

Elizabeth Lhost
Ph.D. Candidate
Departments of History and South Asian Languages and Civilizations
University of Chicago
lhost@uchicago.edu

Ocean of Law II (University of Leiden, 12–14 December 2016)

Paper Title:

Mapping Legal Authority in the Indian Ocean: The Geography of 19th- and 20th-century Fatwa Literature from South Asia

Abstract:

Much has been written about the effects of print technology, telegraphic communication, and steam transportation on the lives of Muslims living in the Indian Ocean littoral around the turn of the twentieth century. As distances became shorter and information traveled more quickly, questions of geography and identity, religion and authority became common topics in Islamic legal literature circulating into and across the South Asian subcontinent. Mapping the geography of fatwa questions (*istiftā*) sent from beyond the borders of British India, this paper addresses questions of geography, circulation, context, and community in fatwa literatures written and published in Persian and Urdu at this time.

I begin by considering the construction of trans-regional authority in the collected fatwas of Muhammad ‘Abdul Ḥayy of the renowned Farangī Maḥall family, who was regarded as an expert jurist not only within Lucknow’s city limits, but across the subcontinent. Early editions of his collected fatwas provide information about the practice of seeking and receiving advice at a distance. I then turn to a small collection of fatwas published in Lahore by the Majlis-i Mustashār ul-‘ulamā in 1907 and map the origins of the collection’s fatwa-seekers relative to their questions’ contents. Visualizing these networks, provides a new lens through which to examine ideas of legal influence. Furthermore, the interplay between geography and authority as illustrated in these texts, provides a framework for considering later fatwa writings on and inflected by questions of geography, proximity, locality, and similarity in the second-half of the paper. As bodies and ideas circulated in the Indian Ocean world, requesting and receiving fatwas from one’s hometown *muftī* became a comfortable mechanism by which to assert and retain connection to the local while living abroad. These questions at times addressed geography directly (e.g., by taking up issues surrounding the transmission of information about the sighting of the crescent moon at the end of Ramadan), but also considered the complexities of geography in more indirect ways, (e.g., by referring to local customs and practices and asking for advice on how to respond to new places and new people). Working through multiple fatwa collections helps to highlight the question of geography as it entered newly published legal discourses.

Contrary to wide-spread ideas that print capitalism created unified imagined communities, this paper uses fatwa writings sent to and from South Asia to examine the persistence of regional affinities, local connections, and trans-regional networks of authority. The legal texts considered here not only consider questions of geography explicitly but also approach ideas of geography indirectly by contemplating regional distinctions and local differences within the context of growing global awareness. These fatwa literatures highlight the limits of religious uniformity and the importance of retaining domestic connections and illustrate the mechanisms by which members of the ‘ulamā cultivated their global presence—independently or through institutional franchises. Such developments in the late-colonial period laid the foundation for today’s disembodied internet discourses and embodied understandings of faith.