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

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Chapter 6
Fatḥ: Reimagining the Centre

Until now we have been discussing the ways in which Shāfiʿīsm came to dominate the fuqahā-estate in Mecca under the active leadership of Ibn Ḥajar and his *Tuḥfat*. That development in the history of the school led in turn to its dominance on the Indian Ocean rim in Meccan dress. It was Ḥaḍramī and non-Ḥaḍramī Yemenis and Persian Shāfiʿītes who were the catalysis for this expansion, externally directing the course of the maritime fuqahā-estates and internally Meccanizing the school after the sixteenth century. I have indicated how Ibn Ḥajar's *Tuḥfat* gradually overshadowed the glory of *Minhāj*, its intellectual predecessor, so that it distinguished itself as *the* text for the "peripheral" Islamic lands. To move further in our discussion on the legal textual histories of *Minhāj* and *Tuḥfat*, a particular subsequent text and its author offer a point on which to analyse Shāfiʿīte experiments in the periphery. In this chapter I explore those aspects in relation to a text which can be considered an indirect progeny of *Tuḥfat*, known as *Fatḥ al-muʿīn* (hereafter *Fatḥ*) by Aḥmad Zayn al-Dīn bin Muḥammad al-Ghazālī al-Malaybārī. He wrote it as a commentary to his earlier *Qurrat al-ʿayn* (henceforth *Qurrat*). Both these texts helped to empower Shāfiʿīte legalism and the legacy of Ibn Ḥajar and his oeuvre on the Malabar Coast and around the wider Indian Ocean rim. I also aim to demonstrate how peripheral communities found a place in the Middle Eastern-centric Shāfiʿīsm, even in the heartlands of Islam, as a result of this text.

By the middle of the sixteenth century the peripheral communities on the Indian Ocean coasts began to participate intensively in Islamic intellectual activities, producing many jurists and composing many legal texts. They made lengthy journeys to religious educational centres such as Mecca which had a significant impact on the production of a huge corpus of literature, "ascribed" to particular scholars who themselves constructed an estate in that time and space. As a consequence, peripheral Muslims began to imagine the centres of Islam in their homelands in the sixteenth and seventeenth centuries through a legal prism. Taking *Fatḥ* as an example, we can see how such a law book added to the long pattern of Islamic legal thought in a traditional way and also advanced its thought. From the peripheral perspective, we must ask how those texts criticized many methods and arguments of its intellectual predecessors and whether the Shāfiʿīte text that generated a non-Middle Eastern alternative discourse within the school can be identified as *al-Hindī* or "of the Indian Ocean"

Following the same method of analysis I took for earlier texts with regard to their significance in the internal and external legal discourses of the Shāfiʿīte clusters, I argue that when the non-Middle Eastern texts of the school located themselves in the longer tradition of religion and law, Middle Eastern-centric legalistic notions began to be questioned for their "regionality". This helped peripheral texts and authors to gain popularity among Indian Ocean Shāfiʿītes, who would in time dominate the Muslim world demographically. Yet their texts were not completely detached from the traditional Middle Eastern centres of Shāfiʿīte legalism. Their books were accepted there as well, generating "return journeys" for peripheral Shāfiʿīte scholars, ideas and texts back to the Middle Eastern heartlands. I demonstrate this by

looking at *Fatḥ* and analysing it as a product of its specific historical place and time in relation to its broader contexts of Islam, Shāfiʿīsm and the Indian Ocean.

I.

Genealogy Disconnected

Although I counted *Fatḥ* and its base-text *Qurrat* in Chapter 1 as an independent textual family similar to the *Minhāj*-family, their relation with each other is rather complicated. *Qurrat* is a much smaller text, no bigger than a pamphlet if compared to the multi-volume texts usual in the tradition of Shāfiʿīsm and of Islamic literary corpuses in general. It is even smaller than *Minhāj*, which was itself considered to be a short text. It can be classified as an "independent" work, similar to *al-Muḥarrar* of al-Rāfiʿī. It does not explicitly acknowledge on which text it is based or from which it is intellectually derived. *Al-Muḥarrar* was long enough for us to be able to identify an indebtedness to previous works on the basis of its content, structure, and arguments. But, *Qurrat* is too short for us to do that, and the issues on which it focuses are not so different from any other Shāfiʿīte legal discussion, even though some analogies to the content of earlier texts are evident. It does not openly state a reliance on another work by claiming to be a direct commentary or abridgement, as the other two texts we discussed did. We see it is an "indirect abridgement", and its "originality" is in making a context for specific situations implied in the contents. *Qurrat*'s commentary *Fatḥ* written by the same author gives us more chance to trace its genealogy. It is a work connected explicitly to the intellectual spectrum of previous works, particularly *Tuḥfat* and *Minhāj*, and the author says he depended primarily on the works of Ibn Ḥajar to write it. *Fatḥ* belongs to a separate family, with *Qurrat* as its base-text with subsequent commentaries and super-commentaries as progenies, as other scholars did (see Chapter 1). Yet, I consider it as an extension of the *Minhāj*-family for its connectedness to and deep influence from Ibn Ḥajar's oeuvre on the one side, and on the other, its wide reputation among traditional Shāfiʿītes as an abridgement of *Tuḥfat*.[1] In fact, *Fatḥ* belongs to the same legalistic network of *Tuḥfat*, as the later history of the school demonstrates. In this sense, the family proximity of *Minhāj* may not be here in its physical terms, but intellectually it is.

Once we analyse in detail the contents of *Qurrat* (for the moment we leave aside the question of whether or not its author sailed to Mecca and received education there, see below) we cannot deny its intellectual concordat with *Tuḥfat* and with Ibn Ḥajar's oeuvre in general. Though in the text we do not find many direct citations from *Tuḥfat*, it often arrives at similar judgements. It also follows *Tuḥfat*'s patterns of legal analysis, vocabulary choice and legalistic viewpoint. Yet in form and structure *Qurrat* has antecedents in a more advanced school than *Tuḥfat*, being so short, discarding sub-chapters, and organizing most legal texts written after the tenth century into a pattern of chapters. Apart from *Minhāj*, the Shāfiʿīte text widely known for its precision, there are many other concise texts within the school, such as *Muqaddimat* of Bā Faḍl and *Muḥtāj* of Imām al-ʿAlawī. The style of *Qurrat* is rather close to theirs. Some *matn* texts do not use sub-chapters for their contents. To some degree this raises

[1] Shihāb al-Dīn Aḥmad Kōya al-Shāliyātī, *al-ʿAwāʾid al-dīniyyat fī talkhīṣ al-Fawāʾid al-Madaniyyat*, ed. ʿAbd al-Naṣīr Aḥmad al-Shāfiʿī (Cairo: Dār al-Baṣāʾir, 2010), 72.

problems which can be seen often in many legal texts written in the oceanic belts of South and Southeast Asia and East Africa. In those works only a textual expert could locate a legal ruling or reference easily, but a commentary by the same author does much to help. What we can say is that there is a broad division of the entire text into four parts: *ʿibādāt* (worship or rituals); *ʿādāt/muʿāmalāt* (custom or economic bonds); *munākahāt* (marital issues); *jināyāt* (criminal laws). This type of chapter organization corresponds to the general pattern of Shāfiʿīte texts with slight variations.[2]

Zayn al-Dīn Jr.: The "Ṣāḥib" of *Fatḥ*

In the historical spread of Shāfiʿīsm as the dominant school in the sixteenth-century on the Indian Ocean rim, in Malabar, in Ponnāni which represented *its* Mecca, we find that the scholarly family of the Makhdūms was a nodal point of the wider pattern. Zayn al-Dīn Jr. belonged to the Makhdūm family (for more details on this family, see below). About his grandfather, Zayn al-Dīn Sr., his son ʿAbd al-ʿAzīz wrote a detailed biographical note.[3] But about the grandson we have no contemporary references. A vast oeuvre of scholarship has been produced by historians and traditional scholars, and many doctoral dissertations have been written on the Makhdūms in general or on him in particular at various South Asian and Middle Eastern universities. Even so the facts of his life remain part myth and part reality.[4] His most famous text known to historians, *Tuḥfat al-mujāhidīn*, has been translated into many European and Indian languages,[5] whereas *Qurrat* and *Fatḥ* are his legal texts best known among Shāfiʿīte clusters. Neither professional historians nor traditional scholars have offered any solid historical account of his life or expressed any doubt on the authenticity of popular traditions about him. They simply repeat the stories of his life uncritically.

To summarise the stories will be helpful. He was born and brought up in Combāl, northern Malabar.[6] His primary education was at home with his father Muḥammad al-

[2] ʿAbd al-Wahhāb Ibrāhīm Abū Sulaymān, *Tartīb al-mauḍūʿāt al-fiqhiyyat wa munāsabatuh fi al-maḏahib al-arbaʿt* (Mecca: Jāmiʿat Umm al-Qurā, 1988), 59-69.

[3] ʿAbd al-ʿAzīz Malaybārī, *Maslak al-atqīyā' wa manhaj al-asfīyā' fī sharḥ Hidāyat al-adhkiyā' ilá ṭarīq al-awliyā'* (Beirut: Kitāb al-Nāshirūn, 2014).

[4] See, for example: Rafīq ʿAbd al-Barr al-Wāfī, "al-Juhūd al-fiqhiyyat li al-Imām Aḥmad Zayn al-Dīn al-Makhdūm al-Malaybārī wa duwaruhu fī nashr al-Maḏhab al-Shāfiʿī fī al-Hind" (PhD diss., al-Azhar University, 2014); Muhamed Kunju P., "The Makhdums of Ponnani" (PhD diss., University of Kerala, 2004); O.P. Mayankutty, "Role of Makhdums in the Anti-Colonial Struggles of Sixteenth-Century Malabar" (PhD diss., Calicut University, 2007). Apart from these doctoral dissertations, also see semi- or complete-hagiographical works like: *Fatḥ al-qayyūm fi manāqib al-Shaykh Zayn al-Dīn Makhdūm* (Ponnāni: Publisher? Date); Kōyakkuṭṭi Musliyār, *Qaṣīdat al-Makhdūmiyyat*: *Khwājā Zayn al-Dīn Taṅṅaḷum Avaru Makan ʿAbd al-ʿAzīz Makhdūm Taṅṅaḷum Mattuṃ Manāqib*, (Ponnāni: Muttikkal ʿAlī bin ʿAbd al-Qadir, 1806); M.A. Bīrānkuṭṭi Fayḍī, *Shaykh Zayn al-Dīn Makhdūmuṃ Ponnāni Jumuʿattu Paḷḷiyuṃ* (Ponnāni: Ponnāni Valiya Jumuʿattu Paḷḷi Paripālana Committee, 1994); Husain Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ* (Ponnāni: Jumuʿattu Paḷḷi Paripālana Committee, 2010), 120-125.

[5] A short bibliography of its translations could be found at K.K.N. Kurup, "Foreword" in *Shaykh Zainuddin Makhdum's Tuḥfat al-Mujāhidīn*: *A Historical Epic of the Sixteenth Century*, trans. S. Muhammad Husayn Nainar (Kuala Lumpur: Islamic Book Trust and Calicut: Other Books, 2005), xiv-xv; cf. Engseng Ho, "Custom and Conversion in Malabar: Zayn Al-Din Al-Malibari's Gift of the Mujahidin" in *Islam in South Asia in Practice*, ed. Barbara Metcalf (Princeton: Princeton University Press, 2009), 403-08.

[6] The exact location of his birth in Malabar is a matter of dispute among biographers. While most say he was born in Cōmbāl where his father was based as a religious judge, some scholars say he was born in Ponnāni, the family hospice of the Makhdūms.

Ghazālī. Then he moved to Ponnāni, where his uncle ʿAbd al-ʿAzīz was the main teacher and patron. There he studied many disciplines and memorized the Qurʾān completely. After graduating he went to Mecca for higher studies. There he studied with many scholars including Ibn Ḥajar. After spending around ten years in academic life in Mecca he returned home, taught at Ponnāni, and took up the position of chief teacher and leader his uncle had held until he passed away. Eventually, he moved near to his father's house in northern Malabar and spent the rest of life in a small village called Kuññippaḷḷi. It is there that he died and was buried.

Interspersed with these bare facts different traditional scholars add further details for each stage of his life. But they rarely supply references to primary sources, give dates which are contradictory, and include details that are confusing or exaggerated. We do not know when he was born or when he died, the dates and destinations of his travels, with whom he associated in the scholarly, social and political world, and what works he actually composed. Fortunately, for some texts we are given the dates of composition or completion. Yet if we take a revisionist approach, although those works claim to have been written on a particular date, we do not have any original manuscripts, and not even a reliable one until more than a century after his assumed lifetime.[7] In fact we do not have any proof to say that any one text was actually written by Zayn al-Dīn Jr. himself. We lack proper historical evidence for saying that *Qurrat*, *Fatḥ* or *Tuḥfat al-mujāhidīn* were written by Zayn al-Dīn Jr. in 1574-5 or 1583, even though most historians and scholars make that claim.

Despite this problem of historicity, for the moment we have to depend on what we are told and keep in mind how weak it is. He is said to have gone to Mecca in a cargo ship, performed ḥajj, visited the grave of the Prophet Muḥammad in Medina, and stayed in and around Mecca for a decade learning different Islamic disciplines, mainly law and *ḥadīth*. The Meccan scholars are said to have called him a *muḥaddith* for his expertise in *ḥadīth*. He accepted Ibn Ḥajar as his main teacher, but also studied with ʿIzz al-Dīn bin ʿAbd al-ʿAzīz al-Zumarī, Wajīh al-Dīn ʿAbd al-Raḥmān bin Ziyād, and ʿAbd al-Raḥmān bin al-Ṣafā. His important colleagues and friends were Abū Bakr bin Sālim al-Ḥaḍramī, Aḥmad bin Sayyid, Shaykh ʿAydarūsī Ahmadabad, Mullah ʿAlī al-Qārī, and Shaykh bin ʿAbd Allāh al-Saqāf al-Ḥaḍramī.[8]

We search in vain for a reference in the primary biographical or hagiographical literatures on Ibn Ḥajar or ʿIzz al-Dīn al-Zumarī to a student named Aḥmad Zayn al-Dīn who came from Malabar or al-Hind to study with them. Many hagiographers and biographers provide a list of the important students of both these scholars. How they could overlook a student who studied with Ibn Ḥajar for ten years and came to known for his own works in Shāfiʿīte circles needs to be explained. Perhaps Zayn al-Dīn was not a notable student at the time, even though later indigenous narratives claim that Ibn Ḥajar came to visit him and his college in Ponnāni. The questions are important, but the answers are evasive. A comparatively recent thesis on Ibn Ḥajar's contributions to the Shāfiʿīte legal tradition confirms that Zayn al-Dīn was his student. It appears to be the first reference to him in a monograph devoted Ibn

[7] Various manuscripts of *Qurrat*, *Fatḥ*, *Tuḥfat al-mujāhidīn* available in different collections of South Asia and Europe are dated at the earliest to the eighteenth century.

[8] For a summary of such accounts, see Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, 120-123.

Ḥajar, in contrast to him himself.[9] But that thesis is full of mistakes, contradicting other narratives by saying, for example, that his father's name was ʿAbd al-ʿAzīz and he died in 1579.[10]

The story goes that after his return to Malabar, Zayn al-Dīn maintained his scholarly relationship with renowned scholars like Muḥammad Shams al-Dīn al-Ramlī, Muḥammad Khaṭīb al-Sharbīnī, the Mughal Emperor Akbar, the then Zamorin, and the ʿĀdil Shāhs of Bijapur.[11] While the companionship with the latter two rulers is quite possible on the basis of contextual evidence of his later academic life in Malabar in the kingdom of the Zamorins, and a book "undoubtedly attributed" to him being dedicated to ʿĀdil Shāh, the other associations again lack historical evidence. What we can say is that all these individuals lived in the supposed lifetime of Zayn al-Dīn, even if his exact dates are controversial.[12] The historicity of these popular narratives is hard to substantiate, but in them we see the historical consciousness of a community relating its past and a predecessor with the wider world of Shāfiʿīsm and with Islam in general. It opens our eyes into the possible and the existing networks of Malabari scholars connecting with an educational centre such as Mecca, with the personalities of broader fuqahā-estates, and with the eminent political structures which transcend geographical, cultural, linguistic and even legalistic borders partly substantiated in earlier historiography.

We have to analyse *Fatḥ* against this background, and keep in mind these uncertainties within it. However, the historiographical consensus is that Zayn al-Dīn Jr. and his text *Fatḥ* are products of a Malabari educational centre that managed to converse with the long culture of legal discourse that prevailed in the Middle East, and that this has been neglected by scholars of the Islamic legal history in particular and of Islamic history in general. The text is a fine example of how a Malabari scholar could compose such a text along with many others in the academic language of the time through education received locally at Ponnāni and more broadly at Mecca. From here we can try to analyse the features which made it distinctive in the wider world of Shāfiʿīsm.

The author is said to have composed many works in different disciplines.[13] His most renowned work is *Tuḥfat al-mujāhidīn* written in the 1580s against the Portuguese incursions on the Malabar Coast and inciting the Muslim community to fight against those intruders. It

[9] Amjad Rashid Muḥammad ʿAlī, "al-Imām Ibn Ḥajar al-Haytamī wa atharuhu fī al-fiqh al-Shāfiʿī" (MA thesis, Jordan University, 2000), 29. About his sources, see the next footnote.

[10] He refers to Khayr al-Dīn al-Zarkalī, Khayr al-Dīn al-Zarkalī, *Tartīb al-aʿlām* (Beirut: Dār al-ʿilm lilmalāyīn, 1985), 3: 64. Apart from this contradictory information on his father, the year of his death is given as 1579 corresponding to the Hijri year 987. That contradicts the fact that *Tuḥfat al-mujahidin*, widely ascribed to him, provides accounts of Portuguese incursions in Malabar until 1583. A person who died in 1579 does not recount events which happened four years afterwards. Almost all historians who wrote on this text agree that he died after 1583. This error in the date of Zayn al-Dīn's death as well as in his father's name persists in other Arabic texts, especially the ones published in Egypt. See, for example: *Mulhaq fihris al-Maktabat al-Azharīya: al-kutub al-maujūda bi al-Maktabat al-Azharīya ilā sanat 1382 h.* (Cairo: Maṭbaʿat al-Azhar, 1962), 7: 108.

[11] Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, 122-123

[12] Most people say he was born in 938/1524. The disputes are mainly about the year of his death. Muḥammad al-Numayri says it was in 991/1583, Jurjī Zaydān says it was in 978/1570, Raṇṭattāṇi gives the date 1028/1619. See: ʿAbd al-Munʿim Nimr, *Tārīkh al-Islām fī al-Hind* (Beirut: al-Muʾassasat al-Jāmiʿīyat, 1981); Jurjī Zaydan, *Tārīkh adab al-lughat al-ʿArabiyyat* (Beirut: Dār Maktabat li al-Hayat, 1983); Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, 124.

[13] For a list of his ten works, see Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, 124-125.

was translated into Portuguese and English in the early nineteenth century, followed by multiple Indian translations.[14] Two other dogmatic works have been ascribed to him: *al-Jawāhir fī ʿuqūbat ahl al-kabāʾir* (on grave sins and punishments in Islam); *Sharḥ al-Ṣudūr fī aḥwāl al-mawtā wa al-qubūr* (on the life hereafter). However, he composed more legal texts: *Fatāwā al-Hindiyyat* (a compilation of his fatwās); *Ajwibat al-ʿajībat* (a collection of fatwās given by his teachers); *Irshād al-ʿibād ilā sabīl al-rashād* (on a number of different legal and ethical issues varying from apostasy, homosexuality, alcohol-consumption to rituals and good behaviour); *Iḥkām aḥkām al-nikāḥ* (on marital laws); *Qurrat* and its commentary *Fatḥ* were the most important of his works. These last two works are comprehensive legal texts, and that must have contributed to their popularity among his other works. *Fatḥ* gave him the widest recognition in the Shāfiʿīte world and identified him as "*Ṣāḥib Fatḥ al-muʿīn*", the author of *Fatḥ al-muʿīn*.

Life and Career of *Fatḥ*

Qurrat, the base-text of *Fatḥ*, was written with a framework that can be described as a revivalist. The author believed that Islam on the Malabar Coast had been corrupted and needed to be rejuvenated through legalist teaching. This idea was not new if we remember that the Middle Eastern scholarly tradition often complained that religion was getting corrupted more day by day, and that an enthusiasm for pursuing pure knowledge was decreasing immeasurably.[15] We have seen that in *Minhāj*, as well as in the writings of al-Ghazālī as early as the eleventh century. It is a common rhetoric among the fuqahā and they made a space for themselves in that rhetoric by asserting their responsibility of reformation and revival.[16] Zayn al-Dīn had the same preconceptions about his community, especially in the contexts of being geographically remote from the central Islamic lands and being a demographic minority under a Hindu majority, politically ineffective, and economically threatened by the arrival of the Portuguese.

His belief that his audiences in Malabar and the wider Islamic world were becoming morally corrupt and religiously impious is reflected in his writings. In his treatise against the Portuguese, *Tuḥfat al-mujāhidīn*, he articulates this by interlinking the reasons for Portuguese attacks with certain weaknesses in the Muslims' piety. He writes: "They were guilty of ingratitude towards God, forgetting the blessings that they enjoyed, going astray, and becoming divided into schisms. Therefore, God brought down upon them the people of Europe, the Franks, Christians by religion (May Almighty God confound them!), who began to oppress the Muslims, and to bring ruin amongst them."[17] Resisting the attacks and defending the interests of the community were the main goals of this jihādi text, whereas

[14] Kurup, "Foreword," xiii-xvi.

[15] The notion stemmed from the idea that the ideal time and people were to be found in the time of the Prophet, his companions and their successors, and quality decreases as time passes. This attitude certainly is related to apocalyptic ideas in Islam.

[16] Such statements in the Ottoman contexts have been analyzed by D.A. Howard in his "Ottoman Historiography and the Literature of 'Decline' of the Sixteenth and Seventeenth Centuries", *Journal of Asian History* 22, no. 1 (1988): 52-77.

[17] Aḥmad Zayn al-Dīn al-Malaybārī, *Tohfut-ul-mujahideen: An Historical Work in the Arabic Language*, trans. M.J. Rowlandson (London: Oriental Translation Fund of Great Britain and Ireland, 1833), 103, with slight modification in translation.

correcting the immoral community and teaching "proper Islam" were why he composed legal texts like *Qurrat* and *Fatḥ*.

Qurrat communicated to its immediate audience in Malabar with its mission of introducing a more purified, legalized Islam on the basis of the education its author could have received in Middle Eastern centres. At the same time, by choosing Arabic rather than the regional language (Malayalam),[18] he demonstrated his political motive of communicating with the wider world of the Indian Ocean where Arabic was still a lingua franca. Arabic also enabled it to be incorporated into the broader Middle Eastern and non-Middle Eastern Islamic networks of scholars, texts and ideas. For the sake of the argument, we can disbelieve the popular narratives and suppose that the author never went to the Middle East for academic purposes, but the language used and references provided still lead us to interesting conclusions. He refers to many books, which must have been available to him at the time of writing, either as part of the curriculum in indigenous educational centres such as Ponnāni or in local private collections. That leads to speculate again on the possibility of Islamic legal texts being physically transported across the Indian Ocean and so to Malabar. To write a book like *Qurrat* and its commentary with sensitivity to the longer tradition of Islamic juridical writings and adopting a position in the genealogy of better known Shāfiʿīte texts, access to previous literature is a *sine qua non*. We thus conclude that if the author did not sail to a central Islamic location such as Mecca, the Islamic texts of the sixteenth century and earlier were brought to him in the course of the general circulation of texts along the Indian Ocean rim more than before. In either case the question sheds light on the intensified movement of scholars and texts in the sixteenth century as the number of legal texts from these lands subsequently increased.

What the author meant by using specific linguistic terms is worthy of note. In the introductory lines, *Qurrat* is simply said to be a *mukhtaṣar* (abridgement) of Shāfiʿīsm. We are given no elaboration on the intention or motivation of the author in writing it. We have simply the title followed by a usual prayer for comfort "tomorrow", i.e. in his afterlife: "I entitled this [book] *Qurrat al-ʿayn bī muhimmāt al-dīn*, expecting from God that the intellectuals (*aḏkiyāʾ*) will use it and that it will cool my eyes tomorrow, when glancing at His venerated face all the time."[19] The term *aḏkiyāʾ* connotes the broader intellectual and mystical communities within the fuqahā-estate in the region and beyond. It was also used in the title of a mystical text, *Hidāyat al-aḏkiyāʾ ilā ṭarīq al-awliyāʾ*, "A Guide for Intellectuals to the Path of the Mystics", written by his grandfather Zayn al-Din Sr. at the beginning the sixteenth century.

The style and language of *Qurrat* have been a matter of concern in Shāfiʿīte clusters ever since the time of its composition and even now. Its extremely precise formulations lack any discursive engagement with the previous scholarship of the school and the specialist readers find it too obvious to engage with. Trying to remedy this, the author wrote his commentary dealing with the broad tradition of the school. Even so, complicated language persisted which deterred an audience from understanding the base text and the commentary.

[18] The origin of Malayalam as a written language is a matter of historical and political debate, but certainly the language and script spread across the region by the ninth century, as numerous inscriptions and texts testify.
[19] al-Malaybārī, "Qurrat al-ʿayn bī muhimmāt al-dīn" in his *Fatḥ al-muʿīn bi sharḥ Qurrat al-ʿayn* (Kottakkal: Maktabat al-Wafa, n.d), 4.

The new text gained significance and intellectual prestige from later discussions of its contents. It always seeks to provide a clear ruling, without deep complications by giving many contrastive viewpoints within the school. In the context of the Malabari fuqahā-estate, its less rigorous legal discourses and the condensed Islamic traditions and practices of the community, such precision without complexities would have been sufficient. Its aversion to discursive traditions and avoidance of the related paraphernalia means that *Qurrat* is even far shorter than *Minhāj*. Its rulings always confirm the most valid views in the school, but also provide apt opinions for actual problems the author had encountered in his his life related to socio-cultural issues in the environment of the Indian Ocean rim. These issues are explained further in *Fatḥ*.

Because the precision, the avoidance of disputes within the school, and the complexity of language, made *Qurrat* an impractical text for many non-specialists and experts, the author sought in his commentary to overcome those obstacles and at the same time display the depth of his knowledge in recent Islamic legal discourses. In the preface of *Fatḥ*, he writes:

> This is a beneficial commentary on my work titled *Qurrat al-ʿayn bī muhimmāt al-dīn*. It elaborates on the subtext, completes inferences, amplifies connotations and explicates benefits. I have entitled it *Fatḥ al-muʿīn*: *A Commentary of Qurrat al-ʻayn bi muhimmāt al-dīn*. I ask the generous and benevolent God to broaden its usefulness for colleagues, specialists and laypersons.[20]

These words partly explain the author's intention in writing a commentary on his previous text. It also marks a growth of the fuqahā-estate on the Malabar Coast by addressing an audience assumed to have some advanced knowledge of Islamic law. This practice of writing commentary or abridgement on one's own work sustains the custom in the textual history of Shāfiʿīsm, so prominently demonstrated by al-Ghazālī as early as the eleventh century. Here we see that intellectual practice being sustained centuries later.

Unlike *Qurrat* or the other works ascribed to Zayn al-Dīn Jr., we are given an exact date for the composition of *Fatḥ*. At the end of the text we read that revision (*tabyīḍ*) of the manuscript was finished on Friday, Ramaḍān 24, 982 A.H., which corresponds to January 7, 1575. Even though the original manuscripts or immediate copies have not yet been found, this date can be taken to fix the context in which the text was written. The popular narratives say he was in Mecca until the early 1560s, from which we can assume that he wrote *Qurrat* immediately after his return, and the commentary after he had established himself in the fuqahā-estate as a recognized scholar.

In the long legalist discursive tradition of the school, *Fatḥ* tries to accommodate the latest views in its analyses and arguments. It primarily refers to the works of Ibn Ḥajar, especially his *Tuḥfat* written a couple of decades earlier. He gives priority to the oeuvre of Ibn Ḥajar over other contemporary scholars, and the teachers in teacher-chains going back to Nawawī and al-Rāfiʿī. That is why texts such as *Tuḥfat* began to outshine the preceding works like *Minhāj* in the discursivities of the Shāfiʿīsm. He writes:

> I have selected those [legal views] for this book from reliable works of our teacher, the Last Codifier [*khātimat al-muḥaqqiqīn*], Shihāb al-Dīn Aḥmad bin

[20] al-Malaybārī, *Fatḥ*, 4.

> Ḥajar al-Haytamī and of other eminent *mujtahid*s: Wajīh al-Dīn ʿAbd al-Raḥmān bin Ziyād (May God bless them both!) and two teachers of my teacher, Shaykh al-Islām al-Mujaddid Zakariyā al-Anṣārī and Imām al-Amjad Aḥmad bin al-Muzjad (May God bless them both!) and other later confirmers (*muḥaqqiqūn*), relying on the views of two shaykhs of the school, al-Nawawī and al-Rāfiʿī.[21]

Two unfamiliar names of scholars occur in this quotation that we have not discussed so far, ʿAbd al-Raḥmān bin Ziyād (d. 975/1568),[22] and his teacher Aḥmad bin al-Muzjad (d. 930/1524).[23] Both these scholars come from Zabīd in Yemen and studied and taught in Yemen and/or Mecca for a long time. The works of al-Muzjad, especially his *al-ʿUbāb al-muhīṭ bi muʿẓam nuṣūṣ al-Shāfiʿī wa al-asḥāb*, widely known simply as *al-ʿUbāb*, influenced the Shāfiʿīte clusters and Ibn Ḥajar wrote a commentary on it.[24] That these two Shāfiʿītes are mentioned in *Fatḥ* shows the legalistic connections between the Yemeni and the Malabari estates. This interrelationship becomes once again important if we keep in mind tracing a possible lineage for the Makhdūms back to Yemen. Also, it is important to note that he does not mention al-Shams al-Dīn Ramlī or his son Shihāb al-Dīn Ramlī or his contemporary al-Sharbīnī, all of whom wrote remarkable commentaries to *Minhāj* and made other contributions to the legal corpus of the school. Even so, his relationship with them is evident from the existing narrative. On a few occasions he cites al-Ramlī, but only to prove a point for opposing him. This validates my earlier argument on sub-dividing Shāfiʿīsm into a Cairene and a Meccan block, with the Shāfiʿītes of South and Southeast Asia accepting Mecca.

From the oeuvre of Ibn Ḥajar we notice that *Fatḥ* mostly depends on *Tuḥfat* to validate judgements and at times to dissent from it. We will return to these criticisms later. Apart from *Tuḥfat* it also uses *al-Irshād* and *Fatḥ al-jawād* of Ibn Ḥajar. We do not know what works of the Yemeni scholars it used, for no references are given.

Fatḥ selects the most dependable view among the issues (*masāʾil khilāfiyyat*) being debated by Shāfiʿītes. It normally avoids references to the minute details, but states a generally agreed view. It does include larger subjects of debate among his teachers and earlier

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[21] al-Malaybārī, *Fatḥ*, 4

[22] On the works of ʿAbd al-Raḥmān (bin ʿAbd al-Karim bin Aḥmad) bin Ziyād al-Zabīdī, see Ismāʻīl Bāshā al-Baghdādī, *Hadīyat al-ʿārifīn: Asmāʾ al-muʾallifīn wa athār al-muṣannifīn* (Beirut: Dār Ihyāʾ al-Turath al-ʿArabī, 1951), 545-546. He wrote many works on controversial but trivial ritualistic and matrimonial issues among Shāfiʿīte scholars and the fuqahā-estate in general, as some of the titles indicate: *Iqāmat al-burhān ʿalā kammiyat al-tarāwiḥ fī Ramaḍān*, *Īrād al-nuqūl al-maḏhabiyyat ʿan ḏawi al-taḥqīq fī anti ṭāliq ʿalā ṣiḥḥat al-barāʾ min ṣīgh al-muʿaraḍāt lā al-taʿlīq*, *Ithbāt sunnat raf‘ al-yadayn ʿind al-iḥrām wa al-rukūʿ wa al-iʿtidāl wa al-qiyām min ithnatayn*, etc.

[23] Aḥmad bin al-Muzjad was appointed qāḍī of Aden in 1493 after the death of Jamal al-Dīn Muḥammad bin Ḥusayn al-Qumat al-Zabīdī. He continued in that position until his death. On his life and contributions, see ʿAbd al-Qādir ibn Shaykh ʿAydarūs, *Tārīkh al-nūr al-sāfir ʿan akhbār al-qarn al-ʿāshir*, ed. Aḥmad Ḥalū, Maḥmūd al-Arnaʾūt and Akram al-Būshī (Beirut: Dar Sader Publishers, 2001), 127; ʿAbd al-Ḥayy ibn Aḥmad Ibn al-ʿImād, *Shaḏarāt al-ḏahab fī akhbār man ḏahab*, ed. ʿAbd al-Qādir al-Arnaʾūt and Maḥmūd al-Arnaʾūt (Beirut: Dār Ibn Kathīr, 1991), 8: 169; al-Zarkalī, *Tartīb al-aʿlām*, 1: 188; Ḍirār bin al-Azwar, *ʿUqūd al-zabarjad fī tarjamat al-Imām al-Muzjad*, http://www.ahlalhdeeth.com/vb/showthread.php?t=47774 (accessed on 3 February, 2015).

[24] On other works of al-Muzjad, see: al-Baghdādī, *Hadyat al-ʿārifīn*, 140. His *Tajrīd al-zawāʾid wa taqrīb al-fawāʾid* is greatly dependent on the *Rawḍat* of Nawawī. His fatwas were collected by his son al-Qāḍī Ḥusayn and further improved with additions by Ibn al-Naqīb. His *Tuḥfat al-ṭullāb wa manzumat al-Irshād* is a poetical legal text of 5840 lines, in which he brought in many additional legal issues to *al-Irshād*.

luminaries of the school such as Nawawī, al-Rāfiʿī, and ʿAlī bin Muḥammad al-Māwardī. It also occasionally refers to the opinions of other schools, mainly Ḥanafīsm and Mālikīsm. In such debates it is important to note the position it takes. Without directly referring to any of his teachers or immediate preceding scholars, he expresses his disagreements with earlier legalists. An analysis of the context of these dissenting positions shows that many of his arguments emerge from actual incidents in the place where he was living in (see below). The references to opinions of other schools were necessary at times, and Islamic legal hermeneutics allows a practitioner to follow opinions of other schools as secondary opinions within his own school, provided that there is no fundamental contradiction concerning the ritual or circumstance. He uses such a general legalistic consensus to do some "forum-shopping" if necessary, and thus navigates a course through a contextual reading of earlier texts. Citations and references in legal texts are always political, economic, and diplomatic, and *Fatḥ* follows that pattern.

This text became a foundation for the major developments of Shāfiʿīsm in Malabar, as well as along the Indian Ocean rim. *Fatḥ* achieved this status essentially for two reasons. Not only did it add to the long tradition of the pattern of Islamic legal thought in a traditional way, but it also advanced it by addressing many legalistic concerns of non-Middle Eastern Muslims. Its advancement of Shāfiʿīte legalism proceded in two ways: a) it criticized many rulings and arguments made by its intellectual predecessors; on a number of issues *Fatḥ* expresses its own views in dissent from previous unanimity; b) it generated a non-Middle Eastern alternative discourse of Shāfiʿīsm. In this regard Ibn Ḥajar and his work *Tuḥfat* became major targets for criticism, but it also had other earlier scholars in view, as far back as the classical stage of the school. They all represent a Middle Eastern intellectual group against which a South Asian scholar and his text were responding according to the prevailing needs of their time and place. Legal clarifications in *Fatḥ* on a number of different issues oppose the viewpoints of previous scholars and texts reveal the attempts a scholar from a peripheral territory addressing issues of central importance in his place and time. A century ago a modern Indian jurist referring to the "Middle-Easternness" of Islamic law wrote that since the Islamic legal system had its origins in Arabia and was developed by the Arab jurists, we should "expect to find on it the impress of Arabia's social history and of the Arab mind and character."[25] *Fatḥ* attempted to break this Arabian impress on its mind and character by integrating the social, cultural, and political experiences of a non-Middle Eastern, non-Arab region into the legal narratives. On the one hand, incorporating the traditional genealogy helped its reception in Middle Eastern Shāfiʿīte circles. On the other, its non-Middle Eastern qualities helped it to make its ways towards a wide welcome in the circles in the "peripheries" across the ocean.

Receptivity: Constructing Legacy

Fatḥ appealed to the wider world of Shāfiʿītes along the Indian Ocean rim thanks to the peripheralness it deliberately demonstrated. It made its way into the Shāfiʿīte clusters in many regions which would otherwise be neglected peripheries of the Islamic world. The text's

[25] Abdur Rahim, *The Principles of Islamic Jurisprudence: According to the Hanafi, Maliki, Shafi'i and Hanbali Schools* (New Delhi: Kitab Bhavan, 1911), 1.

distinctive approaches in socio-cultural, political and ecological aspects must have helped the school's adherents and the fuqahā to relate to it more than any text from a Middle Eastern context. The acceptance in the non-Middle Eastern rim however is also partly due to the text's reception in the Middle East itself, especially in Mecca and Yemen. That is a process on which I shall elaborate in the next chapter.

The popularity of *Fatḥ* owes much to it its precision and simplicity. Both factors are related. If we compare the text with the available literature in the school until the sixteenth century, we notice that most texts were *mabsūṭat*s (*sharḥ*s and *ḥāshiyat*s with multiple volumes) or *mukhtaṣar*s (abridgements in most cases). *Minhāj* is a *mukhtaṣar* as we explained earlier, and *Tuḥfat* is a *mabsūṭ*. Both those texts have advantages and disadvantages: Although *Minhāj* was a short and precise text, it became only an intermediate text with the arrival of the advanced *Tuḥfat*, and its language and technical terms were too precise and complicated. It continued to be difficult for a non-specialist reader to comprehend without the help of commentaries or a trained specialist. Some Shāfiʿītes were inclined to identify it as a legal "theoretical" text rather than a "practical" one.[26] *Tuḥfat* was not only linguistically complicated, but its length required much time and patience for the student to get to grips with its content and language. Hence, only deep specialists or aspirants of Shāfiʿīte law could engage with it. On the other hand, *Fatḥ* presented its arguments more precisely and simply. While *Qurrat* was more like *Minhāj* in its extreme precision, *Fatḥ* presented its extreme precision more simply for the rulings of the school. This was certainly a help for many intermediate students to study Shāfiʿīte law inside and outside the institutional frameworks like madrasas. Apart from its inclusion in the curricula of Shāfiʿīte madrasas from the Eastern Mediterranean to the Eastern Indian Ocean, it is still also a prominent "textbook" on which the Shāfiʿīte fuqahā depend to teach Islamic law to the general public in public sessions on specific occasions in mosques or during the sacred month Ramaḍān. *Fatḥ* and Shāfiʿīsm popularize each other through this sort of democratizing of juridical learning and dissemination of Islamic knowledge.

It addresses almost all the issues that a general text of Shāfiʿīsm would address, not like specialist texts. Those may also be precise and simple, but address only particular issues like marriage, inheritance, rituals, or trade. We should also keep in mind that simplicity and precision are relative, and the contrasting opinions of particular teachers and students of the text have stimulated the production of commentaries on or abridgements of it.

While consciously or unconsciously advancing Shāfiʿīte legalism in a non-Middle Eastern setting, the socio-cultural environment of Malabar, *Fatḥ* acquired a wider acceptance in Shāfiʿī clusters. Shāfiʿīte Muslims along the non-Arab spheres of the Indian Ocean rim could easily relate to the text theoretically and culturally. The text became a most dependable intermediate work of Shāfiʿīsm among the Malabari adherents and students of the school across the globe. During the lifetime of the author, *Qurrat* must have been widely read, taught and circulated in scholarly circles, a fact which motivated him to write his own commentary. Eventually both the base-text and commentary attracted more commentaries from Southeast Asia, such as *Nihāyat al-zayn bi sharḥ Qurrat al-ʿayn*; and there were also super-commentaries on the author's commentary from South Asia, such as *Fatḥ al-mulhim*, and

[26] See below the section on East Africa.

from the Middle East, such as *Iʿānat al-mustaʿīn* and *Iʿānat al-ṭālibīn*. In the next chapter I shall examine each of these commentaries in detail with a special focus on the first and the last. For the moment, I briefly discuss the scholarly response to *Qurrat* and *Fatḥ*.

There were different methods of teaching, memorizing and circulating *Fatḥ* which added to its peculiarity in the Islamic world, especially as it was a Shāfiʿīte legal text coming from a non-Middle Eastern region. Learning *Qurrat* by heart, or even the whole of *Fatḥ*, was a common practice for Shāfiʿīte legal aspirants in South Arabia, South Asia and Southeast Asia. In that way they could use its exact wording in discourses, debates, fatwās and speeches. That is an exercise which is very common in the Islamic world for, as we noticed earlier, many students learned *Minhāj* by heart.[27] Memorizing exact phrases and sentences was considered a mark of a high standard of competence and deep knowledge. The sacred scriptures like the Qurʾān or the classical *ḥadīth* texts could be recited from memory, and so texts on the law, theology and even on grammar and logic texts were similarly memorized. Short texts such as *Qurrat* and *Minhāj* would have been relatively easy to memorize, for others were more voluminous. The crucial chapters of *Tuḥfat* on inheritance law must have been a challenge even for students who had an exceptionally good capacity to memorize.

The legacy of *Fatḥ* is well illustrated over the centuries by the many commentaries, super-commentaries, translations and abridgements it attracted. *Qurrat* has only two commentaries and two poetic versions, but more than ten super-commentaries, fifteen translations of the commentary, and three abridgements. As for textual progenies, it means that *Fatḥ* received more attention that *Qurrat*, which was given only indirect attention. Nevertheless, a nineteenth-century Indonesian scholar, Muḥammad bin ʿUmar Nawawī al-Jāwī, commonly known as Nawawī al-Bantanī, turned again some attention to *Qurrat* when he produced his commentary entitled *Nihāyat al-zayn fī irshād al-mubtadiʾīn*. We shall discuss his contribution in the next chapter. For the moment suffice it to say that *Nihāyat* is a commentary showing us how *Qurrat* spawned its own intellectual endowment of legalist, social, and educational significances for a broader spectrum of the population from Southeast Asia to the Middle East. In the early twentieth century, a Malabari scholar Muḥammad Musliyār ibn Aḥmad Arīkalī (d. 1952) wrote a poetic version of *Qurrat* entitled *Naẓm Qurrat al-ʿayn li matn Fatḥ al-Muʿīn*.[28] Very recently, Anwar ʿAbd Allāh Faḍfarī produced another poetic version entitled *al-Naẓm al-wafy fī al-fiqh al-Shāfiʿī*,[29] which also complements the list of non-Middle Eastern scholars actively engaged in the Middle Eastern estates. For many reasons the presence of the South Asian fuqahā in the Meccan and Medinese spheres had decreased by the nineteenth century and even further in the twentieth, especially after the predominance of Wahhabism. Snouck Hurgronje has noted the presence of Malabari professors in Mecca in the later part of the nineteenth century, stating that their number has decreased from earlier times.[30] Very few South Asian scholars ventured to underpin their

[27] Cf. Dale F. Eickelman, "The Art of Memory: Islamic Education and Its Social Reproduction," *Comparative Studies in Society and History* 20, no. 4 (1978): 485-516.

[28] I have made many attempts to locate this work but I have not been successful.

[29] Abū Suhayl Anwar ʿAbd Allāh bin ʿAbd al-Raḥmān al-Faḍfarī, *al-Nazm al-wafy fi al-fiqh al-Shāfiʿī* (no place: no publisher, 2010). Available at: https://www.scribd.com/doc/112279981/النظم-الوفي

[30] C Snouck Hurgronje, *Mekka in the Latter Part of the 19th Century: Daily Life, Customs and Learning* (Leiden: Brill, 2007), 202.

Shāfiʿīte intellectual traditions while standing within the fuqahā-estates of Saudi Arabia, but Faḍfarī is one of them. His origin and early education was in Malabar, and by the end of twentieth century he had established himself in a successful career in educational centres in Mecca. Throughout his intellectual engagements he consistently asserted the Shāfiʿīte legacy of Malabar. *Naẓm* is an example of an intermediary route one which *Qurrat* embarked from the revivalist atmosphere of sixteenth-century Malabar to the unreceptive and rejectionist context of twentieth-century Mecca.

Apart from these texts, *Fatḥ* outshined the appeal of *Qurrat*, which might otherwise not have attracted the attention of Shāfiʿīte clusters. Once introduced to *Fatḥ*, many scholars appreciated it on different levels and its legacy was nurtured through different educational practices, textual descendants and legalist discourses across the Shāfiʿīte world. One scholar, Farīd ibn Muḥy al-Dīn al-Barbarī, praised *Fatḥ* in the words that became an emblematic description. He says: "*Fatḥ al-muʿīn* is a wondrous book which included all that was not included in other books. [….] the rules of our school of jurisprudence are in its sections and even Arabs have appreciated the quality of its compilation."

Precision and simplicity were valued in Shāfiʿīte clusters, especially by students who had already finished their basic training in positive law in the school and were looking for something more analytical and broader. *Tuḥfat* and *Minhāj* required much time and deep knowledge in legal hermeneutics and positive law as well as in language, so such a text was not a solution for them. But *Fatḥ* stood as an intermediary text for legal aspirants of the school. One could learn it in a year or so even with other subjects, whereas other texts required many more years. This fitted the purpose of intermediate students of the school, especially the ones who flocked to the Middle East for their education or merged their pilgrimage with an aspiration for education.

Fatḥ was taught in Mecca as well as in many other places at least from the early nineteenth century; we have no evidences to argue for an earlier reception. Many students and student-pilgrims from the Indian Ocean rim who arrived at Mecca studied the text there, took it back home, and taught and popularized it in existing or nascent educational centres. The increased Ḥaḍramī-migrations to Mecca and across the Indian Ocean contributed to its reception on a wider level. Teachers in the Middle East and the Ḥaḍramī migrants could hardly resist the demands of students who wanted to study such a simple, precise and now celebrated text like *Fatḥ*. This contributed to its reception both in Middle Eastern and non-Middle Eastern centres of Shāfiʿīte legalism. Despite its peripheral roots, *Fatḥ* grew tall in Mecca, and in many other Meccas. I shall explain its wider circulation along the Indian Ocean rim towards the end of this chapter.

II.

Politics in a Complicated Abode of Islam

The intensification and gradual domination of the school in the oceanic rim can be attributed to the three components of the fuqahā-estate mentioned in Chapter 2, individuals, clusters and institutions. In Middle Eastern Muslim contexts we have seen how the three collaborate with each other *vis-à-vis* the state and society and how the educational and religious institutions functioned as an exclusive space of the estate once they were established or funded by the

state. But things were different on the non-Middle Eastern rim of the Indian Ocean for two main reasons: a) in most regions there Shāfiʿīsm had to operate from now on with non-Islamic (broadly conceived) socio-cultural and sometimes political structures, when the Muslim communities were a minority and bizarrely diverse; b) the main actors in the fuqahā-estate, the individuals and micro-communities, were new arrivals, a foreign diaspora in the rim. This "strangeness" or "foreignness" in their new lands forced both mobile and settled jurists around the Indian Ocean to compromise their earlier notions of autonomy from local authorities. Their legal institutions did not come under the full control of the estate. Negotiations with many other actors in the society were called for, be it on economic, cultural, political or even religious matters, ones which were its concern in Middle Eastern contexts.

The author of *Fatḥ* lived under the command of non-Muslims, the Zamorins of Calicut. This was unlike all other previous centres of Shāfiʿīsm. Here the rulers were the Hindus who arguably belonged to the upper caste of Brahmins. Yet the Muslims never faced any troubles in practising their faith and observing their law. Indeed the Zamorins had shown them high consideration in social and political milieus and involving their religious and juridical requirements. From the contemporary sources we understand that the kingdom was very tolerant to Islam and Muslims in each and every respect.[31] But the situation quickly changed with the arrival of the Portuguese at the end of the fifteenth century. Malabar was one of the first regions on the Indian Ocean rim that entered into negotiations with the Portuguese. Sources show that the Zamorins were at a "golden stage" of political conquests and economic growth when the Portuguese arrived. They had a well-equipped army of sixty-thousand Nayars under their commanding officers, another seventy-six thousand under their feudatories, and another large force in the Cochin contingent which they had recently subjugated. They also had a battalion of musketeers and a corps of artillery primarily staffed by Muslims. Besides their military might, they had a well filled treasury. Their ships, provided according to custom by local merchants and Arabs, also fleshed out the organization of the kingdom economically and politically. But the situation became complex with the arrival of the Portuguese.[32] The Zamorins soon became part of a larger network that was politically and diplomatically affiliated to the ʿĀdil Shāhs, Ottomans, Mamlūks, etc.[33] The Cochin kings, who until then had been under the yoke of the Zamorins, found in the Portuguese an exclusive ally. The region as a whole had suffered or gained immensely from the Portuguese incursions. The local petty kingdoms, merchants and brokers on the coast associated with and dissociated from the Portuguese for personal gain.

[31] Muḥammad al-Kālikūtī, *Fatḥ al-mubīn* in M.A. Muid Khan, "Indo-Portuguese Struggle for Maritime Supremacy (as Gleaned from an Unpublished Arabic Urjuza: Fathul Mubiyn)," in *Studies in the Foreign Relations of India (from Earliest Times to 1947): Prof. H.K. Sherwani Felicitation Volume, ed. P.M. Joshi and M.A. Nayeem*, (Hyderabad: State Archives, Government of Andhra Pradesh 1975), 169-171; Zayn al-Dīn Jr., *Tuḥfat al-mujāhidīn fī baʿḍ akhbār al-Burtughālīyīn*, trans. S. Muhammad Husayn Nainar (Calicut: Other Books, 2006), 15, 45-46..

[32] K.V. Krishna Ayyar, *A Short History of Kerala* (Ernakulam: Pai & Co., 1966), 76.

[33] Sanjay Subrahmanyam, *The Political Economy of Commerce: Southern India, 1500-1650* (New York: Cambridge University Press, 1990), 252-342.

The initial communications between the Portuguese and the Zamorin ruler had no positive outcome for either side, as had been documented in many studies in detail.[34] He had his own reasons to reject the proposals of the Portuguese, especially when Vasco da Gama asked him in 1502 to expel all Muslims who had come from the Cairo and the Red Sea region out of Calicut. He rejected it, "for it was unthinkable that he expel 4,000 households of them, who lived in Calicut as natives, not foreigners, and who had contributed great profits to his kingdom." [35] This rejection exasperated the Portuguese who then adopted a hostile relationship with the kingdom. The situation was further aggravated by some furious political and military actions. In the ensuing conflicts the Zamorin was more cautious, and he introduced campaigns and strategies to strengthen the army, requesting help from each and every individual and collective he could depend on. Simultaneously the Ottomans were endeavouring to maintain a political network based on religion in the Indian Ocean arena to secure an economic base for them. The Portuguese expansion threatened their dreams of grabbing wealth from around the rim.[36] The Ottoman rulers kept in constant touch with the minor kingdoms of the area, and the political and religious elite responded to them positively offering support in their own self-interest. A new "invisible abode of Islam" began to appear as premeditated by the Ottomans. It was an area with three distinctive features: a) with no clear-cut geographical boundaries; the area was defined through mutual alliances against a common enemy, the "cross- and image-worshipping" Portuguese; b) with no cut and dried religious restraints, for Hindu kingdoms such as the Zamorins were embedded in the abode; c) in a non-Middle Eastern Islamic world where the natural wealth of spices and other commodities had crucial roles to play.

Alongside their initiatives for diplomatic relations with the Mamlūks and the Ottomans, the Zamorin wanted to mobilize a strong navy for his kingdom. He offered all the same privileges of status and autonomy for those who converted to Islam as Muslims themselves received. Many converted and joined in sea battles usually under the command of Muslims.[37] Indigenous Muslims and those of the diaspora both had their own reasons to link with the Zamorin against the Portuguese. He had always protected them in his kingdom facilitating their commercial and religious ventures.[38] Thus, as early as the first decade of the century,

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[34] For a detailed reading about the Portuguese-Zamorin relationship, see Sanjay Subrahmanyam, *The Career and legend of Vasco da Gama* (Cambridge: Cambridge University Press, 1998); Michael Pearson, *The Portuguese in India* (Cambridge: Cambridge University Press, 2006); K.S. Mathew, *Portuguese Trade with India in the Sixteenth century* (Manohar, New Delhi, 1983).

[35] Cited in M.N. Pearson, "Corruption and Corsairs in Sixteenth-Century Western India: A Functional Analysis," in *The Age of Partnership: Europeans in Asia before Dominion*, eds. Blair B. Kling and M.N. Pearson, (Honolulu: The University Press of Hawaii, 1979), 26

[36] Pius Malekandathil, "The Ottoman Expansion and the Portuguese Response in the Indian Ocean, 1500-1560," Charles J. Borges and M.N. Pearson (eds.), *Metahistory: History Questioning History*, *Fetschift in Honour of Teotonio R. de Souza* (Lisbon: Nova Vega, 2007), 497-508; Giancarlo Casale, *The Ottoman Age of Exploration* (Oxford: Oxford University Press, 2010); Salih Özbaran, *The Ottoman Response to European Expansion: Studies on Ottoman-Portuguese Relations in the Indian Ocean and Ottoman Administration in the Arab Lands during the Sixteenth Century* (Istanbul: Isis Press, 1994); Suraiya Faroqhi, *Pilgrims and Sultans: The Hajj under the Ottomans, 1517-1683* (London and New York: I.B. Tauris, 1994).

[37] al-Malaybārī, *Tohfut-ul-mujahideen*; cf. Stephen F. Dale, "Trade, Conversion and the Growth of the Islamic Community of Kerala, South India" *Studia Islamica* 71 (1990): 155-175.

[38] Geneviève Bouchon, "Calicut at the Turn of the Sixteenth Century: The Portuguese Catalyst," *Indica* 26, nos. 1-2 (1989): 2-4.

they themselves tried to play on the religious sentiments of the Mamlūks, who also had an interest in maritime trade, to support the Zamorins against the Portuguese.[39]

The conflicts lasted for a century, involving various interested groups including the local militia of Nayars, Muslims of the diaspora, locals and converts, the rulers of Bijapur, Gujarat, and the Ottomans. This situation interrupted the social, economic, cultural and religious life of Malabar, in contrast to that of the powerful communities and dominions under the Mughals in the hinterland, which were hardly affected by the battles. The constant Portuguese attacks on religious establishments, the mosques and learning centres, and on Muslim pilgrims, traders, the settlements on the coast and its waterways made traditional intellectuals concerned more about their own self-survival than keeping their distance from their cohabitants. This was reflected in the contemporary writings of the ʿulamāʾ in various forms. For the fuqahā-estate those events created a crisis point in legal discourse arising from its entanglement with issues such as the minority status of the community. In *Fatḥ* Zayn al-Dīn particularly recognized this secondary status of the community and drafted rulings accordingly. Despite their religious differences, he recognized the Zamorin as a legitimate ruler capable of dealing with Islamic affairs.[40] As an example, when he discusses the appointment of judges he recognizes a non-Muslim or unbelieving ruler as a legitimate sultan, with the authority to select, appoint or dismiss *qāḍī*s.[41] This was unprecedented in Shāfiʿīte literature, including *Tuḥfat* of Ibn Ḥajar or *Nihāyat* of al-Ramlī, as one commentator later noted.[42] For earlier Shāfiʿīte scholars it was a condition that legitimate sultan must be a Muslim, something inapplicable in a Malabari context. The issue of jihād also arose for criticism. It has always been incumbent for only a Muslim ruler (*imām*) to initiate and lead battles, according to the existing legal formulations. Zayn al-Dīn revised this standpoint to fit the sovereignty of the Hindu king, the Zamorin, so that he could initiate the anti-Portuguese wars and legitimize the participation of the Muslim laity and militia, so that it became a religious battle just as meritorious as jihād. His most renowned work among historians, *Tuḥfat al-mujāhidīn*, explicates this case, for it is his response to the recurring Portuguese atrocities against Muslim travellers, pilgrims, merchants, mosques and settlements. Through this treatise, he incites his audience to engage in jihād against the Portuguese under the banner of the Zamorins.[43]

The Portuguese arrival in the Indian Ocean had pushed the Muslim mercantile communities of Malabar into deep peril by the end of the sixteenth century. Throughout that century they had tried to cheat about new regulations introduced by the Portuguese *Estado da India* over the free movement of Asian traders by issuing their trading licences (*cartazes*) and by other means. This could have immediately and completely blocked the economic aspirations of the Arab Muslim traders, but they managed to avoid the Portuguese

[39] Palmira Brummett, *Ottoman Seapower and Levantine Diplomacy in the Age of Discovery* (Albany, NY: State University of New York Press, 1994), 112-113.

[40] On the political affiliations of the local Muslim jurists, see Mahmood Kooria, "An Abode of Islam with a Hindu King: Circuitous Imagination of Kingdoms among Muslim Intellectuals of Sixteenth-Century Malabar," *Journal of Indian Ocean World Studies* (forthcoming).

[41] al-Malaybārī, *Fatḥ*, 476.

[42] Sayyid Bakrī, *Iʿānat al-ṭālibīn* (Cairo: Maṭbaʿat al- Āmirat/al-Mīriyyat, 1883), 4: 253.

[43] Zayn al-Dīn Jr., *Tuḥfat al-mujāhidīn*, 13-25.

stranglehold by conflict, piracy, and deceit. Asian overseas trade was under threat, but the indigenous Muslim communities found ways to travel and even to trade, as pilgrims and sojourning scholars. In the sixteenth century we see numerous non-Middle Eastern Muslims travelling back and forth to Mecca, which by the end of the century had become a "true global city" for the first time in its history. The traders moved along the ocean highroads as travellers to Mecca, a hub which connected numerous regions. The actual composition of *Fatḥ* is an illustration of this problem, as much as Zayn al-Dīn's many questions to the Arab scholars in Mecca and Yemen were.[44] The Malabari traders and travellers were repeatedly attacked by the Portuguese, but they continued frequently to make their way to Mecca and to send charitable gifts for delivery in the holy city. From Ponnāni, an import centre and second capital of the Zamorins, many ships set sail to Mecca every year with charitable gifts, as recorded in Portuguese documents.[45] In these ships there were many traders, pilgrims, and migrants. Not only did those ships bring educational aspirants to Mecca, they brought back many Arabs facilitating the growth of communities and scholarly circles in the region.[46] Zayn al-Dīn's own scholarly trajectory, if we are to believe the existing accounts, prove these political, religious and juridical entanglements. Zayn al-Dīn changes the traditional Shāfiʿīte narrative here too to cater for the immediate contexts of the ongoing wars. This reformulation stands closer to his recognition of the Hindu ruler as a legitimate sultan, to arbitrate in the juridical affairs of Muslims, including the appointment of a qāḍī.

Intellectuals in a Port: Makhdūms of Ponnāni

We have made passing references to Ponnāni but now more can be said. It is a port at the southern end of the Zamorin's kingdom and it functioned as his second capital and became a target of repeated Portuguese attacks. It remained a crucial place over the course of time for different political entities: the Zamorins, Tānūr Rajas, Cochin Rajas, as well as the later Mysore sultans, and economic adventurers such as the Portuguese, Dutch, French and English. Ponnāni's opulence began when it became a major site of settlement for Muslims and a centre of Islamic activity. It has been called the "Mecca of South India" or "Little Mecca" (Mala. *Dakṣinēntiayuṭe Makka* or *Cerumakka*). Several other knowledge-centres of the Indian Ocean Muslim world were given the nickname Mecca from the sixteenth century on: Bijapur on the Konkan coast was known as a Mecca of Sufism; Aceh in the Indonesian archipelago as "Veranda of Mecca" (Mal. *Serambi Makkah*); Hezhou (Linxia City) as "Little Mecca of China"; Surat in Gujarat was called "Gateway to Mecca" (Ar. *Bāb al-Makka*) for its importance for the pilgrimage. Apart from Surat, the other places were so tagged because of their importance in local religious higher education, and not for any ideas of sacredness such as Mecca itself had for believers. Ponnāni received the name after the arrival of a particular scholarly family known as the Makhdūms and their attempts to make it a centre for Islamic higher education. The author of our texts belonged to this family.

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[44] Zayn al-Dīn al-Malaybārī, *al-Ajwibat al-ʿajībat ʿan al-asʾilat al-gharībat*, ed. ʿAbd al-Naṣīr Aḥmad al-Shāfiʿī al-Malaybārī (Kuwait: Dār al-Ḍiyāʾ, 2012).

[45] Michael Pearson, *Pious Passengers: The Hajj in Earlier Times* (London: C. Hurst and Co., 1994), 163, 175.

[46] To compare this process with similar trends in the Coromandel Coast towards the end of this century and throughout the next, see Sanjay Subrahmanyam, "Persians, Pilgrims and Portuguese: The Travails of Masulipatnam Shipping in the Western Indian Ocean, 1590-1665," *Modern Asian Studies* 22, no. 3 (1988): 503-530.

By the second half of the fifteenth century there was a significant Muslim population in Ponnāni, for many affluent Muslim families had migrated there from the Coromandel Coast and other parts of Malabar. There they obtained a religious leader who was said to be able to trace his genealogical roots to Yemen and was well educated in Islamic science. In the early sixteenth century it witnessed a translocation of Muslim mercantile families from ports such as Cochin who had suffered hostility from the Portuguese. Furthermore, the geographical and topographical features of the town gave the site an importance on land and sea. On land it borders Portuguese-dominated Cochin to the south and a significant mountain-pass in the Western Ghats to the east, which gave access to the broader hinterlands of Southern India. Ponnāni was the site of the chief arsenal of the Zamorin, and it played host to his admirals, the Kuññāli Marakkārs, a large part of the navy. It also constantly produced many war treatises, addressing the Muslim population not only in Ponnāni but throughout Malabar and beyond. These treatises were mainly initiated by the religious scholarly circle of Ponnāni, who expressed strong religious sentiments in the treatises with open calls for jihād. The Zamorin was supportive of such moves as he knew that all such incitements would benefit his anti-Portuguese aspirations.

Behind these developments the Makhdūm family played a central role. They had recently migrated to Ponnāni from Cochin, and they made its congregational mosque a centre of their socio-religious, economic and political revivalism. That their real origin goes back to Yemen and that the family genealogy goes back to the Prophet's best companion, Abū Bakr al-Ṣiddīq (d. 634), are debated among scholars because of the lack of substantive evidence. Nevertheless, we do have evidence for their recent past before the sixteenth century. As a group of mobile scholars they had settled in various places on the coasts of Coromandel and Malabar. The first family member we can identify is Zayn al-Dīn, who came from Yemen to Nagōre (Tanjavur) on the Coromandel Coast in the early fifteenth century and became a disciple of a renowned Sufi scholar there, Abū Bakr Ṣādiq Maʿbarī.[47] After a while he moved to Cochin, where he is said to have converted many people to Islam, founded the mosque known today as Cempiṭṭapaḷḷi. He died and is buried there. He had two sons called ʿAlī and Ibrāhīm. The former became a *qāḍī* of Cochin and established a madrasa, whereas the latter moved to Ponnāni along with his nephew who was born in 1468 and was named after his grandfather Zayn al-Dīn. Ibrāhīm is said to have founded a mosque in Ponnāni which became a principal centre of congregational prayer in and around the locality, and also a distinguished educational centre offering religious studies. From this point on the history of Zayn al-Dīn's family became more settled. This is not to forget that some descendants moved further north to Cōmbāl, or travelled to the Middle East, but Ponnāni remained the centre for them, and members of the family still act as religious leaders there. The educational centres in Cochin and in Ponnāni both functioned in and around newly established mosques which opened new opportunities for a good number of students who could not pursue higher studies after their primary and secondary education.

These mosques as education centres were important for the Makhdūm family and the graduates from their college as newly educated persons could effect a change in a different

[47] Mehrdad Shokoohy, *Muslim Architecture of South India: The Sultanate of Ma'bar and the Traditions of the Maritime Settlers on the Malabar and Coromandel Coasts (Tamil Nadu, Kerala and Goa)* (London and New York: RoutledgeCurzon, 2003), 241.

setting, instead of trying to alter traditional indigenous practices all at once. These institutions soon became centres of higher education, but they also stood at the forefront of transforming the community gradually by attracting many believers for congregational prayers and other occasional rituals and ceremonies. As the anti-Portuguese sentiments strengthened on the coast and Calicut became fused into a broader Middle Eastern network more than before, the aspirants for knowledge from the locality saw new vistas of travel opening up through contacts with the wider scholarly world. This development can be compared to how Mecca was resurrected to new fame in the Islamic world as a centre of knowledge, which we discussed earlier. Now many new Malabari students could have access to ideas and books from Middle Eastern regions through the power of new political and diplomatic ties made to confront a common enemy.

From Ponnāni's mosque-college a number of scholars emerged through Ibrāhīm's educational efforts. The most important was his own nephew who would eventually become famous as Shaykh Zayn al-Dīn Makhdūm Abū Yaḥyā, or Zayn al-Dīn al-Kabīr (the Senior). After he had finished his education in Malabar in the late fifteenth century, he travelled to the Middle East on pilgrimage and for education. First he arrived at Mecca, stayed there for at least six years, and then he moved to Cairo to be educated at al-Azhar University. He studied with renowned scholars including Jalāl al-Dīn Suyūṭī (d. 1505), Zakariyā al-Anṣārī, Sayyid Muḥammad al-Samhūdī (d. 1506), Abū Bakr al-Ḥaḍramī (d. 1508), Abū Bakr al-ʿAydarūsī (d. 1511), Ḥāfiz Muḥammad al-Saqāwī (d. 1496), ʿAfīf al-Dīn ʿAbd Allāh bin Aḥmad Bā Makhruma al-ʿAdanī (d. 1540), Aḥmad bin ʿUmar al-Zabīdī (d. 1523), Qāḍī Jamāl al-Dīn Muḥammad bin ʿUmar al-Ḥaḍramī (d. 1524), and ʿAbd al-Raḥmān bin ʿAlī al-Makudī (d. 1495).[48] Why Shihāb al-Dīn al-Ramlī is not mentioned in this list of teachers is intriguing. He must have left Cairo before al-Ramlī rose to prominence. When he returned to Ponnāni he took charge of the religious leadership of the region from his uncle Ibrāhīm.

During the wars the Portuguese burned the congregational mosque of Ponnāni. Someone reconstructed it around the 1520s and an inscription from inside the mosque contains a related chronogram.[49] No name is mentioned in the inscription, but Zayn al-Dīn Sr. must have been responsible for this, and is reputed as such among the indigenous Māppiḷa community. He began to teach there, give fatwās, write books, engage in social and political affairs and introduce other religious reforms.

Returning to the family, we know that this Zayn al-Dīn left two sons, ʿAbd al-ʿAzīz and Muḥammad al-Ghazālī. The former became a renowned scholar, writing books, teaching and functioning as *qāḍī* like his father. By this time, the *qāḍī* of Ponnāni was the one appointed to be in charge of the religious leadership of Malabar Muslims. The books he wrote were mainly related to Islamic law, mysticism and to an extent on Arabic grammar and logic. The other son Muḥammad al-Ghazālī is said to have moved into Cōmbāl, where he died and was buried. He left one son, named after his grandfather and his great-great-grandfather, but as Aḥmad

[48] ʿAbd al-ʿAzīz Malaybārī, *Maslak al-atqīyā'*.

[49] Mahmood Kooria, "Doors and Walls of the Mosques: Textual Longue-durée in a Premodern Malabari Inscription," in *The Social Worlds of Pre-Modern Transactions: Perspectives from Epigraphy and History*, ed. Meera Vishwanathan, Digvijay Singh, Anna Varghese and Mekhola Gomes (New Delhi: Primus Books, forthcoming).

Zayn al-Dīn. He would later be renowned as Shaykh Zayn al-Dīn al-Ṣaghīr (the Junior), the "hero" and author of *Fatḥ*.

The mosque-college of Ponnāni began to change the course of history for the Makhdūm family in the sixteenth century as it produced many renowned scholars who were more confident to go to the Middle Eastern centres for higher education. It also changed the local scenario of educational ambitions and even the wider scenario, now that subcontinental scholars are represented in the legal discourses of Middle-Eastern centric Shāfiʿīte intelligentsia. After Zayn al-Dīn Senior and Junior, we see many more Malabari students who graduated from the local educational centres or from the college of Ponnāni pursuing their further studies in Mecca. It should be noted that if Zayn al-Dīn Sr. went to Cairo for his higher education, Zayn al-Dīn Jr. chose Mecca for his. It illustrates a shift in academic prestige, when Cairo had been replaced by Mecca by the sixteenth century. Such movements increased in the following centuries. Though this was a natural development according to the changing times and opportunities for travel, especially by the late eighteenth and early nineteenth centuries, we see students flock back for their higher education from the Middle East to Southeast Asia, coming to the college of Ponnāni.[50] The popular historical writings tell us that the college used to attract students from Ceylon (Sri Lanka), Aceh, Java and Sumatra. One Sri Lankan historian writes that during the Portuguese and the Dutch incursions in the island, "a number of Muslims from Ceylon studied in Madrasahs in the regions of present Kerala state". They travelled via the patrol "ships of the Zamorins of Calicut (and officered by Muslims)" on the the west coast of Sri Lanka.[51]

We know nothing about the curriculum of the college, but for a number of different reasons we can say that certainly it did not follow the one predominant in the Islamic world of the Ottomans, the Ṣafawids or even the Mughals. Criticisms have been raised against concluding that the "rational sciences" were neglected in the Ottoman world. Francis Robinson has presented an illuminating comparison on the syllabi under these three empires in the sixteenth to seventeenth centuries, and this would have been helpful if he had not generalized so much.[52] If we follow his procedures, without making so many sweeping generalizations about the curricula but to get a sense of contemporary trends in texts and debates, we could understand that religious sciences played a significant role in Mecca, in the Hijaz and thus in the college of Ponnāni too.[53] The texts written in the Hijaz were

[50] The Ḥaḍramī sayyids like Ḥasan Jifrī and Sayyid Faḍl bin ʿAlawī, who both studied at Ponnani, are a few examples.

[51] Anuzsiya S, "Development of Education of Muslims during the Portuguese, Dutch and British Rule in Sri Lanka" *Kalam: Journal of Faculty of Arts and Culture* 2-3 (2004): 72.

[52] Francis Robinson, "Ottomans-Safavids-Mughals: Shared Knowledge and Connective Systems," *Journal of Islamic Studies* 8, no. 2 (1997): 151-184; for a recent criticism on his arguments on the Ottoman cases, see Khaled El-Rouayheb, "The Myth of "The Triumph of Fanaticism" in the Seventeenth-Century Ottoman Empire", *Die Welt des Islams* 48, no. 2 (2008): 196-221.

[53] He does not say a word on the Ottoman-controlled Hijaz or Egypt, which were the centres of Islamic education until Istanbul was raised to this glory in the late-sixteenth century. Nor does he look into the fringes of the Mughal Empire that networked into the Middle Eastern patterns of education. Certainly the Shīʿīte Safavid curriculum would not appeal to any of these regions. According to his conclusions and appendices, the "rational sciences" played a significant role in the Safavid and Mughal spheres. Islamic law or traditional disciplines were too marginal. Apart from a single concrete syllabus of the Farangi Mahall, he does not have any other substantial evidence to "generalize" about the South Asian contexts or even the Safavid and Ottoman areas. Instead, he has

significantly legalistic, theological and mystical. That is not because they had a negative stand towards the rational sciences. Robinson might argue for that, as he did in the context of Ottomans for which he has been criticized. Rather we see that Meccan and Egyptian scholars strongly supported the "rational sciences" and occasionally even advanced them by critically engaging with existing arguments. Naturally they prioritized "religious" texts significantly, as is clearly visible with Ibn Ḥajar who himself was a supporter of rational sciences.[54]

This approach was also followed in Ponnāni, as the texts produced at this time indicate. Priority was given to religious disciplines, and rational sciences like logic and philosophy are hardly touched upon. In the sixteenth century, a shift in the programme of education that is worth noting is from spiritual subjects (*taṣawwuf*, *akhlāq*, *dīniyyāt*) to legalistic disciplines (fiqh, *uṣūl al-fiqh*, *tafsīr*s and *ḥadīth*s with a legal thrust). Most works produced in the early sixteenth century by Shaykh Zayn al-Dīn Sr. have a mystical orientation, whereas the ones in the second half of the century are purely *fiqh*-related. In relation to this, we should also keep in mind that Fakhr al-Dīn Abū Bakr (d. 1489) developed a syllabus called "Manhaj Fakhriyyat" in Malabar, although we do not have any further details to elaborate on it.[55] He is said to have studied with Jalāl al-Dīn Maḥallī (d. 1459), the famous commentator of *Minhāj* based in Cairo. Zayn al-Dīn Sr. studied with many disciples of Fakhr al-Dīn at Calicut.[56]

The family became the sole leaders of the Malabari fuqahā-estate from the sixteenth to the eighteenth century, but then their leadership was questioned. Between those two centuries, the family produced many outstanding scholars who contributed to the spread of Shāfiʿīte thought in and around the region.[57] As with the contributions of many other well educated scholarly families of the Islamic world, the Makhdūms played an enviable role in stimulating religious education on the coast in particular and along the Indian Ocean rim in general.[58] Following the common trend in ʿulamāʾ networks for spreading a heavily legalized version of Islam, they established themselves among the indigenous Muslim community through their texts, fatwās and teachings after the sixteenth century by upholding Shāfiʿīte ideas. The career of the family epitomizes the wider Shāfiʿīzation process after the century as much as it can demonstrate the ultimate extension of Islamization of the Indian Ocean rim ever since.

The Shāfiʿīzation process made use of the revered space assigned to religious scholars, especially those who were educated at Mecca and similar Middle Eastern educational hubs, and they always tried to rectify any deviating tendencies in their community. In Malabar, it

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followed a methodology of clinging to the commentaries and glossaries written in the period in the regions under his focus.

[54] Khaled El-Rouayheb, "Sunni Muslim Scholars on the Status of Logic, 1500-1800," *Islamic Law and Society* 11, no. 2 (2004): 213-232.

[55] ʿAbd al-Naṣīr Aḥmad al-Shāfiʿī al-Malaybārī, *Tarājim al-ʿulamāʾ al-Shāfiʿīyyat fī diyār al-Hindiyyat* (Amman: Dār al Fatḥ, 2010).

[56] ʿAbd al-ʿAzīz al-Malaybārī, *Maslak al-atqīyā'*.

[57] Some of the remarkable figures are: ʿAbd al-Aziz (1508-1586), Shaykh ʿUthmān (1504-1583), Jamal al-Dīn Qāḍī (d.?), ʿAbd al-Raḥmān Senior (1541-1619), ʿUthmān Makhdūm (d. 1619), ʿAbd al-ʻAziz Junior (d. 1619), ʿAbd al-Raḥmān Junior (d.?), Muḥy al-Dīn Kuṭṭi (lived in 1729), Nūr al-Dīn (d. 1740), Khwājā Aḥmad alias Kōyāmu (d. 1747), Muḥammad (d. 1752), Kuññaḥammad (d. 1756), Aḥmad (d. 1766), Kuṭṭi Ḥasan (d. 1783), ʿAlī Ḥasan (d. 1785), and Pazhayakattu Aḥmad Kuṭṭi (d. 1801). On each of them, see Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, 118-130.

[58] The same family still exists with a limited religious outreach. They continue to teach at the college, provide legal clarifications and lead religious rituals and ceremonies in the locality.

was in particular mediated through texts such as *Kifāyat al-farāʾiḍ fī ikhtiṣār al-Kāfī*, *Ḥāshiyat ʿalā al-Irshād* (by Zayn al-Dīn Sr.), *Mutafarrid*, *Arkān al-ṣalāt* (ʿAbd al-ʿAzīz), *Qurrat*, *Fatḥ*, *Ajwibat al-ʿajībat*, *Iḥkām aḥkām al-nikāḥ* and *Fatāwā al-Hindiyyat* (Zayn al-Dīn Jr.). Many of these texts addressed the jurists and legal enthusiasts, and also the larger audience of laypersons. Some of the titles explained very basic rituals and religious duties. The graduates of the mosque-college joined this project by composing similar texts. One of them was Qāḍī Muḥammad I of Calicut (d. 1616), who is particularly outstanding for his works on marriage law and inheritance law.[59] Several other texts written by them were vital in this process, but to catalogue them will require much space and energy. In the sixteenth century they produced many legal, mystical, theological, jihādi texts with historical contents, and biographies. All these texts contributed to their wider schema of Islamization. They were deeply framed to give a Sharīʿat perspective which was rooted in Shāfiʿīte ideals. This textual corpus also provides a clue to the curriculum they will have followed in the sixteenth century, which inspired advanced students to produce texts in the disciplines they studied and taught in and around Ponnāni. Rational science is clearly absent from their oeuvre, which again negates the blanket generalization of Robinson about the "rationalistic" emphasis of South Asian ʿulamāʾ. It should be mentioned that most of these legal treatises largely depended on *Tuḥfat* for their articulations. In the course of time, *Fatḥ* became an emblematic text of the college and the family among several Shāfiʿīte clusters. Graduates and their descendants dealt with it over the generations, and all their textual and intellectual contributions were the catalyst for the vertical spread of Shāfiʿīte ideas and practices among the masses.

Customary Law: Indian-ness

The large number of textual descendants of *Fatḥ* is mainly due to two factors, "peripheralness" and precision. Zayn al-Dīn himself, for his commentary on his very precise *Qurrat*, did not compose a multi-volume work text. His commentary is a comparatively concise work dealing with genealogies of discourses within the school and providing examples from his local context. He opposes many Middle Eastern teachers he may have had who were not aware of peripheral contexts when formulating their rulings on different issues.

The word peripheralness is used for a regional application of a legalist formulation, which may show some conflict, compromise, contradiction, and/or complementation with ones expressed from a centre. For Shāfiʿīsm the centre fluctuated over time between Cairo, Khurasan, Baghdad, Damascus, and Mecca. But Mecca was imagined as the centre by a large number of adherents from the sixteenth century. Despite all these shifts, the centres remained within the Middle East and legalistic thought saw the whole province as its centre. Once South, Southeast Asian or East African scholars began to engage in the discourses of the school, they indirectly questioned the legitimacy of such a centre and directly asserted "peripheralness" into their enunciations as being not so divergent from or subordinate to existent articulations pivoting around the Middle East.

In *Fatḥ* deliberate peripheralness appears in a number of rulings and contexts. For example, in the chapter on ḥajj pilgrimage we read that the first human being and the prophet

[59] Those include *Maqāṣid al-nikāḥ* and *al-Farāʾiḍ al-multaqaṭ*. K.M. Muhammad, *Arabi Sāhityattinu Kēraḷattinṯe Saṃbhāvana* (Tirūraṅṅāṭi: Ashrafi Book Centre, 2012), 63-65, 71-72.

Adam made forty pilgrimages on foot from *al-Hind*.[60] Furthermore, it repeatedly discusses the virtues of and rulings for sending gifts to Mecca,[61] a practice much followed by Malabari Muslims in particular and South Asian Muslims in general from the early sixteenth century if not earlier. A connection between Adam and al-Hind can also be found in earlier Islamic/Muslim chronicles and travel accounts, but not in a legal text.[62] With regard to charitable gifts sent to Mecca, we find very few legal discourses in earlier texts of the school. In *Minhāj* there is no discussion at all. In *Tuḥfat* it is mostly mentioned with rulings about receiving and distributing gifts for charity. This makes perfect sense knowing that the text was written in Mecca, the place to which people living abroad in lands such as Malabar would send their donations. That *Fatḥ* discusses the matter repeatedly illustrates a contextual significance, that primarily it addresses the fact that the whole economic foundation of Mecca was dependent on assistance from wealthy regions such as the peripheries; scholars have written at length on charities sent from a number of different Ottoman regions.[63]

Since *Fatḥ* was written in Malabar, many regional issues are addressed. At one point, in the discourses related to pure and impure animals, it mentions a number of insects which are found in tropical areas. It says that the excreta of insects that live in water or between the leaves of the coconut tree are not impure. It goes on to say that the leaf of the coconut tree is a material used for thatching houses to prevent rain, and exempted insects are the ones to be found between such thatching.[64] Consequently, if one prays wearing a dress or at a place marked with such insect excreta that prayer would not be invalid, for it is hard to get rid of so many insects. This reflects socio-cultural and ecological conditions in the landscape of Malabar within the text of *Fatḥ*. The reference to coconut leaves for thatching is interesting in the light of an observation of Tomé Pires. He says that in sixteenth-century Malabar most people thatched their houses with coconut-leaves. Only the palace, temples, mosques, and the houses of a few great Kaimals were allowed tiles on the roof "to prevent them from becoming too powerful in the land."[65]

This regionality apparent in *Fatḥ* is amplified in a fatwā-collection by the same author, *al-Ajwibat al-ʿajībat ʿan al-asʾilat al-gharībat*. It basically addresses many peculiar legalistic problems that the Muslim community of Malabar faced in the sixteenth century.[66] During his probable stay in the Middle East, Zayn al-Dīn could have raised these issues he knew of in his homeland when questioning his teachers in Mecca and Yemen. Those issues include the validity of a judge appointed by an unbelieving ruler, religious life in a non-Muslim kingdom, the use of a local language instead of Arabic in rituals, and social mixing in non-Muslim communities. And so it is in *Fatḥ* that we find the same type of legal questions occurring in a varying tone and volume, so much so that the special circumstances of the region become

[60] al-Malaybārī, *Fatḥ*, 205.

[61] al-Malaybārī, *Fatḥ*, 220.

[62] For an early account of the story by the ninth-century Muslim traveller, Sulaymān al-Tājir, see Eusèbe Renaudot, *Ancient accounts of India and China by Two Mohammedan Travellers Who Went to Those Parts in the 9th Century* (London: S. Harding, 1733), 3

[63] For example, see the chapters in Michael David Bonner, Mine Ener and Amy Singer, eds. Poverty and Charity in Middle Eastern Contexts (Albany: State University of New York Press, 2003).

[64] al-Malaybārī, *Fatḥ*, 38-40.

[65] Tome Pires, *The Suma Oriental of Tome Pires*, ed. and trans. A. N. Cortesão, (London: Hakluyt, 1944), 1: 81.

[66] al-Malaybārī, *al-Ajwibat al-ʿajībat*.

unhesitatingly harmonised into a general Shāfiʿīte legal discussion. The intentional peripheralness in the text is deeply entangled with the normative tradition of discussion of Islamic legal ideas and practices, despite the differences that naturally arise.

The regionality in the text appeals to the wider context of the subcontinent and then beyond. Its appeal in the subcontinent derives from references such as the one to *al-Hind* mentioned earlier, which brings the whole Indian subcontinent into focus, and even more, into its framework. Ceylon (Sri Lanka) is brought into the picture, where folklore circulated predominantly in the sixteenth century and even earlier,[67] including a claim that Adam arrived first in Sri Lanka after he was expelled from paradise. The Mount of Adam there became a site of pilgrimage for the people from the subcontinent and also from the Arab world as early as the seventh century, according to another folklore tradition in another text quoted by the same author.[68] This general reference to *al-Hind* and similar narratives and even legal rulings have contributed to giving the text a wider appeal among the Shāfiʿīte clusters of the subcontinent and the Indian Ocean in general.

III.

Intersections of Trade and Estate

Malabar had a strong connection with the Middle Eastern centres of Islamic learning, and particularly with Mecca, and this was able to facilitate the production and dissemination of *Fatḥ*. In the sixteenth century travel in the Indian Ocean increased. There were more migrants, traders, warriors, scholars, mystics and refugees such as Persians, Egyptians, Yemenis, Ethiopians, Malays and Swahilis. Many Malabari Muslims joined this web of global mobility and found their way to Mecca as pilgrims, students and traders. People from the northern parts of the Indian subcontinent for their voyages to the Middle East, say for pilgrimage, depended on Surat on the Gujarat coast. The place was also known as Bandar-i mubārak, "the blessed port" as well as having the nickname, Gateway to Mecca.[69] Malabar maintained a strong and direct connection with Mocha, Aden and Jeddah, major ports for pilgrims and traders. [70] Portuguese officials and Jesuit missionaries expressed concern against such "religious movements" to Mecca. Different Provincial Councils held at Goa asked their coreligionists to blockade Muslims from travelling to Mecca and returning with copies of the Qurʾān and other religious texts.[71] Yet the indigenous Muslim communities still found ways to reach the Middle East, and many Middle Easterners including Yemenis and Persians made

[67] For example, see the fourteenth century narrative of Adam's Feet in Muḥammad bin ʿAbd Allāh Ibn Baṭṭūṭa, *Riḥlat Ibn Baṭṭūṭa: Tuḥfat al-nuẓẓār fī gharā'ib al-amṣār wa-'ajā'ib al-asfār*, eds. Muḥammad ʿAbd al-Munʿim al-ʿUryān and Musṭafā al-Qaṣṣāṣ (Beirut: Dār Ihyāʾ al-ʿUlūm, 1987), 610-611.

[68] *Shaykh Zainuddin Makhdum's Tuḥfat al-Mujāhidīn: A Historical Epic of the Sixteenth Century*, trans. S. Muḥammad Husayn Nainar (Kuala Lumpur: Islamic Book Trust and Calicut: Other Books, 2005), 29.

[69] The first coin to be minted in Surat during the reign of the Mughal Emperor Aurangzeb (r. 1658–1707) had the epithet *Bandar-i mubārak*.

[70] Mahmood Kooria, "'Killed the Hajj Pilgrims and Persecuted Them': Portuguese Estado da India's Encounters with the Hajj, 16th Century" in *The Hajj and Europe in the Age of Empire*, ed. Umar Ryad (Leiden: Brill, 2016): 14-46.

[71] Pearson, *Pious Passengers*, 99 with reference to *Bullarium Patronatus Portugalliae Regum in Ecclesiis Africae, Asiae atque Oceaniae*, ed. Vicecomite de Paiva Manso, I, Appendix, Concilia Provincialia Ecclesiae Goanensis, (Lisbon, 1872), 14.

their way to Malabar. Their presence in large numbers changed the balance of the intermixed legal landscapes in which Ḥanafīsm, Mālikīsm and even Shīʿīsm once coexisted, and Shāfiʿīsm began to dominate the scenario.

Precisely when the Yemenis arrived in Malabar is a matter of dispute among scholars. Stephen Dale traces the presence of the Ḥaḍramīs back to the mid-eighteenth century, looking at the most renowned Ḥaḍramī-clan of Malabar, the Bā ʿAlawīs.[72] It has been argued that the ʿAydarūsīs were the first Ḥaḍramīs to land in the region, but again only in the early eighteenth century. According to a list of Islamic scholars and religious specialists functioned in the Malabar Coast, prepared by Sebastian Prange on the basis of Ibn Battuta's account, there are hardly any Yemenis (not to mention Ḥaḍramīs) while there are references to scholars from Oman, Persia, Mogadishu, Baghdad and Mecca.[73] However, if not the ʿAydarūsī and Bā ʿAlawī clans, there were some nominal individual Ḥaḍramīs active in the region by the sixteenth century. In the educational centre at the mosque of Tanūr a certain Ḥaḍramī named Muḥammad bin ʿAbd Allāh al-Ḥaḍramī (d.?) taught and functioned as a muftī in the sixteenth century. Interestingly, the only fragmentary reference we have about him also relates to the movement of Islamic legal texts across the Indian Ocean world.[74] In a manuscript of *Tanbīh* by al-Shīrāzī kept at Tanūr, it is mentioned that he donated (*waqf*) it to the mosque library in 1568 (975 A.H.).[75] It also says that he copied down this manuscript while he was a teacher and muftī there. More interestingly, all these details are written in Persian on a separte piece of paper, which is pasted on the manuscript. That points towards the next group of Shāfiʿītes who arrived on the coast. Around thirty Ḥaḍramī clans arrived subsequently and all of them helped to strengthen the influence Shāfiʿīte legalism there.

Persian Muslims were also present in Malabar. Although now they have evidently found it hard to survive as a community, they go back to the fourteenth century if not earlier.[76] Persian Sufi orders and ideological streams had remarkable following. In the sixteenth century particularly, the Portuguese chronicler Barbosa notes down the presence of Persians in and around Calicut.[77] He differentiates Persians from Khurasanis.[78] Shokoohy identifies those Persians as people from southern Persia, mainly from the area of the port Hormuz who arrived at Malabar by sea. The Khurasanis were from north-eastern Iran who reached the coast overland. Both groups must have been following Shāfiʿīsm, as contextual evidence shows. The Khurasanis included people from such strong Shāfiʿīte centres as

[72] Stephen Dale "The Hadhrami Diaspora in South-Western India: The Role of the Sayyids of the Malabar Coast", in *Hadrami Traders, Scholars and Statesmen in the Indian Ocean, 1750s-1960s,* ed. Ulrike Freitag and William G.Clarence-Smith (Leiden: Brill, 1997), 175-184.

[73] Sebastian Prange, "The Social and Economic Organization of Muslim Trading Communities on the Malabar Coast, Twelfth to Sixteenth Centuries" (PhD diss., University of London, 2008), 141.

[74] I am thankful to ʿAbd al-Samad Fayḍī, in charge of the manuscript collection at Tānūr, for allowing me to consult the manuscript and helping me read and figure out the dates and names.

[75] Abū ʾIsḥāq Ibrāhīm bin ʿAlī al-Shīrāzī (n. d.), *al-Tanbīh,* Iṣlāḥ al-ʿUlūm Arabic College, Tānūr, MS. no. An actual colophon at the end of the manuscript claims that the scribe's name was Ḥusayn bin Aḥmad bin Ismāʿīl (la mutsl?) al-Anṣārī and he finished writing it in A.H. 806/1404 A.D.

[76] This is not to overlook the obvious presence of such non-Muslim Persians as the Zoroastrians and Christians in Malabar, for which we have inscriptional and textual evidences from the first millennium CE.

[77] Duarte Barbosa, *The Book of Duarte Barbosa: An Account of the Countries Bordering on the Indian Ocean and Their Inhabitants* (Farnham: Ashgate, 2010):

[78] Shokoohy, *Muslim Architecture*, 146.

Nishapur, Bukhara, Herat, Merv, Faryab, Taloqan, Badghis Abiward, Gharjistan, Tus or Susia, Sarakhs, Gurgan and Balkh.[79] The arrival of Bukhārī-clans is strong evidence to shed light on the Persian role in spreading the school in Malabar. The Ṣafawid ruler Ismāʿīl I conquered Uzbekistan, which included Bukhara, in 1512, defeating the army of Muḥammad Shaybānī (d. 1510) in a series of battles. The region, like the whole of Persia, was predominantly Sunnī until then. In the following years, Ismāʿīl began his campaign of Shīʿīte conversion, which left the indigenous Sunnīis, more particularly Shāfiʿītes, the three options, to convert, to be killed or to flee, as we explained earlier. Many of the religious elites fled, and we have references to the first Bukhārī to arrive on the Malabar Coast. He was Sayyid Aḥmad Jalāl al-Dīn al-Bukhārī (d. 1569) who landed at the port of Vaḷapaṭṭaṇam in 1521.[80] He came with his wife and claimed to be a descendant of the Prophet Muḥammad, as the Ḥaḍramī Sayyids did. He was appointed as qāḍī of Vaḷapaṭṭaṇam.[81] His son, Ismāʿīl studied at Calicut with a renowned scholar of the time, ʿAbd al-ʿAzīz bin Aḥmad bin Fakhr al-Dīn (d. 1601), possibly the grandson of the same Fakhr al-Dīn who is said to have founded the Fakhriyyat Syllabus of Malabar. Ismāʿīl became a jurist and later moved to Cochin, where he died and was buried at Koccaṅṅāṭi in 1612. His son Muḥammad (d. 1677) moved to Paravaṇṇa, another port, and his grandson Ismāʿīl (d. 1720) to Karuvantirutti near Cāliyaṃ, an old port to the south of Calicut.[82] The Bukhārī clan, still active in religious spheres across Malabar, claim an ancestry to one of these individuals. Most of them are renowned scholars of Shāfiʿīsm, not like the Ḥaḍramī Sayyids in Malabar, of whom only a few are known as fuqahā. The ancestry of the Bukhārīs to the Prophet Muḥammad is disputed, but not that of the Ḥaḍramīs. They had a religious and spiritual authority ascribed to them inherently, while the Bukhārīs had to earn it through the additional quality of legal education. Yet the Bukhārīs affirm a strong Persian Shāfiʿīte element, contributing to the dominance of the school in the coast. Persian literature and cultural traditions have had an impact in a new creole language of Arabi-Malayalam flourishing among the indigenous Māppiḷas in the mid-sixteenth century. Furthermore, we should bear in mind that the Persian was even a lingua franca in Malabar Coast up until the eighteenth century competing with Portuguese,[83] and a language cannot spread and survive into such a status without the influence of its native speakers.

Another significant micro-community which contributed to the spread of the school at the rim in general and in Malabar in particular is the Egyptians. On various earlier occasions we have mentioned their role in disseminating the school's ideas, as al-Shāfiʿī's immediate students, maritime Kārimī merchants, mobile scholars, merchant-scholars, or business exiles

[79] C.E. Bosworth, "Khurāsān," *Encyclopaedia of Islam*, 2nd ed.

[80] These descriptions and dates are from: al-Shāfiʿī al-Malaybārī, *Tarājim al-ʿulamāʾ*, 86-87. Shokoohy, *Muslim Architecture*, 239 cites "the local records" on Sayyid Ismāʿīl and says that he is the son of Aḥmad Jalāl al-Dīn al-Bukhārī and is said to have died in 769/1367-8. Shokoohy states that the records are unattested, and does not make clear what local sources he refers to.

[81] al-Shāfiʿī al-Malaybārī, *Tarājim al-ʿulamāʾ*, 82. I am grateful to Abdul Jaleel PKM, who conducts a comparative and connective study on the Ḥaḍramīs in Malabar and Singapore, for sharing this information and part of his doctoral dissertation.

[82] al-Shāfiʿī al-Malaybārī, *Tarājim al-ʿulamāʾ*, 75-76.

[83] Gagan Sood, *India and the Islamic Heartlands: An Eighteenth-Century World of Circulation and Exchange* (Cambridge: Cambridge University Press, 2016), 197. I am thankful to Gagan Sood for further elaboration on this point through personal correspondence.

in Yemen and elsewhere. In Malabar they were also active in these roles. A most important feature representing their entanglements in the coast and for the focus of this study is the spectacular Miṣrippaḷḷi (the Egyptian Mosque) in Ponnāni. It is situated to the west of the main congregational mosque-*cum*-college and within a walking distance. The wonderful architectural complex represents a long history of many Egyptians who once were religiously, legalistically, commercially and politically active in the area and contributed to the life of the school there. Popular narratives associate its establishment with the arrival of the Mamlūk militia under the command of Amīr Ḥusayn al-Kurdī, on their way to Diu and Chaul to fight against the Portuguese between 1507 and 1509, but we can hardly be sure if this particular Egyptian navy ever camped at Ponnāni.[84] The historian of that time and from that locality, Zayn al-Dīn, the very author of *Fatḥ*, makes no mention of them coming to Malabar, despite his accurate descriptions of them and their battle at Chaul and Diu. If not with this particular navy, the mosque's origin and establishment can be related to and be a representative of many other Egyptian militias and people who frequented the Indian Ocean. Its military aspect is emphasized by the distinctive architectural style of this mosque. It differs from the other old mosques of Ponnāni but is comparable to the one at Kōṭṭakkal of Kuññāli Marakkārs, the admirals of the Zamorins. A tomb in another old mosque in Ponnāni, called Teruvattu Paḷḷi, belongs to one Sayyid ʿAlī al-Miṣrī, an Egyptian who is said to have been martyred in the fight against the Portuguese, according to the popular beliefs.[85] In sum, the establishment of a separate mosque within a small region that already had many mosques indicates that this Egyptian micro-community had a semi-permanent attachment with the place and its religious community.

Even further, another important but larglely neglected micro-community that contributed to the influence of Shafi'ite school in Malabar is scholars from the Swahili Coast in East Africa. One of the earliest references on a Swahili Shafi'ite jurist comes from Ibn Batutta who writes in the mid-fourteenth century that he met one Faqih Sa'id from Mogadishu working at Ezhimala (Hili) in northern Malabar. According to Ibn Battuta, this jurist had travelled from Mogadishu to Mecca and Medina and studied there for fourteen years in the late thirteenth century and had been in touch with many scholars of the Holy Cities as well as with their rulers Abu Numayy in Mecca (r. 1254-1301) and Mansur bin Jammaz in Medina (r. 1300-1325). After his education there, he left for India and China before he finally settled down in the small port-town of Ezhimala and collaborated there with Faqih Husayn, possibly the author of Qayd al-jami', the first known Shafi'ite text from Malabar.[86] Faqih Sa'id is an epitome of many more East African scholars who arrived in the Malabar Coast and partook in its religious spectrums, and their contributions await further research.

All these Persians, Egyptians, Swahilisand the non-Ḥaḍramī Yemenis such as the Makhdūm family that migrated to Malabar from the Coromandel Coast clearly tell us that the Ḥaḍramīs are not the only group that contributed to the making of Shafi'ism influential in the region. All these communities functioned there with a close association with the mercantile elites. Although there was a landowning agricultural community among the Māppiḷas in the

[84] The popular narrative can be found in K.V. Abdu Rahman Kuṭṭi, "Prathama Adhiniveśa Viruddha Pōrāṭṭam" *Bodahanam* 15, no. 18 (2015): 62-76.
[85] Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, 98-99.
[86] Ibn Baṭṭūṭa, *Riḥlat Ibn Baṭṭūṭa*, 572.

hinterlands of Malabar, they were so marginal and too few in number to be significant. The religious and legalistic enterprises of the Makhdūm family in Ponnāni were financed by wealthy merchants and also by laypersons with lower incomes. Numerous inscriptions found on walls and doors of the mosque-college confirm this scholarly-mercantile interaction. The *nākhuda*s, merchants, brokers and diasporic settlers all contributed to the maintenance of the institutions, establishment of hostels, salaries for teachers and stipends for students.[87] Not just this mosque-college but many other mosques and religious institutions were founded and funded by the Muslims from Gujarat, the Red Sea and Coromandel coasts and by the local community, especially by the mercantile-*cum*-royal house of ʿĀlī Rajas of Cannanore. Apart from the obvious statements in Zayn al-Dīn's *Tuḥfat al-mujāhidīn* supporting the mercantile and religious priorities of Muslims in the region, many formulations of *Fatḥ* also indirectly imply a close association between trade and estate. All these micro-communities also facilitated the circulation of the text across the oceanic rim.

Circulation across the Rim

Fatḥ has been taught in many Shāfiʿīte educational institutions, from East Africa, South Arabia, Central and South and Southeast Asia, to the Eastern Mediterranean worlds. The historical origins for the introduction of this text into that wider world are hard to trace, and it is also not so important to do so after Marc Bloch's refutations of an "obsession with origins".[88] However, we can note some limited references for how the text came into specific regions, identifying a historical moment that provides possibilities of "thick-descriptions". By the late-eighteenth and early nineteenth century, if not earlier, *Fatḥ* had become a notable Shāfiʿīte text that was taught around the rim. Its many commentaries, super-commentaries, abridgements, glossaries, marginalia, and poetized versions, whether in Arabic, Malay, Bahasa Indonesia, Malayalam, Urdu, Kannada, Swahili or Tamil, tell us about a vast and deep reception that a non-Middle Eastern text acquired against the more widely known texts of the school. I shall briefly outline a few of those progenies to demonstrate the breadth of its circulation.

In the South Asian coastal belts the biggest supporters of the legacy of *Fatḥ* come from the the author's own place, Malabar. The Makhdūm family to which he belonged continued in their hegemony in everyday religious and more specifically legal affairs of the Māppiḷa Muslim community for a few more centuries. Many Makhdūms have made contrasting contributions from the sixteenth century until the twentieth, even though their legitimacy has been questioned by what has been identified as a Shīʿīte mystical sect of the Koṇṭōṭṭi, known in the hinterlands of Malabar from the late-eighteenth century until the early twentieth, when the Shīʿītes finally conceded to the mainstream Sunnīs. Throughout this time, the educational centre of Ponnāni was controlled by the Makhdūms who dominated all Sunnī articulations of Islam by producing generations of scholars who spread "Ponnāni Shāfiʿīsm" from Malabar into Southeast Asia. The central text in the Ponnāni system of legal education was *Fatḥ*, which was mostly taught by the leading teacher of the Makhdūm family in each generation. I have found some references in local historical or biographical works to *ḥāshiyat*s written by

[87] On many inscriptions found in this mosque, see Kooria, "Doors and Walls of the Mosques".
[88] Marc Bloch, *Historian's Craft* (New York: Knopf, 1953), 24-27.

various members of the Makhdūm family in the eighteenth and nineteenth centuries but I have not been able to locate many of them.[89]

The only *ḥāshiyat* now available from the Makhdūm family is *Sharḥ Fatḥ al-muʿīn* by Zayn al-Dīn Makhdūm the Last (d. 1887).[90] This *ḥāshiyat*, which the author identifies as a *sharḥ*, by taking *Fatḥ* as the base text and disregarding its "commenteriness" to *Qurrat*, is in two volumes and has been published. The text has a special significance, not only as a progeny of *Fatḥ*, but also as one located in the literary corpus produced from Ponnāni in the nineteenth and early twentieth century. When the Shīʿīte-cluster of the Malabari fuqahā-estate challenged the religious authority of Ponnāni through ardent theological and legalistic debates, most works written and published by the Sunnī-Shāfiʿīte cluster were polemics against their opponents.[91] Against that background, this *ḥāshiyat* demonstrates what was normal in Ponnāni's educational spheres in developing scholarship that continued to flow as an undercurrent to the sectarian debates. It also shows an attempt by a descendant of the Makhdūms to overcome the "damages" caused by the Shīʿīte-cluster's challenges. It represents a move to reclaim the religious authority that Ponnāni and the family had over Islamic life in Malabar.

Ponnānity spread in Malabar with the emergence of new educational centres established by the graduates of the Ponnāni College. By incorporating the Ponnāni-curriculum into the existing centres, *Fatḥ* experienced an intensive interest from teachers and learners. The practice of *taṣḥīḥ* which commonly existed in Middle Eastern Muslim educational centres found a route to new and estrablished centres where *Fatḥ* was also subjected to *taṣḥīḥ*s repeatedly, producing numerous glossaries, marginalia, and sometimes even abridgements. *Taṣḥīḥ* (Ar. rectification, Mala. "*nannākkal*") literally means correcting mistakes in manuscripts, but it has a more positive meaning in the educational environs of the Muslim world. It includes correcting mistakes (widely called *taṣḥīf*)[92], but more generally it is an exercise for students to cross-check the references in a text they are studying, and to read supplementary material on particular portions in preparation for a class, and to note down supportive or contradictory viewpoints from other texts in the margins. Mostly this was done in advance of the lectures to specify a student's doubt and to generate debate with the teacher. In *Fatḥ* the usual cross-references were checked against the works of Ibn Ḥajar, and students went further according to the availability of manuscripts. Most students had their own personal copies for independent *taṣḥīḥ*s. Although many of those are lost today, I located a number of *taṣḥīḥ*-manuscripts of *Fatḥ* in Malabar that highlight a range of discourses and everyday issues law students of the nineteenth and twentieth centuries faced.[93]

While *taṣḥīḥ* belonged to an institutional framework of learning and teaching, individual collectives continued their engagements with *Fatḥ* even after graduation. The text

[89] Raṇṭattāṇi, *Makhdūmuṃ Ponnāniyuṃ*, passim.

[90] al-Shāfiʿī al-Malaybārī, *Tarājim al-ʿulamāʾ*,

[91] For example, see: Cōla Mammad Kuṭṭi, ed., *Fatāwā al-radd Koṇṭōṭṭi*, MSS (1860); Puttanviṭṭīl Aḥmad Musliyār, *Hayat al-dīn wa mamat al-maʾanidin, athava Hidāyat al-ikhwān fi radd al-bustan* (Ponnāni: Nalakattu Muḥammad, 1892); Putiyakattu Valiya Bāva Musliyār, *Kuññīṭuvinte codyaṅṅaḷkkuḷḷa marupaṭi*, MSS.

[92] See F. Rosenthal, "Taṣḥīf," *Encyclopaedia of Islam*, 2nd ed. .

[93] The C.H. Mohammed Koya Chair for Studies on Developing Societies at University of Calicut has been collecting and preserving various such *taṣḥīḥ* manuscripts of *Fatḥ*, a project still ongoing.

was a point of serious debate, discussion, clarification, and fatwās, in which the peers communicated with each other and when convenient. A historical reconstruction for such discussions that happened in the scholarly collectives would be a laborious task, but we now know of an interesting collection of four *ḥāshiyat*s written on *Fatḥ* by four close friends in the second half of the twentieth century, written by Niramarutūr Bīrān Kuṭṭi Musliyār (d. 1983), K.K. Abū Bakr Ḥaḍrat (d. 1995), Veḷḷiyānpuraṃ Zaydalavi Musliyār (d. ?), and Kariṅkappāra Muḥammad Musliyār (d. 1988). They all studied together under Pāññil Aḥmad Kuṭṭi Musliyār (d. 1946), a graduate of Ponnāni College and a professor at Tānūr for decades. After their graduation from Tānūr, they all were appointed as *qāḍī*s, *imām*s and lecturers at different institutions of Malabar. Every weekend they gathered together and engaged in scholarly discussions in which *Fatḥ* was the starting point for many issues. Even though they would go into many other extensive texts, they finally returned to *Fatḥ* for their concluding statements.[94] Eventually the first two, Niramarutūr and Abū Bakr Ḥaḍrat, co-authored a commentary entitled *Fatḥ al-mulhim sharḥ Fatḥ al-muʿīn*, and the other two wrote their own independent *ḥāshiyat*s. Karinkappāra's work became so popular among teachers and students of *Fatḥ* that they all tried to copy it down from whatever manuscript copies they could lay hands on. With the arrival of the printing press for publishing madrasa textbooks and materials, this *ḥāshiyat* was printed and continues to be printed in thousands of copies by a number of printing presses in Malabar. On the other hand, *Fatḥ al-mulhim* was published only once. Veḷḷiyānpuraṃ's work was never published, but the manuscript is preserved in a personal collection.

Besides the collectives many individuals took a part in maintaining the legacy of *Fatḥ* in a number of ways. Most important among them are their *ḥāshiyat*s in which they partially or completely engaged with the text. *Tanshīṭ al-muṭāliʿīn sharḥ Fatḥ al-muʿīn* by ʿAlawī ibn Shaykh ʿAbd al-Raḥmān al-Tānūrī al-Naqshabandī (d. 1929) commented on *Fatḥ* as far as its chapter on prayer. Kuññi Muḥammad Musliyār bin Kōṭancēri Aḥmad Kuṭṭi Musliyār's *Sharḥ ʿalā Fatḥ al-muʿīn* (d. 1934) is a complete *ḥāshiyat*, and so is the three volume *ḥāshiyat* of Aḥmad ibn Muḥammad al-Shīrāzī al-Nādāpuramī (1851-1908) and the one of Shihāb al-Dīn Aḥmad Kōya Shāliyātī (d. 1955).[95]

Apart from all these prose commentaries, there also are certain poems on *Fatḥ*, which are different from *Naẓm Qurrat* of Arīkalī and *al-Naẓm al-wafy* of Faḍfarī mentioned earlier. Two poetic summarizations introduce *Fatḥ* and express an appreciation of its contents and form. The one by Farīd al-Barbarī we mentioned earlier is a poem which was widely circulated among and memorized by the students of *Fatḥ*. It lauds the text's merits and when reciting it before a class on *Fatḥ* begins students affirm their own esteem in learning such a

[94] In a personal conversation with ʿAbd Ṣamad Fayḍī, he told me how he had witnessed many of their debates.

[95] He was born in Cēriyaṃ (Maṅkaṭa) and moved into Nādāpuraṃ, where he died and was buried. His patronym al-Shīrāzī is an Arabization of his hometown Cēriyaṃ and it should not be confused with Shiraz, Iran. He composed other *ḥāshiyat*s on *Sharḥ Alfiyat* of Makhdūm Sr. in two volumes, *Sharḥ al-Taftāzanī ʿalā Tasrīf al-Zanjānī* in three volumes. See: C.N. Aḥmad Moulavi and K.K. Muhammad Abdul Karim, *Mahattāya Māppiḷa Sāhitya Pāranparyaṃ* (Calicut: Published by the authors, 1957): 315; Nellikkuttu Muḥammadali Musliyār, *Tuḥfat al-akhyār fī tārīkh ʿulamāʾ Malaybār*, manuscript pages: 27-28; C.S. Ḥusayn, "Musāhamāt ʿulamāʾ Malaybār fi al-adab al-fiqh bi al-lughat al-ʿArabiyyat" (PhD diss., Calicut University, 2004), 121-23.

prestigious work. Another poem in Arabic (by an unknown author) asks the reader to accept *Fatḥ* as the best companion for excelling in Shāfiʿīte law.[96]

The text has been translated into many South Asian languages. There are four translations into Malayalam. The first was by P.K. Kuññubāva Musliyār Paṭūr, in the middle of twentieth century and it became the most popular and successful translation with many reprints. Thousands of copies were reprinted more or less biennially between 1967 and 1998.[97] The translator was honoured by the government of Kerala State for the quality of the translation. The second translation was by Ibrāhīm al-Fayḍī Puttūr, which provoked the publisher of the first translation to claim that that was plagiarism of Paṭūr's work. The issue ended up in the Kerala High Court and district courts in which a few eminent Shāfiʿīte ʿulamāʾ gave their testimonials and expert opinions on matters of copyright, originality, translatability, etc.[98] It was a legal process which is of interest in the longer tradition of textual production in the school and claims for and against originality. The third and fourth translations were done in the last decade attracting another set of readers.[99]

It has also been translated into Tamil and Kannada. The translation into Arwī (Tamil written in Arabic script) was done by Aḥmad Muḥy al-Dīn, the son of Muḥy al-Dīn ʿAbd al-Qādir and was published in Madras in 1964. "No further details are available" on it, according to the eminent literary scholar of Arwī, Tayka Shuʿayb ʿĀlim.[100] But I was able to trace out its two copies, one printed in 1929 and the other very recently. It is titled *Tuḥfat al-ṭāmiʿīn fī tarjamat Fatḥ al-muʿīn*, and the translator writes a comparatively detailed introduction to the importance of *Fatḥ* as a textbook on the Shāfiʿīte laws widely taught across the Islamic world, particularly in Mecca, and its author was a student of Ibn Ḥajar al-Haytamī.[101] He further emphasises it has been a source for fatwas for jurists and teachers and it has been commented upon by many eminent scholars. Out of his humility, he says that he does not have a mastery of those scholars to write such a hashiyat, but he understands the necessity of its translation as many people in his land do not understand Arabic. Its new editions printed in and around Kayalpatnam further explain the continuing popularity of this translation. In 2015, a translation into Kannada was published by Muḥammad Ḥanīf Dārimī, who studied at a Shāfiʿīte educational center in Calicut called Dār al-Salām Arabic College.[102] His name is not given in the work as he believes that "translation is not a scholarly activity".[103] The

[96] Rafīq ʿAbd al-Barr al-Wāfī, "al-Shaykh Zayn al-Dīn al-Makhdūm al-Malaybārī wa Khidmāt al-ʿIlmiyyat" *Thaqāfat al-Hind* 64, no. 3 (2013): 138; Muḥammadali Musliyār, *Malayālattile Mahārathanmār*, 29.

[97] al-Malaybārī, *Fatḥ al-Muʿīn Paribhāṣa*, trans. P.K. Kuññubāva Musliyār Paṭūr (Trissur: Amina Bookstall, 1998).

[98] Publisher's Statement in al-Malaybārī, *Fatḥ al-Muʿīn Paribhāṣa*, 28-31.

[99] A third translation was done by K.V.M Pantāvūr (d. 2008), who is said to have translated more than two hundred works from Arabic into Malayalam and authored another hundred by himself. The fourth one titled *Islam niyama samhita* is a free translation jointly done by Sadiq Anwari, K.C. Ali Madani, Siddiq Irfani and Ayyār Mammuṭṭi. *Islam Niyama Samhita* (Calicut: Poomkavanan Publications, 2012). The first edition was printed in 2008, the second in 2009 and the third in 2012.

[100] Tayka Shuʿayb ʿĀlim, *Arabic, Arwi, and Persian in Sarandib and Tamil Nadu : a study of the contributions of Sri Lanka and Tamil Nadu to Arabic, Arwi, Persian, and Urdu languages, literature, and education* (Madras: Imāmul ʿArūs Trust for the Ministry of State for Muslim Religious and Cultural Affairs 1993), 284.

[101] Aḥmad Muḥy al-Dīn, *Tuḥfat al-ṭāmiʿīn fī tarjamat Fatḥ al-muʿīn* (Madras: City Press, 1929), 2-3.

[102] al-Malaybārī *Fath al-muʿīn*, Kannada translation (Mangalore: Marsin Bookstall, 2015).

[103] Information from a personal conversation.

translation was made in order to address many Shāfiʿītes in numerous localities of coastal South Canara, Uduppi and in the hinterland of Coorg, which all have a predominant Shāfiʿīte population, in contrast to the dominant Ḥanafītes in the rest of Karnataka State.

In the overwhelming Shāfiʿīte heritage of Sri Lankan Islam, *Fatḥ* has found its place in the religious educational centres.[104] The Makhdūm family, in a way that is similar to its genealogical parallels in the Coromandel Coast, has been extensively appropriated in the country and they have been influential in Islamic legal discourses in the nineteenth and twentieth centuries.[105] The Tamil translation of *Fatḥ* from Tamil Nadu must have been in circulation among the Tamil Shāfiʿīte population there through the "circulatory regime" of Tamil language and literature.[106] Indeed, I managed to trace the 1929-edition of *Fath*'s Tamil translation (*Tuḥfat al-ṭāmiʿīn*) from a Sri Lankan university library which had catalogued and digitalized it under the "Islamic Heritage Collection". The establishment of "Arabic Colleges" since the late nineteenth century across the country and the revival of Islamic education certainly contributed to the dissemination of Shāfiʿīte texts and ideas. The ethnic Malay community largely depended on the Tamil Shāfiʿīte institutions and scholars for their religious necessities, for both communities shared the same Islamic legal ideas and norms which bound them together.[107] Particularly with Malabari Islamic scholars and institutions, the Sri Lankan Muslims had kept a close contact at least since the sixteenth century, and many of them are said to have been educated in Kerala for centuries, according to a local historian.[108]

Although its precise time of arrival is not known, *Fatḥ* was accepted well by the scholarly communities of the Malay world. Its legacy continues as it currently features in the traditional curricula and appears with several glosses, marginalia and in translation. The previously discussed matters of similar cultural, geophysical and economic components must have been a crucial factor in its wider reception in the archipelago. The curricula followed in the educational institutions across the Malay world from the sixteenth to the mid-nineteenth centuries are yet to be studied thoroughly. For the moment, if we follow the same method we did for Malabar (with the framework of Robinson) and the Hijaz in looking into the texts produced by eminent scholars of respective regions, the general tendency of the Malay world was to confine itself to the religious sciences, with less attention to the rational sciences, a fact that is analogous to the wider pattern over the Indian Ocean. Within the religious sciences, we saw that Malabar moved from a mystical orientation towards Islamic law, but the trend in Southeast Asia was in the opposite direction. The students (and thus their teachers) became

[104] Ameer Ali, "The Genesis of the Muslim Community in Ceylon (Sri Lanka): A Historical Summary," *Asian Studies* 19 (1981): 65–82.

[105] As we see in the case of Shaykh ʿAbd al-Samad bin Muḥammad Ibrahim al-Makhdūmi (1912-1996), a noted Shāfiʿīte scholar of twentieth-century Sri Lanka.

[106] Torsten Tschacher, "Circulating Islam: Understanding Convergence and Divergence in the Islamic Traditions of Maʿbar and Nusantara," in *Islamic Connections: Studies of South and Southeast Asia*, eds. R. Michael Feener and Terenjit Sevea (Singapore: Institute of Southeast Asian Studies, 2009), 48-67.

[107] The first such Arabic college was Madrasatul Bari established in 1884 at Weligama in the Southern Province, followed by the ones in Galle (1892), Kinniya (1899), Maharagama (1913) and Matara (1915). See M.A. Nuhman, *Understanding Sri Lankan Muslim Identity* (Colombo: International Centre for Ethnic Studies, 2004), 28; Aboobacker Rameez, "The Ethnic Identity of Malays in Sri Lanka: The Challenges of Assimilation and Their Responses" (PhD diss., National University of Singapore, 2015), 280, 300, 329-330.

[108] Anuzsiya "Development of Education of Muslims": 70-72.

interested more in learning Sufism than law (*pace* al-Ranīrī's comment below), and the works produced in the following centuries demonstrate this. Indeed, the only two Islamic legal texts written, that also late in the seventeenth century, were very marginal to the number of Sufi works produced in the region in the period. All this is not to ignore the presence of Islamic law (both *uṣūl al-fiqh* and *furūʿ al-fiqh*) in the curricula of dayahs and pesantrens, along with rational sciences like logic, grammar and philosophy.[109] Indeed, *Fath* was taught widely in the nineteenth and twentieth centuries as a number of biographical entries on the Indonesian scholars indicate.[110]

In the early 1880s, L.W.C. van den Berg, who gained an extensive familiarity with the situation in Java while working as a government official for the practice of "Indische" languages and the Advisor for Eastern ("Oostersche") languages and Muslim law, listed the legal texts taught in the Javanese pesantrens. He says that *Minhāj*'s predecessor *al-Muḥarrar* is no more popular in the region, but *Minhāj* and its textual progenies appealed to the fuqahā-estate, especially *Tuḥfat*. He mentions *Fatḥ* as the last "very popular text" among the Javanese scholars, who call it *Kitab Patakoelmoengin*.[111] Snouck Hurgronje undertook a similar exercise in Sumatran institutions.[112] A century later, Martin van Bruinessen conducted research in the Indonesian pesantrens and bookshops looking for *kitab kuning*s (In. "yellow books", which were used to refer to the traditional Islamic literary corpus taught at pesantrens). He has elaborated in an article how *Tuḥfat* has been overshadowed by other texts and "an Indonesian edition of this text does not even exist".[113] *Fatḥ* and its two commentaries *Iʿānat* and *Tarshīḥ* (see Chapter 7) were widely circulated in the region, according to him. The first commentary was more popular than the second as "a major work of reference". In his book he further elaborates, with more details on other characteristics of the Indonesian Islamic legalistic and spiritual lives, but without any further elaboration on legal texts such as *Tuḥfat*, *Fatḥ* and *Iʿānat*.[114] In addition to this, another important aspectˁ to be noted is the almost complete absence of any legal texts in Palembang, according to a list prepared by G.W.J. Drewes. *Ṣirāṭ al-mustaqīm* of al-Ranīrī was the only legal text available there in the eighteenth and nineteenth centuries, and all other works deal with multiple themes like Sufism and dogma.[115] This tells us something about the general disciplinary orientation that scholars in the Malay Archipelago maintained, and it proves to be correct once we compare the list of works authored by the Acehnese scholars in the eighteenth and nineteenth centuries. While

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[109] Nūr al-Dīn al-Ranīrī, *Bustan al-salatin Bab II, Pasal 13*, ed. T. Iskandar (Kuala Lumpur: Dewan Pustaka 1966), 32-35; cf. M. Hasbi Amiruddin, "The Response of the *ʿUlamāʾ Dayah* to the Modernization of Islamic Law in Aceh" (MA thesis, McGill University, 1994), 47-49.

[110] For example, see Yūsuf al-Marʿashlī, *Nathr al-jawāhir wa al-durar fī ʿulamāʾ al-qarn al-rābiʿ ʿashar* (Beirut: Dār al-Maʿrifah, 2006), 526-527, 1619, 1475, 1659.

[111] L.W.C, van den Berg, "Het Mohammedaansche godsdienstonderwijs op Java en Madoera en de daarbij gebruikte Arabische boeken," *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 31 (1886): 533..

[112] C Snouck Hurgronje, *Het Leidsche Orientalistencongres* (KITLV, 1883), 57-59.

[113] Martin van Bruinessen, 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): 226-269.

[114] Martin van Bruinessen, *Kitab Kuning, Pesantren dan Tarekat* (Yogyakarta: Gading Publishing, 2012).

[115] G.W.J. Drewes, *Directions for Travellers on the Mystic Path: Zakariyyā al-Anṣārī's Kitāb fatḥ al-raḥmān and its Indonesian adaptations: with an appendix on Palembang manuscripts and authors* (The Hague: Nijhoff, 1977) Appendix.

most scholars treat the seventeenth-century as the "golden age" of Acehnese history in many realms including intellectual activities, and they suppress the eighteenth century as a period of inertia, Erawadi has questioned this argument. He provided a long list of works written by the Acehnese ʿulamāʾ, among whom many were educated and active in Mecca.[116] However, their works deal with Islamic law only infrequently. Indeed this trend confirms what Nūr al-Dīn al-Ranīrī has said about the scholarly orientations of the Acehnese in the sixteenth century. His uncle came to Aceh to teach Islamic law, but had to return since the students were more interested in Sufism and related studies.[117]

Regarding *Fatḥ* in particular, an interesting development in Southeast Asian legalist spheres happened in the late nineteenth and early twentieth centuries with the wider reception its commentaries acquired. This has been pointed out by Van Bruinessen. *Iʿānat* grew into a text of invaluable significance for educational centres, legal discourses, and fatwās. Of late *Tarshīḥ* has also been utilized by the clusters in the archipelago. *Fatḥ* was translated into Javanese, Bahasa Indonesia/Malay. The Javanese translation is mentioned in Van Bruinessen's study, but I have not been able to locate it. It has been translated into Bahasa Indonesia/Malay more than once and has been reprinted regularly.[118] It would be interesting to ask how these translators address the question of nuanced contradictions between the Islamic law and customary laws, especially once they make a pure Islamic legal text accessible to everyone. Unfortunately, they do not address such gradations in the translations. Instead, they tend to rely on a literal adaptation of the legal contents without much engagement with contextual customs and traditions. However, the fatwā-compilations produced in the region or requested by its scholars for their counterparts in South Asia and Arabia are a better way to address these contractions, if not the translations of legal texts such as *Fatḥ*.[119] In a number of *fatwā*-collections produced by jurists from or in Southeast Asia *Fatḥ* and *Iʿānat* play an important role as major sources of reference.[120] Though very few scholars attempt to consult *Tuḥfat* for an in-depth analysis, *Fatḥ* and *Fatḥ al-qarīb* are the usual references. In *Ṣirāṭ al-mustaqīm* of Nūr al-Dīn al-Ranīrī, and in its commentary *Sabīl al-muhtadīn* by Muḥammad Arshad al-Banjārī, we find an extensive use of *Tuḥfat* along with other works of Ibn Ḥajar.[121]

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[116] Erawadi, *Tradisi, wacana, dan dinamika intelektual Islam Aceh abad XVIII dan XIX* (Jakarta: Departemen Agama RI, 2009). I am grateful to Amirul Hadi for his discussions with me on this issue, and for the book.

[117] al-Ranīrī, *Bustan al-salatin*, 33.

[118] For example, see Aliy As'ad, *Terjamahan Fat-hul Mu'in* (Selangor: Klang Book Centre, 1988), 2 vols.; Abul Hiyadh, Terjamah Fat-hul Mu'in (Surabaya: al-Hidayah, 1993). 3 vols; Achmad Najieh, *Terjemah Fathul Mu'in Makna Jawa Pegon dan Indonesia* (Surabaya: al-Miftah, n.d.) 4 vols.

[119] I came across a manuscript of fatwa-requests and answers at the Madras Ashraf al-Mulk Library. In this, the questions are raised by scholars from Java to the muftīs on the Coromandel coast. The manuscript needs further study. Michael Laffan and Nico Kaptein have analysed a compilation of fatwas by the Middle Eastern scholars for the questions raised by the Shāfiʿītes of Southeast Asia.

[120] For example, see Muhammad Afifi Akiti, *Defending the Transgressed by Censuring the Reckless against the Killing of Civilians = Mudāfiʿ al-maẓlūm bi radd al-muhāmil ʿalā qitāl man lā yuqātil* (United Kingdom and Germany: Aqsa Press and Warda Publications, 2005), 38; Mohamad Atho Mudzhar, "Fatwa's of the Council of Indonesian Ulama: a study of Islamic legal thought in Indonesia, 1975-1988" (PhD diss., University of California Los Angeles, 1990), 79, 177.

[121] Muḥammad Arshad al-Banjārī, *Sabīl al-muhtadīn* (Mecca: Maṭbaʿat al-Mīriyyat, 1892).

We can easily understand from the Southeast Asian experiences that not only was *Minhāj* marginalized, but *Tuḥfat* itself was relegated to interest only a very limited number of scholars, when comparing the status of these two texts in relation to *Fatḥ*. Yet neither text disappeared from Malay legalist circles completely, at least until the end of twentieth century. We know that Hurgronje could access a copy of *Minhāj* from Sumatra in the late-nineteenth century, and another scholar from Aceh produced a translation of it into Jāwī in the mid-twentieth century.[122]

In the East African religious educational centres *Fatḥ* was also considered to be a significant text and was taught widely. The presence of several manuscripts of the text indicates its popularity and use among the predominant Shāfiʿīte clusters. The biographer of East African Shāfiʿītes Abdullah Saleh Farsy says: "Both the *Iʿānat* and the *Fatḥ* are well-known legal tracts and widely read in East Africa".[123] In Zanzibar, despite the strong presence of an Ibāḍī legal tradition, Shāfiʿīsm has been followed by the majority of Muslims and its scholars and educational centres received *Fatḥ* in quantities. In the nineteenth and twentieth centuries, Zanzibar became the "cultural and intellectual centre of East Africa", attracting fuqahā from all over the coast and the Comoro Islands, thanks to its increasing commercial development and the Busaidi Sultanate's supportive measures.[124] Besides the Lamu region (mainly Pate, and later Siyu), the Banadir coast, the Comoro Islands and Mombasa had also been centres of Shāfiʿīte legalism, often with their fuqahā affiliating with and shuttling back and forth to Zanzibar.

The most prominent East African Shāfiʿīte scholar from the late-nineteenth and early-twentieth century was ʿAbd Allāh Bā Kathīr. He is said to have learnt *Fatḥ* and its commentary *Iʿānat* from the commentator himself at Mecca. Bā Kathīr arrived at Mecca in 1888, after five years of *Iʿānat*'s composition and attended the lectures delivered by the commentator on this work. During his teaching career in Zanzibar and Lamu (Kenya), he taught texts of the author of *Iʿānat* such as *Durar al-bahiyyat*.[125] We have no specific witness of him teaching *Iʿānat* as such, but presume that he must have engaged with the text in his academic career. The continuing use of *Fatḥ* and *Iʿānat* for teaching has been recently reaffirmed in more than twenty-five religious educational institutions of Tanzania.[126]

In Somalia we find that *Qurrat* is used more widely than *Fatḥ*. Among the dozen and a half *mukhtaṣar*s/*matn*s generally in use by the Shāfiʿīte fuqahā for educational, juridical and fatwā purposes, as listed by the indigenous scholars Aḥmad al-Quṭubī and Muḥammad Shaykh Aḥmad, *Qurrat* has been mentioned along with *Minhāj* and *Fatḥ al-qarīb*.[127] *Tuḥfat*

[122] Snouck Hurgronje, Indische Gids (review); ʿAbd al-Salam Mirasa, *Tarjama Minhāj al-Ṭālibīn*

[123] Shaykh Abdallah Salih Farsy, *The Shafʾi Ulama of East Africa, ca. 1830-1970: A Hagiographic Account*, trans. ed. and annotated by Randall L. Pouwels (Madison: University of Wisconsin, 1989), 95. The quote above is from a note by the translator.

[124] Randal Pouwels, "Introduction" to Farsy, *The Shafʾi Ulama of East Africa*, iii.

[125] Farsy, *The Shafʾi Ulama of East Africa*, 84.

[126] 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

[127] Aḥmad al-Quṭubī, "Turuq tadrīs al-Qurʾān al-karīm wa al-ʿulūm al-Islāmiyyat wa al-ʿArabiyyat fi al-Sumāl" (PhD diss., Omdurman Islamic University, 2000), 149-152; Muḥammad Shaykh Aḥmad Muḥammad, "al-

has been listed as one among five *mabsūṭ*s, together with *Nihāyat* of Ramlī, *al-Umm* of al-Shāfiʿī and two works of Nawawī, *Rawḍat* and *Majmūʿ*. Other general listed works taught and used in Somalia demonstrate that those are not so different from the ones in the Southeast or South Asian Shāfiʿīte clusters. Based only on these lists we are unable to prioritize the order of reception of one text over another. Further evidence is needed. Shaykh Aḥmad has provided the name of a possible commentary on *Qurrat*, entitled *Sharḥ Saʿīd bin Muʾallif [li] Qurrat al-ʿayn* [sic] *bi muhimmāt al-dīn* in 444 pages. He mentions that the name of neither the author nor the scribe is given in the text, and not even the date of composition. But from its title the text *a priori* can be taken as a commentary by Saʿīd bin Muʾallif. If it were possible to cross-check this text against existing commentaries, either against *Fatḥ* or *Nihāyat* of al-Bantanī, we might be able to make more interesting observations on the textual *longue durée* of Shāfiʿīsm. This would be especially so when relating it to a statement of Shaykh Aḥmad: "from the importance of the manuscript, it seems that it is a commentary on one of the legal texts circulated extensively in Somalia."[128]

For discovering the reception, perception, and usage of *Fatḥ* along with *Minhāj* among the East African Shāfiʿīte clusters, a passage from Farsy, when he talks about Sayyid ʿUmar bin Aḥmad bin Sumayt, is relevant:

> […] Also, his father taught him the entire *Fathu'l-Mu'in* at the same time that Sayyid Umar was teaching in the Malindi Friday Mosque. When he was teaching in the Malindi Mosque it was their usual practice for his father to teach him the very lesson he was going to teach in the mosque that same day.
>
> Many times he beseeched his father to instruct him in the *Minhaj* and his father refused, telling him, "The *Minhāj* is not a book on legal practice; rather, it is only a book of legal theory." After he had persevered a long time he was told to study it under the supervision of Sh. Abdallah.[129]

The acceptance of *Fatḥ* in the Central Asian regions is announced primarily through the marginal presence of Shāfiʿīte educational centres. Central Asia was mostly dominated by Ḥanafītes or Shīʿītes, and Shāfiʿīsm as such was limited after the early sixteenth century. In the Central Asian parts of Kurdistan, Shāfiʿīte Sunnīs form a minority group in relation to their Shīʿīte and Yezidi co-religionists on the subcontinent, mainly in Azerbaijan, Armenia and Georgia, Transcaucasia. In the nineteenth century some noted Shāfiʿīte jurists emerged in the region, thanks to their movement to Mecca. We see this with al-Kurdī, who wrote *ḥāshiyat* for *Tuḥfat*. Another important scholar was Muḥammad bin Sulaymān al-Kurdī, with whom the Sumatran scholar Muḥammad Arshad al-Banjarī (author of the previously mentioned Malay Shāfiʿīte text *Sabīl al-muhtadīn*) studied together with many other Indonesian students in the eighteenth century. He wrote a super-commentary entitled *al-*

Maḏhab al-Shāfiʿī fī al-Sumāl: Maʿālim wa malāmih min wāqiʿ al-tafāʿul al-bīʾī," *Majallat al-Sharīʿat wa al-Dirāsat al-Islāmiyyat* 9 (2007): 260-263.

[128] Aḥmad Muḥammad, "al-Maḏhab al-Shāfiʿī fi al-Sumal": 275-76.

[129] Farsy, *The Shaf'i Ulama of East Africa*, 102.

Ḥawāshī al-Madaniyyat on Ibn Ḥajar's other commentary called *Minhāj al-qawīm*.[130] Through people like them, who were educated in Mecca, *Fatḥ* must have arrived in Kurdish areas. In the South and Southeast Asian mélange there were many Kurdish teachers and colleagues with a historical continuity with Mecca and Medina. Thus, the transmission of a text like *Fatḥ* would not have been a matter of too big a metamorphosis. Southeast and South Asian scholars took the text to Mecca and from Mecca the Kurdish ʿulamāʾ took it to Kurdistan. The existence of a Kurdish ʿulamāʾ network and their travels along the Indian Ocean rim from South Africa to Southeast Asia is well established, and hence the movement of ideas and texts like *Fatḥ* is quite imaginable.[131] In similar vein, the spread of the text as well as other Shāfiʿīte texts to the Caucasus regions via the Meccan connections needs further study. The most important group in this network is that of the Daghistani scholars, particularly ʿAbd al-Ḥamīd al-Sharwānī, whom we met earlier. But definitely the school was present in the area much before.[132]

In the twentieth century, much of the Muslim population in areas of Central Asia and Caucasus were controlled by the Soviet Union and religious educational centres often completely stopped functioning or went underground. We see little reference to Shāfiʿīte texts such as *Fatḥ* being taught in the area. After the collapse of the USSR, there were constant political and social turmoils which overtook the smooth functioning of the madrasas. Intermittent revivals of madrasas caused Shāfiʿīte texts such as *Fatḥ* to be taught again. The partial revival of the Shāfiʿīte madrasas parallel to secular educational centres enabled *Fatḥ* to develop as compulsory reading for students of Islam in Kurdistan.[133] After their primary education in Islamic sciences, all students had to study *Fatḥ* either by itself or along with other texts.

Final Remarks

What we see historically reflected in intellectual engagements related to *Fatḥ* and its commentaries after the sixteenth century is the decentralization of Islamic knowledge by what had been hitherto peripheral Muslim communities. The central roles that the heartland of Islam in general and the nucleus of Shāfiʿī legal thought in particular played in the intellectual traditions and by extension in the everyday lives of Muslims of the non-Middle Eastern world began to be more fluid, when dual works such as *Qurrat-Fatḥ* and scholars such as Zayn al-Dīn or Nūr al-Dīn al-Ranīrī instigated a revived version of Islamic law and practice. I identify this phenomenon as a historical process of reimagining the centre by the Muslims from the fringes, a process that is reflected in the rise of metaphorical "Little Meccas" like Ponnāni. When educational migrants from the South and Southeast Asian coastal belts returned from

[130] On Sulaymān al-Kurdī's connections with the Indonesian students, see Martin van Bruinessen *De Turcicis Aliisque Rebus Commentarii Henry Hofman Dedicati*, ed. Marc Vandamme (Utrecht: Instituut voor Oosterse Talen en Culturen, 1992), 205-227.

[131] For example, see Martin van Bruinessen, "The Impact of Kurdish 'Ulama on Indonesian Islam," *Les Annales de l'Autre Islam* 5 (1998): 83-106; idem, "A nineteenth-century Ottoman Kurdish scholar in South Africa: Abu Bakr Effendi", in Martin van Bruinessen, *Mullas, Sufis, and Heretics: The Role of Religion in Kurdish Society*; (Istanbul: Isis Press, 2000), 133-141.

[132] On manay Shāfiʿīte jurists from Daghistan, see Naḏīr al-Durkilī al-Tunī, *Nuzhat al-aḏhan fī tarājim ʿulamāʾ Dāghistān*, ed. and trans. Michael Kemper and Amri R. Sixsaidov (Berlin: Klaus Schwarz, 2004).

[133] I am grateful to Martin van Bruinessen for this information.

prime centres of Islamic learning such as Mecca to their homelands they generated a network of educational institutes along the Indian Ocean rim. By their frequent scholarly engagements through texts, lectures, fatwās and debates, many minor and major centres of learning acquired a distinguished position in the opinion of local Muslims. Their graduates managed to communicate with the wider spectrums of religious discourses through the same language, yet emphasising their own geographical and cultural priorities. Through all these a much more vibrant Islam came to the forefront of the socio-religious lives of these Muslims. In this their first and foremost reference point on different issues of their "discursive everyday life" became the locally known centres of Islam. That catalysed the formation of multiple centres along the Indian Ocean rim as opposed to one single centre for the whole Muslim community, though ritualistically that centre was still relevant. This historical development on the sixteenth and later centuries leads us to one essential reality, that Mecca has been reimagined and multiple Meccas have emerged.

The rise of these little Meccas along the Indian Ocean rim did not happen by direct delineation from the "original" Mecca. In different ways these centres and their fuqahā-estates asserted their scholarly genealogy with the ones in Mecca. Many South and Southeast Asian students and scholars tried to be disciples of Ibn Ḥajar and the like. While some of them did indeed succeed in gaining studentships with him, such as the Gujarati scholar Ṭ āhir Patanī (d. 1578) and the Deccani Sufi Alī al-Muttaqī (d. 1567) of Burhanpur, others did not. They might claim themselves to have been disciples of Meccan scholars, or that claim was attributed to them. That is very clear in the hagiographies related to Zayn al-Dīn Jr.'s assumed scholarly journeys, especially if we connect with it the traditional narratives of Ibn Ḥajar's visit to "his student" at Ponnāni. This trajectory of popular narratives, along with the historical development of Ponnāni to become another Mecca, illustrate that the centre was being recreated in local places and alternative hubs were strongly engrained events and activities of the actual centre.

The consequences of this historical rupture were deep rooted. The Shāfiʿīzation process of the Indian Ocean rim was strengthened, and Malabar's story stands as a representative of it. I identify this as another wave in Shāfiʿīsm's global spread. Historically, it is explicit in the production of new legal texts that directly connect to the textual *longue durée* of the school. *Fatḥ* demonstrates this, with its obvious lineage to a Meccan voice which echoes with some alternation of priorities. It led to the emergence of religious elites on the Indian Ocean rim with much stress on the exclusivity of scholars, predominantly the Shāfiʿītes, who blended the peripheral cultural contexts to the broader trends. This was a distant product of the Meccanized scholarly vision presented by Ibn Ḥajar, in which scholars were asked to follow the dress codes that enable them to be identified in public spheres, and commoners were prohibited from wearing the same dress.[134] Although they followed such instructions, they also added new local dimensions to it befitting their socio-cultural customs. All these developments simply aimed at constructing a higher group or class of scholarly elites within the believing community by way of a *localization* process. This development resonates with what Iza Hussin has stated for a later period that Islamic law is a "transregional product,

[134] Ibn Ḥajar, *Tuḥfat*, 3: 33-39; cf. Ibn Ḥajar, *Darr al-ghamāmat fī ḏarr al-ṭaylasān wa al-ʿaḏbat wa al-ʿamāmat* (Miṣr: Maṭbaʿat al-Saʿādat, n.d), of which several manuscripts are kept at Muḥammadiyya Library Chennai and Salarjung Museum Hyderabad.

rather than an Arab export, shaped by local political networks."[135] Accordlingly, scholars in the Indian Ocean arena from now on took on a separate identity, class, power and consciousness by virtue of their accomplishments.

[135] Iza R. Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (Chicago: The Chicago University Press, 2016), 10.