

AIPS Junior Fellowship Final Report

Research Dates: September – December, 2014

Research Location: London, England

As an AIPS junior fellow, I spent three months in London doing archival research at the British Library (hereafter BL) for my dissertation. My dissertation project, “Between Community and Qānūn: Documenting Islamic legal practice in 19th-century South Asia”, seeks to trace the social and intellectual history of *qāzīs* (Islamic judges) and *muftīs* (jurisconsults) in the nineteenth century, during a period of tremendous legal and political transformation. Relative to this interest, I worked primarily with two sets of materials at the BL: India Office Records and vernacular (Urdu and Persian) books and periodicals. As my work seeks to capture in a single frame the administrative and vernacular practices of Islamic legal practitioners and the communities they served, being able to work across these two collections in a single research site proved invaluable for the progress of my work.

Within the India Office Records (hereafter IOR), two sets of materials proved most valuable for my work: those from the Public & Judicial Department (IOR/L/PJ) and proceedings from the Bombay Presidency Judicial Department (IOR/P). Though files pertaining to legislation surrounding the office and appointment of qazis are searchable in the library’s online catalog, materials relative to the Bombay Presidency have not been so extensively catalogued and therefore required the use of paper index volumes (IOR/Z). In order to obtain a comprehensive picture of the appointment and management of qazis under the British, I therefore dedicated the first month of my time at the BL to reading these paper indexes. By the end of this period, I accumulated thousands of references to the appointment and administration of qazis across the Bombay Presidency. Some of these references I was able to pursue using the proceedings volumes housed at the BL; others will form the basis of my on-going work in the Maharashtra State Archives (MSA) in Mumbai, India.

The Bombay Presidency archive, divided between London, Mumbai, and other regional sites, provides details about the British administration across a wide swathe of territory comprised of contemporary India and Pakistan, as well as parts of the Middle East (namely, Aden) and Africa (namely, Zanzibar). Furthermore, unlike other areas of the colonial archive, which were disrupted or destroyed as a result of the uprising in 1857/58, the Bombay Presidency archive remains fairly consistent across the nineteenth century and thus provides the opportunity to trace the careers of individuals across these years. Working through these and other IOR materials helps to provide a macrocosmic overview of the workings of the British administration in South Asia, to complement the more local picture available in the state and regional archives.

To provide additional perspectives, I also examined some of the private paper collections housed at the BL and elsewhere in the UK. Of particular interest to my

project were letters from Henry Bartle Edward Frere, Governor of the Bombay Presidency from 1862 to 1867, those of James Fergusson, Judge and Governor of Bombay Presidency in the 1880s, and those of Whitley Stokes, Legislative Council member and frequent commentator on the draft legislation for the Qazis' Bill. These collections provide additional context as well as unofficial commentary on official policies and procedures.

From the BL's vernacular book collection, I consulted several titles related to Islamic law, manuals for writing petitions and legal documents, and published law reports. In particular, the BL has a rich collection of pamphlets and ephemeral publications pertaining to Islamic law and other religious debates, including several fatwa texts I have been unable to locate elsewhere. Among these collections is the *Majmū'a-i Fatāwa-i Sābrīya* published by members of the Majlis-i Mustashār-ul-‘ulamā of Lahore. Published in 1907, this text is unique in that it includes information about the fatwa-seeker (*mustaftī*) alongside the question and its answer. Collections such as this one provide evidence about the context of the questions, at times referring to the presentation of a matter in a court of law, or offering details about a familial relations or ritual practices in a specific location. From such details, it is possible to trace some of the ways in which the formal administration of law under the British and informal administration of law through religious institutions like the *dār-ul-iftā'* (fatwa council) overlap and intersect during this period. Though many fatwa compilations from the nineteenth-century are available in more recently reprinted editions, newer editions tend to excise information relative to the individuals involved as well as the specific context from which the issue arose, thus making the BL's collection invaluable for my work.

Access to compilations such as the *Fatāwa-i Sābrīya* and others, some of which I have been unable to locate outside the BL, has allowed me to begin mapping the dynamics of seeking and receiving fatwas in the nineteenth century. As I continue to work through my notes from these editions, I hope to gain a more comprehensive picture of the social and legal lives of the fatwa in nineteenth-century South Asia. Already, mapping the origins of different fatwa questions has begun to yield interesting results. Some of my preliminary observations after my work at the BL suggest that certain muftis such as ‘Abdul Ḥayy of Firangi Mahall in Lucknow received questions from across India, including questions sent from cities in the Deccan and southern India e.g., Chennai, Mumbai, and Nagpur while newer institutions like the Majlis-i Mustashār-ul-‘ulamā remained more local in influence and scope. Nonetheless, even within this regional sphere, fatwa questions traversed the borders of princely states and British India, and also moved into and out of the court system. This movement across borders hints at the emergence of new regional centers of authority, as old trans-regional figures lost sway.

In addition to these primary areas of research, during my time in the UK, I also made use of manuscript collections at the University Library at Cambridge and the Bodleian Libraries at Oxford. At each location, I consulted works on Islamic law in

Arabic and Persian, locating specific references to the rules governing the appointment of qazis, which is a question of interest in the legislative and administrative debates of the nineteenth century, as well as manuals of *inshā* (*belles lettres*), which include draft documents, sample legal forms, and *sanads* of appointment. Such texts offer insight into the ways in which legal writing operated in the pre-colonial context and will provide a clearer sense of the changes introduced in the period under study.

On top of the archival research I conducted during my tenure as an AIPS junior fellow, I also had the opportunity to attend workshops and events hosted by local institutions in London and to network with faculty and graduate students at these institutions. The results of my research will be presented at workshops and conferences during the upcoming year (2015–2016) and will be incorporated into my Ph.D. dissertation, with the tentative completion date of June 2016.