, *al-Ḍaw’ al-lāmi’ li’ahl al-qarn al-tāsi’* (Beirut: Dār al-Jīl, 1992), 3: 202–204.

³⁷ Tāj al-Dīn ‘Abd al-Wahhāb bin ‘Alī al-Subkī, *Ṭabaqāt al-Shāfi’īyya al-kubrā*, ed. Maḥmūd Muḥammad al-Ṭanāḥī and ‘Abd al-Fattāḥ Muḥammad al-Ḥulw (Cairo: Maṭba‘at ‘Īsā al-Bābī al-Ḥalabī, n.d.), 7: 166–168.

³⁸ Sakhāwī, *al-Ḍaw’ al-lāmi’*, 1: 69 and 8: 64.

³⁹ Petry, “Travel Patterns”, 86.

destination was Yemen. In these circumstances Yemen per se cannot have any claim to the initial spread of Shāfi'ism to the Indian Ocean coasts. In fact, there were many more micro-communities, all of which have been forgotten or ignored in the historiography. These include the Indians, the Persians and the Jāwīs.

For the “Indians”, or *al-Hindīs* as they are called in Arabic sources, we have evidence from the thirteenth century, if not earlier, related to a few South Asian scholars who were active in the Islamic circles of the Middle East and Southeast Asia. A number of entries in the Shāfi'ī biographical dictionaries provide some valuable information.⁴⁰ Ṣafīyy al-Dīn Muḥammad bin 'Abd al-Raḥīm bin Muḥammad al-Hindī al-Urmawī (1246–1316) is a good example. He was born in India, travelled to Yemen in 1269, performed hajj, went to Cairo and then to Rūm (Byzantium), met and studied with one Shaykh Sirāj al-Dīn. He then arrived in Damascus in 1286, where he settled for the rest of his life. He taught at the madrasas of Atābikiyya and Zāhiriyya al-Juwwāniyya and became famous for his expertise in theology, to such an extent that the historian Subkī says that he was the leading figure among Ash'arī theologians in Damascus – similar to 'Alā' al-Dīn 'Alī bin Muḥammad al-Bājī (d. 1315) in Cairo.⁴¹ He confronted the controversial scholar of the time Ibn Taymiyya publicly in the presence of many scholars and the governor. In the debate, Ibn Taymiyya was defeated by this *argumentative Indian*, which led to the former's downfall and imprisonment. Our main source, Subkī, also says that Urmawī was a venerable teacher of his father Taqiyya al-Dīn al-Subkī (d. 1355) during his studies in Damascus, and gave him many writings including certain *Nihāya* as he gained respect of his teacher.

Another Indian scholar, 'Alā' al-Dīn Aḥmad bin Muḥammad bin 'Abd al-Raḥmān bin Muḥammad al-Hindī al-Bājī al-Shāfi'ī (d. 1315), offers a different case for investigation. If we focus on him as Feener and Laffan focused on “al-Jāwī” with the adjectival patronymic form (*nisba*) “al-Hindī”, we find a bit more interesting details on the contemporary scholarly practices in and connections with the Indian subcontinent.⁴² We know

⁴⁰ For example, see the references on Abu al-'Abbas Aḥmad bin Muḥammad al-Daybulī (d. 984) in Subkī, *Ṭabaqāt al-Shāfi'īyya*, 3: 56–57. This Daybulī, from the Daybul region, is the earliest Shāfi'ī jurist with a direct Indian origin I have come across so far. He lived and died in Egypt.

⁴¹ Subkī, *Ṭabaqāt al-Shāfi'īyya*, 9: 162–164, 190; 10: 166, 340.

⁴² R. Michael Feener and Michael F. Laffan, “Sufi Scents across the Indian Ocean: Yemeni Hagiography and the Earliest History of Southeast Asian Islam”, *Archipel* 70, no. 1 (2005): 185–208. Here I have looked into only the South Asian context in connection

that ‘Alā’ al-Dīn studied in Damascus and worked as a finance secretary in Karak, an important stopping place on the caravan route between Damascus and Egypt and for pilgrims from Damascus to Mecca. He left this job once he obtained his professorship at Sayfiyya Madrasa in Cairo. His noted work in Shāfi‘ism is a legal hermeneutical text called *Ghāyat al-su‘ul fī al-uṣūl*.⁴³ Apart from this information, we do not know much about his life, scholarly genealogy or contributions. Yet the genealogical line of his patronym reveals that he belonged to a family with many Muslim ancestors. We do not know who of three forebears (parents or grandparents) was actually a *Hindī*; it could have been ‘Alā’ al-Dīn alone or his great-grandfather Muḥammad. If it was his great-grandfather then a strong “Indian” scholarly presence had been active for generations in the Middle Eastern socio-cultural spheres.

This should be read along with the historical fact that the Ghaznawid rulers in South Asia followed Shāfi‘ism (particularly Maḥmūd Ghaznī, r. 998–1030, who converted from Ḥanafism to Shāfi‘ism),⁴⁴ as well as the rulers who succeeded them from the Ghūrīd dynasty, after the conversion of Ghiyāth al-Dīn Ghūrī (r. 1163–1203) from the Karrāmiyya sect to Shāfi‘ism in 1199 at the hand of his judge (*qāḍī*).⁴⁵ His conversion is said to have happened following the night on which both the sultan and the judge dreamt of al-Shāfi‘ī, the founder of the school. Ghiyāth al-Dīn is also said to have extended his patronage to Shāfi‘ism against Karrāmism, and the great Shāfi‘ī scholar Fakhr al-Dīn al-Rāzī was one of those who received patronage to fight against the Karrāmi preachers.⁴⁶ It should not necessarily be taken for granted that

with the Middle East. If we do the same exercise for other subcontinents, let us say East Africa, the outcome would be more promising against notions that are usually taken for granted. For example, see Neville Chittick and Robert I. Rotberg, *East Africa and the Orient: Cultural Syntheses in Pre-colonial Times* (New York: Africana Publishing Company, 1975); Neville Chittick, “The ‘Shirazi’ Colonization of East Africa”, *Journal of African History* 6, no. 3 (1965): 275–294; Molly Patterson, “South Arabian Maritime Expansion and the Origins of East African Islam: 1200–1500” (PhD diss., University of Wisconsin-Madison, 2009). The major primary source is Ibn Baṭṭūṭa, who visited the kingdoms of Zanj, Mogadishu and Kilwa in the fourteenth century.

⁴³ Carl Brockelmann, *Geschichte der arabischen Litteratur* (Leiden: Brill, 1949), 2: 104.

⁴⁴ On the conversion of Maḥmūd Ghaznī, see Subkī, *Ṭabaqāt al-Shāfi‘iyya*, 5: 316; on another Ghaznawid ruler, Muhammad bin Sam (r. 1030, 1040–41), and his affiliation with the school, see Subkī, *Ṭabaqāt al-Shāfi‘iyya*, 8: 60–61.

⁴⁵ The judge was Qāḍī Waḥīd al-Dīn (or Wajīh al-Dīn) Muḥammad al-Marwazī or Marwarūdī.

⁴⁶ Abū ‘Umar Mīnhāj al-Dīn ‘Uthmān bin Sirāj al-Dīn Jūzjānī, *Ṭabaqāt-i Nāṣirī*, ed. W. Nassau Lees, Mawlawī Khadim Hosain and ‘Abd al-Hayy (Calcutta: College Press, 1864), 77–78,

the juridical affiliation of these rulers to a particular school was followed by their subjects. We do not know if their subjects in Central and South Asia followed them in Shāfiʿism.

Another reference comes from Southeast Asia, from the kingdom of Samudra Pasai. During the reign of Sultan al-Kāmil (see below) two Indian scholars called Maulana Naina bin Naina al-Malabari and Bawa Kaya Ali Hisamuddin al-Malabari are said to have come to Samudra together with many other scholars.⁴⁷ The sultan gave them various positions and asked them to spread their Islamic knowledge and expertise throughout his kingdom. Maulana Naina was appointed as the commander of army while Bawa Kaya was appointed as minister of foreign affairs. Beyond these patchy details we do not know much about them, notwithstanding an epigraphic claim.⁴⁸ Furthermore, there seems to be an inconsistency in this narrative, as it puts the years of Sultan al-Kamil's reign in the second half of the twelfth century. But, according to the existing historiography, the Samudra Pasai kingdom was only Islamised in the late thirteenth century, and a ruler with the name Kamil sat on the throne only in the late fifteenth century, and even then for less than a year.⁴⁹ These inconsistencies apart, similar narratives are told about the presence of "Indian" scholars from Gujarat and Malabar in the earlier kingdom of Perlak as well as during the reigns of later kings such as Malik al-Zāhir (d. 1326). The Southeast Asian narratives on Hindīs or Malabarīs tell us about a historical awareness of

for a translation, see Abū 'Umar Minhāj al-Dīn 'Uthmān bin Sirāj al-Dīn Jūzjānī, *Ṭabaqāt-i Nāsirī: A General History of the Muhammadan Dynasties of Asia, Including Hindustān, from A.H. 194 (810 A.D.) to A.H. 658 (1260 A.D.) and the Irruption of the Infidel Mughals into Islām*, trans. Henry George Raverty (London: Gilbert & Rivington, 1881), 1: 384–385; cf. Edmund Bosworth, "The Rise of the Karamiyyah in Khurasan", *Muslim World* 50, no. 1 (1960): 5–14.

⁴⁷ Ali Hasymy, *Sejarah kebudayaan Islam di Indonesia* (Jakarta: Bulan Bintang, 1990), 9; Ali Hasymy, *Kebudayaan Aceh dalam sejarah* (Jakarta: Penerbit Beuna, 1983), 48–49; Mehmet Ozay, "Baba Davud: A Turkish Scholar in Aceh", in *Ottoman Connections to the Malay World: Islam, Law and Society*, ed. Saim Kayadibi (Kuala Lumpur: The Other Press, 2011), 36.

⁴⁸ A tomb inscription dated 1226 (623 AH) belongs to Maulana Naina bin Naina al-Malabari, writes M. Junus Djamil, *Tawarikh Radja Radja Kerjaan Aceh* (Banda Aceh: Kodam Iskandar Muda, 1968), 11.

⁴⁹ The first Muslim ruler of Samudra is Sultan Malik al-Salih, whose gravestone has been found and dated as 696 Hijri year, which corresponds to 1297 CE. G. W. J. Drewes, "New Light on the Coming of Islam to Indonesia?", *Bijdragen tot de Taal-, Land- en Volkenkunde* 124, no. 4 (1968): 433–459; for a striking critical reading of these tombstones, see Elizabeth Lambourn, "Tombstones, Texts, and Typologies: Seeing Sources for the Early History of Islam in Southeast Asia", *Journal of the Economic and Social History of the Orient* 51 (2008): 252–286.

the potential contributions of such “Indian” scholars, while the Arabic biographical entries demonstrate their juridical-cum-intellectual journeys from the Indian Ocean to the Mediterranean, in the opposite direction to the Kārimī merchant-scholars’ peregrinations.

In the sixteenth and seventeenth centuries we have more evidence of Indian Shāfi‘īs being very influential on the Indian Ocean rim and spreading the school’s ideas. One way this happened was through voluntary migrations of Indian scholars, particularly from Gujarat and Malabar, who went to Southeast Asia, the Middle East or East Africa looking for new possibilities for their intellectual and economic improvement. The journeys of Nūr al-Dīn al-Ranīrī (d. 1658) illustrate this trend: he was born and brought up in Ranīr (Rander) in Gujarat but was educated in Ḥaḍramawt. He built a successful career at the court of the Acehnese sultanate before he was finally forced to return home. His journeys are not untypical; many people before him had undertaken similar journeys.⁵⁰ His contribution to the textual circulation of Shāfi‘īsm in Southeast Asia was unprecedented, for he wrote the first known Shāfi‘ī legal text in the region. Apart from these voluntary migrations, there were also a few Indians who were forced to migrate to distant lands such as South Africa and who found careers as jurists specialising in Shāfi‘īsm. For example, Achmat van Bengalen (1750–1843) was deported to Cape Town from Chinsura in Bengal and eventually became one of the most renowned Shāfi‘īs there in the late eighteenth and early nineteenth centuries.⁵¹

Another important group which contributed to spreading the school across the rim were the Persians. Southern Persia had always been a vital link in the maritime trade and its inhabitants were familiar with the opportunities oceanic networks presented. Many Persians, not just from the southern part but also from far north-eastern regions such as Isfahan, had been active in the circulation of Islamic legal ideas and texts for centuries. The fourteenth-century Moroccan traveller Ibn Baṭṭūṭa (1304–1377) refers to many Persian judges and *shaykh al-Islams* he met in different parts, including China. Notwithstanding questions regarding the accuracy of his accounts on China, patronymic names such as Iṣfahānī, Tabrīzī and Shīrāzī that appear in such premodern travel accounts suggest the mobility of scholars who had originated from Persian homelands. Ibn

⁵⁰ Ranīrī’s uncle had arrived in Aceh as a teacher in the late sixteenth century; see his *Bustan al-salatin Bab II, Pasal 13*, ed. T. Iskandar (Kuala Lumpur: Dewan Pustaka, 1966), 32–35.

⁵¹ Achmat Davids, *The Mosques of Bo-Kaap: A Social History of Islam at the Cape* (Cape Town: South African Institute of Arabic and Islamic Research, 1980).

Baṭṭūṭa hardly ever refers to their scholarly affiliations so we do not know if they were in fact Shāfi'īs. But their presence in such townships and ports suggests that the maritime routes were well exploited by individual Persians for circulating legal ideas. Also, the early Islamic communities in East Africa consisted of a good number of "Shirazis", among whom were several dissident Muslims. These included the Shī'īs, Ibāḍīs and Khārijīs, who sought refuge in the region. Some Persians also utilised the overland Silk Road, which primarily disseminated the Ḥanafī stream of law as far as China, a geographical and doctrinal area outside the focus of this study.

Since the sixteenth century we have clear evidence of the presence of Persian Shāfi'īs all over the oceanic rim. They had to flee from Iran once the Ṣafawids came into power and began to force Shī'ism onto the entire region. The founder of the Ṣafawid dynasty, Shāh Ismā'īl I (r. 1501–1524), made extensive incursions to convert the Sunnīs to Shī'ism in a way that would change the religious landscape of Persia for centuries to follow. Until then, Shāfi'ism had been one of the predominant schools there. Regions such as Khurasan, Samarqand, Nishapur and Shiraz had once played decisive roles in the early histories of Shāfi'ism. Prior to and during the Seljūq rule in the region, Shāfi'ī scholars had managed to build up their own vital spaces in estates that were dominated by the Ḥanafīs. Eventually Shāfi'ism became the dominant legal thought there. Even the Ṣafawids themselves were born into a Sunnī lineage or, more precisely, a Shāfi'ī-Sufi tradition, until Ismā'īl I decided to convert himself and his kingdom entirely to Shī'ism. When he started his massive inquisition against Sunnism, Shāfi'ism suffered the most. While Ḥanafism found its new home in the adjacent Mughal or Ottoman Empires, Shāfi'īs had to seek refuge elsewhere.⁵²

Three options were open to them: to convert to Shī'ism; to flee their homeland to preserve their faith; to face death. Historical sources show that many scholars and followers of Sunnism in general and of Shāfi'ism in particular died for their faith. Ismā'īl's army massacred thousands of Sunnīs all across his kingdom. For example, during the Herat Episode many Shāfi'īs, including the Shaykh al-Islam of Khurasan, were killed.⁵³

⁵² Many Shāfi'īs, however, arrived at the Mughal and Ottoman educational institutions. For example, when the Mughal Emperor Akbar established several madrasas in Agra, he appointed some professors from Shiraz, who had already left the place and were looking for better opportunities. See Narendra Nath Law, *Promotion of Learning in India during Muhammadan Rule (by Muhammadans)* (London: Longmans, Green, 1916), 163.

⁵³ The Shaykh al-Islam was Sayf al-Dīn Aḥmad al-Taftāzānī (d. 1510). On his murder, see Bābur, *Memoirs of Zehīr-Ed-Dīn Mubammed Bābur, Emperor of Hindustan*, trans. John Leyden and William Erskine (Oxford: Oxford University Press, 1921), 1: 312–313. This

Many other Sunnī scholars and followers converted to Shīʿism and joined the new Shīʿī scholars who had been imported from southern Lebanon and Iraq. The trajectory of the Ṣafawī Sufi order itself represents this moment of conversion. The order was established by Ṣafiyy al-Dīn Ardabīlī (d. 1334) as a fusion of Shāfiʿī legalism with the mystical ideas of Sufism. The whole order was Shīʿised in the early sixteenth century. Likewise, many Shāfiʿī jurists renounced their school and embraced the new juridical and theological streams. Jalāl al-Dīn Muḥammad al-Dawānī (d. 1502) is said to have been one of the “last Shāfiʿīs of Persia”, if he did not convert to Shīʿism.⁵⁴

Thus some met their death and others converted to the new faith. But the third category is of more importance to this study: those who fled from Persia to protect their faith and practice. Many Sunnīs, more particularly the Shāfiʿīs, and their descendants took refuge in adjacent Ḥanafī kingdoms. The presence of Shāfiʿī scholars in the kingdoms of Sikandar and Ibrāhīm Lodhīs, and subsequently in the Mughal domains, could be related to Sunnī refugees fleeing Persia.⁵⁵ Many Shāfiʿīs took refuge at Ottoman courts and in major cities. Some went to Mecca and Medina. One example is Muḥammad bin al-Ḥusayn al-Ḥusaynī al-Samarqandī (d. 1588), who became a prominent Shāfiʿī in sixteenth-century Medina and was expert in many languages.⁵⁶ In Mecca, Mullā ʿAlī al-Qārī (d. 1605) is another example. He was a Ḥanafī jurist and a scholar of ḥadīths who migrated from Herat and studied with Ibn Ḥajar al-Haytamī whom we shall discuss in detail later. Many Persian Shāfiʿīs took refuge on the Indian Ocean rim utilising existing networks of trade and legalism. They flocked into many regions, from East Africa to East Asia, as we can see from a number of different primary sources which note the increased presence of Persian Sunnī-Shāfiʿīs from the early sixteenth century onwards.⁵⁷

source says that the family occupied the position of Shaykh al-Islam in Khurasan for several generations.

⁵⁴ Anne K. S. Lambton, “al-Dawānī”, *Encyclopaedia of Islam*, 2nd ed.; “Davānī, Jalāl al-Dīn Moḥammad”, *Encyclopaedia Iranica*, VII, Fasc. 2.

⁵⁵ Sanjay Subrahmanyam, “Iranians Abroad: Intra-Asian Elite Migration and Early Modern State Formation”, *Journal of Asian Studies* 51, no. 2 (1992): 340–363; cf. Afzal Husain, “Growth of the Irani Element in Akbar’s Nobility”, *Proceedings of the Indian History Congress* 36 (1975): 166–179.

⁵⁶ ʿAbd al-Qādir bin Shaykh ʿAydarūs, *Tārīkh al-nūr al-sāfir ʿan akhbār al-qarn al-ʿāshir*, ed. Aḥmad Ḥalū, Maḥmūd al-Arnāʿūt and Akram al-Būshī (Beirut: Dar Sader, 2001), 565–566.

⁵⁷ For more specific references from such Indian Ocean coasts such as Malabar, see Chapter 6.

In the case of Jāwīs, an umbrella term for people from Southeast Asia including Malays, Javanese, Acehnese and Makassarese, we have references to their engagements with Shāfi'ī law as early as the mid-fourteenth century. Ibn Baṭṭūṭa, who arrived on the coast of Sumatra in the 1340s, recorded his visit to the Samudra Pasai sultan Malik al-Zāhir II (d. 1349), where he encountered Shāfi'īsm being studied and practised. He noted that the sultan was a Shāfi'ī and a lover of fuqahā', as also were his subjects.⁵⁸ His detailed description shows the eminence of Shāfi'ī law in the region in the mid-fourteenth century. Before the intensification of Yemeni migrations many Jāwī scholars must have thus set out to spread the ideas of the school in and around the region. We have ample evidence from the seventeenth century onward. At that time the Jāwīs directly influenced the legal practices of many Muslims, not only in Southeast Asia but also in Sri Lanka and South Africa. The spread of Islam in South Africa, and in particular of Shāfi'īsm, was due to Jāwī jurists, who arrived there as political prisoners and exiles, and included people such as Shaykh Yūsuf al-Maqāsarī (d. 1699).

Beyond these micro-communities and their individual members there were other individuals who contributed to the process of Shāfi'ī domination, though without much scholarly support from the ethnic communities of the diaspora to which they belonged. Among the most important were slaves, sailors, military personnel, prisoners and political exiles. The Eastern African slaves who were traded across the Indian and Atlantic oceans and the Mediterranean practised their religion in various ways. Their religious affiliations, like those of the slaves from the East (especially from Southeast) Asia, is yet to be studied thoroughly. Some patchy references to a few other Shāfi'īs who were active in some coastal cities say nothing of their background, so they make no further contribution to our enquiry. But we can assume that there must have been similar individuals in the same places from similar ethnic and regional backgrounds forming a micro-ethnic community that would contribute to the fuqahā' estate.

⁵⁸ Gibb translated the term fuqahā' as theologians, which is certainly inappropriate. He also avoided the sentences about the sultan and his subjects being Shāfi'īs. See Ibn Battuta, *Travels in Asia and Africa, 1325–1354*, trans. and selected by H. A. R. Gibb (London: George Routledge & Sons, 1929), 4: 874. For the original sentences and terms, see Abū 'Abd Allāh Muḥammad bin 'Abd Allāh Ibn Baṭṭūṭa, *Rihlat Ibn Baṭṭūṭa: Tuḥfat al-nuẓẓār fi gharā'ib al-amṣār wa-'ajā'ib al-asfār*, ed. Muḥammad 'Abd al-Mun'im al-'Uryān and Mustafā al-Qaṣṣās (Beirut: Dār Iḥyā' al-'Ulūm, 1987), 631–632.

OCEANIC INSTITUTIONS

Earlier we discussed how the individual and institutional frameworks contributed to the transregional and transtemporal spread and survival of Islamic law at large and the Shāfi'ī school in particular in the Islamic heartlands. Now in the oceanic littoral, how did the micro-communities and individuals create and utilise institutional spaces for the advancement of the school?

Transregional educational networks of Islamic communities in the central Islamic lands and oceanic regions through the strong influence of Arabic as a lingua franca enabled Muslims from different regions to travel across regional borders looking for colleges, teachers, students, certificates, texts and ideas.⁵⁹ Outside the heartlands of Islam, religious and educational institutions such as mosques and colleges (variously identified as *pondok*, *pesantren*, *dayah*, *surau*, *madrassa*, *maktab*, etc.) were at the same time providing a space for Shāfi'ī ideas to be circulated and to penetrate the rim of the Indian Ocean. The educational spaces there were mostly attached to newly established or already existing mosques. Many of those had been founded in the coastal belts by the twelfth and thirteenth centuries and spread in the fourteenth and fifteenth centuries. For example, Ibn Baṭṭūṭa talks about a mosque-cum-college he encountered in the kingdom of Samudra Pasai in the 1340s. He writes:

I went to the mosque, performed the Friday prayer with the guard Qayrān. Then I went in to the sultan. There I saw the *qāḍī* Amīr Sayyid and students on his right and left. He [the sultan] shook me by the hand and I saluted him, whereupon he made me sit down upon his left and asked me about Sultan Muḥammad [Tughluq of Delhi, d. 1351] and about my travels, and I answered him accordingly. Then he resumed the discussions of Islamic law according to the school of al-Imām al-Shāfi'ī. He continued that until the afternoon prayer. After the prayer, he went into a chamber there and put off the garments he was wearing. These were robes of the kind worn by the *fuqahā'*, which he puts on when he comes to the mosque on Fridays. Then, he dressed in his royal robes, which are mantles of silk and cotton.⁶⁰

⁵⁹ There are several studies along this line in premodern centuries, but a good primary source is Khaṭīb al-Baghdādī, *al-Riḥla fī ṭalab al-ḥadīth*, ed. Nūr al-Dīn 'Atar (Beirut: Dār al-Kutub al-'Ilmiyya, 1975).

⁶⁰ Ibn Baṭṭūṭa, *Riḥla*, 631–632; this translation is partly taken from H. A. R. Gibb's *Travels in Asia and Africa*, 4: 875; but, again, we note that he has skipped a significant amount of this passage, and has mistranslated terms related to Islamic law and jurists.

In this passage, we see how a mosque functioned as the space for legal exchanges in fourteenth-century Southeast Asia. This description also tells us how the sultan could become part of a learning circle before switching back to his function as a ruler. What we see from the sixteenth century is a systematic utilisation of those institutional spaces by the micro-communities and individuals of the Shāfiʿī clusters to spread their ideas. Both in mosques and in colleges, Shāfiʿī law was taught and studied along with other religious and non-religious subjects; sometimes it was taught along with legal doctrines of other schools. Diverse individuals, micro-communities of the diaspora and associated institutions offered enthusiastic support for Shāfiʿism.

If we set these institutions against the contemporary political and social scenario of the following centuries, it is interesting to note the parallel development or historical continuity of powerful Muslim empires and kingdoms in South|East Asia and East Africa.⁶¹ In South Asia it was the Delhi and Mughal sultanates that predominated; in Southeast Asia it was the Malacca, Aceh and Mataram sultanates; and in East Africa multiple coastal sultanates arose in the fifteenth century and maintained a fluctuating legacy until the nineteenth. There were also minor Muslim kingdoms in these regions which can be seen to reflect the development of higher educational centres. To what extent did such Muslim rulers contribute to the work of these institutions? Did they ever give patronage to Shāfiʿī scholars and their educational ventures?

In South Asia, we know hardly anything about how the Delhi and Mughal sultans contributed to the establishment and functioning of these institutions in the coastal belts of the subcontinent in support of Shāfiʿism. Although they established and patronised many academic centres in the heartlands of South Asia, we do not have much evidence for them paying attention to those on the Indian Ocean rim, except during the regnal years of Aurangzeb (r. 1658–1707). Instead, such initiatives were funded by minor rulers, mercantile communities, local aristocrats and non-Muslim rulers. But many religious institutions on the coast and in the hinterland of Aceh were established and funded by the Acehnese sultanate. In Java the Mataram sultanate also gave remarkable endowments for educational

⁶¹ On the interconnections between the political structures and educational institutes, see Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton, NJ: Princeton University Press, 1992); on a later period: Benjamin Fortna, *Imperial Classrooms: Islam, the State and Education in the Late Ottoman Empire* (Oxford: Oxford University Press, 2000).

purposes, especially during the reign of Sultan Agung (r. 1613–1645). In East Africa the Adal sultanate gave some endowments, but constant years of war with the Solomonic Empire hindered the educational aspirations of its Muslim subjects.

The minor coastal kingdoms contributed towards the institutional empowerment of fuqahā' and the process of Shāfi'īisation and they are worthy of mention for their passionate religious activities.⁶² They also provided material support for the estate, with lands for mosques and madrasas, by paying the salaries of teachers and giving endowments for daily expenditures and even stipends for the students. Many members of royal families were educated in such institutes and some of them later became rulers of their respective kingdoms and introduced Shāfi'ī legal texts as foundations of their new legal codes and state constitutions.⁶³

Along with these establishments and educational developments with or without the support of royal lineages, it should also be mentioned that the period from the sixteenth century witnessed a remarkable development in material resources directly relevant to the flourishing of intellectual and juridical enterprise. The coastal economies of the kingdoms encountered or became associated with the new European expansion in the waters of the Indian Ocean. This helped these kingdoms to access larger networks stretching beyond previous limits – networks of associates or networks of enemies. The development in material resources led to the establishment of many new educational institutions and an increased movement of scholars between the Middle East, South|East Asia and Africa. Most of these institutions and scholars promoted deeper study of Islamic law, theology, mysticism and other related disciplines.

⁶² Some of these minor kingdoms that made contributions to the school include the South Asian kingdoms of Muzaffarids in Gujarat and 'Adil Shahis in Bijapur (especially after Ibrāhīm 'Adil Shāh II, who converted to Sunnīsm and made it the official version of Islam in his kingdom), Southeast Asian sultanates of Ternate; of Pattani, since the 1530s (after the conversion of the king); of Banten; of Cirebon; of Pajang that succeeded Demak in 1568; of Banjar from 1526; of Maguindanao; of Sulu; of Luwu from 1605; of Johor, as well as the East African sultanates of Harar and Awsa, and a number of coastal chiefdoms such as Quitangonha, Sancul, Sangage and Angoche, and multiple shaykhs of Old Shirazi, Kilifi and Malindi dynasties.

⁶³ A telling example comes from the Philippines. In the legal codes of the Sulu and Maguindanao Sultanates drafted in the eighteenth (and revised in the nineteenth) century, the Shāfi'ī texts *Mīr'āt al-tullāb* of 'Abd al-Ra'ūf Sinkilī and the *Minbāj* were primary sources. Mahmood Kooria, "In Between Many Worlds of One Law: Arab, Malay and Filipino Legal Intermixtures of Shāfi'īsm", in *Philippine Confluence: Iberian, Chinese and Islamic Currents, c. 1500–1800*, ed. Jos Gommans and Ariel Lopez (Leiden: Leiden University Press, 2020), 311–331.

CONCLUSION

The evolution of micro-communities into macro-networks of *fuqahā'* enabled the spread of Islamic legal ideas in and beyond the heartlands of Islam. In the case of the Shāfi'ī school, al-Shāfi'ī's prominent student groups, starting from their bases in Baghdad and Cairo, had advanced his teachings into a doctrinal school by the ninth century. By the tenth century, its wider influence was marked in Khurasan, Shiraz and Transoxiana to the east, and in Cairo, Baghdad, Basra and Damascus to the west. Although the school competed temporarily with the political dominance of the Shī'ī Fāṭimid kingdom, stretching from the Levant to the Hijaz, it renewed its expansion by the eleventh century. Developments in the twelfth century, such as the fall of the Fāṭimids and the rise of the Sunnī Ayyūbids, and the growth of the maritime economy through Arab-Persian dominance over the Indian Ocean, contributed to its further expansion to more eastern, western and southern regions.

The "fuqahā' estates" emblemise the expansion of Shāfi'ī circles from micro-networks to macro-networks and oceanic networks, with specialised and systematic circulations of knowledge and texts of Islamic law. They utilised the increasing number of specialists and the opportunities for academic journeys into legal spheres with more detailed rules, organised structures, specific functions, distinctive identities, and autonomy for those involved. The Shāfi'īs were only one group in the "estate"; it was about having a common platform for all legal specialists on which to organise and assert the distinctiveness of their profession and discipline and to protect it from intrusions by an uninformed public. They aimed to be a parallel society of legal specialists outside the dominant frameworks of society. They managed to construct a notion around themselves that they were the true guardians of divine law in opposition to existing political entities. Idealistic concepts, such as the *siyāsat al-sharī'a*, found firm ground in their claims for autonomy over legal interpretation, transmission, authority and administration. Even if they were not successful in bringing such claims fully into practice, the manuals and texts they produced clung to this viewpoint and became normative in the ideas of Shāfi'ī jurists.

The interrelation of the *fuqahā'* estate with institutions is mostly one of an explicit collaboration in Middle Eastern contexts, in which the educational and religious institutions, once established and funded, were an exclusive space for the estate. From the tenth century onwards, many such institutional spaces were established and collaborative conventions

between estates and institutions were normalised through exclusive interdependence. But that exclusivity changed once it came to the Indian Ocean rim. That was primarily because most regions where the estate had to operate were under predominantly non-Islamic socio-cultural and sometimes political structures, where the Muslim communities were in a minority and noticeably diverse, and where there were often new entrants representing a foreign diaspora. The institutions in the oceanic littoral thus did not always come exclusively under the estate. Muslim jurists had to negotiate with its promises and problems in its circulatory regime, and the oceanic nexus of traders, brokers and religious leaders provided a durable structure in which they could operate. Their predicaments were similar to those of early jurists in the Middle East, who ratiocinated Islamic law and promulgated their teachings immediately after Islamic conquests of many distant lands – at a time when the estates were yet to evolve from the micro-networks of scholarly circles and clusters.

The circulation of Islam and its laws in the Indian Ocean littoral was aided by the participant communities from diverse Arab, Asian and African backgrounds. A cosmopolitan network of Kārimī merchants, Egyptians, Syrians, Persians, Jāwīs, Hindīs and Swahilis contributed to the simultaneous expansion of Islamic law, specifically the Shāfiʿī school. In the littorals of the Indian Ocean and the Eastern Mediterranean, the school thus gained the loyalty of such circulators of knowledge thanks to a “maritime wave of Shāfiʿism” in the sixteenth century replacing the existent intermixed legal scape. The roles of such a mixed Afro-Asian–Arab triangle in the process should be acknowledged and analysed. Their engagement with the school and broadly with Islam in the postclassical period was as complex as it was with all other communities in history, inside or outside the heartlands of Islam. In this broad cosmopolitan circulation of Shāfiʿism and Islam in general from the micro-networks to the oceanic networks by means of the fuqahāʾ estates, a textual *longue durée* of legal knowledge offered strong connections and points for discussion across borders. The next chapter investigates the nuanced ways in which such legal texts were produced through a rich commentarial tradition rooted in the larger textual families of both classical and postclassical Shāfiʿism.