African jurists in Asia: Premodern Afro-Asian interactions

‘The Indian Ocean Muslims’ have contributed to the synthesis of Islamic history for over a millennium, but their roles have been continuously downplayed and disregarded in the historiography. Indians [al-Hindis], Malays [al-Jawiis] and Swahlis [al-Zanjis], in South and Southeast Asia and East Africa respectively, interacted across the Islamic high road and all shaped Islam in their own ways. Only a small number of people actually voyaged overseas physically, but they were all influenced by the ideas brought in by those who did. The history of Islamic law in the Indian Ocean tells us the story of this general pattern of mobility across communities, doctrines, texts, sources, spaces and periods. In this essay, I explore the Africans who worked in South and Southeast Asia as judges, jurists and scholars and preachers in premodern period.

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THE ARABS AND PERSIANS played an inevitable role in circulating certain basic ideas of Islam, but they did not ‘export’ Islamic law to ‘the peripheries’ as many studies of Islam in the Indian Ocean littoral have illustrated by ignoring the African and Indian naval and Islamic maritime activities. The ancillary fact has always been a rather complex process with active involve- ment of people with diverse ethnic, linguistic, and regional backgrounds. Once introduced to the Indian Ocean, the Islamic jurists formulated their practices in constructive and creative ways and transferred their conceptualizations to other places and people. The stories of several African and Asian scholars working in South, South-East Asia and East Africa in premodern centuries still remain untold. This brings us to another gap in the literature: the ways in which African jurists and Muslim agents in that region was discussed. Most studies present them as slaves alone, especially the growing literature on slavery in the Indian Ocean world, and neglect their socio-cultural functions outside the strict contemporary conceptions of ‘slavery’. A few literatures of political-military histories have analysed the military and administrative functions and strategic operations of the juridic contributions have yet to be acknowledged. Against this background, I explore the Africans who worked in South and Southeast Asia as judges, jurists, and scholars.

Before moving on, a short note on the period and sources: although my larger project is to explore Islamic legal history in the premodern Indian Ocean world since its formative stages through comparative and connected histories of Arabs, Asians and Africans, this paper focuses on a period between the twelfth and fifteenth centuries. Before the twelfth century, we rarely have any references to the activities of Africans on African-Asian intellectual interactions, whereas the situation dramatically changes by the sixteenth century with an unprecedented rise of African political and military elites in Asia, such as the Abyssinian kings of Bengal and Janjira. By the second half of the sixteenth century, these African agents of cultural diversity moved more through figures like Malik Ambar. In order to analyse their implications and contributions, I explore the Africans who worked in South and Southeast Asia between the twelfth and fifteenth centuries. Immediately after mentioning Malik Ambar, the influence of ‘slavery’.2 A few literatures of political-military histories have given as distinctive names to the black African slaves sold in the Middle Eastern markets, and many of them sustained those names even after their manumission. From the cognomen Yaqut it is difficult to identify whether he was a slave, freeman, or an agent of the king. The Indian historian Faqīh Sa’dī gives his full name as Yaqut al Subali al-Qaytīy, which clearly indicates his bondage with Sultan Ghīyāth al-Dīn Aḥam Shah. Furthermore, al-Fārī praises him by calling him ‘ja‘bīn al-‘alūf al-khutīt’ [his excellence and lord], surely for the ideas and money he brought into Mecca. Aḥam Shah assigned him with responsibilities to purchase land, to construct appropriate building for madrasa and to take necessary formal steps in making the wall legally valid. Yaqut went several steps further by gathering support from many Meccan elites, among whom he eventually appointed as professors in the madrasa, including the historian and judge al-Fārī. After accomplishing his mission, Yaqūt commenced his return to Bengal, but died on his way Homroz.

The larger network

Yaqūt al-Qaytīy and Faqīh Sa’dī are two important yet diver- gent examples of a larger flow of Africans who participated in the making of Islamic law in premodern Asia. If Sa’dī represents the proper jurists and itinerant scholars, Yaqūt stands for the agents that facilitated the intellectual exchanges. There are many more similar Swahlis who worked across South and Southeast Asia during these periods in different roles and positions. Ibn Battūta, for example, also talks about one Abd al-ʿAzīz al-Makdad who worked as the governor of the
Also in the Maldives, Ibn Battuta visited the hospice of Shaykh Sāliḥ Najīb at the extremity of the island of Mahal, the seat of the Sultana and her husband, with the captain and Arab judge ʿAlāʾ al-Yazīd. Andrew Forbes identifies this hospice as the Habshīgefānu Magān (‘Shrine of the African Worthy’), built in memory of Shaykh Najīb from East Africa, together with a mosque. Shaykh Najīb travelled in the Maldives teaching Islam to the islanders and died at Kārerdīn Island in Fāṭ imul Mālikī, where he asked the ladies there to cover their bodies and heads, to his understanding of Islamic law. After his appointment, his attempts to change local cultures and systems according to his understanding of the ʿAshūrī school of law, and passing a verdict against the Queen’s husband, he was forced to resign his position and leave the island.

As early as the fifteenth century Arabs brought Africans to southern Iraq to work on date plantations and salt marshes. During the late eighteenth century Africans took up arms against the Abbasid slave-holders, taking over several cities. They organized their own state, which had its own standing army, and even minted coins. The 1327 illustration is the work of the Iraqi illustrator Yahlīya bint Mahmūd al-Wastī. All images and captions found on the New York Public Library’s online exhibitions page “The African Diaspora in the Indian Ocean World” (asbibrary.nypl.org/africanindianocean)

A notable wanderer North African from the Indian Ocean also came from the Maldives, ʿAbd al-ʿĀlā al-Barbārī. ʿAbd al-ʿĀlā al-Barbārī who had been credited with the introduction of Islam and the Mālikī school of law to the island. He is said to have impressed King Shanurāza and the islanders by getting rid of a vori-ceiving demon (fiṭn from jīb), which led them to embrace Islam. Maghribī was greatly venerated and even established a mosque. The people adopted his school of law (the school of the Imam Mālik), and “to this day they continue to hold the Maghribī in high respect because of him.”

An Indian Ocean Islamic law?

The ‘Indian Ocean Muslims’ provide a different lens with which to look at Islamic legal history, the continuous negligence of the peripheral Indian-Ocean Islamic legal communities mean less to the larger Islamic historiography, and why are the interactions among them so important?

‘The Indian Ocean Islamic law’, as practised from East Africa to East Asia, is not a mere mimicking of Arab versions of law and religion, rather it is a historical phenomenon of constant efforts among the Swahilis, Jews and Hindus to reassert Islam and its law according to their contexts. The legalistic interactions among these communities through the circulation of scholars and texts since premodern centuries helped them advance their understandings in different ways. The matrilineal system is an example of this, as practiced among Muslims of Malabar, Sumatra and Mozambique (to name but a few), even though it has been considerably brought about through symbolic interaction, for example of un-Islamic/syncretic practices of the peripheral Muslims.

Languages pertaining to, for example, matrilineal practices provide an archetypical situation of the early Islamic law. Multiple contexts defined multiple characters and routes with outright contradictions. Yet, they all belonged to one legal cosmos of Islam, in it the Africans, Arabs and Asians created an equalitarian. To put it simply, the Arabs were not to disregard their jurisprudential contributions or pass judgments on them as less Islamic or un-Islamic; rather, it is to try to understand Islamic law the way they understood it.

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