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

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Chapter 7

Nihāyat and *I'ānat*: Multidirectional Journeys

In this work hardly one proposition in a thousand is Sayyid Bakrī's own, but this is all the better for his reputation for orthodoxy, because making what is new is the work of a heretic. [...] If one should ask, what in the world can induce a learned man in such circumstances to add a new collection of glosses to the many existing ones?

Snouck Hurgronje, *Mekka*, 205 on *I'ānat*

We have been discussing how and why a non-Middle Eastern text reflected the wider phenomenon of the rise of multiple Meccas across the Muslim world. Within Shāfi'īsm, I argued, *Fath* from sixteenth-century Malabar represented the emergence of this alternative legalist discourse. In this chapter I explore its implications in the later discursive tradition of the school, focusing on two texts related to *Fath* belonging to the *Minhāj*-family intellectually. Unlike the previous three chapters, this chapter does not limit itself to one text or commentary, nor does it focus on a particular regional setting.

In the nineteenth and twentieth centuries there was a huge increase in the reception of *Fath* and its progenies. This positive response coincided with historic developments across the Islamic world and influenced them. I ask how the Shāfi'īte fuqahā in the Indian Ocean and Eastern Mediterranean arenas perceived and received new texts such as *Fath* and its commentaries in relation to their traditional texts. What facts led to *Fath* being more and more favourably received in the nineteenth century? How is its reception reflected in Shāfi'īte legalism? To what extent did its newness influence the textual *longue durée* of the school and broader developments in the Islamic world? I shall show that from the late-eighteenth to the nineteenth century there was a period of multiple syntheses for Shāfi'īsm in terms of its geographical, intellectual and cultural realms, due to the new developments in many other arenas of the society. The existing internal and inherent divisions in the school were reconciled through constant efforts of scholars from the peripheries and from the centres of Islam. But this synthesis was soon to face a larger division in the Islamic world. On the verge of new trials from political entities and a few minor but radical sections of the community, the traditional block united as a single body against what they called *bid'at* or false invention. In contrast to the existing literature on Islamic legal historiography, I argue that *Fath*'s future journey represents a wider pattern in the nineteenth-century Islamic world. That pattern shows a major group of the intellectual community abstaining from state-sponsored codification processes and deprecating the so-called “modernist reforms”. By answering the above questions I hope to substantiate this.

Towards achieving my aim, I focus on *Nihāyat al-zayn fī irshād al-mubtadi'īn* (henceforth *Nihāyat*) by Nawawī al-Bantanī (1813-1898) and *I'ānat al-tālibīn* (henceforth *I'ānat*) of Sayyid Abū Bakr ibn Muḥammad Shaṭā al-Dimyāṭī (1850-1893), widely known as Sayyid Bakrī. I shall take both texts together; previously I have concentrated on one text at a time. It is necessary for me to do this to provide better substance for my argument on the synthesis in nineteenth-century Shāfi'īsm. *Nihāyat* can be termed a peripheral text, and *I'ānat* then represents the centre, with both works reflecting common trends of their time in bending the attitudes of many divisions in the school. I do not focus on the “regionality” of a particular

place or its political influences in the new developments as I have been doing earlier. I emphasize nineteenth-century Mecca only to argue that it is the time rather than the place that is embedded in forming a “traditionalist-legalistic bloc” against contemporary developments in religious and political spheres. In the first part I start by demonstrating that both these texts can be taken as both related and unrelated. Although they represent a super-commentary and a commentary on the same base-text, with many shared grounds of argument, they are different in themselves.

I.

Genealogy Complicated

The two texts in focus in this chapter do not have a linear connection with *Fath* and its base-text *Qurrat. Nihāyat* of Nawawī al-Bantanī is a commentary on *Qurrat*, whereas *I‘ānat* is *Qurrat*’s super-commentary via *Fath*. In that sense the family relationship of the texts could be described as aunt and niece, to use kinship metaphors, in that they derive from the same *enate*, which is *Qurrat*. Yet physically they belong to the same *Fath*-family and by extension intellectually to the *Minhāj*-family.

Many commentaries were written after *Fath* (and *Qurrat*) in the nineteenth and twentieth centuries in the Middle East, an area that we did not cover in the previous chapter. From Mecca in particular we have four remarkable works from the nineteenth century: *I‘ānat al-musta‘īn ‘alā Fath al-mu‘īn* (henceforth *I‘ānat al-musta‘īn*) of ‘Alī bin Aḥmad bin Sa‘īd al-Ḥaḍramī, widely known as Bā Ṣabrīn (d. 1887) completed on Saturday 15 November 1845; *Tarshīh al-mustafīdīn bi taṣhīh Fath al-mu‘īn* (henceforward *Tarshīh*) of ‘Alawī bin Aḥmad bin ‘Abd al-Raḥmān al-Saqqāf (1839-1916); *Nihāyat* of Nawawī al-Bantanī; *I‘ānat* of Sayyid Bakrī. All these authors and texts seem to reflect the situation in Cairo three centuries earlier, when al-Anṣārī, al-Ramlī, Ibn Ḥajar and Khaṭīb al-Sharbīnī wrote commentaries on *Minhāj*. Now in Mecca, these new Shāfi‘ītes engaged with *Fath-Qurrat* in the same spirit. Of course the circumstances were much different than they were in sixteenth-century Cairo. Mecca had become a larger epitome of the contemporary Muslim world, bigger than the “new” city or region it used to be for Ibn Ḥajar and his assumed student Zayn al-Dīn Jr. Moreover, there was hardly a common source of inspiration for the four “commentators of *Fath*”. ‘Alī Bā Ṣabrīn had finished writing *I‘ānat al-musta‘īn* five years before the author of *I‘ānat* was even born.

Of these four commentaries, *I‘ānat al-musta‘īn* is the earliest. Its author ‘Alī Bā Ṣabrīn was a Ḥaḍramī born in Tarīm, who had travelled to Egypt and Mecca for his education. After studies, he taught at Jeddah for some years before he returned to Ḥaḍramawt. He reinstated the Yemeni legalist tradition through his works, such as *Ghāyat talkhīṣ al-murād min Fatāwā Ibn Ziyād*, a text based on the legal clarifications of the sixteenth-century Yemeni scholar Ibn Ziyād.¹ He must have studied *Fath* in Mecca as the text was widely taught in Mecca, Medina,

¹ On his other contributions and a detailed biography, see: Ahmad bin Hummam bin ‘Ali al-Qanawi, *Manāqib al-Shaykh ‘Ali bin Ahmad Ba Ṣabrīn*, MSS. al-Zahiriyya no. 364: 10. Also see: Yūsuf al-Mar‘ashlī, *Nathr al-jawāhir wa al-durar fī ‘ulamā’ al-qarn al-rābi‘ ‘ashar* (Beirut: Dār al-Ma‘rifah, 2006), 1: 881.

Yemen and many other parts.² Among his teachers there were Indians and Malays, such as al-Faqīh ‘Abd al-Ḥamīd Bakhsh al-Hindī, Aḥmad bin Muḥsin al-‘Aṭṭās, the muftī of Johor;³ there his composition was used as a textbook at the time. In the introduction to *I‘ānat al-musta‘īn* he elaborates on his intentions.

When I decided to teach it [*Faṭḥ*] for a few colleagues, God made the situation and atmosphere perfect for me and for them. But I could not find any materials on it, I mean, explaining its meanings. I do not know if anyone has written anything on it ever or spent time on it, although it deserves to be expounded for what it has presented...and it is one of the best texts to contemplate among plenty of other texts, especially for its being the mainstay of the school and for the clarity of its insinuations.⁴

He goes on to explain his methodology and sources for writing it. As a manuscript, his text was widely circulated during his lifetime itself.⁵ It was utilized by many scholars of the nineteenth and twentieth century in their legalistic engagement and textual production. We find citations from it in renowned super-commentaries of *Tuḥfat* such as the one by ‘Abd al-Ḥamīd al-Sharwānī discussed earlier. Yet the work has never been printed and so is circulated only in manuscript.⁶

Tarshīḥ’s author ‘Alawī al-Saqqāf was born and brought up in Mecca and became an important figure among the ‘Alawī Sayyids in the city. He wrote many other works, including one on the Sayyid lineage titled *Ansāb ahl al-bayt*, and another on the history of hierarchizing disputes among the Shāfi‘īte texts and scholars.⁷ The latter text is an abridgment of Muḥammad al-Kurdī’s *Fawā‘id al-Makkiyyat*, but he has made additions, including inserting the title of his own commentary on *Faṭḥ* as one of the noted texts of the school.⁸ In the introduction to *Tarshīḥ* he explains the relevance of *Faṭḥ* and the need for a new commentary. He says that a few scholars have recently attempted to clarify *Faṭḥ*’s meanings and oddities, but these could leave the reader confused, as the original text is too concise and precise and a

² On the details of *Faṭḥ* being an important textbook in Hijaz and other places, see: al-Mar‘ashlī, *Nathr al-jawāhir*, 165, 407, 526, 527, 1475, 1619, 1659, 1826.

³ Muḥammad Abū Bakr ‘Abd Allāh Bā Dhīb, *Juhūd fuqahā Ḥaḍramawt fī khidmat al-maḍhab al-Shāfi‘ī* (Amman: Dār al-Faṭḥ lil-Dirāsāt wa-al-Nashr, 2009), 2: 984.

⁴ ‘Alī bin Aḥmad bin Sa‘īd al-Ḥaḍramī, *I‘ānat al-musta‘īn ‘alā Faṭḥ al-mu‘īn*, Dār al-Kutub al-Miṣrīyyat, MSS 1: 531, fol. 1v.

⁵ For example, see a manuscript preserved at Dār al-Kutub al-Miṣrīyyat (1: 531). It was copied on 17 June 1853 (10 Ramadan 1269), seven years after it was first written. This manuscript travelled through a number of hands in the nineteenth century before it reached the collection of the Dar al-Kutub (today the Egyptian National Library and Archives), as a passage in its first page shows.

⁶ I could locate one manuscript in Malabar at al-Azhariyya Library of Aḥmad Kōya al-Shāliyātī in two grand volumes. I learnt that there is another copy kept with Rāmantaḷi Tañṅal at Kannur, but I could neither access nor confirm this. Photocopies of Shāliyātī-manuscript are preserved at religious educational centres of Ma‘din Malappuram and Markaz Karantūr. Other manuscripts are in Cairo and Riyadh. The Cairene manuscript of Dar al-Kutub has been digitalized.

⁷ For the details of his other works, see: Khayr al-Dīn al-Zarkalī, *Tarīb al-a‘lām* (Beirut: Dār al-Ilm li al-Malayīn, 2002), 4: 249; al-Mar‘ashlī, *Nathr al-jawāhir*, 1: 872-873.

⁸ ‘Alawī al-Saqqāf, *Mukhtaṣar al-Fawā‘id al-Makkiyyat fī mā yaḥtājūhu ṭalabat al-Shāfi‘īyyat*, ed. Yūsuf ‘Abd al-Raḥmān Mar‘ashlī (Beirut: Dār al-Bashā‘ir al-Islāmiyyat, 2004), 63

recent commentary is misleading.⁹ This reproof was primarily targeted at *I'ānat*. Both authors were colleagues in Mecca but apparently did not like each other.¹⁰ The book is also written in a form for it to be printed, unlike earlier texts which were primarily designed to be circulated as manuscripts. He explains that the structure of the text in its printed form would show the original text at the top of the page, and his commentary underneath. After *I'ānat*, *Tarshīh* became one of the most reliable commentaries of *Fath* for teachers and students in the institutions of Shāfi'ism. This wider receptivity might be due to the fact that it was printed in the late-nineteenth century, facilitating its wide circulation among scholarly networks.

I have listed four texts written almost in the same time and in the same place. Why then did I choose *Nihāyat* and *I'ānat*, two different texts? The answer is that *I'ānat* is important since it has a higher status among Shāfi'ites. Anyone who knows *Fath* also knows this commentary, even if they might not know its base-text, *Qurrat*, or other commentaries.¹¹ Also it represents the wider region of “Middle-Eastern-ness” of two of the other commentaries, *Tarshīh* and *I'ānat al-musta'īn*, in contrast to *Nihāyat*. *Nihāyat* is a “peripheral” commentary in the sense that it was written by a non-Middle Eastern scholar who primarily studied in Indonesia before he built a successful career in Mecca. *Fath*'s “al-Hind-ness” was a facet that I highlighted as one of the reasons for its reception on the Indian Ocean rim, whereas this aspect becomes less significant once it comes to the Shāfi'ite discourses of the nineteenth century. This becomes very clear if we read *Nihāyat* and *I'ānat* closely together.

Life and Career of the Authors

Nawawī al-Bantanī and Sayyid Bakrī lived in Mecca at the same time, and wrote their respective texts *Nihāyat* and *I'ānat* more or less contemporaneously. How familiar they were with each other, not to mention friendship, is a matter of doubt, to which I will come back later.

Nawawī al-Bantanī was an influential author and teacher widely appreciated in the Malay world for his commentary on the Qur'an entitled *Marāḥ labīd li kashf ma'nā al-Qur'an al-majīd*.¹² He was born and brought up in Tanara in Banten, West Java.¹³ After an initial education at the *pesantrens* of Java and a short career of teaching in his hometown, he

⁹ 'Alawī al-Saqqāf, *Tarshīh al-mustafīdīn bi taṣhīh Fath al-Mu'īn* (Matba'at Mustafa al-Bab al-Halabi, 1970), 2.

¹⁰ 'Alawī al-Saqqāf, *Mukhtaṣar al-Fawā'id al-Makkiyat*, 63; especially, see the footnote of the editor in which it clearly names *I'ānat* and specifies the bitter relationship between both authors.

¹¹ For example, one anthropologist who conducted surveys in more than twenty-five madrasas of Tanzania, notes that the commentaries *I'ānat*, *Tarshīh*, and *Fath* “are more popular than the original” *Qurrat*. See: Gerard C. van de Bruinhorst, “Raise Your Voices and Kill Your Animals”, *Islamic Discourses on the Idd El-Hajj and Sacrifices in Tanga (Tanzania): Authoritative Texts, Ritual Practices and Social Identities* (Leiden: ISIM and Amsterdam University Press, 2007), 115.

¹² 'Umar 'Abd al-Jabbār, *Siyar wa-tarājim ba'd 'ulamā'inā fi al-qarn al-rabi' 'ashar li al-Hijrat* (Jeddah: al-Mamlakat al-'Arabiyyat al-Sa'ūdiyyat, 1982), 288 mentions the title of his *tafsīr* as *al-Tafsīr al-munīr li Ma'ālim al-Tanzīl*. He also mentions that he was the author of around a hundred works.

¹³ For his biography, the major sources are Aboe Bakar Djajadiningrat, *Tarājim 'ulamā' al-Jāwah*, Leiden University Special Collections, Or. 7111, unpaginated; C. Snouck Hurgronje, *Mekka in the Latter Part of the 19th Century: Daily Life, Customs and Learning* (Leiden: Brill, 2007); Chaidar, *Sejarah pujangga Islam Syech Nawawi Albanteni, Indonesia* (Jakarta: Sarana Utama, 1978); cf. Alex Wijoyo, “Shaykh Nawawi of Banten: Texts, Authority, and the Gloss Tradition” (PhD diss., Columbia University, 1997); for recent studies on him, see Basri Basri, “Indonesian Ulama in the Haramayn and the Transmission of Reformist Islam in Indonesia (1800-1900)” (PhD diss., University of Arkansas, 2008), 74-109.

went to Mecca in 1828 aged fifteen and settled there until his death. Many Javanese scholars in the nineteenth century acted similarly due to increased scholarly travel across the Indian Ocean.¹⁴ His life and career, as Alex Wijoyo in an extensive study on Nawawī's contributions puts it, "are particularly interesting not because they were unique, but precisely because in many respects they resemble those of other Jawi ulema".¹⁵ Once he arrived in Mecca, he studied with at least three Jāwī scholars and three other prominent Arab teachers. The Javanese shaykhs were 'Abd al-Ghanī al-Bima (1780-1854), Aḥmad Khaṭīb bin 'Abd al-Ghaffār Sambas (1802-1872), and Aḥmad bin Zayd (d.?).¹⁶ Among the non-Jāwī teachers the most relevant for our study is al-Sharwānī, the author of a famous commentary on *Tuhfat*. The only text Nawawī studied with him was *Tuhfat*.¹⁷ For Nawawī the most important teacher was the Egyptian scholar Shaykh Yūsuf al-Sunbulawaynī (d. on or after 1867) with whom he studied for fifteen years. He is said to have travelled also to Medina to study with the Ḥanbalīte *ḥadīth* scholar Muḥammad Khaṭīb Dūmā, and to Egypt and Syria.¹⁸

His career in Mecca lasted for seven decades, during which he attracted many Indonesian students, mainly Javanese, Bantanes, and a few Indians.¹⁹ He was renowned among Indonesian students for his learning and also for the stand he is assumed to have taken against Dutch colonialism. An anti-Dutch political stand is not evident from his writings, but it is a prevalent assumption among his hagiographers and followers (see below).²⁰ All his students returned to Indonesia and built careers locally and regionally as well known scholars and leaders. However, Nawawī al-Bantanī chose to remain in Mecca teaching and writing.

His audience was mostly composed of Indonesians, particularly Javanese, but Nawawī al-Bantanī wrote his books in Arabic. In the longer Shāfi'ite intellectual tradition of Southeast Asia the scholars chose to write in Malay-Jāwī, or other local languages. Nawawī al-Bantanī was one of the few Javanese scholars who began writing legal texts in Arabic. That contributed to a construction of his legacy in the longer Southeast Asian tradition of Shāfi'ism. His choice of language was primarily an outcome of a synthesis between geography and law which happened in the nineteenth century. Its implications were interesting and far-reaching, as I shall explain later in this chapter. Apart from his commentaries on the Qur'ān and *Qurrat*, his works include mystical texts such as *Marāqī al-'ubūdiyyat* (a commentary on *Bidāyat al-hidāyat* of al-Ghazālī), theological treatises such as *Qami'at al-tughyān 'alā manzūmat shu'b al-īmān*, and ethical works such as *'Uqūd al-lujayn fī bayān ḥuqūq al-zawjayn*. Many of these texts had entered the curricula of Southeast Asian *pesantrens* by the early twentieth century and still continue to be taught as respected *kitab-kunings*. The wide popularity of his texts in religious education motivated one scholar to call

¹⁴ On the Indonesian scholars in Mecca and Medina, see: Basri, "Indonesian Ulama".

¹⁵ Wijoyo, "Shaykh Nawawi of Banten," 29.

¹⁶ Wijoyo, "Shaykh Nawawi of Banten," 72-73; Djajadiningrat, *Tarājim 'ulamā' al-Jāwah*, unpaginated.

¹⁷ Hurgronje, *Mekka*, 186 and 269; 'Abd al-Jabbār, *Siyar wa tarājim*, 72, 116 and 160

¹⁸ 'Abd al-Jabbār, *Siyar wa tarājim*, 288.

¹⁹ His most famous non-Indonesian student was 'Abd al-Sattār al-Dihlawī (1869-1936) of Indian origin. For a list of his important Indonesian students, see Wijoyo, "Shaykh Nawawi of Banten," 80-88.

²⁰ Chaidar, *Sejarah*, 40-41; Forum Kajian Kitab Kuning, ed. *Wajah Baru Relasi Suami-Istri: Telaah Kitab 'Uqūd al-Lujjayn* (Yogyakarta: LKiS, 2001), 208

him the “intellectual master” of *pesantrens*.²¹ After the rise of female *pesantrens* and female ‘ulamā’ with critical readings of *kitab kuning*, the last text ‘*Uqūd al-lujayn*’ was seen to be controversial for its clear male-chauvinistic elements and misogynistic arguments. A few female ‘ulamā’ brought out an annotated critical edition of it.²²

Among Nawawī’s non-Javanese teachers not mentioned above one in particular needs our attention, Aḥmad al-Dimyāṭī (d. 1853, Medina), who migrated from Damietta in Egypt.²³ From this small port in the Nile Delta, equally distant from Cairo and Alexandria, came a large number of Shāfi‘ītes who were very influential in scholarly circles of Mecca, Medina and Cairo in the nineteenth and twentieth centuries. Apart from Aḥmad al-Dimyāṭī many Indonesian, Indian and Swahili students studied with those from Damietta, including ‘Uthmān bin Muḥammad Shaṭā (d. 1878), ‘Umar bin Muḥammad Shaṭā (d. 1843-1912), al-‘Azab al-Madanī, Muḥammad al-Sharbīnī, and Sayyid Bakrī (Sayyid Abū Bakr bin Muḥammad Shaṭā al-Dimyāṭī).²⁴ Most of them were either sons or grandsons of Muḥammad Shaṭā Zayn al-Dīn bin Maḥmūd bin ‘Alī (d. 1850), who migrated to Mecca at the end of the eighteenth century and began to teach at the Masjid al-Ḥarām and attracted many students.²⁵ Of these the most important, not only for the students of that time but also for the future history of *Fath*, was his son Sayyid Bakrī, the author of *I‘ānat*.

When Sayyid Bakrī’s was only three months old his father passed away. He grew up under the tutelage of his brother ‘Umar, who was seven years older. Even as a child Bakrī was known to be bright. He had memorized the Qur’ān at the age of seven, and followed that with many other *matn*-texts of law, logic, grammar, etc.²⁶ Later he studied with Aḥmad Zaynī Daḥlān (1816-1886), whom Snouck Hurgronje called the “Rector” of the Meccan University,²⁷ and wrote a *manāqib* (memorabilia) on his teacher titled *Tuḥfat al-Raḥmān fī manāqib Sayyid Aḥmad Zaynī Daḥlān*.²⁸ Nawawī al-Bantanī is also said to have studied with Daḥlān to get *barakat* (blessings).

After his education, Bakrī spent most of his time teaching, writing and reciting the Qur’ān. He mainly taught legal texts such as *Tuḥfat* and *Fath* and many Indonesian, Hijazi, Egyptian and Swahili students attended his lectures. He also taught his own books, such as the commentary on *Fath*. He commented on *Fath* and also on *Tuḥfat* but he could not finish the *ḥāshiyat* on *Tuḥfat*, reaching only as far as the chapter of commercial law. That work remains

²¹ Abd Rahman, “Nawawī al-Bantanī: An Intellectual Master of the Pesantren Tradition,” *Studia Islamika* 3, no. 3 (1996): 81-114.

²² Forum, *Wajah Baru*; cf. Pieterella van Doorn-Harder, *Women Shaping Islam: Indonesian Women Reading the Qur’ān* (Urbana and Chicago: University of Illinois Press, 2006), 190-91, *passim*.

²³ ‘Abd al-Jabbār, *Siyar wa tarājim*, 288

²⁴ See ‘Abd al-Jabbār, *Siyar wa tarājim*, *passim*.

²⁵ Aḥmad al-Sibā‘ī, *Tārīkh Makkat: Dirāsāt fī al-siyāsāt wa al-‘ilm wa al-ijtimā‘ wa al-umrān* (Riyadh: Ta’sīs al-Mamlakat al-‘Arabīyyat al-Sa’ūdiyyat, 1999), 644, 660-61.

²⁶ ‘Abd al-Jabbār, *Siyar wa tarājim*, 80 gives a list of the texts he memorized as a child.

²⁷ C. Snouck Hurgronje, “Een Rector der Mekkaansche Universiteit,” *Bijdragen tot de Taal-, Land- en Volkenkunde van Nederlandsch-Indië* 36, no. 3 (1887): 344-395.

²⁸ Wijoyo, “Shaykh Nawawi of Banten,” 74 explains the name of the author of this *manāqib*, Sayyid Bakrī, in brackets as Abū Bakr ‘Uthmān bin Muḥammad Shaṭā. He mixes up Sayyid Bakrī’s name (Abu Bakr) with that of his brother ‘Uthmān. ‘Abd al-Jabbār does not mention such a text among the writings of Bakrī, see ‘Abd al-Jabbār, *Siyar wa tarājim*, 81. This however does not matter much because ‘Abd al-Jabbār does not mention many of his other works either.

unpublished. He dealt at least twice with the works of Ponnāni scholars. Apart from *Fath*, he wrote a commentary on *Hidāyat al-adkiyā* of Zayn al-Dīn Makhdūm Sr. entitled *Kifāyat al-atqiyā wa minhāj al-asfiyā*, the same text on which Nawawī al-Bantanī also has written a commentary.²⁹ His other works include two treatises on the legitimacy of following the old opinion of al-Shāfi‘ī against the new one on the issue of organizing many congregational prayers on Friday in same locality, an unfinished commentary on the Qur’ān, and a compilation of his fatwās.³⁰ During his stay in Mecca, Snouck Hurgronje met Bakrī and has written about him briefly. Apparently Bakrī used to deliver lectures from his own compositions which he sent for publication afterwards.³¹ What Hurgronje wrote about *I‘ānat* with a remark on its futility was quoted at the beginning of this chapter, to which I shall shortly return.

Sayyid Bakrī died at the age of forty-three. He left three children, Aḥmad, Ḥusayn and Šālīḥ who all became famous scholars. Sadly, like his father, Bakrī also died while his children were very young. Their uncle ‘Umar looked after them, as he had done for Bakrī when his father had died forty years earlier. In this harsh situation, ‘Umar was supported by Bakrī’s elder son Aḥmad (1882-1914), who also taught his two younger brothers.³² But all of them eventually had a better life. Šālīḥ (d. 1950) did especially well as a close associate of the first king of Saudi Arabia ‘Abd al-‘Azīz Ibn Sa‘ud (1875-1953) and he secured a successful career in the city after his extensive travels in India, and in Malayan and Arab lands.³³

Sayyid Bakrī and Nawawī al-Bantanī both lived in the same city, were both taught by the same teacher, Zaynī Daḥlān, both studied the same text at almost the same time, but we have no clear evidence that they knew each other. They would at least have had plenty of chances to meet even if not for friendship, but just as many chances for not meeting. Nawawī remained mostly in the Javanese quarter. He taught students at his home, and never thought about teaching at the Holy Mosque where many Arab, Indian, Swahili and Javanese scholars were teaching. Hurgronje asked him why he did not teach at the Holy Mosque where many other Jawis less knowledgeable than him gave lectures. He answered modestly: “If they have attained such high honour, then assuredly they have earned it.” He also said that his ugly clothes “did not accord with the distinguished appearance of the Arabic professors”.³⁴ All these words not only indicate his modesty and humility, but also his detachment from other contemporary teachers in the city, even though he had contacts with most famous ones such as Zaynī Daḥlān. His Arabic was not fluent which may have been another factor separating him from possible confrères. From Sayyid Bakrī’s viewpoint, his father had a strong

²⁹ Sayyid Bakrī, *Kifāyat al-atqiyā wa minhāj al-asfiyā ‘alā Hidāyat al-adkiyā ilā ṭarīq al-awliyā* (Cairo: Maṭba‘at al-‘Āmir, 1885); Nawawī al-Bantanī, *Salālim al-fuḍalā ‘alā Hidāyat al-adkiyā ilā ṭarīq al-awliyā* (Cairo: Maṭba‘at al-Khayriyyat, 1886).

³⁰ For a list of his other works including the hagiography on Daḥlān, see al-Zarkalī, *Tartīb al-a‘lām*, 2: 48; ‘Abd Allāh bin ‘Abd al-Raḥmān al-Mu‘allimī, *A‘lām al-makkīyyīn min al-qarn al-tāsi ilā al-qarn al-rābi‘ al-‘ashar al-hijrī* (Mecca and Medina: Mu‘assasat al-Furqān li al-Turāth al-Islāmī, 2000), 1: 561; al-Mar‘ashlī, *Nathr al-jawāhir*, 1: 519; 858; ‘Umar Riḍā Kaḥḥālat, *Mu‘jam al-mu‘allifīn: Tarājim muṣannif al-kutub al-‘Arabiyyat* (Beirut: Mu‘assasat al-Risalat, 1985), 1: 444.

³¹ Hurgronje, *Mekka*, 204-205.

³² ‘Abd al-Jabbār, *Siyar wa tarājim*, 65-66.

³³ ‘Abd al-Jabbār, *Siyar wa tarājim*, 124-127.

³⁴ Hurgronje, *Mekka*, 290. On his lack of fluency in speaking Arabic, see 289.

connection with the Javanese since his chief assistant was a Javanese named ‘Abd al-Shakūr. Hurgronje has written in detail about the warm-hearted relationship between ‘Abd al-Shakūr and his benefactor Muḥammad Shaṭā.³⁵ The former ended up marrying the three daughters of the latter after their deaths in succession. In fact they were all sisters of Sayyid Bakrī. ‘Abd al-Shakūr was the one and only Javanese scholar in the city equal in standing to Nawawī al-Bantanī and it is quite possible that he initiated a connection between Sayyid Bakrī and Nawawī al-Bantanī. Even so, explicit evidence is lacking. Intellectually they swam in the same stream, as can clearly be seen in *Nihāyat* and *I‘ānat*.

Profiles of the Texts

Nihāyat was published as a single volume at the end of July 1881. Two years later *I‘ānat*’s was completed, on 27 August 1883, in four volumes. One volume was enough for a commentary of *Qurrat*, but a super-commentary via *Fath* needed more space. Even so, there is a longer and broader range of discussion in *Nihāyat* than in *Fath*.

In *Nihāyat* Nawawī al-Bantanī does not say what motivated him to write the text. All he says in the introductory part is that with this commentary on *Qurrat* of Zayn al-Dīn bin ‘Abd al-‘Azīz bin Zayn al-Dīn al-Malaybārī al-Fannānī³⁶ he aims to help the colleagues “who are underprivileged like me.” The use of the term “underprivileged” (*qāṣirīn*) could indicate the author’s humility and modesty, which distinguished him among his contemporary scholars in the city. Hurgronje notes: “In social intercourse of any kind, he rather joins courteously in the conversation, than dominates it, and never starts any scientific discussion without cause given by others. An Arab, who did not know him, might pass a whole evening in his society without noticing that he was the author of about twenty learned Arabic works.”³⁷ Such self-deprecating terms are usual in Arabic and Islamic texts to excuse possible deprivations and faults. A rather interesting comment on the term was given by an anonymous annotator (possibly Nawawī al-Bantanī himself) referring to “the pursuers of primary education”.³⁸ From that we could infer that the text basically targeted Shāfi‘īte students at primary levels.

What is most interesting in *Nihāyat* is the way in which it attempts to incorporate itself, along with *Qurrat*, into the textual *longue durée* of Shāfi‘īsm. It reads: “Whatever is written in this book is none of my own. It is all taken from the *ibārat* of [previous] authors (May God make them useful to us! Amen).” He elaborates further that his main source of reference is *Nihāyat al-amal* of Muḥammad bin Ibrāhīm Abū Khudayr al-Dimyāṭī, a lesser known text in the school.³⁹ Muḥammad Abū Khudayr is another scholar from Damietta who lived and died in Medina and who contributed significantly to the Shāfi‘īte legal tradition. He was a student of Ibrāhīm al-Bājūrī (d. 1860) at al-Azhar University before he built up a career in Medina. His *Nihāyat al-amal* is an unconventional legal text, for it brings theology and

³⁵ Hurgronje, *Mekka*, 303-305.

³⁶ The identification of Zayn al-Dīn as the son of ‘Abd al-‘Azīz is a misunderstanding, as I discussed in Chapter 6.

³⁷ Hurgronje, *Mekka*, 290.

³⁸ Nawawī al-Bantanī, *Nihāyat al-zayn fī irshād al-mubtadi‘īn bi-sharḥ Qurrat al-‘ayn bi-muḥimmāt al-dīn* (Cairo: Maṭba‘at al-‘Āmirat al-Sharafiyyat 1881), 2.

³⁹ Muḥammad bin Ibrāhīm Abū Khudayr al-Dimyāṭī, *Nihāyat al-amal li man raghib fī ṣiḥhat al-‘aqīdat wa al-‘amal* (Cairo, 1895); MSS, Umm al-Qura University.

mysticism into legal discussions. The amalgamation of theology, mysticism and law has been a foundational characteristic for Aaron Spevack’s idea of “archetypal scholars” in the Sunnī tradition.⁴⁰ In his analysis of al-Bājūrī and many of his predecessors, Spevack demonstrated how the same scholar combined these three disciplines in his career. All the scholars under his focus wrote separate texts in each field, and we rarely see anyone combining all the three in a single text. *Nihāyat al-amal* is such a text, one easily able to be identified as an “archetypal text”, which seems an appropriate phrase in this context. Muḥammad Abū Khudāyir depended for theological aspects on his teacher al-Bājūrī’s commentary on *al-Jawharat al-tawḥīd* of Ibrāhīm al-Laḡānī (d. 1632). For the mystical part he referred to *Ihyā’ ‘ulūm al-dīn* of al-Ghazālī, supplementing it with Nawawī’s *al-Adkār* and its summary by al-Suyūfī for chants and prayers. For the legal discussions he mainly depended on the *Ghāyat*-family, on the commentary of al-Khaṭīb on *Ghāyat*, and on al-Bājūrī’s super-commentary.⁴¹ A closer reading of this text shows that Nawawī al-Bantanī took his arguments and articulations and even phrases and words in *Nihāyat* from there.

Yet al-Bantanī differs from Abū Khudāyir’s approach by not amalgamating too much theology and mysticism with law. *Nihāyat*’s main focus is on legal discussions, and so it stands close to the approach of Zayn al-Dīn in *Faḥ* or other texts that we have discussed so far. These legal discussions are again taken from a set of other texts familiar to us, *Nihāyat* of al-Ramlī, and *Tuḥfat* and *Faḥ al-jawād* of Ibn Ḥajar. He also used another *Nihāyat*, a commentary on *Ghāyat* of Abu Shujā’, and many unnamed super-commentaries.⁴² From this we see that his statement, “whatever written in this book is none of my own, it is all taken from the *‘ibārat* of [previous] authors” sounds like a statutory confession for not writing “anything new”. Even the statement itself is taken from Abū Khudāyir’s *Nihāyat al-amal* word by word.⁴³ Writing a commentary in this way on an earlier text is unprecedented in the textual tradition of the school and most commentators have been trying to articulate their ideas in their own words without depending on the exact quotations of earlier scholars. What then is the distinctive contribution of *Nihāyat*?

Before answering this question within an etic framework, let me briefly engage with the internal approach of the school that allows this sort of textual practice without any suggestion of outright plagiarism. This is not a means of keeping a “reputation for orthodoxy”, nor to avoid “making what is new is the work of a heretic”, as Hurgronje labels it in his passage quoted at the beginning of this chapter. Rather it was part of a different intellectual engagement developed in the eighteenth and nineteenth centuries in Southeast Asia as well as in the Middle East. Many followers of this new method rarely revealed their name or identity in the works they produced. It was an act of compiling different sources into a single coherent narrative in order to lead the reader to a variety of possible options and meanings. The compilers selected a particular theme and took portions from renowned texts of the school on the issue, and left it to the reader’s choice and ability to prioritize, hierarchize which of the given opinions to follow. A good command of the legal maxims and textual history of the

⁴⁰ Aaron Spevack, *The Archetypal Sunnī Scholar: Law, Theology, and Mysticism in the Synthesis of al-Bājūrī* (Albany: SUNY Press, 2014).

⁴¹ Abū Khudāyir al-Dimyāfī, *Nihāyat al-amal*: 4; MSS: 5.

⁴² Nawawī al-Bantanī, *Nihāyat*, 2.

⁴³ Abū Khudāyir al-Dimyāfī, *Nihāyat al-amal*: 4; MSS: 5

school was required for a right use of such texts; a beginner could use them with a high possibility of deviance. A Southeast Asian manuscript, possibly from eighteenth-century Aceh now kept at Leiden University Special Collections, is a good example of this method.⁴⁴ It deals with the legal issues of marriage, and draws passages from *Fatḥ*, al-Anṣārī's *Fatḥ al-wahhāb* and *Mir'āt al-ṭullāb* of 'Abd al-Ra'ūf Sinkilī. The author is anonymous, but very clearly had a good command of the textual tradition of Shāfi'ism.

In his time Nawawī al-Bantanī followed this method in his engagements in his oeuvre, but also with his own additions. And not only in *Nihāyat* did he follow this method. His most controversial text, *Uqūd al-lujayn*, is an example of a compilation of passages from nine classical texts. There are many ways in which he differs from his predecessors when using the strategy. In earlier texts we do not see a foundational text when putting the passages together, whereas al-Bantanī followed the architectonic format of *Qurrat*. He compiled the passages as its commentary, clearly differing from the style and arguments of *Fatḥ*. The end product is *Nihāyat* which builds up a discursive narrative through thematic interconnections between different issues. Occasionally al-Bantanī provides additional glossaries to help the reader with problematic phrases or wordings. This might be because his target audience for the text was the "pursuers of primary education" he alluded to. Furthermore, I would argue that by taking a different route from his contemporary scholars in the city, who all wrote a commentary on *Fatḥ*, by choosing to write a commentary like *Qurrat*, is a way to demonstrate his aim of synthesising different intellectual streams of Shāfi'ism.

Moreover, *Nihāyat* paraphrases and decontextualizes its source texts as a valid legalist method to generate new legal opinions. It admits what has been done when we read: "Whatever accuracies this text has, it should be ascribed to these people." As I demonstrated with regard to the politics of giving citations, the organizing of multiple passages from authoritative texts and assigning them as possible interpretations for another text indicate that a systematic selection of meanings is consistent with an author's politics and preferences. It also demonstrates the urge of a scholar to show his and his text's intellectual close continuity to the larger textual tradition of the school.

I'ānat of Sayyid Bakrī differs from *Nihāyat* in all these respects. In contrast to the latter, it adopts a more *conventional method* of writing super-commentary. In it he explains each word and ruling of the base-text in his own words and does not endeavour to cite earlier works as laboriously as *Nihāyat* does. About his self-doubt before he "felt at ease" in writing it, Sayyid Bakrī says in the introduction:

While God gave me opportunity to read *Fatḥ al-mu'īn* to intelligent students in front of the Holy Mosque, I wrote some glosses (*hawāmish*) on the text, analysing its meanings and explaining the structure. I was able to finish it by the grace of God. Then, in the year [12]96,⁴⁵ a group of students asked me to repeat the teaching of the text exclusively (*tajrīd*) with the glosses, in order not to lose them. I hesitated to do so, as I was not the right person for it. But the students repeatedly asked me. I asked (*istakhartu*) God by the mediation of the Prophet. At last, I felt at ease.⁴⁶

⁴⁴ Leiden University MSS, or. 7204.

⁴⁵ Corresponding to 1879.

⁴⁶ Sayyid Bakrī, *I'ānat al-ṭālibīn* (Cairo: Maṭba'at al-Mīriyyat, 1883), 1: 2.

It was a usual practice in the Islamic textual world for the author to dictate and even teach the text in Mecca. He finished writing it in 1883 and five years later, in 1888, a student from East Africa (‘Abd Allāh Bā Kathīr, mentioned in the previous chapter) attended his lectures on this work and recounted his experience.⁴⁷ Hurgronje notes that he was one of the few scholars to read their own work as lectures.⁴⁸ On a related note, many Indonesian students too had attended his lectures on *Fath* and/or *I‘ānat*, as their biographical entries confirm.⁴⁹

I‘ānat is noted for its own simplicity of language, as well as for its simplifying of *Fath*’s occasional linguistic complications. A significant contribution of *I‘ānat* is the way it adds to our own understanding of *Fath*’s position in the *longue durée* of Shāfi‘īte legal formulations, which otherwise are overlooked. We become more aware of the peripheriness displayed in *Fath*, through the commentary of *I‘ānat*, as it connects a number of rulings with the earlier works and viewpoints of the school. An example is our earlier discussion of how *Fath* raised the problem to be solved about the Hindu “sultanate” of Zamorins of Calicut as a legitimate ruler equal to a Muslim ruler who was eligible to appoint and dismiss qāḍīs. On that point there are three layers of text: first, the one of *Qurrat*; second, the one of *Fath*; third, the one of *I‘ānat*. *Qurrat* says only: “If a powerholder appoints an ineligible [as qāḍī], it is annulled.”⁵⁰ *Fath* comments: “**If a sultan** even if he is an unbeliever, or **powerholder**”, thus adding the word “unbeliever” on which *I‘ānat* comments.⁵¹

This maxim (*ghāyat*) is not mentioned in *Tuḥfat*, *Nihāyat* [of al-Ramlī], or other texts. It is problematic, because it is conditional for [the legitimacy of] a sultan that he is a Muslim. Therefore, the sultanate of an unbeliever is not valid and his leadership (*imāmat*) is not legitimate.⁵²

On the one hand these three layers of text illustrate the textual *longue durée* of the school over time. On the other hand, *I‘ānat* tells us how *Fath*’s articulations differ from its Middle Eastern counterparts or predecessors such as *Tuḥfat* and al-Ramlī’s *Nihāyat*. This passage also shows how *I‘ānat* adds its own voice by standing against the articulation of *Fath* by clearly stating that its addition of “unbeliever” contradicts the foundational viewpoint of the school on a legitimate sultan. *I‘ānat*’s dissent is understandable in its Middle Eastern political context, which is not very different from the contexts of *Tuḥfat* and al-Ramlī’s *Nihāyat* in terms of religious affiliation of rulers: at both times the Ottomans were in control of the region.

⁴⁷ Shaykh Abdallah Salih Farsy, *The Shaf‘i Ulama of East Africa, ca. 1830-1970: A Hagiographic Account*, trans. ed. and annotated by Randall L. Pouwels (Madison: University of Wisconsin, 1989), 84.

⁴⁸ Hurgronje, *Mekka*, 204.

⁴⁹ For example, see al-Mar‘ashlī, *Nathr al-jawāhir*, 1475, 1619, 1659.

⁵⁰ In few editions of *I‘ānat* (not in the first edition), the wordings of *Fath* “a sultan or a powerholder” have been identified as of *Qurrat*. It seems to be a mistake if we look in the other editions of *Qurrat* and *Fath*.

⁵¹ In **bold font** I give my translation of expressions the author quotes from the original text of *Qurrat*.

⁵² Sayyid Bakrī, *I‘ānat*, 4: 253. A word of caution: in the later editions of *I‘ānat*, the phrase of *Qurrat* has been published erroneously making the term “sultan” a part of the core-text; thus: “**If a sultan** even if he is an unbeliever, or **powerholder**”. This is incorrect and it might motivate one to argue that the emphasis here is not on the term unbeliever (*kāfir*) but is on the “powerholder” (*dū shawkat*). The first edition of *I‘ānat* cross-checked by Sayyid Bakrī himself and multiple editions of *Qurrat* do not consider the “sultan” as a part of the core-text. For the typographical error, see: Sayyid Bakrī, *I‘ānat al-ṭālibīn* (Cairo: Dār Ihyā’ al-Kutub al-‘Arabiyyat, 1927), 4: 215.

I'ānat also introduces new fatwās of contemporary scholars to its commentary. It adduces a fatwā of his teacher Zaynī Daḥlān on the issue of the ceremony after a funeral (see below). It incorporates recent developments in grammatical and literary cultures of the Arab world of the time. It also brings in elaborate discussions on a number of varying issues, not limiting itself to legal discourses alone. Hence, it amalgamates stories from Islamic history, Sufi teachings, and poems and quotations with legal implications. The prime focus of course is on Shāfi'īte law and that too with an emphasis on the works of Ibn Ḥajar and al-Ramlī. It tries to synthesize their disagreements in particular issues, as I explain below.

Rejection or Reception?

Many major external changes at that time have contributed internally to making *Nihāyat*'s and *I'ānat*'s legacy among the Shāfi'ītes; I will discuss those later in this chapter. One external change is the introduction of printing which dramatically improved the accessibility to Islamic texts, which before had been circulated as rare and expensive manuscripts, influencing the consumer's perception of both texts.

The first edition of *Nihāyat* was printed in 1881 and it has been reprinted many times since. Its acceptance probably has more to do with the scholarly personae of Nawawī al-Bantanī than with its contents and structure, although those are not negligible. Significant evidence comes from its very first edition where one named Sayyid Ḥammād al-Fayyūmī al-'Ajmāwī wrote in an appendix that after al-Bantanī had finished writing this commentary, the Cairene publishers competed to secure publication rights.⁵³ In his endorsement, al-'Ajmāwī writes further on the qualities of al-Bantanī as a pious and learned man. He writes hardly anything about the contents of *Nihāyat*, but only writes generally about the importance of legal texts and legal education. The following trajectories of *Nihāyat* also point towards this same phenomenon of stressing it to be a work of al-Bantanī, rather than that al-Bantanī was the author of *Nihāyat*. That was not the case with the other three texts we discussed in earlier chapters. Many of his works have been similarly studied, critically and uncritically, by traditional Shāfi'ītes and researchers, who often dedicated monographs on them. His works like *Uqūd al-lujayn*, *Naṣā'ih al-'ibād* and *Af'āl al-'ibād* for example, were focused on whereas *Nihāyat* mostly received only a passing reference.⁵⁴ In enumerating his works Hurgronje does not mention *Nihāyat*, or any of his legal texts. All he says is that he published a few books on law from Cairo among other texts.⁵⁵ This should be read along with the fact that Hurgronje names and discusses a few of his other texts, as well as with the fact that *I'ānat* has recurrent references.

That does not in fact mean that *Nihāyat* was badly received by the Shāfi'ītes. *Nihāyat* has been a favourite text of the Indonesian 'ulamā' in *pesantrens*. Martin van Bruinessen, in his remarkable study on the *kitab kunings* of the *pesantren* tradition, notes that the text "is

⁵³ Endoresment of Sayyid Ḥammād al-Fayyūmī al-'Ajmāwī to Nawawī al-Bantanī, *Nihāyat*, 393.

⁵⁴ Forum, *Wajah Baru*; Ahmad Asnawi, "Pemikiran Syekh Nawawi al-Bantani tentang Af'āl al-'Ibād: Perbuatan manusia" (MA thesis, IAIN Syarif Hidayatullah, 1984); Nury Firdausia, *Pendidikan moral dan spiritual dalam membangun karakter bangsa: Analisis kitab Nashoihul 'ibad karya Syaikh Nawawi al-Bantani* (Jakarta: Kementerian Agama RI, 2012).

⁵⁵ Hurgronje, *Mekka*, 291.

widely used” while *Qurrat* itself “never became popular”.⁵⁶ Its many editions from different parts of Indonesia as well as from the Middle East substantiate this matter further.⁵⁷ Alex Wijoyo counts it as one of the most famous legal texts of al-Bantanī among the Indonesian Shāfi‘ītes.⁵⁸ In this respect, its author’s intention of communicating with “the pursuers of primary education” has materialized. Furthermore, *Nihāyat*’s synthesis of conflicting sub-schools of Shāfi‘īsm that I will discuss in a while also had wider intellectual implications in the later development of Southeast Asian Shāfi‘īsm in general and of Indonesia in particular.

I‘ānat’s popularity is unquestionable, as our previous references clearly demonstrate. During Sayyid Bakrī’s lifetime the text attracted students and teachers alike. The title page of its first edition tells us that it was known among its fans (muḥibbīn) in two other names: *Qūt al-muḥtājīn ilā ibrāz daqā’iq Fath al-mu‘īn* and *Itqān al-muḥī‘īn fī bayān ma‘ānī Fath al-mu‘īn*, owing to its popularity in manuscript form.⁵⁹ Like the East African student Bā Kathīr, many African, Indian and Indonesian students later recounted and boasted that they attended the author’s own reading of the text.⁶⁰ Bakrī had a short life (he died aged forty-three) but the text lived on and became one of the most reliable super-commentaries in the Shāfi‘īte world. In the first edition many people wrote poems and endorsements appreciating the author and the text, but that was not the case for *Nihāyat*. A scholar Muḥammad bin Yusuf Ḥusayn Khayāṭ wrote two poems set out at the beginning of the first volume. Aḥmad bin Muḥammad Zayn al-Faṭānī, a literary scholar and publisher from Pattani (present-day Thailand) writes in the fourth volume:

Indeed *I‘ānat*’s merit is exquisite, a book
 In which verses are detailed, and scrupulous.
 A treasure of all riches and resources,
 Longing to get into it makes one wealthy.
 In it are inquests before which heads
 Of all intricacies drop and soothe.⁶¹

In the following decades, *I‘ānat* grew to be a favourite text of the Shāfi‘ītes across the Indian Ocean and Eastern Mediterranean worlds. Wherever *Fath* was taught, *I‘ānat* was referred to and highly valued. Its acceptance stretched from Middle Eastern centres such as Baghdad, Cairo, Damascus, Mecca, and Yemen to the East African and South and Southeast Asian worlds of Shāfi‘īsm. Many editions come from all these regions as evidence for this and it continues to be one of the prime references for Shāfi‘ītes. In the longer textual genealogy of the school, *I‘ānat* stands as the last bastion that was generally accepted within the school. This is not to forget the fact that it also attracted critics, as we have mentioned previously with regard to *Tarshīḥ*, whose author believed that *I‘ānat* was flawed in many of its articulations.

⁵⁶ Martin van Bruinessen, “Kitab Kuning: Books in Arabic Script Used in the Pesantren Milieu; Comments on a New Collection in the KITLV Library,” *Bijdragen tot de Taal-, Land- en Volkenkunde* 146, nos. 2-3 (1990): 247.

⁵⁷ For a Middle East edition, see: Nawawī al-Bantanī, *Nihāyat al-zayn* (Beirut: Dār al-Kutub al-‘Ilmiyyat, 2002).

⁵⁸ Wijoyo, “Shaykh Nawawi of Banten,” 173-174.

⁵⁹ Sayyid Bakrī, *I‘ānat*, 1: 2a [unpaginated second title page].

⁶⁰ al-Mar‘ashlī, *Nathr al-jawāhir*, 1475, 1659.

⁶¹ Poem of Aḥmad al-Faṭānī on Sayyid Bakrī, *I‘ānat*, 4: 3.

Both *Nihāyat* and *I‘ānat* were rarely taught as a textbook in former times, but I myself have been present in classes on *I‘ānat* in contemporary Shāfi‘īte circles. Instead, both texts were used to provide teachers and students with clarifications and explanations. Both texts have also been used as a source of fatwās, especially as *I‘ānat* contained legal clarifications by Meccan muftīs such as Zaynī Daḥlān on many comparatively later issues.

II.

Politics of a Time

Thanks to a number of remarkable developments in the nineteenth century, Mecca developed into more than the isolated place it used to be before the arrival of Ibn Ḥajar and more than the Islamic cosmopolitan hub it became after he had lived there in the sixteenth century. The dramatic changes in global politics, culture and technology as much as the internal dynamics of Islamic world led to the transformation of the city from a geographically determined location to a chronologically infinite space as a representative of its global position. The contexts and careers of *Nihāyat* and *I‘ānat* as well as their authors are affected by this expanded complexity of Mecca, a situation which is crucial for a better understanding of their politics.

Before explicating this development, we follow the conventional political narrative of the city as a place ruled by a specific polity, and state that it came under the dominion of the Ottoman Empire. But by the late-nineteenth century, Ottoman supremacy and the authority of their representative emirs were constantly questioned in the city more than before, often by the traditional Sharīfate. The Sharīfs were not alone in asking questions, for the ‘ulamā’ also actively took part in the conflicts for strong legal and theological reasons. There were many dramas; in the combats the Ottoman emirs or the Sharīfs were often arrested, betrayed or murdered in Mecca or Istanbul. To elaborate on this would require more space, and would simply follow the lines of a usual political history.⁶² My interest in these developments is the motivations of eminent Shāfi‘īte scholars such as Shaykh al-Islam Zaynī Daḥlān in taking the side of the Sharīfs against the Ottomans. Strongly basing himself in the legalistic tradition of Shāfi‘īsm in particular and of Sunnīsm in general, Daḥlān vehemently opposed many reforms introduced by the Ottomans.⁶³ The dynastic legal codes and books (Tur. *ḵânûnnâmes*) brought by sultans were now forcefully implemented through the appointments of *qāḍīs* who were supposed to be members of the fuqahā-estate and represent the legal authority of the sultan. They also had to combine the Sharī‘at with the sultan’s rules (Tur. *ḵânûn*), even though many rules were contradictory or underestimated the legal diversity within Sunnī tradition. The introduction of new dress codes and the abolition of slavery are examples of the issues that elicited resistance. The scholars in the city, as well as elsewhere in the contemporary traditional circles of Islam, opposed these reforms as “false innovations” (Ar. *bid‘at sayyi‘at*).

⁶² The details of the conflicts can be seen in Snouck Hurgronje, *Mekka*; cf. Alexander H. de Groot, “Tradition and Reform in Ottoman Mecca around 1884,” in *Proceedings of the 2nd International Meeting on Modern Ottoman Studies and the Turkish Republic*, ed. E. van Donzel (Leiden: Nederlands Instituut voor het Nabije Oosten, 1989), 83-96.

⁶³ See Zaynī Daḥlān’s *al-Futūḥāt al-Islāmiyyat ba‘da muḍī al-futūḥāt t al-nabawīyat* (Mecca: al-Maktaba al-Mīriyyat, 1893) which opposes many of the Ottoman reforms, for example against the introduction of uniform for the Ottoman army.

Raising all these issues, they sided with the Sharīfs in their fight against the sultan.⁶⁴ These discursive disagreements, though ostensibly political, were deeply grounded in Shāfi‘īte-Ḥanafīte approaches towards the changing situation and reforming measures.⁶⁵

In this typical narrative of conflict between a central empire and its provincial machinery, with scholars taking part in one side or the other, we must ask where the texts *Nihāyat* and *I‘ānat* and their authors stand. We know that both authors studied with Daḥlān, and so it is quite possible that they all belonged to the same political stream. However, the story is rather more complicated than this conventional political narrative. In the case of *Nihāyat*, its author Nawawī al-Bantanī was not active in the politics or the social life of the city. Rather he restricted himself to the Javanese quarter, where he felt more comfortable teaching and interacting with his followers. Since the majority of his following and his disciples were Javanese, this was an added reason to assume that he belonged to the political undercurrents of Java. There the regionality of Mecca breaks, and it becomes a microcosm of the contemporary global political scenario. In the choices al-Bantanī made in life we see more of a Javanese aura than regional politics of Mecca. With regard to Java and the Javanese resistances against the Dutch colonialism, Mecca has been portrayed as “a refuge of rigid Islamic fundamentalism” in which al-Bantanī and his colleagues like Khaṭīb Aḥmad Sambas and Ḥājī ‘Abd al-Karīm supposedly had leading roles.⁶⁶ This is furthered by some of al-Bantanī’s biographers who preferred to believe that he hated Dutch colonialism, although the facts are quite to the contrary.

In the wake of increasing colonialism across the Muslim worlds of Asia and Africa in the nineteenth century, a remarkable number of peripheral Muslims, among which their largest communities were in South and Southeast Asia, found a safe abode in Mecca, where non-Muslim political entities were strictly prohibited. Many of them aspired at least to reach Jeddah as an entry-point for the safe and sacred world they craved. Yet the place was not free from the presence of Dutch and British colonialists, directly through officials like Snouck Hurgronje or indirectly through informants and spies like Raden Aboe Bakar.⁶⁷ Without knowing they were there, a few “peripheral” anti-colonial Muslims arguably tried to mobilize support for their rebellious activities. In the case of Nawawī al-Bantanī, the rebels involved in the Banten Revolts of 1888 thought that if he and Ḥājī ‘Abd al-Karīm returned to the region and joined the “Holy War”, the rebellion would succeed. This was the ground on which the Dutch colonial government thought of banning him from returning, an idea which Hurgronje protested against.⁶⁸ In a letter to the Governor General on 7 June 1889, Hurgronje argued that banning such an esteemed intellectual would affect the prestige of the government, and that Nawawī al-Bantanī himself did not have even the slightest inclination to return. He wrote:

⁶⁴ de Groot, “Tradition and Reform,” 92-93.

⁶⁵ For the Shāfi‘īte side of the story, see Daḥlān’s *al-Futūḥāt al-Islāmiyyat*; cf. Hurgronje, “Een Rector”.

⁶⁶ Aloysius Sartono Kartodirdjo, *The Peasants’ Revolt of Banten in 1888: Its Conditions, Course and Sequel: A Case Study of Social Movements in Indonesia* (s-Gravenhage: Nijhoff, 1966), 150.

⁶⁷ On both of them see Michael F. Laffan, “Raden Aboe Bakar: An Introductory Note Concerning Snouck Hurgronje’s Informant in Jeddah (1884-1912),” *Bijdragen tot de Taal-, Land- en Volkenkunde* 155, no. 4 (1999): 517-542; Michael F. Laffan, “Writing from the Colonial Margin: The Letters of Aboe Bakar Djajadiningrat to Christiaan Snouck Hurgronje,” *Indonesia and the Malay World* 31, no. 91 (2003): 358-380.

⁶⁸ Wijoyo, “Shaykh Nawawi of Banten,” 89; cf. Kartodirdjo, *The Peasants’ Revolt*, 201, citing Missive of the Consul of Djeddah, Sept. 4, 1889, no. 1079.

Nawawī is far too intelligent to meddle the least in a movement such as in Cilegon, and is too deeply grounded in orthodoxy as to approve such a spectacle as that in Cilegon. For without having ever tried to cooperate with the Government, he has striven against its most fanatical enemies, the base mystical orders.... Surely he and his circle belong to the elements with which the government could easily find a fruitful *modus vivendi*.⁶⁹

Assuming that Nawawī al-Bantanī never tried to cooperate with the colonial government and his life presented a “fruitful *modus vivendi*” with it, we wonder if he articulated this position in *Nihāyat*, and find that in fact he did. One example is in the issue of a non-Muslim ruler’s appointment of qāḍīs that we discussed earlier, where *Nihāyat* has a similar approach to Zayn al-Dīn although rather subtle. We mentioned earlier that *Qurrat* only says: “If a powerholder appoints an ineligible [as qāḍī], it is annulled.” On this *Nihāyat* brings a detailed commentary, obviously depending on previous texts of the school. At the end of this discussion he says: “If people suffer from the rule of a woman, slave or a blind man (confirmed as such), his judgement will be necessarily annulled, but not [from the rule] of an unbeliever.”⁷⁰ This is the only place where he addresses the issue of an unbelieving governor or ruler with regard to the issue, and it approximates the peripheral argument that Zayn al-Dīn made in his *Fath* centuries earlier. For Nawawī the appointment of a qāḍī by an unbelieving political entity remained valid even if the people suffered from their rule. This ruling should be read along with the fact that he wrote this in the early 1880s, when the Dutch colonial government was moving towards recognizing Sharī‘at courts as legitimate legal units. His contemporary Ḥaḍramī-Javanese scholar Sayyid ‘Uthmān ‘Alawī published a detailed monograph one year later explaining foundational judicial structures and rules of Shāfi‘ism for judges and members of these religious courts.⁷¹ Compared to Sayyid ‘Uthmān’s work, al-Bantanī’s pronouncement is rather subtle. But in many other contexts *Nihāyat* is very explicit in explaining its political position. To understand that, we need to go beyond the conventional political narratives and to zoom into the internal dynamics of contemporary Islam, by showing how Wahhabi Islam was strengthened as a political movement, questioning the foundational features and elements of Sunnī Islam.

In that respect, *I‘ānat* follows the same path as *Nihāyat* in standing within a traditionalist narrative against the reformist and fundamentalist ideas propagated by the Wahhabis and the like. Before addressing this issue, it would be handy to have a brief note on *I‘ānat*’s political setting in the conventional frame. It does not agree with the position of *Nihāyat* on such rules as an unbeliever having authority over Islamic matters, and this certainly makes sense if we understand the text in its context. *I‘ānat*’s political view is not nearly as complicated or elaborate as the one of *Nihāyat*, because its author always belonged to the “abode of Islam”. His father had migrated from Damietta to Mecca, where he was born and grew up. Yet both regions were set in the same imperial arena of the Ottomans, not much different from the contexts of al-Ramlī or Ibn Ḥajar in terms of the religious affiliation of

⁶⁹ Hurgronje, *Ambtelijke adviezen van C Snouck Hurgronje, 1889- 1936*, ed. E. Gobee and C. Adriaanse (’s-Gravenhage: Nijhoff, 1965), 3: 1982-83. The translation is from Wijoyo, “Shaykh Nawawi of Banten,” 89-90.

⁷⁰ Nawawī al-Bantanī, *Nihāyat*, 380.

⁷¹ Sayyid Uthmān bin ‘Abd Allāh bin ‘Aqīl al-‘Alawī, *al-Qawānīn al-shar‘iyyat li ahl al-majālis al-ḥukmiyyat bi taḥqīq al-masā’il li tamyīz lahum al-ḥaqq min al-bāṭil* (Batavia, 1881).

contemporary rulers. His direct disapproval of *Faṭḥ*'s position, and indirectly of *Nihāyat*'s too, on the issue of an unbeliever being a legitimate ruler is an epitome of this unchanged political context in which they hardly encountered a non-Islamic political entity. But the situation in sixteenth-century Malabar or nineteenth-century Java was very different. In conventional politics both texts thus differ in their standpoints.

However, *Nihāyat* and *I'ānat* both firmly shared the same position, just like many other texts produced not only in the city but also across the Muslim world did, against the emerging political expressions of Islam entangled with attacks on traditional textualism. As much as both authors stood isolated from political entities in their places, they did not hesitate at all to subscribe to broader movements for defending the Islamic tradition in general and Shāfi'īte law in particular. That kind of political stand is what makes their agreements more interesting, and it also again tells us that Mecca is not so much a place but rather a time that represents wider intellectual trends in the century.

Education during “Reform”

The role of Medina in the late-eighteenth century as a hub of revivalist thought has been well articulated by the scholars,⁷² whereas Mecca's position remains to be studied. On the basis of my examination of the lives and contributions of some noted figures in the city, I presume that it was a bastion of traditionalist Islam and opposed much of the emerging “false innovations”. It is too early to substantiate the evidence for a sharp distinction between the intellectual inclinations of the two cities, although the overall pedagogical and textual streams each city undertook indicate such a division. As I indicated at the beginning, at least four commentaries were produced belonging to the *Faṭḥ*-family in and around the second half of the nineteenth-century in Mecca alone, and those are not insignificant works. Many commentaries and super-commentaries on a number of earlier texts of Shāfi'īsm and of other Sunnī schools and on earlier theological texts were being constantly produced in the city. That again was not an exceptional trend for Mecca at that time. The broader trend reverberated along the Indian Ocean rim from South Africa to Southeast Asia. Zaynī Daḥlān published numerous treatises like *Fitnat al-Wahhābiyat* targeting the ideologies of Wahhābīsm, and many of his contemporaries as well as later scholars from Mecca joined him. The Indian scholar Muḥammad Bashīr al-Sahsawānī (1836-1908) countered arguments of Daḥlān in his renowned text *Ṣiyānat al-insān 'an waswasat al-Shaykh Daḥlān*.⁷³ All these debates were centred around the traditional texts of Islam in general and Shāfi'īsm in particular, and whoever stood along with Daḥlān it was a question of accepting traditional textual knowledge as authentic and vindicative. The ensuing polemics and debates laid much focus on traditional texts, whereas the Wahhābīs found them irrelevant for the claims they were making. Against this background, I argue that the pedagogical method of the Sunnīs became extremely text-centric in the nineteenth century in the wake of recurrent criticisms against it (see below).

⁷² John O. Voll, “Muḥammad Hayya al-Sindī and Muḥammad ibn Abd al-Wahhab: An Analysis of an Intellectual Group in the Eighteenth Century Medina,” *Bulletin of the School of Oriental and African Studies*, 38 (1975); idem, “Hadith Scholars and Tariqahs: An 'Ulama' Group in the Eighteenth Century Hāramayn and Their Impact in the Islamic World,” *Journal of Asian and African Studies* 15, nos. 3-4 (1980).

⁷³ Muḥammad Bashīr al-Sahsawānī, *Ṣiyānat al-insān 'an waswasat al-Shaykh Daḥlān* (Cairo: Maṭba'at al-Manār, 1933).

The composition of *I'ānat* and *Nihāyat* represent this scenario. In the city, *Fath* was an important intermediate text for the aspirants of law, comprised of academic-pilgrims and pilgrim-students, which motivated many teachers to come up with commentaries, glosses and marginalia, often refuting the new claims made by the “reformists”. Such author-scholars attracted more students than anyone else and the question was how close and deep they could stand to the textual *longue durée* of Islam. In *I'ānat*'s case, the author was delivering lectures from his own commentary that had been published. That served to increase his personal fame and that of his text for it was deeply rooted in the tradition.

Like their predecessors, all these commentaries were written with an educational purpose in mind, and what was added now is the fact that publication and a wider circulation expedited the intensity of text-centrism. The growth in the number of students and their increased opportunities for travel between the central and the peripheral lands of Islam further accelerated the movement of newly published texts as well the old ones. In the broader Islamic world, many existing and newly founded religious educational centres utilized *I'ānat* and *Nihāyat* together with *Fath* and associated earlier texts such as *Tuḥfat* and *Minhāj* which were now also available in print. In the course of time, more specialists of these texts arose along the rim and some of them were known for being specialists of particular sections of one of the texts. For example, the principal teacher of Ribāṭ of Tarīm (est. 1887), 'Abd Allāh bin 'Umar al-Shāṭirī, became known among the Shāfi'ites as a specialist of *Fath* and he attracted students from Yemen and also from the regions of East Africa and Malaya.⁷⁴ The background to the fact that the Middle East still hosted a plethora of higher educational centres was that other commentaries on *Tuḥfat* and *Minhāj* were in wide circulation. Many students who finished learning *Fath*, ventured to learn some other commentaries of *Minhāj* such as *Kanz al-rāghibīn* by al-Maḥallī before they finally ended up with *Tuḥfat*. Though the number of centres and students who actually engaged with *Tuḥfat* was limited, it was considered to be the supreme text and the highest mark of status which a legal aspirant of Shāfi'ism could reach. That then was linked to the rise in production of many super-commentaries on *Tuḥfat* from the Middle East. However, the usage of *Fath* in fatwās or legal discourses in the Middle East is rather limited when compared to how much it is used in South and Southeast Asian situations. The Middle Eastern fuqahā generally consult the more “higher” or “prestigious” texts such as *Tuḥfat*.

Once *Nihāyat* and *I'ānat* were printed and circulated, they began to take a vital place in the curricula. The Ḥaḍramī migrant 'Alawī al-Saqqāf's *Tarshīḥ* is an explanatory critique of this development. It emerged as a response to the immediate reception of *I'ānat* in educational circles. Its publication did not immediately have any damaging affect on traditional modes of education related to either of these texts; on the contrary it promoted them.

Question of Customs as Law

To substantiate that *I'ānat* and *Nihāyat* were influenced by the Meccan customs and norms of the nineteenth century is difficult. This is primarily because Mecca was not an exclusive geographical legal space by that time, which was so different from its position in the sixteenth

⁷⁴ 'Umar bin Hāmid al-Jīlānī, “Mushāraḳat Fuqahā' Ḥaḍramawt fī Khidmat al-Fiqh al-Shāfi'ī,” (Lecture at Nadwat al-Rifā'iyatt, 1994) available at: https://archive.org/details/hadibaagil110_gmail_20160219 (accessed 16 August 2016).

century during the time of *Tuhfat*. Furthermore, to restrict *Nihāyat* to be a Meccan text would be inappropriate as much as to locate it in Java as an exclusive Javanese Shāfi'ite text.

Certainly there is a continuity in the many claims that Ibn Ḥajar made with regard to the Meccanized version of Shāfi'ism, in which he took Meccan/Hijazi/Arab ideas of language and ethnicity as superior. Yet, there also are some remarkable discontinuities. Both authors also assert that other cultures and customs are not substandard provided that they remained within the purview of Islam in general and of the school in particular. In *Nihāyat*'s case, Nawawī al-Bantanī's obvious background and collaboration with Javanese cultures must have been a significant component in following this line. In Zayn al-Dīn he had an intellectual predecessor for this line of thought. Yet he did not address any Javanese customs that are portrayed by some of his contemporaries as completely unacceptable in Islam. His silence about regional customs and his reluctance to legitimize any of them again indicate a move to synthesizing geographical differences in law.

In *I'ānat*, we find no explicit encounter with a problem in Egyptian and Arab/Hijazi identity that Ibn Ḥajar took up. This might have to do with the fact that *I'ānat*'s immediate reference is *Fath*, which followed the Meccan version of Shāfi'ism. It would be interesting to look at this issue in Sayyid Bakrī's own *ḥāshiyat* on *Tuhfat*, but that is available only in manuscript form.⁷⁵ In *I'ānat*, however, we do not see any conflict between Cairene and Meccan opinions. Instead, we are intrigued to notice the ways in which its author brings Ibn Ḥajar and al-Ramlī, and their respective works, together on the many issues. As an example we think of the way he dealt with *Fath*'s addition of legitimizing an unbelieving ruler. He brought both *Tuhfat* and al-Ramlī's *Nihāyat* together by saying that neither of them made such a claim. This also indicates another synthesizing process that I will discuss shortly.

If not actually legalizing local customs, *I'ānat* viewed many current social and cultural debates in the city through the prism of the law. When discussing traditional ceremonies after a funeral, it has a long discussion on the practice of serving food at the deceased's house on the day of the death. It opposes this practice, referring to a recent fatwā as well as a ḥadīth in which the Prophet asked neighbours to provide food for the family of the deceased on that day. The author says that he came across a question and a fatwā on this very issue, and he cites both of them in detail. It was issued by Zaynī Daḥlān, the chief judge in the city. *I'ānat* further informs us that Ḥanafīte, Ḥanbalīte, and Mālikīte muftīs also held the same opinion.⁷⁶ Hurgronje describes the general cultural practice in the city. On the day of the death after sunset many relatives and friends would come to the house of the deceased without being invited. Earlier it had been expected that food would be served to all of them, but after the fatwā that had stopped and only coffee would be served.⁷⁷

This is a case of a customary practice being prohibited by *I'ānat*. But there are also occasions when the text elaborates on historical events in the city. While discussing the ḥajj pilgrimage, the author gives an elaborate history of the Ka'ba following the traditional historical narrative: how Abraham and his son Ismael built the structure according to the instructions of the archangel Gabriel; how it was renovated and maintained by the early

⁷⁵ I have not managed to access this manuscript.

⁷⁶ Sayyid Bakrī, *I'ānat*, 2: 170-171.

⁷⁷ Hurgronje, *Mekka*, 161.

caliphs of Islam until modern times, and even renovations done while the author was writing the text.

A restoration inside the Great Ka'ba took place in the month of Rabī' II, 1299 during the sultanate and caliphate of Mawlānā Sultan al-Ghāzī 'Abd al-Ḥamīd II, whom God made succeed Mawlānā Sultan al-Ghāzī 'Abd al-Majīd bin Maḥmūd bin 'Abd al-Ḥamīd I. This renovation has been chronicled by [...] Mawlānā al-Ustād al-Sayyid Aḥmad bin Zaynī Daḥlān in a poem.⁷⁸

I'ānat follows this with a poem that has a chronogram (following the *abjad*-alphabetic sequence) whose numeric calculation comes to 1299, which corresponds to the year 1882. On a side note, the life and contributions of Zaynī Daḥlān had a clear influence on *I'ānat* not only in terms of all these notes and fatwās, but also by making it a role model for a pious believer and practitioner of Islamic law. The text's articulations at various points explicate this, and he is the only contemporary Meccan scholar who is regularly mentioned in it.⁷⁹

III.

I have been suggesting throughout this chapter that *Nihāyat* and *I'ānat* represent a synthesis of various sorts. Now is the time to examine two of those syntheses clearly explicit in the making, contents, and reception of both texts, an intellectual synthesis and a geographical-legal synthesis.

Intellectual Synthesis: Mecca with Cairo

We mentioned the author's statement in *Nihāyat* that "whatever is written in this book is none of my own, it is all taken from the *ibārat* of [previous] authors". Then we raised the question of what *Nihāyat* actually contributed if it does contain only quotations from earlier scholars. On the one hand it incorporates the existing methodology of compiling texts to formulate a coherent narrative with its policy of citations, and on the other hand it significantly contributes to healing a split existing in the school.

Ibn Ḥajar's *Tuḥfat* embodied the beginning and the dissemination of a Meccan version of Shāfi'ism, one which was taken further by Zayn al-Dīn in his *Fath*. In this sub-division of the school, *Fath*'s pronouncements were clearly opinionated, whereas in its base-text *Qurrat* the pronouncements were elusive and inexplicit. By taking *Qurrat* as the source for his engagement, Nawawī al-Bantanī tried to synthesize this split by bringing together opinions of Ibn Ḥajar and al-Ramlī into a single narrative. In the nineteenth century, this approach had a vital role but not in earlier times. I mentioned in Chapter 5 that a few scholars in the seventeenth and eighteenth centuries had endeavoured occasionally to merge together conflicting opinions of both streams, either by writing separate commentaries to *Tuḥfat* and *Nihāyat* of al-Ramlī or by devising new modes of reconciliation. But their voices were not loud enough to cross the deepened divisions of the school. In the nineteenth-century the

⁷⁸ Sayyid Bakrī, *I'ānat*, 2: 323.

⁷⁹ For another case see Sayyid Bakrī, *I'ānat*, 2: 296-298 where the author cites the usual prayer of Daḥlān when he completed the Qur'ān at the end of Ramadan, the month of fasting.

Shāfi'ites one after another engaged with this split more collectively to bring about reconciliation.

A remarkable work from this time which had this end in view is entitled *Fath al-'alī bi jam' al-khilāf bayn Ibn Ḥajar wa Ibn al-Ramlī* and was written by a very young Ḥaḍramī scholar 'Umar bin al-Ḥabīb Ḥāmid Bā Faraj Bā 'Alawī (1836-1857). He was born in Tarīm but died young in Singapore at the age of twenty-one. The title indicates that it seeks reconciliation (*jam'*) of the disagreements between Ibn Ḥajar and al-Ramlī. He took more than 350 conflicting opinions from the texts of both the scholars, primarily from *Tuḥfat* and *Nihāyat*, and sought interpretations which would harmonize their divergences.⁸⁰ The book covered the section on ritual-laws, as he had access only to those chapters in *Tuḥfat* and *Nihāyat*. Despite his early death, his text must have circulated widely among Shāfi'ites along the Indian Ocean rim since manuscript copies have been found in Singapore, Hyderabad and Ḥaḍramawt.⁸¹

There were other similar attempts in the nineteenth and early twentieth centuries, as more fatwās and texts including *Nihāyat* and *I'ānat* explicate. 'Alī Bā Ṣabrīn, the author of the first known commentary of *Fath* entitled *I'ānat al-musta'in*, wrote a short but analogous work in the early nineteenth century at the start of his career. That work is entitled *Ithmid al-'aynayn fī ba'd ikhtilāf al-Shaykhayn* and in it he looks into a number of disagreements between Ibn Ḥajar and al-Ramlī. Unlike 'Umar Bā 'Alawī, he neither elaborates on the disputes nor refers back to the longer discourses in the school on each issue. He says that he was motivated to write this work during his journey across the Red Sea to Egypt in May 1844 after reading *Bushrā al-karīm* of Sa'īd bin Muḥammad Bā 'Ishn (d. 1854).⁸² *Bushrā al-karīm* is a commentary on *Masā'il al-ta'līm*, a very famous text among Shāfi'ites with the nickname "the Ḥaḍramī *Muqaddimat*" (*al-Muqaddimat al-Ḥaḍramīyyat*) by 'Abd Allāh bin 'Abd al-Raḥmān Bā Faḍl (d. 1512).⁸³ By writing a commentary on this renowned text Bā 'Ishn also engaged with the legalistic conflicts between the Meccan and Cairene versions of Shāfi'ism. 'Alawī al-Saqqāf, the author the other commentary on *Fath*, also joined the debate by writing an abridgement to Muḥammad al-Kurdī's *Fawā'id al-Madaniyyat*, the pioneer text in this category of reconciliatory attempts from the eighteenth century. A larger work in this genre however came from an Iraqi Kurdish scholar Shaykh 'Umar aka Ibn al-Qarahdāghī (d. 1926) who put together more than 1800 conflicting opinions of Ibn Ḥajar, al-Ramlī and Khaṭīb al-Sharbīnī in a volume entitled *al-Manhal al-naḍḍākh fī ikhtilāf al-ashyākh*.⁸⁴ All these texts exemplify attempts of the Shāfi'ites throughout the nineteenth century to unite the confrontations among the jurists of the school.

It was an indirect response to many other developments within the Islamic tradition, especially as a consequence of the emergence of transregional sects and individuals who questioned the very existence of such a "tradition" of Islam. Here I am referring to the much-

⁸⁰ 'Umar bin Ḥāmid Bā Faraj Bā 'Alawī, *Fath al-'alī bi jam' al-khilāf bayn Ibn Ḥajar wa Ibn al-Ramlī*, ed. Shifā' Muḥammad Ḥasan Hītū (Beirut: Dār al-Minhāj, 2010).

⁸¹ Ḥasan Hītū, Introduction to Bā Faraj Bā 'Alawī, *Fath al-'alī*, 23-24.

⁸² 'Alī Bā Ṣabrīn, *Ithmid al-'aynayn fī ba'd ikhtilāf al-Shaykhayn* (Damascus: Dar al-Fikr, 1996), 3

⁸³ Sa'īd bin Muḥammad Bā 'Ishn, *Bushrā al-karīm sharḥ Masā'il al-ta'līm al-Muqaddimat al-Ḥaḍramīyyat* (Jeddah: Dar al-Minhāj, 2004).

⁸⁴ Shaykh 'Umar al-shahīr bi Ibn al-Qarahdāghī, *al-Manhal al-naḍḍākh fī ikhtilāf al-ashyākh* (Beirut: Dār al-Bashā'ir al-Islamiyyat, 2007).

discussed Muslim “reformists” ranging from Muḥammad bin ‘Abd al-Wahhāb (1703-1792), Muḥammad al-Shawkānī (1759–1839), Sir Sayyid Aḥmad Khān (1817-1898), Jamāl al-Dīn Afghānī (1838/9-1897) to Muḥammad ‘Abduh (1849-1905). All of them set in motion their own movements, with or without influencing each other, but fundamentally questioning the ways in which Islam had been interpreted. Much has been written about them; in fact most literature on Islam in the nineteenth and twentieth centuries is about them. Because of that I shall not discuss their arguments.⁸⁵ For the moment suffice it to say that as these new entrants attacked the existing systems of Islamic scholarship, a major point of their criticism was Islamic law. If we trace the genealogy of their protests, their attacks differed in many respects from those of the earlier “reformists” who had figured in the tradition of Islamic law.

Ibn Taymiyyat, one of the prominent early reformists, is just one example. He is known for his criticisms against the general scholarly consensus of this time and their methods of practising Islamic law. Yet his disapproval was very much rooted in the frameworks and jurisprudential hermeneutics of Aḥmad bin Ḥanbal, the eponymous founder of the Ḥanbalī school. Indeed, Ibn Taymiyyat codified the Ḥanbalīte law in his *al-Muḥarrar* as similar to strands of *Minhāj* (or more precisely of al-Rāfi‘ī’s *al-Muḥarrar*) in Shāfi‘ism. His ideas certainly had an enormous impact among the Ḥanbalītes through his students such as Ibn al-Qayyim (1292–1350), as well as among the jurists of other Sunnī schools, all of which existed at the time at varied levels. In the sixteenth century, however, Ibn Ḥajar refuted his claims using very harsh language. He called him an “extremely stupid person” (*jāhil ghāl*), “errant and deceptive” (*dāll wa muḍill*) and accused him of intellectual blindness, deafness and indecency.⁸⁶ Although Ibn Ḥajar’s opinions had a wider impact in unifying other Sunnī scholars’ views against Ibn Taymiyyat and Ibn al-Qayyim, his antipathy towards them was based on theological grounds more than on law. In legal matters, Ibn Taymiyyat’s opinions only reaffirmed the Ḥanbalīte positions. In contrast to this, the nineteenth-century “modernist” reformists took a very radical step by refuting the very legitimacy of Islamic law as interpreted through the juridical corpuses and attacked the very bases of traditional scholarly practices. Although their theological and legal arguments can be traced back to Ibn Taymiyyat and the like, they distance themselves from the Ḥanbalī school, for they do not want to imply that they belong to any existing streams of Islamic law. They called themselves followers of a school vaguely defined as “school of the forefathers” (*maḍhab al-salaf*), and so they were known as Salafīs and their ideology as Salafism.

Traditional scholars certainly responded to them in many ways, a side of the story that has hardly been studied. Most traditionalists came up with bitter polemical arguments, targeting the personality and piety of these reformists, but a few attempted to counter the arguments rationalistically and professionally. Yet another stream tried to stress the merits and qualities of textual engagement by filling gaps targeted by the critics. The major

⁸⁵ For a recent survey, see: Henri Lauzière, *The Making of Salafism: Islamic Reform in the Twentieth Century* (New York: Columbia University Press, 2016), 6-16; Safdar Ahmed, *Reform and Modernity in Islam* (London: I.B. Tauris, 2013). For an analysis through legalistic perspective, see: Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muhammad Abduh and Rashid Rida* (Berkeley: University of California Press, 1966).

⁸⁶ Ibn Ḥajar al-Haytamī, *Fatāwā al-ḥadīthiyyat* (Beirut: Dār al-Ma‘rifat, n.d.), 114-117; cf. Muḥammad bin ‘Abd al-‘Azīz al-Shāyī, *Ārā’ Ibn Ḥajar al-Haytamī al-i’tiqādiyyat: ‘Arḍ wa taqwīm fī daw’ ‘aḳīdat al-salaf* (Riyadh: Darr al-Minhāj, 2006).

criticisms included lack of originality, coherence and uniformity in the tradition and the fuqahā's interpretations of scriptures, saying that they had arguably interpolated them for their own benefits.

All these criticisms against the tradition of fuqahā coincided with another critique, one from the political entities who had always been looking for a more coherent and unified version of Islamic law. Leading this call was none other but the Ottoman Caliphate, which had started its canonization process as early as the sixteenth century by introducing a particular version of Ḥanafīsm throughout the empire.⁸⁷ Since their attempts in that early phase to combine dynastic laws with Islamic law were particularly targeted at the Ḥanafī school of law, the resistance and support came from Ḥanafīte jurists. The responses of jurists of other schools, particularly of Shāfi'ites who were predominant in the Hijaz at that time, are yet to be studied. When codification processes became more rigorous in the nineteenth century we see clear evidence of resistance from Shāfi'ite quarters. They were involved with contemporary political conflicts between Mecca and Istanbul, in which Shāfi'ite jurists like Zaynī Daḥlān took sides against the Ottomans. Hence, the codification attempts of the Caliphate became another justification of the conflict, if not the other way around, for the Meccan fuqahā-estate as well as in other Arab lands. These aspects have been studied well, so for our purposes it is enough to say that most of the Turkish codifiers thought that Islamic law was a total mess with no coherence or certainty. Some of their statements were so rhetorical that the very existence of Sharī'at courts and related legal systems came under an increased threat, which was surmounted by the fall of the Caliphate.

Against this backdrop of internal and external criticism targeted at Islamic law in particular and the tradition in general, the practitioners and upholders of the traditional stream were moving towards more certainty in the diverse legal cosmopolis. All traditional scholars from different schools, intellectual streams, and mystical orders stood together to defend what they thought to be the true Islam. Thus we see in the broader Islamic world a number of different Sufi orders, legal schools, and theological sects which mostly came under the Sunnī banner merging together or standing as a single body against the "false innovations". On a few occasions we even see some Shī'ites denouncing their sectarian faith, and joining the Sunnī stream, and fighting against the reformist ideas. At the forefront of such a unification of the traditional block in the mid-nineteenth century stood scholars such as Zaynī Daḥlān, who authored at least two books against the reformists.⁸⁸ The implications of this unified block were far-reaching, especially as we see a faster growth of "defensive Islam" among the traditionalists. That is something else which deserves further study.

Accompanying the internal unification of Shāfi'ism was a major division standing immediately under its nose, the split between the Meccan and Cairene versions of the school. That is precisely what Shāfi'ites like the young 'Umar Bā 'Alawī we mentioned earlier tried to heal. A statement of Nawawī al-Bantanī at the beginning of *Nihāyat* should be read against this backdrop.

⁸⁷ Guy Burak, *Second Formation of Islamic Law: The Ḥanafī School in the Early Modern Ottoman Empire* (Cambridge: Cambridge University Press, 2015).

⁸⁸ Zaynī Daḥlān, *al-Durar al-Saniyyat fi al-Radd 'alā al-Wahhābiyyat* (Cairo: Idārat Muḥammad Efendi, 1882); idem, *Fimat al-Wahhābiyyat* (Istanbul: Isik Kitabevi, 1978).

The majority of this is from *Nihāyat al-amal* of Shaykh al-‘Allāmat Muḥammad bin Ibrāhīm Abū Khudāyir al-Dimyāṭī, which is surely an abundant rivulet, *Nihāyat al-muḥtāj* and *Tuḥfat al-muḥtāj* of two diadems: Muḥammad al-Ramlī and Aḥmad bin Ḥajar. Both of them are undoubtedly two mainstays for later Shāfi‘ītes.⁸⁹

In the following pages of that text we see how the author makes moderate compromises between the Cairene and Meccan subdivisions by combining both authors into a single narrative. An example of this is in the case of mispronunciation of particular Arabic letters while reciting the al-Fātiḥat chapter in prayer, something we said earlier was a matter of disagreement between Ibn Ḥajar and the Cairene group. There *Nihāyat* takes the path of reconciliation:

Then if the meaning changes, such as in giving *ḍamm* or *kasr* to the *tā*’ of “an‘amta”, if one did that intentionally and knew it was wrong, his prayer is invalid. If he had forgotten that he was in prayer or was not aware of its prohibition, his recitation will be invalid and he has to repeat it properly before *ruku*’. If not, his prayer will be invalid as mentioned above. All these [apply] only if he was able to pronounce the proper form and to learn it, as discussed above. So if he was incapable of the correct form and from learning it, then his prayer is completely legitimate and he can lead the prayer for the ones like him. [...] If one who should be able [to pronounce] a correct *qāf* mispronounces it as *kāf*, as uncivil [*ajlāf*] Arabs do, his prayer is valid [even] with its abomination.⁹⁰

Here *Nihāyat* takes a middle ground between *Tuḥfat* and *Nihāyat* of al-Ramlī. Although he follows the opinion of *Nihāyat* regarding the validity of the prayer with a mispronounced *qāf* despite a theoretical ability to pronounce it correctly, he condemns an intentional mispronunciation with the consequential changes in meaning. In this respect, he stands close to the approach of *Tuḥfat*. Yet *Nihāyat* stresses an ability or lack of it for an accurate pronunciation as well the opportunity to learn it, two issues which are inevitably limiting and therefore excusable in *Tuḥfat*. This blending of two streams giving each an equal importance is present throughout the text. Also this aspect points towards his awareness of many non-Arab speaking believers of Islam who were not able to pronounce many Arabic words and letters unless and until they went to religious educational centres.⁹¹

I‘ānat also follows closely this synthesizing method, especially because its author belonged to an Egyptian scholarly family that had recently migrated to Mecca. In the late-eighteenth and early-nineteenth century, there was already an “accusation” against Egyptian Shāfi‘ītes residing in Mecca that they had been mixing Cairene opinions with ones of Mecca. This indictment was mainly raised by “truly Meccan” Shāfi‘ītes disagreeing mildly at an

⁸⁹ Nawawī al-Bantanī, *Nihāyat*, 2.

⁹⁰ Nawawī al-Bantanī, *Nihāyat*, 61. The *ruku*’ is the act of bowing in the prayer.

⁹¹ For example, see an ethno-linguistic study conducted among the Filipino Muslims, Sanuan I. Akkuh, “A Study of Arabic and Islamic Influence on the Sama Culture,” (M.A. thesis, University of the Philippines, 1990), 59-60. The author says that most Sama Muslims find Arabic words difficult to pronounce and they spell it in an unorthodox way.

earlier stage of the attempts at reconciliation. The late-eighteenth century scholar Muḥammad al-Kurdī is a first person to note this:

This [following on from the works of Ibn Ḥajar] is what Hijazi scholars have been doing lately. Then Egyptian scholars came to the Two Holy Cities, and they persisted in prioritizing Shaykh al-Ramlī in their lectures, to the extent that their opinions spread across both cities. Consequently, even the ones with comprehensiveness (*iḥāṭat*) on the opinions of both of them started to repeat them without determining preponderance (*tarjīḥ*).⁹²

This lack of *tarjīḥ* is precisely what interested the author of *I'ānat*. When discussing disagreements between Ibn Ḥajar and al-Ramlī, he chooses not to prioritize either of them. He neither limits himself to opinions from where he originated (Cairo) nor integrates those to the opinions of where he is living (Mecca). Rather he maintains the trend of his time, when traditional scholars were trying their best to bring about a reconciliation. In this respect he chooses to cite a particular fatwā that abandons *tarjīḥ* for another method, *takhyīr*. This fatwā is given by another Egyptian scholar, Aḥmad al-Dimyāṭī, who also built up a successful career in Mecca and was also a teacher of Nawawī al-Bantanī. In this long fatwā, al-Dimyāṭī mentions all the major texts written as commentaries and super-commentaries on *Minhāj* since the late-fifteenth century and addresses the problem of contradictory opinions.⁹³ He says that if the law-giver (muftī) cannot determine preponderance, then a selection (*takhyīr*) of one of them should be given. The selection process is interesting for what it implied personally and professionally for the life of a jurist, but it would require more space for an effective elaboration. Now it is enough to say that *I'ānat* follows this method of *takhyīr* and endeavours to explicate a middle ground, minimizing the disagreements between both the sub-schools.

In the long run, this accommodation of Egyptian legal articulations with Meccan ones had a remarkable impact on the Southeast Asian Shāfi'ism, as later developments in religious educational institutions in Malaya, Indonesia and Singapore demonstrate, where both *I'ānat* and *Nihāyat* circulate widely. From the early twentieth-century on we see the works of Meccan and Cairene Shāfi'ites (including *Tuḥfat* and al-Ramlī's *Nihāyat*) being circulated and taught across the archipelago. This is not to suggest that *I'ānat* and *Nihāyat* brought on this change alone, rather they reflect an urge and trend of the time to synthesize the internal conflicts of the school, and their reception in religious educational centres contributed to the acceptance of this synthesis.

Geo-Legal Synthesis: “Periphery” in “Centre”

Once we take the trajectories of *I'ānat* and *Nihāyat* together with *Fatḥ* (or its base-text *Qurrat*) in the textual *longue durée* of Shāfi'ism, we cannot help but notice that there is another form of the synthesis. The geographical-cultural differences in law become less obvious under the umbrella of a more unified school.

Taking *Nihāyat* first, we see a major factor in its choice of language. The Southeast Asian fuqahā are known to write their works in Malay utilizing Jāwī (Malay written in Arabic

⁹² Sulayman al-Kurdi, *Fawa'id al-Makkiyyat*.

⁹³ Sayyid Bakri, *I'ānat*, 1: 22.

script), or some other regional variant. The first available Shāfi'ite legal text from the archipelago, *al-Şirāṭ al-mustaqīm* by Nūr al-Dīn al-Ranīrī, was written in 1634 in Malay with a strong influence of Acehnese. Because of its Acehnese predilection, an eighteenth-century scholar from Kalimantan Muḥammad Arshad al-Banjārī (1710-1812) was motivated to write a commentary on it called *Sabīl al-muhtadīn*, which is the third Shāfi'ite text from the region. In between, 'Abd al-Ra'ūf Sinkilī (d. 1693) wrote *Mir'āt al-ṭullāb fī tashīl ma'rifat al-aḥkām al-shar'īyyat li Malik al-Wahhāb*, at the request of the Acehnese queen Şafiyat al-Dīn Tāj al-'Ālam (r. 1641-1675). All these works were in Malay, and we have many more legal texts from the region which were usually written in Malay or a local variant. This was part of a larger phenomenon that Ronit Ricci identified as the "Arabic Cosmopolis" in which the Arabic language and Arab cultural landscapes were localized by Muslim communities in South and Southeast Asia.⁹⁴ An important drawback of Ricci's articulation is that she ignores the works produced in Arabic in these regions as early as the fifteenth century. The Arabic works are more explicit in South Asia (and East Africa) than in Southeast Asia, where people continued to use linguistic variants highly influenced by Arabic. In the nineteenth-century there was a remarkable change when a few people began writing in Arabic. These writers were mostly recent Ḥaḍramī migrants, so it is no surprise that they made Arabic their first choice. But in Nawawī al-Bantanī we see a Javanese scholar, born, brought up and educated in many *pesantrens* of Java, and now beginning to write only in Arabic. This was a trend in the Malay world among scholars whether educated at Mecca and the Middle East in general or at home. It indicates a geo-cultural synthesis to which *Nihāyat* also contributed.

On another level, *Nihāyat* emphasizes the Shāfi'ite textual *longue durée* mediated through *Qurrat*. Its dependence on *Qurrat* is noticeable for the fact such a peripheral text was not taken up by the peripheral scholars in their legalistic engagements. If we look at the texts mentioned at the beginning of *Nihāyat* as its major sources, they all belong to the sixteenth-century Middle East. This enables us to identify how *Qurrat* and *Nihāyat* connect to each other in the wider Shāfi'ite textual tradition, by being strongly based on a non-Middle Eastern Shāfi'ite text within its Middle Eastern origin. Although *Qurrat* does not admit its intellectual indebtedness to any text, *Nihāyat* takes up its genealogy very beautifully and asserts itself into the big Shāfi'ite textual families. This view of Nawawī al-Bantanī makes him introduce a second layer of legalist writing culture in the peripheral world of Shāfi'ism communicating with its Middle Eastern counterparts. From the fifteenth century on, we see peripheral scholars writing legal pamphlets, commentaries, and abridgements for or based on many Middle Eastern legal texts. But we hardly come across any of them writing a commentary on a text written in their own region. That fact makes *Nihāyat* worthy of note as it takes *Qurrat* as its first point of reference and commentary, before it goes back to Middle Eastern texts for legalist elaborations. This commentary by a Javanese scholar written in Mecca is in some way an intellectual turning point for Shāfi'ite legalist discourse, partially disconnecting it from its main reference points from the Middle-East by linking to an intermediate non-Middle Eastern text.

⁹⁴ Ronit Ricci, *Islam Translated: Literature, Conversion, and the Arabic Cosmopolis of South and Southeast Asia* (Chicago: University of Chicago Press, 2011).

In a similar vein, *I'ānat*'s engagement with *Faḥ* is also remarkable as it is characteristic of a wider trend in its time and context. Although many peripheral scholars have been writing works on Shāfi'ism, we do not see any scholar from the central Islamic lands engaging with them by composing a text. But this attitude also changed in the nineteenth century when we see many Arab scholars writing commentaries, super-commentaries or summaries on works written by Malabari, Swahili or Malay Shāfi'ites. Thus *I'ānat* represents this “reverse journey” of peripheral texts, which now have begun to influence new Shāfi'ite scholarship as much in the centre as in the peripheries. Also it tells us that the textual transmissions between the Middle East and the rest of Islamic world were not unidirectional but multidirectional. The situation becomes even clearer once we follow the later reception of *I'ānat* on the Indian Ocean rim, particularly in Malabar where *Qurrat* and *Faḥ* were once produced.

This process towards a geo-legal uniformity under the traditional banners of one school should be viewed along with a consequential process, as the phenomenon of regional customs mildly asserted its distinct identity. Contradictions and reconciliations between local customs and an assumed universal religion had been in the air for some time, and they did not clearly break from each other in the Islamic world until the early twentieth century. This was in contrast to the trajectory of European legal humanists, especially the Dutch Elegant School, who asserted the importance and identity of customary laws against “universal” Roman and Canon laws.⁹⁵ In the Islamic world, the customs and religion as such did not create much of a predicament, primarily because “customs” were not fully understood as “laws”. The “laws” of Islam itself (as in “Islamic law”) resulted in a rather fluid legal system, in contrast to the “law” of Rome or the canonical tradition. The codification processes initiated by the Ottoman, British, Dutch and French empires, both in their homelands and in their colonies, presented a problem for the traditional scholarship of Islam, who now had to address or reassess their knowledge of “law” and “customs” within a less fluid, less diverse, and more formalized legal system. I shall address the implications in the Conclusion. The longer tradition of interconnectivity between Middle Eastern customs in Islamic law-books, mutual accommodation of customs and religions in positive legal corpuses, and theoretical justification of both practices in either “legal systems” were neglected once the proponents of customary law dominated the discourse. They separated and juxtaposed a single tradition. This development in colonial legal historiography, that “longed for” certainty and formalism, can be interpreted as a counter-productive development of the geo-legal syntheses which had occurred in Shāfi'ite legal thought by the nineteenth century.

Circulation and Economy: Transformation of Transmission

In the light of these syntheses, particularly in the Shāfi'ite world and generally in “traditional Islam” in the nineteenth century, we are inclined to ask what were the major financial sources of income for the fuqahā-estate, especially at a “chronological nodal point” like Mecca, where scholars protested against their Ottoman sultans. I suggest that in the Indian Ocean economy the transregional charitable networks operating increasingly since the sixteenth century still played a role in keeping scholarly enterprises in the city dynamic. Money came for them more

⁹⁵ Randall Lesaffer, *European Legal History: A Cultural and Political Perspective*, trans. Jan Arriens (Cambridge: Cambridge University Press, 2012), 338-370; on the Dutch jurists' emphasis on *ius proprium* of Holland, its customary laws vis-à-vis the Roman jurisprudence, see 360-361.

from a broadly conceived lower stratum than from political and aristocratic entities above them. In that respect, the religious economy of the Holy City was not so different from what it was in the sixteenth or even the fifteenth century. But the pace and quantity of contributions had intensified for the benefit of its scholarly estate and its otherwise financially underprivileged population.

The British and Dutch and to an extent other western European colonial powers controlled the means and mobility of pilgrimage after steamships came on the scene with various regulatory measures. But still money was pumped into Mecca from the peripheries with no dramatic decrease; rather it increased. In earlier times many wealthy Muslims on the Indian Ocean rim owned ships, which they used annually to send charitable gifts, often collected from the poor as well as the rich, to Mecca. Once steamships came in and completely took over ocean transportation, those ship owners were marginalized and their ways of sending donations were almost blocked. But there was a measure of compensation and increased mobility thanks to the faster speed and increased tonnage of the new ships. They carried far more passengers than sailing ships and reached port more quickly. More pilgrims meant more donations from wealthy merchants, nobles and sultans for the city. For the later part of the century we see that Snouck Hurgronje has given detailed accounts of the donations made by sultans and nobles of the Malay world, as the “pilgrim shaykhs” exploited naive believers.⁹⁶ He also informs us about scholars like ‘Abd al-Shakūr of Surabaya to whom Javanese pilgrims paid enormous sums for his teaching, guidance, and awarding of licences: “The Sheikh pays no attention to the details of the source of income; his friends claim that he knows nothing about it and would forbid it if he did.... *wallāhu a‘lam!* (and God knows best!).”⁹⁷ ‘Abd al-Shakūr was a figure equal to (or not lesser than) Nawawī al-Bantanī and perfectly comparable in the way he managed to mobilize his income. Yet he chose rather meagre way of life, as Raden Aboe Bakr Djajadiningrat (c. 1854-1914) writes about his personal encounters with him. Djajadiningrat says that “he appears as a pauper, for he is indeed poor” and he did not pay any attention to his troubles and did not ask any of his children or servants to for assistances, “though there were many people prepared to attend to him.”⁹⁸

Pilgrims, students and pilgrim-students could be found in large numbers in nineteenth-century Mecca, with occasional influxes. Many eventually became permanent residents of the city, building strong careers there. The first editions of *I‘ānat* and *Nihāyat* can be taken as a microcosm of the transregional characteristics of the city. We find many instances of students and scholars from Africa to East Asia easily blending together with each other. A few endorsement poems given in the first and last volumes of *I‘ānat* are a good example of this. One is by Aḥmad Zayn al-Faṭānī, a Thai-Malay literary scholar who became an influential grammarian and publisher. He was appointed by the Ottoman government as a supervisor of a Malay press established in the city.⁹⁹ Another endorsement comes from his student

⁹⁶ For this case, see: Hurgronje, *Mekka*, 274.

⁹⁷ Hurgronje, *Mekka*, 305.

⁹⁸ Djajadiningrat, *Tarājim ‘ulamā’ al-Jāwah*, unpaginated. The quoted translations are from Michael Laffan, “Raden Aboe Bakar; An Introductory Note Concerning Snouck Hurgronje’s Informant in Jeddah (1884-1912)” *Bijdragen tot de Taal-, Land- en Volkenkunde* 155, no 4 (1999): 528.

⁹⁹ Hurgronje, *Mekka*, 306.

Muḥammad bin Yūsuf Ḥusayn al-Khayāṭ who also became influential in the city through the Madrasa al-Khayāṭ.¹⁰⁰ The cost of printing was taken on by someone called al-Hāj Abu Ṭālib al-Maymanī. He contributed also to the costs of *Nihāyat* which was co-funded by another possibly interesting figure from Kashmir, al-Hāj Fidā Muḥammad al-Kashmīrī.¹⁰¹ Such benefactors enabled the sustenance of fuqahā's intellectual ventures despite their abstinence from state-sponsored positions.

The introduction, rise and massive use of printing presses by Muslims in the nineteenth century evoked ardent disputes among the fuqahā on whether its use was permitted. But printed editions provide otherwise unknown historical particulars of Shāfi'ite texts.¹⁰² As with steamships here is another technology making a significant contribution to the dissemination of Islamic legal texts, and to? other texts for that matter. In the first editions of *Nihāyat* and *I'ānat* we are told how the authors both participated in the printing and marketing processes in close association with publishers, colleagues and friends. To seek a publisher Nawawī al-Bantanī is said to have travelled to Cairo in 1884, before any printing press had been established in Mecca.¹⁰³ He must have made this journey at the beginning of his career as an author-teacher. At the time of the publication of *Nihāyat* in 1881, Ḥammād al-Fayyūmī al-'Ajmāwī tells us that publishers in Cairo rivalled each other to secure the publication rights.¹⁰⁴ That may be an exaggeration, for Ḥammād himself was apparently successful in securing them according to a publisher's note at the end of *Nihāyat*. For *I'ānat* we know that Sayyid Bakrī worked closely with the publisher and he gives the dates and details of completing the editing and proofreading of each volume. Both texts were published in Egypt before the printing presses were established in Mecca. Many pilgrim-students took the texts of their author-teachers back to their homelands and disseminated them there through *pesantrens*, madrasas and libraries. Transmitting texts before the advent of this technology was difficult task because manuscripts were expensive to produce and acquire. Printing presses eradicated the problem and changed the course of Islamic textual dissemination. Particularly the history of Shāfi'ite printed texts discloses many interesting aspects of broader transregional circulation of texts and the ideas in them.

Many copies of *Fath*, for example, were circulating in educational circles in South Asia, which otherwise followed a strong Ḥanafite legalistic curricula. It was also published in Delhi in the early-twentieth century as well as in Hyderabad and other Deccan regions. The quality and quantity of the copies, the publisher's notes and lexical marginalia, etc. of these editions, along with the ones printed from Malabar deserve further attention within a framework of Book History. We may take the Hyderabad edition as an example. That was certainly a city with a remarkable presence of Shāfi'ites in the eighteenth and nineteenth centuries, if not earlier, mainly because new Yemeni migrants arrived in large numbers. The introduction and

¹⁰⁰ Sayyid Bakrī, *I'ānat*, 1: 1-2, 2a [unpaginated second title page].

¹⁰¹ For *I'ānat*, see 4: 408; for *Nihāyat*, 393.

¹⁰² On the impact of printing on Muslim culture, see: Francis Robinson, "Technology and Religious Change: Islam and the Impact of Print," *Modern Asian Studies* 27, no. 1 (1993): 229-51.

¹⁰³ Chaidar, *Sejarah*, 79-81.

¹⁰⁴ Nawawī al-Bantanī, *Nihāyat*, 393.

publisher's note is in Urdu and provides much historical information.¹⁰⁵ Its title page states that it is a second edition of a book printed first in Beirut, and that it was printed for free circulation. It declares *Fath* to be “the last work among the considerable *matns* (*al-kitāb al-akhīr min al-mutūn al-mu'tabarāt*) of the Shāfi'īte legal curricula”. It also identifies the author as a student of Ibn Ḥajar of Mecca. In the introductory pages we read that it was printed under the auspices of many Hyderabadī fuqahā, especially Ṣāliḥ Bā Ḥaṭṭab and his son Sālim, each of whom was a “professor of theology and rational sciences at the prestigious Nizamiya University of Hyderabad.” In the following pages, publisher provides a long description about the text's relevance as a work that has been printed many times in the Arab world and taught across Peninsular India and Southeast Asia. This edition with its use of Urdu and the encouragement of the Ḥaḍramī exemplify the development of a composite culture, in which mingle the Yemenī Ḥaḍramī, Deccanī Shāfi'īsm and subcontinental Urdu. Throughout its evolutionary trajectories, Urdu was primarily associated with Ḥanafīsm, though there are very rare cases when Urdu was used for Shāfi'īte writings. This is one of those, one that was made possible by the Ḥaḍramī Shāfi'ītes who had settled in Hyderabad and utilized the possibilities of new technologies, as they always did.

This wider outreach does not mean that printing technology completely replaced the old form of textual transmission. Manuscripts contributed to retain their authority among the fuqahā clusters. An enormous number of manuscripts of *Fath*, *Minhāj* and *Tuḥfat* are still kept in various collections on the Indian Ocean rim. They all contain their different marginalia and glosses, similar to the *taṣḥīḥ*-practice we discussed earlier. In some manuscripts we find occasional translations into Southeast Asian languages, including from Makassarī, Acehese, Javanese. A closer look at such minute details of these translations would illustrate different localization processes of nineteenth and twentieth-century religious learning centres on the oceanic rim.

Final Remarks

By juxtaposing our reading of *I'ānat* and *Nihāyat* we come to appreciate a number of different phenomena in the textual longue durée of Shāfi'īsm. Primarily, both texts in relation to their dual base-text *Qurrat-Fath* demonstrate that the transmission of Shāfi'īte legal ideas, or Islamic ideas for that matter, were not unidirectional from a “centre” to a “periphery”. Rather it was multidirectional in which many components of region, culture, norm and tradition played crucial roles. The nineteenth-century story of both *I'ānat* and *Nihāyat* also illuminate the multi-layered processes of synthesis that the school went through. A major synthesis was in the intellectual realm, and the Cairene-Meccan division that existed was resolved by repeated efforts. A geo-legalistic synthesis was also evident in the articulations of both texts. These syntheses were a product of many criticisms that the “traditionalist bloc” of Islam had to encounter at the hands of Muslim reformists and rulers. In the course of time, however, they were *defeated* by the political rise of many “reformist” regimes. In the Kingdom of Saudi Arabia the Wahhabi ideology prevailed, and in the Republic of Turkey the Ottoman caliphate was banished. These two new political entities both exhibited extreme antipathy towards any

¹⁰⁵ Zayn al-Dīn al-Malaybārī, *Fath al-mu'īn* (Hyderabad: Markaz Taw'iyat al-Fiqh al-Islami, 2003); similar to this is an edition from Lahore, his *Irshād al-'ibād ilā sabīl al-rashād* (Lahore: Maṭba'at Muṣṭafā, 1910).

suggestion of traditional customs, practices and intellectualism. On the intellectual level the ideas of “Muslim modernists” such as Jamāl al-Dīn Afghānī, Muḥammad ‘Abduh, and Muḥammad Rashīd Riḍā (1865–1935) predominated. Even so, traditional Muslim ideas survived and still continue disseminating Shāfi‘īte traditions and textualism in a number of different forms and ways. The increase in the establishment of religious educational institutions along the Indian Ocean rim around the mid-twentieth century is evidence for this.

On another level, the advent of printing technology into the world of textual-transmission of Islamic legalism has often been identified as a factor that contributed to the decline of the tradition of writing commentaries. Although that technology gave commentaries a boost at the beginning, scholars have argued that ultimately it put an end to this tradition. It seems to be that the diffusion of printed texts along with the general availability of multiple copies of commentaries and super-commentaries is a disincentive for students to extend the line of textual genealogy. Indeed it may have contributed towards the death of *longue durée* of legal texts. What is then clear is that the introduction of various technological devices, including print, audio, visual, social, and virtual media, has contributed to the decay of a traditional mode of communicating texts that had developed through the manuscript cultures. But those innovations have also led to an even more beneficial transformation, with “audio”, “video” and “virtual” commentaries for texts now forming a “hyper-textual” genealogy for the centuries-old documents of Shāfi‘īsm. The technology has changed only the form. New technologies have motivated traditional textualists to explore new vistas of development to the advantage of their tradition.