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Indian Hanafis in an Ocean of Hadith:

Islamic Legal Authority between South Asia and the Arabian Peninsula,

16th – 20th Centuries

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in History

by

Sohaib Baig

2020

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ABSTRACT OF THE DISSERTATION

Indian Hanafis in an Ocean of Hadith:
Islamic Legal Authority between South Asia and the Arabian Peninsula,
16th – 20th Centuries

by

Sohaib Baig

Doctor of Philosophy in History

University of California, Los Angeles, 2020

Professor Nile Spencer Green, Chair

This dissertation examines the history of Islamic legal pluralism and hadith scholarship in the Indian Ocean from the sixteenth century to the early twentieth century. In conceptual terms, it integrates the debates within sociolegal studies on legal pluralism (or the multiplicity of legal orders within a social field) with the intellectual history of the Islamic schools of law (madhhab). In so doing, it systematically reconstructs for the first time a history of madhhab-centered legal pluralism that connected Sunni scholars from different schools of law in the Mughal, Ottoman, and British empires, as well as other Indian Ocean polities. Within this context, it uncovers the

historical processes by which Indian members of the Hanafi madhhab from Sindh and Delhi maneuvered across school lines and shifting imperial geographies to pursue hadith scholarship and construct legal authority in the Indian Ocean.

By analyzing a wide array of sources, including fatwas, legal treatises, hadith commentaries, hagiographies, travelogues, and imperial records in Arabic, Urdu, Persian, and Ottoman Turkish, this dissertation breaks from state-centered histories of Islamic law and one-sided models of transregional intellectual diffusion. Instead, it argues that Indian Islamic law was transformed through sustained intellectual exchange with multiple legal schools and scholarly networks in the Indian Ocean. These exchanges catapulted the hadith sciences to the center of Indian Hanafi juristic discourse, fueling immense debate in the eighteenth century on the authority of the Hanafi school in particular and the madhhabs altogether, as mediated by the imperatives of *taqlīd* (legal conformity), *taḥqīq* (verification), and *ijtihād* (independent reasoning). As this hadith-based legal discourse expanded beyond scholarly circles across emerging publics of manuscript and print in the early nineteenth century, it fragmented the authority of the madhhabs to serve as the basis of Sunni legal pluralism in the Indian Ocean, leading to the formation of new Islamic legal institutions in the late nineteenth and early twentieth centuries.

The dissertation of Sohaib Baig is approved.

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Ghislaine E. Lydon

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2020

For my mother and father

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NOTE ON TRANSLITERATION AND TERMINOLOGY

I have largely adhered to the International Journal of Middle East Studies (IJMES) transliteration scheme for Arabic. To simplify things, I have also applied this scheme to common letters in Urdu and Persian texts, such as *ḍ* for *ḍād* (ض). I have also used overlapping vowel schemes across these languages (e.g. *mawlānā* and not *maulānā*). I have left names and titles according to common usage: (Ḥayāt al-Sindī, not Ḥayāt Sindhī, as opposed to Hāshim Thattwī, not Hāshim al-Tatawī or Hāshim al-Sindī). I have also combined names which are compounds of the word Allāh and another word (such as ‘Ubaydullāh).

I have left Ottoman Turkish names largely according to their simplest modern Turkish rendering, without adding macrons and diacritics (e.g. Osman Paşa and not ‘Uṣmān Pâṣâ). I also have not applied diacritics and macrons to certain commonly used Arabic terms, but retained ‘*ayn* and *ḥamza* markings in such instances (e.g. Shafi‘i and not Shāfi‘ī).

I have generally used “Indian” rather than “South Asian” in this dissertation to provide a more precise descriptor of the actors under study. The term “Indian” should not be however confused with the contemporary nation-state of the Republic of India, which emerged after the period examined in this dissertation.

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INTRODUCTION

“[O]f all the institutions Islam produced throughout its fourteen hundred year history, it is the *madhhab* [legal school] that emerges as the most permanent.”¹

“In the Indian Ocean, law was both everywhere and nowhere. It was hardly ever visible, but it left its mark on every actor, artifact, and action.”²

This dissertation examines how legal authority was constructed and contested from the sixteenth century to the early twentieth century by about a hundred Indian scholars who traveled across the Arabian Sea to the sacred cities of Mecca and Medina. It begins with the idea that shared regimes of law were integral to transregional processes of connection and exchange across the early modern and modern world. This was especially explicit and observable within the Sunni legal tradition, which was exceptionally mobile because it transcended state institutions and because its jurists and texts circulated so frequently and meaningfully across far-flung Muslim geographies and societies. At the root of its transregional mobility, this dissertation contends, was the institutional complex of the Sunni legal schools or madhhabs, which provided the central framework for shared understandings of law amongst jurists and ordinary Muslims and served to contain legal conflicts and interactions between them. The shifting fortunes of the Sunni legal schools, therefore, provide a direct window into foundational transformations and continuities in Islamic intellectual history across the early modern and the modern periods.

¹ Sherman Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfi* (Leiden: Brill, 1996), xxxiii.

² Fahad Ahmad Bishara, *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780-1950* (Cambridge: Cambridge University Press, 2017), 9.

The Sunni madhhabs constituted the authoritative bedrock of Sunni law after the medieval period: they organized the vast plurality of law into four distinct schools (the Shafi'i, Hanafi, Hanbali, and Maliki schools), which set the relationships between jurists, madhhab law and methodology, scripture, and society, as well as a host of ethical and theological principles in specific ways. Far from representing a stagnant institution, this dissertation argues that the madhhabs as a system of law contained several competing forces which propelled history and transformed Islamic law over the course of several centuries across multiple political regimes in the Indian Ocean. As elucidated below, these forces included competition between madhhabs to demonstrate the validity of their respective doctrine, as well as tensions between enjoining legal conformity exclusively to an individual madhhab and expanding legal fluidity between madhhabs. This dissertation will examine how such forces produced critical changes and transformations in Islamic legal history within the larger material and social context of the Indian Ocean and South Asia, and ultimately fragmented the power of the madhhabs to represent the exclusive basis of Sunni law by the late nineteenth and early twentieth centuries.

What follows is a case study of the Indian sub-tradition of the Hanafi school of law, which was predominant in South and Central Asia, as well as large swathes of the Ottoman Empire. Within this sub-tradition, the dissertation examines Hanafi scholars from Sindh and north India who traversed the sacred sanctuaries of the Hijaz and Yemen and often represented some of the most prominent Indian Muslim jurists of their period. It pursues two main lines of analysis. First, in terms of legal theory, it explores how Indian Hanafis began to unravel relationships that had been previously canonized between scripture and madhhab authority by reformulating key foundational concepts, such as independent reasoning (*ijtihād*), legal conformity to the madhhab (*taqlīd*), and verification (*tahqīq*). It examines how they theorized

their legal engagement with the hadith canon, or the corpus of Prophetic traditions, which constituted a key scriptural source of legal evidence.³ In sum, it explores how Indian Hanafis integrated the study of hadith with law to produce new forms of legal authority that could reinforce or challenge the madhhab's exclusive claim to legal authority.

Second, in contextual terms, it locates these contestations within a multi-centered and diverse ecumene of law and hadith studies that spanned the Mughal, Ottoman, and British empires, as well as other Indian Ocean polities, such as the Kalhora dynasty of Sindh and the Qasimi dynasty of Yemen. It therefore brings together legal treatises and scholarly licenses, fatwas (non-binding legal verdicts) and hadith commentaries, travelogues and polemics, and imperial Ottoman and British records as well as hagiographies, to show how Indian Muslim scholars constructed scholarly networks and utilized multiple genres of knowledge across manuscript and print cultures of Arabic, Persian, and Urdu. Rather than pursue legal history at the state-level, with a focus on an individual polity, it examines how madhhab authority transformed as Sindhi and Delhi-based scholars traveled across political and legal geographies and participated in transregional exchanges with wide webs of interlocutors.⁴

Beginning with the sixteenth-century surge of Indian engagement with hadith scholarship in the Hijaz, as well as the Ottoman annexation of the Hijaz in 1517, this dissertation

³ For a technical definition of hadith and a survey of its history, see: Jonathan A.C. Brown, *Hadith: Muhammad's Legacy in the Medieval and Modern World* (Oxford: Oneworld Publications, 2009).

⁴ In contrast, see for example: Samy Ayoub, *Law, Empire, and the Sultan: Ottoman Imperial Authority and Late Hanafi Jurisprudence* (New York: Oxford University Press, 2020); James Baldwin, *Islamic Law and Empire in Ottoman Cairo* (Edinburgh: Edinburgh University Press, 2017); Guy Burak, *The Second Formation of Islamic Law: The Hanafi School in the Early Modern Ottoman Empire* (New York: Cambridge University Press, 2015); Reem Meshal, *Sharia and the Making of the Modern Egyptian: Islamic Law and Custom in the Courts of Ottoman Cairo* (Cairo: American University of Cairo Press, 2014); M. L. Bhatia, *The Ulama, Islamic Ethics and Courts under the Mughals: Aurangzeb Revisited* (New Delhi: Manak Publications, 2006).

reconstructs the dynamic histories of the Hanafi madhhab and Sunni legal pluralism in the Indian Ocean until the end of Ottoman administration in the Hijaz and the rise of Saudi rule in the 1920s. It thus shows how Sunni legal pluralism unraveled over the course of about four hundred years, bridging the early modern and modern divide that has inhibited much of South Asian and Islamic historiography. It does not set European imperialism and colonial modernity as the central rubric around which the shifting fortunes of Islamic legal history can be understood. Nor does it view change in Islamic legal history only as a series of reactions to and ex post facto accommodations of new socio-economic and political conditions. Instead, it foregrounds the madhhab's changing capacities to serve as an object and arena of legal contestation in the Indian Ocean – that is, its capacity to exclusively furnish the construction of legal authority and determine scriptural hermeneutics, as well as to organize legal encounters between Sunni Muslims across political and cultural boundaries.

The Madhhab in the Indian Ocean

In broad terms, the Indian Hanafi scholarship analyzed in this dissertation belonged to the Indian Ocean, and not South Asia alone: our hundred-some scholars boarded maritime vessels from port cities and coastal towns in Gujarat, Sindh, and Bengal, and traveled across the Arabian Sea, alongside the Yemeni coast, up the Red Sea, to the Ottoman Hijaz. Here, they could perform pilgrimage, build relationships with scholars from other regions and networks, purchase or copy manuscripts, solicit or debate legal opinions with local jurists, and eventually choose to remain therein, seek employment, travel elsewhere, or return home, amongst innumerable possible actions. Other scholars chose not to travel and instead engaged in epistolary

communication, read texts by interlocutors across the seas, or otherwise met scholars who traveled from afar to their cities. The Indian Ocean represented a cohesive and capacious space where Muslim scholars could advance legal and intellectual scholarship in quite unique ways. Indeed, this dissertation makes a case for a distinct Indian Ocean tradition of Hanafi scholarship, set apart – both socially and epistemologically, as we will see – from Hanafi scholarship further inland in the central Ottoman Empire and in Central Asia.

This project builds upon the insights of Indian Ocean studies, which has come into its own as a field of study in the previous decades.⁵ Indian Ocean historians have argued for the multi-centered unity and cohesion of the region in terms of both physical and human geography, held together by a wide variety of historical actors, states, and commercial entities that connected its port cities and littoral societies. This project does not use the Indian Ocean framework only as an empirical backdrop, but an essential methodological tool which enables us to move past national and imperial geographies that have long straitjacketed our understanding of history.⁶ Studies of Islamic law in the early modern and modern West Asia have been overwhelmingly limited to the internal legal histories of empires (whether for the Ottoman, Mughal, and British empires, or others). They thus collectively lose sight of a most basic and yet powerful feature of the madhhab-system: the fact that it extended far beyond any given empire or state. They

⁵ For some of the broader surveys of the Indian Ocean, see: Edward A. Alpers, *The Indian Ocean in World History* (New York: Oxford University Press, 2014); K. N. Chaudhuri, *Trade and Civilisation in the Indian Ocean: An Economic History from the Rise of Islam to 1750* (Cambridge: Cambridge University Press, 1985); Ashin Das Gupta and Micheal Pearson, eds., *India and the Indian Ocean, 1500-1800* (Calcutta; New York: Oxford University Press, 1987); Kenneth McPherson, *The Indian Ocean: A History of People and the Sea* (Delhi: Oxford University Press, 1993).

⁶ Sanjay Subrahmanyam, "Introduction: The Indian Ocean between Empire and Nation," in *Maritime India* (New Delhi: Oxford University Press, 2004); Isabel Hofmeyr, "The Complicating Sea: The Indian Ocean as Method," *Comparative Studies of South Asia, Africa and the Middle East* 32, no. 3 (2012): 584-590.

completely miss the connective power and generative force of the madhhabs to produce transregional and transimperial regimes of legal and intellectual interaction. They fail to see how the madhhab-system, to borrow Lauren Benton's words, created "a global institutional order even in the absence of cross-national authorities and before the formal recognition of international law."⁷ Here one would substitute "global" with "transregional," but the fundamental contention is germane: that the madhhabs provided Muslims with shared legal frameworks to facilitate a whole range of engagements in the absence of one central and unified political system.⁸

The plurality of the madhhabs, as elucidated below, was vividly amplified by the multi-centered depth of the Indian Ocean. Nile Green has argued that the Indian Ocean served as an "arena of difference," laden with "a sense of discovery, of process, of pluralistic experience as distinct from ideological uniformity."⁹ Here, no singular ideology or political entity held supreme, thereby endowing the Indian Ocean with the capacity to furnish pluralistic and transformative encounters, whether cosmopolitan or otherwise. Just like the Indian Ocean, the madhhab too could not be monopolized by one political state or one body of jurists; it retained immense, if not legally overwhelming, internal plurality. This basic recognition moves us beyond one-directional diffusionist models of intellectual transmission which trace the "impact"

⁷ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2004), 3.

⁸ This argument should not be reified in the opposite direction. The madhhab-system was transregional, but not international; one can argue it connected states, but it was not conceived as inhabiting "a world of states" along the lines David Armitage has historicized. David Armitage, *Foundations of Modern International Thought* (New York: Cambridge University Press, 2013), 13.

⁹ Nile Green, "The Waves of Heterotopia: Toward a Vernacular Intellectual History of the Indian Ocean," *The American Historical Review* 123, no. 3 (2018): 849-853.

of one region on another: this dissertation argues against the idea of a singular Hijazi impact on South Asian Islam. There are more than two sides to this story, and it is hence quite removed from projects that seek to locate the origins of South Asian Islamic reformism in the Hijaz, based upon distinct notions of “Arabicist” and “Persianate” traditions of knowledge.¹⁰ As we shall see, the Hijaz underwent multiple and contradictory transformations across the early modern and modern periods. And many Indians who traveled to the Hijaz became pillars of Hijazi life, building an enduring Indian community, and writing in Persian for other Indian Hanafis as well as Ottoman and Central Asian audiences. Those who returned to South Asia developed a wide array of competing and often directly opposed legal politics. It is not useful to think of a strict Hijaz-South Asia division, which too often resurrects cultural essentialisms between Arab and Indian.¹¹

Instead, it is essential to think of how the social and intellectual connections between these spaces changed over time, and how these changes can illuminate trends in the geographical and intellectual flows of the madhhab-system. As such, this dissertation also does not attempt to establish one unified network of Islamic reform, as did John Voll for the eighteenth-century Hijaz.¹² Nor does it reject transregional influences altogether as did Ahmad Dallal in asserting

¹⁰ See: Seema Alavi, *Muslim Cosmopolitanism in the Age of Empire* (Cambridge, Mass.: Harvard University Press, 2015); Ayesha Jalal, *Partisans of Allah: Jihad in South Asia* (Cambridge, M.A.: Harvard University Press, 2008), 36; Francis Robinson, “Structures of Authority in Muslim South Asia in the Nineteenth and Twentieth Centuries,” *Modern Asian Studies* 47, no. 1 (2013): 1-21.

¹¹ These are often underwritten with normative judgements on the superiority or authenticity of one over the other: they “implicitly takes for granted,” as Barbara Metcalf writes, “that ‘real’ Islam—perhaps Arab Islam is foreign, intolerant, rigid, and so forth.” Barbara Metcalf, “Telling the Story of Islam in Asia: Reflections on Teleologies and Timelessness,” *ASIANetwork Exchange* 16, no. 2 (2009): 18.

¹² John O. Voll, “Hadith Scholars and Tariqas: An Ulama Group in the 18th Century Haramayn and their Impact in the Islamic World,” *Journal of Asian and African Studies* 15, no. 3 (1980): 264-273; John O. Voll, “Muhammad Hayya al-Sindi and Muhammad Ibn Abd al-Wahhab: An Analysis of an Intellectual Group in Eighteenth-Century Madina,” *Bulletin of the School of Oriental and African Studies* 38 (1975): 32–39.

the primacy of regional contexts.¹³ It argues that the Indian scholars under study here had variable relationships to multiple spaces. It seeks to show how their legal and intellectual projects were articulated within shifting spatial scales and across divergent publics.

As such, this dissertation does not adhere to a hard definition of the Indian Ocean's geographical scope and is not restricted to littoral spaces and port cities.¹⁴ Just as historians have warned against a spatial determinism that disconnects maritime from continental mercantile activity, this project too argues that the Indian Ocean's intellectual space expanded through integration within scholarly networks and the circulation of manuscripts, and was not necessarily limited by physical proximity to the ocean.¹⁵ It therefore includes Indian Ocean intellectual networks that extended inland to imperial centers like Delhi. It also evaluates Ottoman legal politics from the perspective of the Indian Ocean, opening new vistas of connected Ottoman-Indian histories beyond the usual frameworks of political and economic history, or Sufi networks and pilgrimage.¹⁶ Unlike the literature on the Ottoman Hijaz, which is sharply divided between

¹³ Dallah's critique of Voll is limited because while he strongly advocates for regionalisms, he refuses to explore them. Ahmed S. Dallah, *Islam without Europe: Traditions of Reform in Eighteenth-Century Islamic Thought* (Chapel Hill: University of North Carolina Chapel Hill Press, 2018), 58-65; and Ahmad Dallah, "The Origins and Objectives of Islamic Revivalist Thought, 1750-1850," *Journal of the American Oriental Society* 113, no. 3 (1993).

¹⁴ Compare with Michael Pearson, "Littoral Society: The Concept and the Problems," *Journal of World History* 17, no. 4 (2006): 353-73; and more broadly, Michael Pearson, *The Indian Ocean* (London and New York: Routledge, 2003); Frank Broeze, ed., *Brides of the Sea: Port Cities of Asia from the 16th-20th Centuries* (Kensington, NSW, Australia: New South Wales University Press, 1989).

¹⁵ Sanjay Subrahmanyam argues that the perceived "disjunction" between landbound economic activity and the sea "does not hold for at least a good proportion of the Indian subcontinent." Subrahmanyam, "Aspects of State Formation in South India and Southeast Asia, 1500-1650," *Indian Economic & Social History Review* 23, no. 4 (1986): 370. For another elaboration, see: Sanjay Subrahmanyam, "Masulipatnam Revisited, 1550-1750: A Survey and Some Speculations," in *Gateways of Asia: Port Cities of Asia in the 13th-20th Centuries*, ed. Frank Broeze (London and New York: Kegan Paul International; in association with the Asian Studies Association of Australia, 1997), 58.

¹⁶ A few examples include: Suraiya Farooqi, *Pilgrims and Sultans: The Hajj under the Ottomans* (London: I.B. Tauris, 2014 edition), chapter 6; Naimur Rahman Farooqi, *Mughal-Ottoman Relations: A Study of Political & Diplomatic Relations between Mughal India and the Ottoman Empire, 1556-1748* (Delhi: Idarāh-i Adabiyat-i Delli,

Ottomanists on the one hand, and the respective Indian Ocean regionalists on the other, this dissertation attempts to integrate both fields and archives wherever relevant. In addition, beyond connection, the Indian Ocean also provides fertile grounds of comparison, in seeing how Indian Hanafis might differ from fellow Hanafis in geographies more removed from the Indian Ocean, such as in the Ottoman heartlands in Anatolia and Southeastern Europe, or in Central Asia. In effect, the Indian Ocean enables us to pursue multiple scales of analysis, both local and transregional.¹⁷

The attention to the spaces of knowledge and the mobility of law provides a level of historicity and context that has become increasingly essential as intellectual history moves past the older and more “internalist” history of ideas approach.¹⁸ The Indian Ocean here is not intended to function as an amorphous discursive construction in the minds of its inhabitants but as constitutive of particular social and intellectual institutions through which ideas were developed and transmitted. These included, among other things, madrasas, courts, and Sufi houses, patronage by notables, merchants, and pilgrims, as well as connections between printing presses, steamships, and jurists across the Indian Ocean.¹⁹ In effect, it constitutes a way of anchoring history within the materiality of both text and context, of being attentive to the historicity of these spaces and their constantly evolving politics. This approach views networks

1989); Azmı Özcan, *Pan-Islamism: Indian Muslims, the Ottomans and Britain, 1877-1924* (Leiden, New York, and Köln: Brill, 1997); Alavi, *Muslim Cosmopolitanism*.

¹⁷ In this, it echoes Anne Bang’s use of translocality that assigns equal agency to both “the translocal Sufi-teacher and the local community” and stresses how Sufi networks had more than one center. Anne K. Bang, *Islamic Sufi Networks in the Western Indian Ocean (c.1880-1940): Ripples of Reform* (Leiden and Boston: Brill, 2014), 191.

¹⁸ Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory* 8 (1969): 3-53.

¹⁹ On print and steam, see: James L. Gelvin and Nile Green, eds., *Global Muslims in the Age of Steam and Print* (Berkeley and Los Angeles, California: University of California Press, 2014).

of scholarship as historically contingent, held together as much by scholars and texts as their political economy and social worlds.

While recent legal studies of the Indian Ocean have begun to show how plural frameworks of law connected its far-flung societies, they have granted little analytical importance to the madhhabs.²⁰ Islamic law usually surfaces in this literature as one large category juxtaposed against competing imperial legal regimes.²¹ Fahad Bishara's pioneering work, for instance, demonstrates how vernacular understandings and tools of Islamic jurisprudence coordinated commercial life in the Indian Ocean.²² Ultimately, however, he speaks in broad strokes of encounters between Islamicate Omani and Anglo-Indian legal cultures, as well as British law. Similarly, Iza Hussin's important work is also situated primarily at the encounter of colonial, post-colonial, and Islamic law.²³ Furthermore, the madhhab is neglected by studies of Muslim religious movements more broadly. The work of John Voll and others on transregional Ḥaramayn networks emphasized the role of Sufi and hadith networks as a means of transregional interconnectivity, granting minimal analytical importance to the madhhab in this regard.²⁴ Even studies of Southeast Asian Islam have not provided us with more than a basic

²⁰ See the special issue journals: Mahmood Kooria and Sanne Ravensbergen, "The Indian Ocean of Law: Hybridity and Space," *Itinerario* 42, no. 2 (2018): 164-167; Renisa Mawani and Iza Hussin, "Travels of Law: Indian Ocean Itineraries," *Law and History Review* 32, no. 4 (2014): 733-747.

²¹ An exception is Mahmood Kooriadathodi, "Cosmopolis of Law: Islamic Legal Ideas and Texts across the Indian Ocean and Eastern Mediterranean Worlds," (PhD Dissertation, University of Leiden, 2016).

²² Bishara, *A Sea of Debt*.

²³ Iza R. Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (Chicago and London: University of Chicago Press, 2015).

²⁴ John Voll, *Islam: Continuity and Change in the Modern World, Second Edition* (Syracuse, New York: Syracuse University Press, 1994); Stefan Reichmuth, *The World of Murtada Al-Zabidi (1732-91): Life, Networks, and Writings* (Cambridge: E. J. W. Gibb Memorial Trust, 2009).

recognition of the Shafi‘i madhhab’s importance within transregional scholarly networks.²⁵ The same is true for studies of East African Islamic movements in the Indian Ocean, though ‘Ibadi studies provide greater emphasis on the features of ‘Ibadi connectivity.²⁶

The selection of an Indian subset of Hanafi scholars from Thatta and Delhi who traversed the sacred sanctuaries of the Hijaz and Yemen allows us to determine exactly what was different about the Indian Ocean as an intellectual and legal space. This dissertation will show how the madhhab-system constituted an essential source of connectivity for Muslims in the Indian Ocean, created opportunities of legal and religious employment for scholars across empires, and drove legal debate across diverse Muslim publics. It argues that the Indian Ocean produced a distinctive hadith-oriented tradition of Hanafism, as the corpus of Prophetic traditions became an essential source of empirically establishing the validity of madhhab doctrine in the face of the Indian Ocean’s immense legal plurality and political heterogeneity. Successive generations of Indian Hanafis from the late fifteenth and sixteenth centuries onwards produced immense amounts of writing on hadith and law, driven both by competition with Shafi‘i scholarship in the Hijaz and Yemen, as well as by internal Hanafi attempts to create wider juristic scopes of interpretation outside madhhab boundaries. With its epistemological centrality established

²⁵ Azyumardi Azra upholds Voll’s centrality of hadith and Sufi networks; Michael Laffan does not go beyond admitting that a Shafi‘i “commonality” facilitated scholarly movement. Azyumardi Azra, *The Origins of Islamic Reformism in Southeast Asia: Networks of Malay-Indonesian and Middle Eastern ‘ulamā’ in the Seventeenth and Eighteenth Centuries* (Crows Nest, New South Wales, Australia: Asian Studies Association of Australia in association with Allen & Unwin; Honolulu: University of Hawai‘i Press, 2004), 8-24; Michael Francis Laffan, *Islamic Nationhood and Colonial Indonesia: The Umma below the Winds* (London and New York: RoutledgeCurzon, 2003), 20. Francis R. Bradley’s work contains discussions of Shafi‘i legal discourse, but mostly in terms of its religious and cultural capital. Francis R. Bradley, *Forging Islamic Power and Place: The Legacy of Shaykh Dā‘ūd bin ‘Abd Allāh al-Faṭānī in Mecca and Southeast Asia* (Honolulu: University of Hawaii Press, 2016).

²⁶ Bang, *Islamic Sufi Networks*; Anne K. Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa, 1860-1925* (London and New York: Routledge Curzon, 2003); Amal N. Ghazal, *Islamic Reform and Arab Nationalism: Expanding the Crescent from the Mediterranean to the Indian Ocean (1880s-1930s)* (New York: Routledge Taylor & Francis Group, 2010).

through the formation of the madhhabs, as well as its transregional claims of authority through personal genealogies, hadith scholarship in the Indian Ocean constituted a powerful means of establishing legal authority across imperial boundaries, of determining true legal practice across madhhabs. It contained great significance, as we shall see below, for the very basis of Islamic juristic activity in the Indian Ocean and South Asia.

The Madhhab between Scripture and Legal Scaffolding

As a school of law, the madhhab crystallized around the ninth and tenth centuries to organize the relationship between scripture, substantive law, and legal methodology and produce the most certain understanding of Divine law.²⁷ The madhhabs ultimately declared the Qur'an and the *sunna* (the normative practice) of the Prophet Muḥammad as the foundational bases of law, alongside other legal sources such as *ijmā'* (consensus) and *qiyās* (analogy).²⁸ By the sixteenth century, the madhhab was characterized by several long-standing developments which drove legal activity: first was the development of an authoritative doctrine of each school (*zāhir al-riwāya*), which stabilized the diverse array of verdicts within each madhhab, created a

²⁷ A few works on the formation of the madhhabs and legal theory include: Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (New York: Cambridge University Press, 2005); Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th -10th Centuries C.E.* (Leiden: Brill, 1997); Bernard G. Weiss, *The Spirit of Islamic Law* (Athens: University of Georgia Press, 1998); Yasin Dutton, *The Origins of Islamic Law: The Quran, the Muwaṭṭa' and Medinan 'Amal* (Surrey: Curzon, 1999); Nurit Tsafirir, *The History of an Islamic School of Law: The Early Spread of Hanafism* (Cambridge: Islamic Legal Studies Program, Harvard Law School, 2004). The madhhabs had deep theological importance in the formative period (eighth through tenth centuries C.E), but its significance diminished thereafter in some respects; this dissertation is mainly concerned with their dominant legal structure. For more on the theological dimensions of Islamic legal theory, see: Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta: Lockwood Press, 2013).

²⁸ For two recent expositions on the relationship between hadith (the corpus of Prophetic traditions), *sunna* (Prophetic normativity), and the madhhab in the formative periods, see: Umar F. Abd-Allah Wymann-Landgraf, *Mālik and Medina: Islamic Legal Reasoning in the Formative Period* (Leiden: Brill, 2013) and Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (New York: Cambridge University Press, 2013).

canonical set of authorities, and presented its most “sound” positions.²⁹ This was buttressed by the “regime of *taqlīd*,” of legal conformity, which instituted adherence to the authoritative doctrines based upon one’s standing within a hierarchy of juristic typologies (*ṭabaqa*).³⁰ These typologies specified the scope of *taqlīd* and *ijtihād*, of conformity and independent reasoning, for each typology, which comprised independent jurists (*mujtahid*) and legal conformists (*muqallid*) of several levels. It also delineated the legal responsibilities of ordinary people (*‘āwām*) who were not jurists. In theory, the madhhab did not banish *ijtihād* or independent reasoning altogether or impose itself uniformly on all people.³¹ At its core, it upheld a variable range of conformity to the authoritative doctrine of each madhhab.³²

The madhhab’s ability to serve as a stable and reliable system of law was enabled by a process Sherman Jackson has usefully described as legal scaffolding.³³ Adapted from the work of

²⁹ Sā’id Bakdāsh, *Takwīn al-Madhhab al-Ḥanafī ma’a Ta’ammulāt fī Dawābiṭ al-Muftā bih* (Beirut: Dār al-Bashā’ir al-Islāmiyya, 2015). I am grateful to Dr. Bakdāsh for gifting me a copy of his work. Also see: Ṣalāḥ Muḥammad Abū al-Ḥājī, *Fiqh al-Tarjīḥ al-Madhhabī ‘inda al-Sāda al-Ḥanafīyya* (Amman: Dār al-Fārūq, 2019); Lu’ay ibn ‘Abd al-Ra’ūf al-Khalīlī, *Asbāb ‘Udūl al-Ḥanafīyya ‘an al-Futyā bi-Zāhir al-Riwāya* (Amman: Dār al-Faṭḥ lil-Dirāsāt wa al-Nashr, 2016); Haytham ‘Abd al-Ḥamīd Khazna, *Taṭawwūr al-Fikr al-Uṣūlī al-Ḥanafī: Dirāsa Tārīkhīyya Tahliyya Taṭbīqīyya* (Beirut: Dār al-Kutub al-‘Ilmiyya, 2015); Brannon M. Wheeler, *Applying the Canon in Islam: The Authorization and Maintenance of Interpretive Reasoning in Ḥanafī Scholarship* (Albany: State University of New York Press, 1996).

³⁰ Wael B. Hallaq, *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2004).

³¹ On a study of Hanafī principles of *ijtihād*, see: Bilal Esen, *Hanefi Usulcülerinde İctihad Teorisi* (Istanbul: Türkiye Diyanet Vakfı, 2012). For a survey of *ijtihād* across the four madhhabs, see: Muḥammad Miyyān Şiddīqī, *A’imma-yi Arba’a kay Uṣūl-i İjtiḥād: Taqābulī Muṭāla’a* (Lahore: al-Miṣbāḥ, 2012).

³² This dissertation does not participate in the long-running debate on whether legal theory created or justified law: it resembles more David Vishanoff’s approach of “harmonizing” or “correlating” between law and theory, examining how texts were reread to fit law, or vice-versa, or both: David R. Vishanoff, *The Formation of Islamic Hermeneutics: How Sunni Legal Theorists Imagined a Revealed Law* (New Haven: American Oriental Society, 2011), 10. Compare with Behnam Sadeghi, *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition* (New York: Cambridge University Press, 2013).

³³ Sherman A. Jackson, “Taqīd, Legal Scaffolding and the Scope of Legal Injunctions in Post-Formative Theory: Muṭlaq and ‘Āmm in the Jurisprudence of Shihāb Al-Dīn Al-Qarāfī,” *Islamic Law and Society* 3, no. 2 (1996): 165-192; Jackson, *Islamic Law and the State*.

legal realist Alan Watson, legal scaffolding entailed constructing law by creating “new divisions, exceptions, distinctions, prerequisites” within the madhhab, instead of pursuing a direct and independent engagement with scriptural sources from the Qur’an and hadith.³⁴ It represented the derivation of legal authority from the madhhab itself, rather than beyond and anew from scripture. It thereby constituted an important vehicle of juristic innovation, enabling jurists to furnish new interpretations and even change madhhab positions without constantly having to debate fundamental questions of who or what constituted the grounds of legal authority.³⁵ Jackson’s legal scaffolding can also be usefully combined with Talal al-Azem’s complementary notion of the madhhab-law tradition.³⁶ This is the idea that all the madhhabs derived their authority from specific processes of legal rule-determination, including rule-formulation and rule-review (*tarjīh* and *taṣhīh* respectively). These processes enabled jurists to navigate the enormous plurality of legal ideas within a single madhhab, discriminate between them, and push forth new verdicts. Like legal scaffolding, they marked binding engagements with juristic precedent in the madhhab, rather than independent interpretations of scripture.

This dissertation uses the analytical concept of legal scaffolding to evaluate how Indian Hanafis engaged early and late authorities of their madhhab. For legal scaffolding as mandated by *taqlīd* formed the key interface between an individual jurist and their madhhab. As such, it could be challenged on multiple fronts. Most literature has focused on the “competing

³⁴ Jackson, “Taqīd, Legal Scaffolding and the Scope of Legal Injunctions in Post-Formative Theory,” 167.

³⁵ Jackson, *Islamic Law and the State*, 77; Mohammad Fadel, “The Social Logic of Taqlīd and the Rise of the Mukhtaṣar,” *Islamic Law and Society* 3, no. 2 (1996): 192-233.

³⁶ Talal Al-Azem, *Rule-Formulation and Binding Precedent in the Madhhab-Law Tradition: Ibn Quṭlūbughā’s Commentary on The Compendium of Qudūrī* (Leiden and Boston: Brill, 2017).

hegemonies” of *taqlīd* and *ijtihād*, which at its highest form represented an attempt to directly construct law from scripture without any intermediating authorities.³⁷ This dissertation also brings to attention the sizeable Indian literature on *taḥqīq*, or verification and investigation, whereby a scholar or ordinary person would attempt to verify or investigate a legal ruling in the light of prevailing evidence.³⁸ In contrast to *taqlīd*, which was usually defined as conforming to madhhab doctrine without understanding its evidence (‘*admi ma ‘rifat al-dalīl*), *taḥqīq* entailed acting directly upon knowledge of evidence. *Taḥqīq* could be mobilized to support the madhhab based on scriptural scrutiny (in the sense of verification), but it could also be used to justify departures from the madhhab (in the sense of investigation).

Whether individual members directly engaged hadith literature to defend or critique the madhhab, they interrupted the mandate of legal scaffolding as established by the sixteenth century. *Taḥqīq* in this sense came to represent an engagement not within the madhhab’s authoritative corpus, but beyond, into the raw stuff of scriptural evidence to furnish legal certainty and veracity. It represented the limits of the madhhab canon to furnish legal authority, and hence was most prominent in contexts that witnessed major debates regarding the veracity of the madhhab itself, such as in the pluralism of the Indian Ocean. According to some proponents, *taḥqīq* did not even necessarily entail an *ijtihād* of the level that required highly specialized knowledge and aimed to solve new legal problems. It could be undertaken by the ordinary person

³⁷ Jackson, “*Taqlīd, Legal Scaffolding and the Scope of Legal Injunctions*,” 167, footnote 5.

³⁸ This usage of *taḥqīq* is scriptural and legal, and is different than the one discussed by Khaled El Rouayheb, where *taḥqīq* stands for philosophical and logical demonstrations of truth. One can speculate on their connected nature, but that is beyond the scope of this project. Khaled El Rouayheb, *Islamic Intellectual History in the Seventeenth Century: Scholarly Currents in the Ottoman Empire and the Maghreb* (New York: Cambridge University Press, 2015), chapters 1-3. Also see: Matthew Melvin-Koushki, “*Taḥqīq vs Taqlīd* in the Renaissances of Western Early Modernity,” *Philological Encounters* 3 (2018): 193-249.

who sought to simply confirm the veracity of a local practice within scripture. This ordinary person could even be invested with the authority to contravene the madhhab on the basis of his or her investigation. Legal scaffolding was thus positioned directly in competition with the scriptural impetus of *tahqīq*, in addition to *ijtihād*.

As such, this dissertation will carefully explore how legal scaffolding fared in the face of rising Indian participation in hadith studies in the early modern period. It will examine how Indian Hanafis integrated ideas regarding the canonization of hadith literature itself, including the widely-prevalent acceptance of certain hadith compilations such as *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim* as the most sound.³⁹ It will also show how the principles of the admissibility of certain types of hadith traditions as legal evidence were contested and debated by Indian Hanafis, who attempted to reconcile seemingly different standards of evidence favored by hadith scholars and other legal schools.⁴⁰ These, as we shall see, had many implications on determining the veracity of Hanafī positions for both internal Hanafī critics as well as rivals from other

³⁹ Jonathan Brown, *The Canonization of al-Bukhārī and Muslim: The Formation and Function of the Sunnī Ḥadīth Canon* (Leiden: Brill, 2007).

⁴⁰ On Hanafī standards of hadith criticism and legal derivation, see: ‘Abd al-Majīd al-Turkmānī, *Dirāsāt fī Uṣūl al-Ḥadīth ‘alā Manhaj al-Hanafīyya* (Karachi: Manshūrāt Madrasat al-Nu‘mān, 2009); Kīlānī Muḥammad Khalīfa, *Manhaj al-Hanafīyya fī Naqd al-Ḥadīth bayn al-Nazariyya wa al-Taṭbīq* (Cairo: Dār al-Salām, 2010); Atabek Shukurov An Nasafi, *Hanafī Principles of Testing Hadith*, trans. Sulaiman Ahmed (Avicenna Academy, 2015); Sohail Hanif, “A Theory of Early Classical Ḥanafism: Authority, Rationality and Tradition in the *Hidāyah* of Burhān al-Dīn ‘Alī ibn Abī Bakr al-Marghīnānī (d.593/1197),” (PhD Diss., University of Oxford, 2017), 49-56; Murtaza Bedir, *Fikih Mezhep Sünnet: Hanefi Fikih Teorisinde Peygamber’in Otoritesi* (Istanbul: Değerler Eğitimi Merkezi, 2017); Issam Eido, “Ḥanafī’s Criteria of Ḥadīth Criticism: The Role of Islamic Legal Maxims,” *Majallat Kulliyat al-‘Ulūm al-Islāmiyya* 1 (2020): 140-172. Also see Dr. Ḥātim al-‘Awnī who argues that the methodological differences between Hanafis and other schools in reconciling conflicting hadith traditions are often exaggerated, and based more upon theoretical distinctions rather than actual practice. Al-Sharīf Ḥātim ibn ‘Ārif al-‘Awnī, “Manāzil Ḥall Ishkāl al-Ta‘arūf bayn al-Nuṣūṣ al-Shar‘iyya bayn al-Jumhūr wa al-Hanafīyya,” (1441 AH). Accessed February 28, 2020 at <http://www.dr-alawni.com/files/books/pdf/1579982747.pdf>. In contrast, see: Muḥammad ‘Awwāma, *Athar al-Ḥadīth al-Sharīf fī Ikhtilāf al-A‘imma al-Fuqahā’ Raḍiyallāh ‘anhum*, 2nd edition (Cairo and Beirut: Dār al-Salām, 1987).

madhhabs. In sum, this dissertation will examine how the study of the hadith sciences as a source of scriptural authority came to bear upon Indian conceptions of the Hanafī madhhab.

Considering this complexity, this dissertation abstains from using reductive (yet widely used) terms like “scripturalism” to describe the rising engagement with hadith literature across the early modern and modern periods. As described by Clifford Geertz, scripturalism entailed “the turn toward the Koran, the Hadith, and the Sharia, together with various standard commentaries upon them, as the only acceptable bases of religious authority,” and was produced merely as a reaction to “Western intrusion” through colonialism.⁴¹ Besides locating the basic impetus for historical change outside Muslim intellectual and legal history, this description conceals the vast differences and debates amongst both premodern and modern Muslims on how to engage with scripture even when they acknowledged its centrality. It ignores how the “scripturalism” of the madhhabs, in other words, was itself subject to immense contestation in terms of theory and practice. As we shall see, Indian Hanafī engagement with hadith could signify any number of things: it did not inevitably lead to critiques of *taqlīd* (or even the same critique of *taqlīd*), and it did not necessarily undermine the study of the “rationalist sciences” (*ma‘qūlāt*) of philosophy, logic, mathematics, medicine, and so forth.⁴² This dissertation is thus far less invested in rehearsing a simplistic story about the rise of Islamic “scripturalism” in the

⁴¹ Clifford Geertz, *Islam Observed: Religious Development in Morocco and Indonesia* (Chicago: University of Chicago Press, 1968), 65.

⁴² Francis Robinson has consistently presented the “transmitted sciences” (*manqūlāt*) of the Quran, hadith, Arabic grammar, and law as distinct from the “rationalist sciences,” as if in competition with each other. As this dissertation will demonstrate, the two were not mutually exclusive and could be used to support each other. Francis Robinson, “Structures of Authority in Muslim South Asia in the Nineteenth and Twentieth Centuries,” *Modern Asian Studies* 47, no. 1 (2013): 1-21; Francis Robinson, “Ottomans-Safavids-Mughals: Shared Knowledge and Connective Systems,” *Journal of Islamic Studies* 8, no. 2 (1997): 151-84.

wake of colonial modernity and is concerned more with historicizing a longer set of transformations concerning madhhab authority and hadith scholarship.

Ultimately, this dissertation shows how these contestations over scripture, *taqlīd*, *ijtihād*, and *taḥqīq* had powerful and widespread consequences. The rise of hadith learning at the broader level served to expand legal fluidity, to open new legal possibilities beyond exclusive legal conformity to an individual madhhab. Increasing calls to furnish scriptural evidence created new demands to make scripture more accessible for both jurists and ordinary people, as well as to construct scholarly genealogies that spanned the hadith circles of the Indian Ocean. This manifested in the creation of whole new genres of legal and scriptural writings, as well as educational institutions, across manuscript and print cultures and distinctive socio-historical conditions to help an expanding readership to navigate the oceans of hadith and legal literature and derive legal certainty. It struck at the heart of any assemblage of legal authority, conceptual and social, within and beyond the madhhab. The tripartite relationship between an Indian actor, the Hanafi madhhab, and hadith literature, as mediated by legal scaffolding and/or scriptural verification, thus forms one of the most productive sites of change in this dissertation.

Madhhab-Centered Legal Pluralism

By the sixteenth century, the Hanafi madhhab had been long embedded within a late medieval Sunni consensus that recognized the equal validity of four madhhabs: the Hanafi, Shafi‘i, Hanbali, and Maliki madhhabs. These four madhhabs collectively comprised a madhhab-

system which defined the authoritative legal edifice of Sunni Islam.⁴³ In institutional terms, this was marked by the creation of joint-madhab madrasas or colleges for the four madhabs in 631/1234 at Baghdad's Madrasa Mustanşiriyya and in 639/1242 in Cairo.⁴⁴ During the Mamluk period, it resulted in the creation of chief judge positions for each madhab at Cairo in 663/1265.⁴⁵ This imperial support was crucial in making the four madhabs the basis of Sunni legal pluralism and an enduring infrastructural reality within courts, colleges, and even, as we shall see, certain mosques far beyond Cairo. It laid the foundations of what will be referred to as madhab-centered legal pluralism.

Madhab-centered legal pluralism, as conceived in this project, draws from the broader literature on legal pluralism, which emerged from studies on the interactions between colonial and indigenous legal orders.⁴⁶ It has since witnessed extensive debate and transformation, and as it stands now, appears quite promising for the analytical needs of this project.⁴⁷ The most basic

⁴³ This is not to suggest that there were no Sunni legal critiques of the four madhabs. For instance: Amr Osman, *The Zāhiri Madhab (2rd/9th-10th/16th Century): A Textualist Theory of Islamic Law* (Leiden and Boston: Brill, 2014).

⁴⁴ For a discussion of the establishment of joint-madhab madrasas, see: Wilferd Madelung, "The Spread of Māturīdism and the Turks," *Biblos (Coimbra)* 46 (1970): 162-68. For a more skeptical view of the relationship between madrasas and madhab identity in the eleventh century, see Daphna Ephrat, *A Learned Society in a Period of Transition: The Sunni 'Ulama of Eleventh Century Baghdad* (Albany: State University of New York Press, 2000). Compare with the classic study by George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981).

⁴⁵ Sherman A. Jackson, "The Primacy of Domestic Politics: Ibn Bint Al-A'azz and the Establishment of Four Chief Judgeships in Mamlūk Egypt," *Journal of the American Oriental Society* 115, no. 1 (1995): 52-65; Yossef Rapoport, "Legal Diversity in the Age of Taqlīd. The Four Chief Qādīs under the Mamluks," *Islamic Law and Society* 10 (2003): 210-228; Talal Al-Azem, "A Mamluk Handbook for Judges and the Doctrine of Legal Consequences (al-mūğab)," *Bulletin d'études orientales* 63 (2014): 205-226.

⁴⁶ The classic study is M. B. Hooker, *Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws* (Oxford: Clarendon Press, 1975).

⁴⁷ For a helpful discussion of debates in the field, see: Franz von Benda-Beckmann, "Who's Afraid of Legal Pluralism?" *Journal of Legal Pluralism* 47 (2002): 37-82. A few seminal formulations include: Sally Falk Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study," *Law & Society*

insight it provides is the recognition that multiple normative legal orders can coexist and overlap in a given space; and that interplay and conflict between these legal orders generate new possibilities of law and legal agency for a wide variety of actors. Furthermore, it has challenged essentialist definitions of categories such as law and state.⁴⁸ Recently, Paul Berman argues in his work on global legal pluralism that the “key questions involve the normative commitments of a community and the interaction among normative orders that give rise to such commitments, not their formal status.”⁴⁹ Similarly, another work shows how “state law becomes not a single arena opposed to nonstate law but a composite of jurisdictions with unevenly exercised authority.”⁵⁰ Thus, this conception allows us to move away from a framework of law as exclusively state-based, and which often fixates on defining state-society legal boundaries. It enables scholars to explore how multiple norm-generating communities and agents produce overlapping legal orders alongside and beyond the state, which is key to capturing the complexity of the madhhab-system in the Indian Ocean.⁵¹

Review 7, no. 4 (1973): 719-46; John Griffiths, “What Is Legal Pluralism?” *Journal of Legal Pluralism* 24 (1986): 1–55; Sally E. Merry, “Legal Pluralism,” *Law and Society Review* 22 (1988): 869-896.

⁴⁸ Brian Z. Tamanaha, “A Non-Essentialist Version of Legal Pluralism,” *Journal of Law and Society* 27, no. 2 (2000): 296-321.

⁴⁹ Paul Schiff Berman, *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders* (New York: Cambridge University Press, 2012), 54-55.

⁵⁰ Lauren Benton and Richard J. Ross, “Empires and Legal Pluralism: Jurisdiction, Sovereignty, and Political Imagination in the Early Modern world,” in *Legal Pluralism and Empires, 1500-1850*, edited by Lauren Benton and Richard J. Ross (New York and London: New York University Press, 2013), 7. This, to be precise, is in reference to the work of Philip Stern on the early modern East India Company. Philip Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (New York: Oxford University Press, 2011).

⁵¹ However, this insight is not often pursued by scholars who incorporate legal pluralism in studying Islamic law, and the judicial/court system remains most prominent. See: Ido Shahar, “Legal Pluralism and the Study of Shari’a Courts,” *Islamic Law and Society* 15, no. 1 (2008): 112-41; Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011). For a relatively expansive approach, see: Mark S. Wagner, *Jews and Islamic Law in Early 20th-Century Yemen* (Bloomington: Indiana University Press, 2015).

For historical insight, Lauren Benton and Iza Hussin’s respective works provide another degree of analytical depth regarding legal pluralism. Benton forcefully argues that law was historically generative of a global international order in the early modern period, as “law worked both to tie disparate parts of empires and to lay the basis for exchanges of all sorts between politically and culturally separate imperial or colonial powers.”⁵² This process manifested in jurisdictional politics, or the contests to define and preserve multiple legal forums and authorities across spaces. Iza Hussin in addition emphasized power differentials between legal orders, showing how the domain of Islamic law in the Indian Ocean was increasingly diminished through jurisdictional politics with colonial and post-colonial states, ultimately forming a hybrid or mixed rather than truly autonomous and plural system.⁵³ She also argued for the critical rather than secondary role of local elites in achieving this transformation. Their approach thus opens legal pluralism to historical change, as something capable of propelling transregional connections, generating a host of larger cultural, economic, and political conflicts, and transforming the very edifice of law and state itself.

Such an analytical approach can be quite useful for Islamic legal history. The recognition of multiple contexts of lawmaking is certainly not new to Islamic studies, but the allure of the state has continued to dominate early modern and modern legal studies, which has produced an extensive literature on how deeply individual states controlled and underwrote Islamic law and madhhab authority.⁵⁴ Such questions on Islamic state-society legal interactions are quite

⁵² Benton, *Law and Colonial Cultures*, 3.

⁵³ Iza R. Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (Chicago and London: University of Chicago Press, 2015), especially 222-226.

⁵⁴ This literature is very vast. For some example see: Ayoub, *Law, Empire, and the Sultan*; Baldwin, *Islamic Law and Empire in Ottoman Cairo*; Burak, *The Second Formation of Islamic Law*; Rudolph Peters, “What does it mean

important, and this dissertation does not question their manifold contributions. However, they are overwhelmingly limited to narrow imperial or national geographies and thus collectively lose sight of the madhhab-system's transregional and transimperial regimes of legal and intellectual interaction.

This dissertation takes madhhab-centered legal pluralism to refer to how Sunni Muslims from different empires upheld a shared legal framework that recognized multiple orders of legal authority based on the madhhab-system and its attendant institutions and canons. It does not necessarily view the madhhab as entangled within state institutions, especially as they impacted the movement of jurists or attempted to control legal pluralism within their domains. Ultimately, however, madhhab pluralism transcended state institutions: this dissertation explores how the madhhab made transregional intellectual and legal connections possible for both scholars and common people, allowing, for instance, Hanafis from Delhi and Malikis from Morocco to engage each other in different legal capacities at Mecca. It thus explores how the madhhab was woven into transregional scholarly networks and articulated across multiple languages and vernaculars, with Arabic (and to a certain extent Persian) serving as its lingua franca; and it analyzes how the transmission of scholarship along these networks and publics transformed the madhhab. And finally, it explores how the madhhab-system's position as the exclusive basis of Sunni legal pluralism in the early modern period was increasingly challenged in the eighteenth

to be an official madhhab: Hanafism and the Ottoman Empire,” in *The Islamic School of Law: Evolution, Devolution, and Progress*, edited by Peri Bearman, Rudolph Peters, and Frank E. Vogel (Cambridge: Harvard University Press, 2005), 147-58. In contrast, Mughal historiography is less developed and less concerned with the Hanafi school per se: Bhatia, *The Ulama, Islamic Ethics and Courts under the Mughals*; Satish Chandra, *Mughal Religious Policies, the Rajputs & the Deccan* (New Delhi: Vikas Pub. House, 1993).

and early nineteenth centuries, and ultimately dislodged altogether in the late nineteenth and early twentieth centuries.

Three main forces of change and conflict feature prominently within this analysis of madhhab-centered legal pluralism, straddling both the realm of ideas as well as contextual and material forces. First, in terms of legal theory, are the competing forces of legal fluidity, or boundary-crossing across schools, vis-à-vis conformity to an individual madhhab.⁵⁵ Legal pluralism engendered boundary-crossing of multiple kinds, including pragmatic eclecticism and more evidence-based approaches. As Ahmed Fekry Ibrahim's important work on Mamluk and Ottoman Egypt demonstrates, pragmatic eclecticism could involve switching madhhab affiliations completely, adopting opinions from madhhabs other than one's own in certain questions, or even combining the positions of multiple schools on one question.⁵⁶ He describes how such practices were highly contested, and yet were increasingly authorized in the early modern period as a legitimate enterprise of the madhhab-system, providing jurists, litigants, and judges with a wider array of legal possibilities within and beyond the state courtroom. In contrast, this dissertation analyzes boundary-crossing that was driven more by scriptural than pragmatic concerns, and which was the product of the rising tensions between legal scaffolding and scriptural verification, as elaborated in the previous section. Here, criticism of say, Hanafi

⁵⁵ Legal fluidity as used here is different from other iterations that describe it more along the lines of legal indeterminacy or pluralism, including the "co-existence of multiple valid legal interpretations," and so forth. Marion Katz, "Gender and Legal Fluidity," in *Locating the Sharī'a: Legal Fluidity in Theory, History and Practice*, edited by Sohaira Z. M. Siddiqui (Leiden and Boston: Brill, 2019), 46. I borrow the term "boundary-crossing" from Ahmed Fekry Ibrahim, *Pragmatism in Islamic Law: A Social and Intellectual History* (Syracuse: Syracuse University Press, 2015).

⁵⁶ Ibrahim, *Pragmatism in Islamic Law*. Also see: Lutz Wiederhold, "Legal Doctrines in Conflict: The Relevance of Madhhab Boundaries to Legal Reasoning in the Light of an Unpublished Treatise on Taqlīd and Ijtihād," *Islamic Law and Society* 3, no. 2 (1996): 234-304.

positions, did not necessarily entail adopting an opinion from another madhhab based on need, but engendered a quest for scriptural verification and a critique of legal conformity itself. It was thus at once enabled and even propelled by madhhab pluralism but threatened to dissolve the madhhabs altogether.

Second, legal pluralism was shaped by the interaction of author-jurists (a *muṣannīf* who authored legal works beyond the courtroom) from different madhhabs within transregional circles of hadith scholarship.⁵⁷ Few in the Western academy have actually analyzed Indian hadith scholarship, though it is usually assigned a large share of responsibility in catalyzing Muslim reformist movements.⁵⁸ This dissertation shows how increasing Indian Hanafi interaction with other schools of law within Hijazi, Yemeni, and Indian centers of hadith accelerated conflicts regarding madhhab doctrine, legal conformity, and the pursuit of scriptural evidence. This fueled massive projects to justify madhhab doctrine from the more universal pool of scriptural evidence in hadith literature. As such, legal pluralism emerges not only as a judicial phenomenon located in courtrooms and enshrined in constitutions but as something inextricable from the production of Islamic legal and hadith scholarship.

⁵⁷ On author-jurists, see Hallaq, *Authority, Continuity, and Change*, chapter 6.

⁵⁸ For broad surveys of hadith scholarship in South Asia (and beyond), see: ‘Abd al-Ḥayy al-Ḥasanī, *al-Thiqāfa al-Islāmiyya fī al-Hind* (Cairo: Hindawi, 2014), 123-146; Muhammad Ishaq, *India’s Contribution to the Study of Hadith Literature: A Survey of the Growth and Development of Hadith Literature in the Sub-Continent of Pakistan and India from the Earliest Time Down to the Nineteenth Century* (Dacca: University of Dacca, 1955); Maḥmūd Aḥmad Ghāzī, *Muḥāḍarāt-i Ḥadīth* (Lahore: Al-Faisal Nashran, 2012), 415-442; Mehmet Özşenel, *Pakistan’da Hadis Çalışmaları* (Istanbul: İFAV Yayınları, 2014). (The last title is not restricted to Pakistan.) Also see: Muhammad Qasim Zaman, “Commentaries, Print and Patronage: ‘Hadīth’ and the Madrasas in Modern South Asia,” *Bulletin of the School of Oriental and African Studies, University of London* 62, no. 1 (1999): 60-81; Joel Blecher, *Said the Prophet of God: Hadith Commentary across a Millennium* (Oakland, California: University of California Press, 2018).

Third, this dissertation traces the transformation of the madhhab across an Indian Ocean and South Asian public. Here, it explores two aspects of the public. First, as a “necessary” character of law: specifically, how the madhhab attempted to institute legal conformity amongst ordinary people (*‘awām*), beyond exclusive circles of jurists, in the early modern and modern periods.⁵⁹ Questions regarding the ordinary person’s relationship with the madhhab were not particular to one period, and as such, the public constituted an essential question of legal contestation. However, the growth in the nineteenth century of a print-fueled public *sphere* – where legal authority was debated beyond juristic circles for the consumption and with the participation of ordinary individuals – held enormous consequences for madhhab authority.⁶⁰ This forms the second, and more material, aspect of the public explored in this dissertation, which builds upon the close nexus of law, religion, and the public in recent work in examining how the public was “defined and regulated through juridical institutions.”⁶¹ It explores how the rise of vernacular printing in the early nineteenth century and increasing scriptural literacy amongst both jurists and ordinary people transformed debate on the imperatives of legal conformity and scriptural verification. It investigates how increasing speed of communication

⁵⁹ For an overview of the debates regarding the public nature of legal doctrine, see: Neil Walker, “On the Necessarily Public Character of Law,” in *The Public in Law: Representations of the Political in Legal Discourse*, edited by Claudio Michelon, Gregor Clunie, Christopher McCorkindale and Haris Psarras (Surrey: Ashgate Publishing Limited, 2012), 9-34. He argues how law is public both in terms of its social quality (as language is social), and selectively with reference to doctrine and discipline. This can be combined usefully with Brannon Ingram’s articulation of the public as “first and foremost a discursive” space. Brannon Ingram, “Crises of the Public in Muslim India: Critiquing ‘Custom’ at Aligarh and Deoband,” *South Asia: Journal of South Asian Studies* 38, no. 3 (2015): 404.

⁶⁰ This dissertation is less interested recovering a public sphere in the Habermasian sense, in terms of European categories of liberalism, civil society, and secular rationality, and more on recovering new social spaces and possibilities of law.

⁶¹ J. Barton Scott and Brannon D. Ingram, “What is a Public? Notes from South Asia,” *South Asia: Journal of South Asian Studies* 38, no. 3 (2015): 363.

amongst Indian scholars catalyzed older debates and forced scholars to take definitive new stances. As such, it explores how powerful social tools and infrastructures of knowledge in the public sphere hardened legal divisions and enabled new claims to legal authority beyond the domain of the madhhab-system.

In specific terms, this dissertation analyzes how Indian Hanafis engaged with jurists and hadith scholars from different schools and backgrounds in the Ottoman Hijaz by reference to the madhhab-system. It shows how this Indian engagement with other madhhabs (primarily the Shafi‘is but also to a lesser extent Malikis, as well as Hanbalis and Zaydis), as well as non-Indian Hanafis in the Ottoman Hijaz disrupted their relationships with their own madhhab, producing intense debate in Indian Hanafi circles regarding legal scaffolding and scriptural verification. It then examines how the steadily growing tension between legal scaffolding and scriptural verification reached new levels of disputation and critique in the emerging public sphere of the nineteenth century, ultimately decentralizing the madhhab-system as the basis of Sunni legal pluralism.

The Madhhab between Early Modernity and Modernity

This dissertation follows an unabashedly chronological narrative from the sixteenth to the early twentieth centuries. The close adherence to chronology is arguably necessary given the traditional nature of Islamic legal and hadith scholarship – that is, its construction through precedent and genealogy. The strongly self-referential edifice of Islamic scholarship demands an approach that examines generational changes at key links in the massive scholarly genealogies produced in the Indian Ocean, and the new possibilities of knowledge opened at important junctures in the transformations of a text into commentaries, super-commentaries, critiques,

abridgements, fatwas, and other genres of knowledge. As intellectual historians like to argue, whether something was “continuous” or “discontinuous,” it had to be reproduced all the same by new human hands and texts at every moment in time; all knowledge was newly articulated, no matter how conservative a legal system; change was constant and not an external force imposed upon the members of a stagnant tradition.

The selection of this periodization, of the early modern and modern, however, is not internal to the actors studied here. These periods serve more as heuristic devices than empirical categories; they do not identify the precise moment when modernity began, or when the madhhab-system was displaced as the authoritative basis of Sunni law. They instead hold broader historiographical implications to provide clarity regarding change and agency.

The framework of the early modern helps relocate modernity beyond Europe, as “a global and *conjunctural* phenomenon, not a virus that spreads from one place to another.”⁶² This project is not a global history, but it is invested in viewing change, critique, and subjecthood as inherent within the Indian Sunni tradition (as any other), rather than as something imposed through the external force of colonialism. As such, it does not see modernity as inherently external, whether in origin or in content, to Islamic legal history; and, in the same breath, it does not permanently restrict “genuine” Islamic law to the pre-colonial.⁶³ It therefore does not cast native agency as locked inevitably within a zero-sum competition with colonial modernity.⁶⁴ Nor does it recover

⁶² Sanjay Subrahmanyam, “Hearing Voices: Vignettes of Early Modernity in South Asia, 1400-1750,” *Daedalus* 127, no. 3 (1998): 99-100. Also see: Sanjay Subrahmanyam, “Connected Histories: Notes towards a Reconfiguration of Early Modern Eurasia,” *Modern Asian Studies* 31, no. 3 (1997): 735-62.

⁶³ Compare with Wael Hallaq’s oeuvre, including notably: Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity’s Moral Predicament* (New York: Columbia University Press, 2012).

⁶⁴ In this regard, it echoes Sherali Tareen’s recent argument. Sherali Tareen, *Defending Muhammad in Modernity* (Notre Dame: University of Notre Dame Press, 2020), 161.

Indian agency only to show how natives too contributed to the establishment of colonial rule; this is a problem, which as Paolo Sartori mentioned, has inhibited the literature on legal pluralism.⁶⁵ Hence, this project does not regard the displacement of the madhhab-system as the inevitable consequence of colonialism and the creation of personal law.

Instead, the history of madhhab legal pluralism is driven by long-standing transformative forces within Indian Sunni Islam as its actors engaged the dynamic contexts of the Indian Ocean from the sixteenth and seventeenth centuries onwards. Here, the colonial appears – as does anything else – in history, that is, as a particular set of contingencies, rather than the definitive logic of modern South Asia, the ultimate ghostwriter of modern Muslim discourse.⁶⁶ This should not be read as a denial of the colonial period’s violence and impact, but as a testament to the historical record of Indian scholarship, and of the impetus to take Muslim (and vernacular) contexts of history seriously, beyond questions of nationalism and political self-determination. As Chapters 4 and 5 will demonstrate, the nineteenth and twentieth centuries witnessed what was thus far the most extensive amount of discussion on the madhhab by Muslim scholars in Arabic, Urdu, and other languages. These scholars redrew and debated the boundaries of the madhhab in new and unique ways whilst engaging heavily with their early modern predecessors. Their engagements with the early modern have been neglected and misunderstood by many observers, who have presented arguments about the ruptures of colonial modernity without substantial

⁶⁵ Paolo Sartori, *Visions of Justice: Sharia and Cultural Change in Russian Central Asia* (Leiden and Boston: Brill, 2017), 10.

⁶⁶ It builds off similar (but analytically distinct) formulations in a growing body of work, including: Nile Green, *Bombay Islam: The Religious Economy of the West Indian Ocean, 1840–1915* (Cambridge: Cambridge University Press, 2011); Seema Alavi, *Islam and Healing: Loss and Recovery of an Indo-Muslim Medical Tradition* (New York: Palgrave Macmillan, 2008); Brannon D. Ingram, *Revival from Below: The Deoband Movement and Global Islam* (Oakland: University of California Press, 2018); M. Reza Pirbhai, *Reconsidering Islam in a South Asian Context* (Leiden and Boston: Brill, 2009).

treatments of the pre-colonial (and, often, even vernacular sources from the colonial period).⁶⁷ Yet, to demonstrate rupture in history, one must take into account a period of time that is, at the very minimum, larger than the putative rupture itself. This dissertation thus combines the two periods in a conscious departure from most studies of South Asian Islam (and South Asia more broadly) which have been sharply divided between early modern and modern historiographies.

This project is also consciously different from the more limited set of scholars who have engaged the pre-colonial to search for differences from the modern; it does not study early modern history (or as is more customary in Islamic studies, the medieval) only for what it can reveal about the exceptionality of nineteenth and twentieth-century modernity.⁶⁸ Most, even in this exercise, have not followed a consistent approach: they typically cut and choose, or in R. G. Collingwood's famous formulation, pursue a "scissors-and-paste history" from the vast expanse of the pre-colonial in order to make a carefully manufactured canvas against which the modern can be measured.⁶⁹ These kinds of claims and comparisons fail to show how knowledge and politics transform historically in a processual and accumulative manner. This dissertation, in contrast, analyzes early modern transformations in legal thought and scholarship on their own terms, as synchronic processes that connected legal schools from Sindh and Delhi to Mecca and Istanbul. It then shows how such processes expanded or contracted in the following centuries

⁶⁷ Sanjay Subrahmanyam, *Penumbra Visions: Making Politics in Early Modern South Asia* (Ann Arbor: The University of Michigan Press, 2001), 257-59.

⁶⁸ It finds common ground in the approach of Moin Nizami with regards to the Chishti-Sabiri order. Moin Nizami, *Reform and Renewal in South Asian Islam: The Chishti-Sabris in 18th-19th Century North India* (New Delhi: Oxford University Press, 2017).

⁶⁹ R. G. Collingwood, *The Idea of History* (Oxford: Clarendon Press, 1946), 257-60. For a recent prominent example of this approach, see Shahab Ahmed, *What is Islam? The Importance of Being Islamic* (Princeton: Princeton University Press, 2015).

through veritable students and successors (or lack thereof). It is not, therefore, an exercise in comparing legal verdicts from different time periods to make a case for legal innovation.⁷⁰ It follows specific contexts and trails of law through both their presences and absences to identify larger, cumulative historical changes.

To sketch a basic overview: this dissertation identifies several broad transformations of the Indian Hanafi madhhab in chronological order. First, in the sixteenth and early seventeenth centuries, the attempt to integrate and harmonize hadith with the Hanafi madhhab by Indian scholars who sought to defend themselves against rival schools in the Hijaz; and who were influenced to a large degree by Mamluk Hanafis of the fifteenth century who had undertaken similar projects. Second, in the late seventeenth and early eighteenth centuries, internal hadith-based critique of Hanafi doctrine by Indian Hanafis who claimed an obligation to engage in scriptural verification against conformity to the madhhab. Third, through much of the late eighteenth and early nineteenth centuries, the expansion of legal fluidity, or hadith-based boundary-crossing across madhhabs, as well as the wider proliferation of hadith scholarship in Indian juristic circles through new works and translations. Fourth, from the mid-nineteenth century, the predominance of scriptural verification within larger Indian Ocean publics, both by those who no longer identified as Hanafis and completely rejected the validity of legal conformity, as well as their Hanafi interlocutors. Collectively, they provincialized the madhhab-system's processes of legal scaffolding, opening new avenues of Sunni legal authority beyond the madhhab. Hence, while the Hanafi madhhab survived and thrived in certain contexts, the

⁷⁰ These works locate the main impetus for change in new political and socio-economics contexts. The classic example is: Baber Johansen, *The Islamic Law on Land Tax and Rent: The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods* (London: Croom Helm, 1988).

madhhab-system no longer furnished the exclusive basis of Sunni legal authority by the late nineteenth and early twentieth centuries.

Texts and Sources in the Indian Ocean

This section provides an overview of the sources used within this project and discusses some of their methodological implications. In doing so, it analyzes some of the textual forms through which intellectual authority was transmitted, articulated, and contested. In general, this dissertation does not attempt to produce a history of textuality in the Indian Ocean, but it remains attentive to what different genres, as well as linguistic and textual politics can reveal about how law was composed and contested.⁷¹ As such, it does not confine itself strictly to legal sources.

The first set of sources concern the transmission of intellectual authority and the construction of scholarly genealogies. The building block was the *ijāza*, the license or permission typically granted by one scholar to a student, which was central to hadith scholarship but not exclusive to it.⁷² There are two main types of *ijāzas*: the *ijāza* to teach, which entailed a higher standard of qualification and a deeper relationship between the teacher and student; and the *ijāza* to transmit, which authorized the transmission of a genealogy and did not require deep qualification or the “time-consuming” process of complete oral transmission. The latter could be

⁷¹ Compare with Brinkley Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society* (Berkeley and Los Angeles: University of California Press, 1993); Brinkley Messick, *Shari'a Scripts: A Historical Anthropology* (New York: Columbia University Press, 2018).

⁷² The most important study of the *ijāza* within the hadith tradition after the medieval period is: Garrett Davidson, “Carrying on the Tradition: An Intellectual and Social History of Post-Canonical Hadith Transmission,” (PhD Diss., University of Chicago, 2014), chapter 3. For debates regarding the medieval period, see: Makdisi, *The Rise of Colleges*; Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton, NJ: Princeton University Press, 1992); Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350* (Cambridge: Cambridge University Press, 1994).

granted in a brief meeting and through epistolary correspondence to both scholars and non-scholars. Both licenses enabled the production of an *isnād*, or a chain of transmission, wherein scholars traced their chain of teachers back to the Prophet Muḥammad in the case of hadith, or to other authors with regards to their respective texts. In the early modern period, multiple *isnāds* were increasingly collected by individual scholars to form a *thabat* (or *mashyakha*): an index which contained compilations of all the *isnāds* and *ijāzas* a scholar had amassed and chose to transmit to their students. The *thabats* mostly listed hadith compilations but also could include a diverse array of texts from mathematics and medicine to grammar and law. All of these sources were used by students and contemporaries to construct biographical dictionaries and other kinds of hagiographies.

These sources have recently attracted debate regarding their utility in understanding the post-medieval world. Voll constructed his theory of a Ḥaramayn-centered network of Islamic reformism in the eighteenth century by examining teacher-student chains of hadith scholarship and Sufi orders from biographical dictionaries and related sources. Dallal in contrast argued that tracing such intellectual family-trees ignored the substantial ideological differences between scholars as well as the significance of their divergent local contexts; he instead advocated analyzing their legal and intellectual output to determine the extent of any commonalities.⁷³

This dissertation attempts to reconcile both positions. This dissertation argues that the *ijāza*, *isnād*, and *thabat* together formed essential means of scholarly participation in the Indian Ocean world (and beyond) and cannot be dismissed as marginal intellectual tools. They resembled to an extent the process Bishara has traced of *ta'rif*, of endowing new non-Arab and

⁷³ Dallal, *Islam without Europe*, 59.

non-Muslim commercial actors with legal personhood through genealogy, in order to enable them to participate in Indian Ocean commercial life.⁷⁴ Although the *ijāza* and the related sources did not function across religious boundaries, they were still essential to transregional scholarly life in the Indian Ocean, often forming the first matter of business between scholars who encountered each other for the first time. They not only represented a means of transmitting spiritual blessings (*baraka*), certifying students, or building social and intellectual capital, but they enabled their meaningful participation and identification across transregional networks. In these texts, scholars would typically list their affiliations in terms of madhhab, theology, Sufi order, even geography, and disclose their links to a series of scholarly circles. It is not surprising that Indian Ocean scholars painstakingly compiled intricate and lengthy genealogies they could share with their students, contemporaries, and strangers in new lands.

In addition to their social function, these sources can be used to trace the intellectual contours of their authors. Here, it is necessary to analytically separate the question of intellectual influence from intellectual genealogy. As Dallal has argued, the intellectual genealogies should not be assumed to automatically transfer influence. However, these texts still are quite useful in what they reveal about the intellectual and political claims made through choices of self-ascription and affiliation. As we will see, scholars could also choose to emphasize certain chains over others; some would, for instance, narrate mostly from Hanafi scholars as opposed to scholars of other madhhabs. Examining how scholars traced their genealogies provides an essential measure of how they sketched their intellectual politics within a spectrum of scholarly hierarchies.

⁷⁴ Bishara, *A Sea of Debt*, 69-70.

The second group of sources this dissertation studies pertains to the bulk of scholarly intellectual output: hadith and legal commentaries, legal treatises and primers, polemics, glosses, and so forth, encompassing theory, substantive law, and related disciplines. In examining this material, this project usually pursues two questions: first, in keeping with the methods of intellectual history, it seeks to determine what questions these texts were attempting to answer, rather than viewing them as transparent sources of legal evidence.⁷⁵ This provides the flexibility to toggle between analyses of multi-volume commentaries and brief treatises, by reference to what question they served to answer within a larger legal and intellectual project. Furthermore, in accordance with recent revisionist scholarship, it examines how commentaries and glosses were used to articulate fresh critiques and disputations, rather than simply reproduce canons and extend authority.⁷⁶ While it cannot analyze every text in full, it emphasizes certain legal case studies (mostly relating to prayer) to provide continuity of analysis.

Second, it examines the materiality of these texts in terms of the processes of reading, circulation, translation, collection, and printing. It combines Khaled El Rouayheb's notion of "deep reading" and Nile Green's "bibliocentric" mode of knowledge which collectively explore the impersonal reading of texts.⁷⁷ It thereby steps beyond the realm of personal teacher-to-student transmission of knowledge as conveyed in *ijāzas*, and explores the growing "impersonal" pursuit of individual "research" (*baḥth*) that could critique or reinforce established legal

⁷⁵ Collingwood, *The Idea of History*, 269-74.

⁷⁶ See El Rouayheb, *Islamic Intellectual History in the Seventeenth Century*. Compare with Ahmed El Shamsy, "The *Hāshiya* in Islamic Law: A Sketch of the Shāfi'ī Literature," *Oriens* 41 (2013): 289-315.

⁷⁷ El Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, chapters 1-3; Nile Green, "The Uses of Books in a Late Mughal Takiyya: Persianate Knowledge Between Person and Paper," *Modern Asian Studies* 44, no. 2 (2010): 241-65.

structures through *tahqīq* and *ijtihād*. It views every manuscript as significant in terms of what it reveals about its circulation and the possibilities of knowledge available to a scholar. Chapter 3 analyzes the discrepancies between an index of a scholar's transmitted books and their personal library of manuscripts to determine where their intellectual investments were located. Chapter 4 covers the intersection of manuscripts and print cultures, redrawing some of the arguments about the impact of print. Ultimately, the dissertation questions how knowledge was transmitted through texts, institutions, and individuals; and how these in turn might serve scriptural verification or legal conformity.

In this vein, it also analyzes processes of translation and composition, drawing attention to madhhab pluralism as a multi-linguistic formation in the Indian Ocean. It emphasizes the translocal centrality of Arabic in the Indian Ocean, as seen in Ronit Ricci's *Arabic cosmopolis*, and it uncovers the multi-directional flow of translation from Arabic to Persian or Urdu, and from Persian or Urdu to Arabic.⁷⁸ It seeks to uncover both the social significance of multi-linguistic composition in Arabic, Persian, Urdu, and Sindhi, as well as the wider intellectual and legal concerns that propelled them. These included, for instance, making legal conformity or scriptural verification more feasible for the common person and the jurist alike. It also included producing the inter-madhhab knowledge necessary to facilitate madhhab pluralism. Just as Nile Green has shown how cross-cultural knowledge in the Indian Ocean was painstakingly produced by travelers through ethnographic and philological methods, this dissertation shows how Indian

⁷⁸ Ronit Ricci, *Islam Translated: Literature, Conversion, and the Arabic Cosmopolis of South and Southeast Asia* (Chicago and London: University Of Chicago Press, 2011).

Hanafis endeavored to understand and explain the workings of madhhab pluralism in the Indian Ocean through textual research and personal encounters in multiple linguistic settings.⁷⁹

A third set of sources used in this dissertation are fatwas (non-binding legal verdicts) and legal endorsements or blurbs (*taqrīz*). These are essential in seeing how legal ideas came to pass, beyond the realm of legal theory, into the public domain. They also are crucial in uncovering the transregional flows of legal scholarship, as fatwas and endorsements were solicited and reproduced across different corners of the Indian Ocean. As we shall see, Ottoman support for four chief judge positions of each school effectively institutionalized madhhab pluralism in the Hijaz; this was extremely rare in the Indian Ocean (unlike other provinces of the Ottoman Empire) and thereby attracted requests for fatwas or legal endorsements (and often, joint-madhhab requests) from different corners of the Indian Ocean. These help to an extent recover some agency for non-scholars who pushed and demanded verdicts from jurists with increasing frequency in the modern period.⁸⁰ Chapter 5 will also show how Indians competed to gain legal endorsements from the four madhhabs to establish consensus rather than accommodate difference, thereby pushing certain debates beyond the scope of legitimate disagreement.

A fourth set are imperial records from the Ottoman and British empires. These incorporate the state into analyses of legal pluralism; they demonstrate how the Ottomans upheld and even demanded fidelity to madhhab pluralism in the Hijaz, in contrast to British authorities in the nineteenth century. They reveal competing and different imperial conceptions of Wahhabi

⁷⁹ Nile Green, *Sea of Difference: Connection and Comprehension across the Indian Ocean* (forthcoming).

⁸⁰ For a more emphatic line of this argument, see Leor Halevi's formulation of "fatwas from below": Leor Halevi, *Islam's Global and Material Reformation in the Age of Rida, 1865-1935* (New York: Columbia University Press, 2019), 24-28.

thought which could be exploited by Indian actors against their rivals. And, finally, this project analyzes scholarly travelogues. These allow us to reconstruct the physical and conceptual markers of scholarly travel. They provide a picture of law in motion, an on-the-road (and water) perspective of how madhhab pluralism facilitated transregional connections even as it transformed across time.⁸¹

The overwhelming majority of the actors examined in this dissertation are Sunni men. However, women appear in the following ways: as patrons of educational establishments and endowments; as transmitters of hadith, whose specific chains of transmission were sought by women and men alike; and as fatwa-solicitors, whose questions relating to marriage and inheritance could move the pendulum of madhhab affiliation and drive legal debate. Thus, while they are not the central actors, this dissertation attempts to uncover their voices wherever possible. And although this is a history of Sunni legal pluralism, it is not a history of Sunnism as a theological or sectarian category. It is not even exclusively Sunni: it highlights the strong connections between Indian Hanafis and Yemeni Zaydis who engaged in joint pursuits of hadith, and it shows how Hanafis were employed by Zaydi rulers in official capacities.

Chapter Breakdown

Chapter 1 traces the contours of early modern madhhab-centered legal pluralism in the Indian Ocean. It shows how Hanafis from Sindh, Delhi, Afghanistan, Gujarat, and elsewhere traveled to the Ottoman Hijaz in the sixteenth and early seventeenth centuries and established careers therein, enabled by the overarching legal framework of madhhab pluralism and

⁸¹ For more on travelogues as sources in the Indian Ocean, see: Green, “The Waves of Heterotopia.”

reinforced by the Hanafi affiliations they shared with the Ottoman state. It analyzes how their Hanafi scholarship transformed across two generations as they began to engage substantially in new ways with hadith literature, driven by criticisms made by Shafi‘is in the Hijaz, as well as earlier developments in Hanafi *fiqh* by Mamluk Hanafi jurists. Through a case-study of the question of inter-madhhab prayer, it shows how their conceptions of legal fluidity between madhhabs expanded across these generations. It also traces the uneven spread of such legal politics in South Asia, as they were articulated in Persian and Arabic by scholars therein. Ultimately, it argues that madhhab pluralism served to enable transregional legal scholarship across imperial boundaries, and in the process transformed Hanafi discourse into one where hadith scholarship assumed a more central role within circles of Hanafi scholarship beyond state institutions.

Chapter 2 shows how internal Hanafi critique flourished in the late seventeenth and early eighteenth centuries as Indian Hanafis advanced in hadith scholarship and critiqued the internal madhhab canon in direct if selective ways. It specifically brings to light the intense debates produced by a prolific Sindhi line of hadith teachers in Medina who collectively pushed forth major critiques of *taqlīd* and specific Hanafi positions within their commentaries, glosses, and short treatises, all the while retaining an affiliation with the Hanafi madhhab. It analyzes a case-study of their debates on the proper manner of hand-placement in ritual prayer with Hanafi scholars from Thatta, who defended Hanafi doctrine through detailed analyses of hadith transmissions and narrators. It also analyzes their scrutiny of manuscripts across libraries in the Indian Ocean to determine the authenticity of various hadith traditions, demonstrating how processes of impersonal reading and manuscript circulation in the Indian Ocean were instrumental in enabling the production of this new discourse. By connecting the contextual

worlds of Sindhi scholars who moved to the Hijaz and those who remained in Sindh, it shows how a transregional hadith-based juristic discourse rose into prominence, upending notions of exclusive legal conformity to a madhhab or a local religious figure. It ends by surveying the varied trajectory of such hadith-based critiques in Sindh, Delhi, and the Hijaz, challenging the exceptionality of the Delhi scholars usually assumed in historiography.

Chapter 3 takes us to the late eighteenth and early nineteenth century, showing how scriptural verification began to assume wide prominence in Indian Ocean Hanafi circles in the aftermath of the internal critiques developed in the previous generation. It follows a travelogue composed by an Indian scholar, showing how such transformations informed his own lived encounters with multiple scholarly circles in the Indian Ocean, across different madhhabs. It brings to light a crucial step of the intellectual process – of making hadith literature more accessible to jurists – that characterized key works of Hanafi hadith scholarship during this period, amongst Sindhi and Delhi-based scholars alike. Ultimately, it reconstructs a Sunni legal politics that was less invested in establishing the superiority of an individual madhhab over another madhhab and did not advance notions of political Muslim decline in the Indian Ocean. Instead, it attached critical importance to the study of hadith, the pursuit of independent investigations, and the expansion of legal fluidity between madhhabs.

Chapter 4 shows how such processes began to take increasingly powerful – and divisive – forms as Indians incorporated print to increase scriptural literacy and wrote directly for the ordinary person in new vernaculars in the first half of the nineteenth century. It turns to the popular movement of the *ṭarīqa-i muḥammadiyya*, analyzing their legal politics rather than theological and political campaigns which have received the most attention. It traces how scholars associated with this movement produced a series of competing and opposed arguments

regarding the obligation of scholars to conform to the madhhab, as well as the obligation of the common person to verify the teachings of their local scholar and the madhhab from scripture. It also shows how the expansion of legal fluidity enabled critiques of popular practices and heretical innovations, as scholars crossed madhhab boundaries to make arguments regarding their (im)permissibility. This chapter ultimately demonstrates how madhhab-centered legal pluralism came under direct attack by new hadith-centered rubrics of law, exceeding the internal Hanafi critiques of the previous century in terms of their scope and their social and legal stakes. In doing so, it recovers the agency of Indian jurists in producing such transformations within Sunni legal history, as opposed to the usual explanations regarding the imposition of Anglo-Muhammadan law by the British East India Company, or the impact of the Wahhabi movement in the Arabian Peninsula.

Chapter 5 traces the fragmentation of the madhhab-system in the latter half of the nineteenth century and beginning of the twentieth century. It shows how such fragmentation occurred both within the madhhab-system by rival Indian Hanafis, as well as from without, from the newly emergent Indian Ahl-i Hadith movement which critiqued legal conformity to the madhhab-system in general and the Hanafi madhhab in particular. It illustrates how such processes were catalyzed in the Indian Ocean, as Indian actors sought to make a case in front of transregional Hijazi audiences and to exploit the divergent policies of the Ottomans and British against the specter of Wahhabism. By analyzing Indian Hanafi attempts to defend themselves within Ottoman courts in the Hijaz and to solicit legal endorsements and fatwas from Hijazi muftis, it shows how they endowed scholarly differences with institutional depth and created new particularistic identities that superseded common Hanafi affiliations. It also shows how the Indian Ahl-i Hadith were effectively censored within the Hijaz, and instead drew explicitly upon

the earlier layers of Indian scholarship discussed in the previous chapters to build the legal, genealogical, and scriptural basis of a new Sunni madhhab. Ultimately, it shows how even as the madhhabs were individually defended and practiced in large swathes of the Indian Ocean, they no longer represented the exclusive basis of Sunni legal authority and could not contain legal differences between rival Sunni groups. Instead, Indian Sunnis came to locate religious authority within new religious orientations which were built around specific madrasas, texts, and scholarly genealogies that each claimed scriptural validity in distinct ways.



Figure 1: Map of the North Indian Ocean, 1500-1900⁸²

⁸² Lahori Bandar's location is approximate.

Chapter 1:

The Hanafi Madhhab in the Early Modern Indian Ocean:

Integrating Hadith and Law, 16th-17th Centuries

“Does [one] not see how God most High raised the ranks [of the scholars of the madhhab, ‘*ulamā*’ *al-madhhab*], spread their knowledge across far-flung regions, granted them the level of *ijtihād*, and established the religion through them in all the lands?”⁸³ Raḥmatullāh al-Sindī (d.990/1586)

“And the followers of Imām Abū Ḥanīfā have always been increasing in all the lands, especially in Anatolia, Transoxiana, the province of Hind, and [include] most of the people of Khurasan and Iraq, along with many in the Arab lands by consensus. And I estimate they constitute two-thirds of all Muslims...”⁸⁴ Mullā ‘Alī al-Qārī (d.1014/1606)

This chapter looks beyond the imperial centers of Istanbul and Delhi to histories of the Hanafi madhhab across the Indian Ocean. Histories of the Hanafi madhhab in the early modern period have usually been restricted to specific imperial geographies and concerned largely with the emergence of imperial legal institutions and the interplay of non-state and state-affiliated legal figures.⁸⁵ While this is certainly useful for understanding how imperial states shaped and were shaped by Islamic law, it does not capture broader developments, including transregional

⁸³ “afalā yanẓur ilā mā rafa‘a allāh ta‘ālā qadrahum wa nashara ‘ilmahum fī al-āfāq wa balaghahum mablagh al-ijtihād wa aqāma al-dīn bihim fī sā‘ir al-bilād.”

Raḥmatullāh al-Sindī, *Ghāyat al-Taḥqīq wa Nihāyat al-Tadqīq fī Masā’il Ibtalā bihā Ahl al-Ḥaramayn al-Sharīfayn*, Maktabat al-Masjid al-Nabawī, MS (8)80/56, f. 92.

⁸⁴ “wa ammā atbā‘ al-imām abī ḥanīfa fa-dā‘iman fī al-izdiyād fī jamī‘ al-bilād lā siyyamā fī bilād al-rūm wa mā warā‘ al-nahr wa wilāyat al-hind wa akthar ahl khurāsān wa ‘irāq ma‘a wujūd kathīr minhum fī bilād al-‘arab bil-ittifāq wa azunnu annahum yakūnūn thuluthay al-muslimīn.”

Mullā ‘Alī al-Qārī, *Tashyī‘ al-Fuqahā’ al-Ḥanafīyya bil-Tashnī‘ ‘alā Sufahā’ al-Shāfi‘īyya*, Maktabat Makka al-Mukarrama, MS 109/Fiqh Ḥanafī, f. 4.

⁸⁵ See for instance the works cited in the introduction above, as well as: Ayoub, *Law, Empire, and the Sultan*; Bhatia, *The Ulama, Islamic Ethics and Courts under the Mughals*; Burak, *The Second Formation of Islamic Law*; Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State University of New York, 1994).

exchanges between and within madhhabs, and growing Hanafi investment in hadith scholarship. This chapter focuses on a series of itinerant Sindhi Hanafi scholars – as well as key contemporaries and interlocutors from Afghanistan, Gujarat, and Delhi – who participated in the intellectually robust and legally pluralistic space of the Hijaz. Here, at a relative distance from imperial centers, this chapter explores how these scholars contested madhhab-centered legal pluralism in the sixteenth and seventeenth centuries.

This chapter pursues three main questions: it explores how the madhhab organized intellectual relationships of Indian Hanafis as they arrived in the Ottoman Hijaz. In doing so, it brings to life the madhhab as a generative force of connection, showing how madhhab identity and affiliation enabled Indian Hanafis to participate in local madrasas, penetrate recently established Ottoman institutions, and engage with other schools within circles of hadith scholarship. Second, it analyzes how Indian Hanafis upheld a regime of *taqlīd*, of legal conformity, to Hanafi authoritative doctrine through their legal writings and commentaries. It shows how they built upon and navigated the classical (900-1200) and post-classical (1200-1500) corpus of the Hanafi madhhab, and strove to make legal conformity possible amidst its vast internal plurality.⁸⁶ Third, it analyzes their engagement with hadith literature as a source of law, especially in debates with the Shafi‘i school, their main rivals in the Hijaz.

In broad terms, it argues that for most of the sixteenth and early seventeenth centuries, Indian Hanafis gradually incorporated new developments from hadith scholarship to support the legal doctrine of the Hanafi madhhab. They engaged in the “legal scaffolding” of post-classical

⁸⁶ This periodization follows the scheme in Ibrahim, *Pragmatism in Islamic Law*, 21-22. For an early discussion of periodization in the history of Hanafi law, see Ya'akov Meron, “The Development of Legal Thought in Hanafi Texts,” *Studia Islamica* 30 (1969): 73-118.

Hanafi scholarship, which entailed deriving legal authority from the madhhab by creating “new divisions, exceptions, distinctions, prerequisites,” and so forth, instead of pursuing an independent engagement with scriptural sources of law.⁸⁷ Yet, as these Hanafis participated in inter-madhhab conversations that flourished amidst the Hijaz’s legal pluralism, they faced the challenges of controlling legal fluidity or boundary-crossing between madhhabs, which was catalyzed both by common people who were less beholden to madhhab identity, as well as by critiques from Shafi’i rivals who challenged the legitimacy of the Hanafi school. In response, as we shall see, many Indian Hanafis began to compose legal treatises and hadith commentaries that actively consolidated and defended authoritative Hanafi doctrine through new engagements with scriptural sources that departed from the classical Hanafi methodology of the late medieval period. In this way, Indian Hanafis integrated new standards of hadith scholarship within their legal discourse, defending the legitimacy of the Hanafi madhhab and its place within the madhhab-system. Ultimately, the madhhab-system remained paramount in this early modern context, upheld not only by the growing Ottoman and Mughal bureaucracies, but the transregional webs of legal and hadith scholarship that flourished in the Indian Ocean.

This chapter begins by mapping the large contours of scholarly terrain in the Indian Ocean, with special reference to Sindh and the Hijaz in the sixteenth century. It traces the intellectual relationships of the Sindhi scholars who navigated these spaces in the Hijaz, including their relationships with prominent Shafi’is and Hanafis from Egypt. After sketching these relationships, it turns to Sindhi intellectual output, and in particular, their writings on the jurisprudence of pilgrimage rites (*‘ilm al-manāsik*) and devotional hadith literature. It presents a

⁸⁷ Jackson, “Taqlīd, Legal Scaffolding and the Scope of Legal Injunctions in Post-Formative Theory,” 167.

case study of their debates on the permissibility of inter-madhab prayer, showing how legal fluidity was controlled and managed in a context of legal pluralism far removed from the courtroom. The last section of the chapter moves to the seventeenth century, highlighting the emergence of a new generation of Indian Hanafi hadith scholars in the Hijaz that were much more vocal in their debates with rival Shafi'is and began to undertake new commentaries and writings on hadith literature. The chapter ends by examining how such legal conformity was sustained by scholarly networks and imperial legal projects in the Mughal empire in the latter half of the seventeenth century.

From Lower Sindh to the Hijaz: The Contours of Madhab Pluralism

This section briefly explores the material infrastructures that linked Sindh across the Indian Ocean to the Ottoman Hijaz in the sixteenth century, and then turns to a more detailed survey of the legal and scholarly landscape of the Hijaz. We begin in the early sixteenth century at the entrepôt of Thatta, built along the Indus river beyond the coastal delta of Sindh (see Figure 1). Thatta is usually regarded to have gained prominence during the long fifteenth-century reign of Nizām al-Dīn II (Jām Nanda) (r.866-914/1461-1508) of the Sammas, a local Sunni dynasty.⁸⁸ Jām Nanda's reign established Thatta as an important arena of activity in tandem with its seaport of Lahori Bandar, and it became a center for trade reaching further inland via Multan to Central Asia and North India, as well as south to the Indian Ocean. Samma rule came to a violent end when Thatta was conquered by the Turko-Mongolian Arghuns led by Mirza Shāh Beg

⁸⁸ For a discussion of the origins of Thatta, see S. P. Chablani, "The Origins of Thatta," in *The Samma Kingdom of Sindh (Historical Studies)*, compiled by Ghulam Muhammad Lakho (Jamshoro, Pakistan: Institute of Sindhology and University of Sindh, Jamshoro, 2006), 153-160.

(d.928/1522) around 1521. The Arghuns had been driven south to Sindh from their base in Qandahar by the combined military pressure of both Babur (d. 937/1530) and Shah Ismā‘īl (r.907-930/1501-1524). Fearing execution, the last Samma ruler, Jām Firoz (r.914-927/1508-1521) fled to Gujarat, where Muẓaffar Shāh II (r.917-932/1511-1526) welcomed him and assigned him land grants.⁸⁹

Under the Arghuns and the Tarkhans that succeeded them, Thatta remained well-connected to Central Asia and the Indian Ocean. Many Sindhi scholars fled to Gujarat in the aftermath of the Arghun invasion, but others from Afghanistan and Iran followed the Arghun begs to Thatta, their seat of power in Lower Sindh.⁹⁰ The many tombs at the necropolis of Makli, just at the outskirts of Thatta, continued as a site of *ziyāra* (pilgrimage), beyond the Sufi networks of the Qadiris and Suhrawardis which had been established in Sindh since late medieval times.⁹¹ For instance, the Ottoman admiral ‘Ali Reis (d.970/1563) visited the tomb of Shaykh Jamālī at Makli twice on his long, meandering journey back to Istanbul in 1555 after his

⁸⁹ ‘Abdullāh Muḥammad bin ‘Umar al-Makkī al-Āṣafī Ulughkhānī, *An Arabic History of Gujarat: Ẓafar al-Wāliḥ bi Muẓaffar wa ‘Ālih*, ed. E. Denison Ross (London: John Murray, Albermale Street, 1910), 1: 137-138.

⁹⁰ These included the likes of the jurist Shukrullāh ibn Wajh al-Dīn moved from Qandahar to Thatta in 927/1521, where he began to work as a judge during the first year of the short reign of Shāh Beg. Another jurist al-Kāshānī al-Sindī moved sometime in the mid-sixteenth century from Kashan, reportedly acquiring the position of a judge. See: ‘Abd al-Ḥayy al-Ḥasanī, *Al-I‘lām biman fī Tārīkh al-Hind min al-A‘lām al-Musammā bi Nuzhat al-Khawāṭir wa Bahjat al-Masāmi‘ wa al-Nawāzīr* (hereafter *Nuzhat al-Khawāṭir*) (Beirut: Dār ibn Ḥazm, 1999), 4:349 and 5:399-400 respectively.

⁹¹ The Suhrawardi tariqa had been established in Sindh since the twelfth and thirteenth centuries. According to the famous eighteenth century Sindhi historian Mīr ‘Alī Sher Qānī‘ (d.1203/1788), the first sayyid to settle in Bhakkar was Sayyid Muḥammad Makkī, a grandson of Shihāb al-Dīn Suhrawardī, see: *Tuḥfat al-Kirām*, ed. Nabī Bakhsh Khān Baloch, trans. Akhtar Riḍawī (Jamshoro: Sindhi Adabi Board, 2006), 386; also see the entry on Sayyid Jalāl (Surkh) Bukhārī in the same volume, pgs. 367-69. The Qadiri tariqas established a foothold in Uch in Upper Sindh near the end of the fifteenth century. They played a prominent role in containing the spread of the millennial Mahdawi movement in Sindh, overcoming Ismailis, and supplanting the preeminence of the Suhrawardi tariqas by establishing smaller, less centralized branches and maintaining friendly relations with the political elite. See: Qānī‘, *Tuḥfat al-Kirām*, 364-365; Ansar Zahid Khan, “The Role of the Qadiri Sufis in the Religious Life of Sindh,” in *Sindh Through the Centuries*, ed. Hamida Khuhro (Karachi: Oxford University Press, 1981), 118-123.

failed expedition against the Portuguese.⁹² In commercial terms, Thatta also constituted an important presence in the Indian Ocean through much of this century. In the 1540s, trade from Sindh accounted for nearly 10 percent of customs revenue at the Portuguese-controlled port of Hormuz.⁹³ During their invasion of Thatta in 1557, the Portuguese commented that Thatta was one of the most formidable and wealthy ports in all of South Asia.⁹⁴ And despite early Portuguese disruptions of pilgrimage in the Indian Ocean, Sindhi pilgrims did make it to the Hijaz – and back – through Gujarat.⁹⁵

Sindh was thus well-integrated with social and economic developments inland across Central and South Asia as well as in the Indian Ocean. It maintained a close relationship with the neighboring sultanate in Gujarat and it encompassed the Hijaz within its larger political and geographical ambit. Even the bodies of Shāh Beg and Shāh Ḥasan (d.971/1554), the two Arghun dynasts themselves, were shipped overseas to be entombed in Mecca rather than the elaborate necropolis at Makli.⁹⁶ It is no surprise then that Sindhi scholars contributed to a “renaissance” of

⁹² ‘Ali Reis, *Mir’at-ül Memalik (Ulkerin Aynası)* (Istanbul: Tercüman, n.d.), 60, 65. For an analysis of his travels in South Asia, see: Muzaffar Alam and Sanjay Subrahmanyam, *Indo-Persian Travels in the Age of Discoveries, 1400-1800* (New York: Cambridge University Press, 2007), 95-120.

⁹³ Sanjay Subrahmanyam, *The Portuguese Empire in South Asia, 1500 to 1700*, 2nd ed. (West Sussex: Wiley Blackwell, 2012), 101.

⁹⁴ Sanjay Subrahmanyam, “The Portuguese, Thatta and the External Trade of Sind, 1515-1635,” *Revista de Cultura* 13/14 (Janeiro/Junho 1991): 52.

⁹⁵ On the Portuguese and hajj in the Indian Ocean, see: Naim R Farooqi, “Moguls, Ottomans, and Pilgrims: Protecting the Routes to Mecca in the Sixteenth and Seventeenth Centuries,” *The International History Review* 10, no. 2 (1988): 198-220; 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): 503-30; Mahmood Kooria, “‘Killed the Pilgrims and Persecuted them’: Portuguese *Estado da India*’s Encounters with the Hajj in the Sixteenth Century,” in *The Hajj and Europe in the Age of Empire*, ed. Umar Ryad (Leiden: Brill, 2017), 14-46.

⁹⁶ Mīr Muḥammad ibn Sayyid Jalāl Thattwī, *Tarkhānnāma (Tārīkh-i Sind dar Zamāna-yi Arghūn wa Tarkhān)*, ed. Sayyid Ḥussām al-Dīn Rāshdī (Hyderabad, Sindh: Sindī Adabī Board, 1965), 43. Also in Sayyid Muḥammad Ma’sūm Bakkārī, *Tārīkh-i Ma’sūmī*, ed. ‘Umar ibn Muḥammad Dāwūdputa (Poona: Bhandarkar Oriental Research Institute, 1938), 127, 194.

hadith studies in the late fifteenth and sixteenth centuries that spread across the Hijaz and many regions of South Asia, including Malabar, Delhi, Bengal, and Gujarat.⁹⁷ In fact, the sixteenth century was the most active period of hadith scholarship in Sindhi circles since ‘Umayyad and ‘Abbasid times, when dozens of figures from Daybul, Qusdar, Mansura, and other cities in Sindh had traversed the networks of hadith as far as the Hijaz, Damascus, and Baghdad.⁹⁸ As this chapter will demonstrate, far from being an eighteenth-century phenomenon, Indian hadith scholarship witnessed key developments in the sixteenth century.⁹⁹

Sindhi scholars arriving in the Hijaz in the sixteenth century encountered a very robust and transregional intellectual milieu, enriched by a community of *mujāwirūn* (long-term residents) and patrons from afar.¹⁰⁰ Many polities shaped Hijaz’s scholarly networks and institutional infrastructure, including the Mamluks, the Ottomans, and the Gujarat Sultanate. By the late fifteenth century, near the end of the Mamluk period, about twenty-three madrasas and eighty *ribāṭs* (hospices or guesthouses sometimes associated with Sufi orders) had been established in Mecca alone, mostly by merchants and rulers from afar, including women and

⁹⁷ Ishaq, *India’s Contribution to the Study of Hadith Literature*, chapter 4.

⁹⁸ Early Sindhi scholars were not necessarily marginal figures; an oft-cited example is Najīh ibn ‘Abd al-Raḥmān al-Sindī (d. 170/787), who specialized in *maghāzī* literature and whose funeral in Baghdad was reported to have been performed by the ‘Abbasid caliph Hārūn al-Rashīd himself. Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 1:50. For a broad overview, see: Derryl N. MacLean, *Religion and Society in Arab Sind* (Leiden: Brill, 1989), chapter 4. For a brief discussion on Daybul in early chronicles, see S.Q. Fatimi, “The Twin Ports of Daybul,” in *Sindh Through the Centuries*, ed. Hamida Khuhro (Karachi: Oxford University Press, 1981), 97-105.

⁹⁹ See for instance the work of Daniel Brown, which dates the emergence of hadith and *sunna*-based legal politics (after the formative period) to the eighteenth century. Daniel W. Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1996), 22.

¹⁰⁰ For a study of the *mujāwirūn* of the Hijaz in this period, see: Amīra bint ‘Alī Midāh, *Dawr al-Mujāwirīn fī Ithrā’ al-Ḥaraka al-‘Ilmiyya bi-Makka al-Mukarrama khilāl al-‘Ashir al-Hijrī/al-Sādis ‘Ashar al-Milādī* (Mecca: Jāmi‘at Umm al-Qurā, 2005); and Monā Ḥasan Muḥammad Muqrin Āl Mishārī, *al-Mujāwirūn fī Makka wa al-Madīna fī al-‘Aṣr al-Mamlūkī (min 648/1250 ilā 966/1517)* (Master’s Thesis: Jāmi‘at al-Malik Sa‘ūd, 1409/1989).

men.¹⁰¹ Of the *ribāts*, thirty-nine were still functioning during the advent of Ottoman rule in 1517, including at least four that were established by or dedicated for Indians.¹⁰² Of the madrasas, three had been sponsored by Indian rulers in Bengal, Gujarat, and the Deccan – all connected by the Indian Ocean to the Hijaz.¹⁰³ In fact, one of the largest madrasas in Mecca was the Madrasa Bangāliyya, established by Ghiyāth al-Dīn Abū al-Muzaffar A‘zam Shāh (r.792-814/1390-1411) of the Ilyas Shahi dynasty in Bengal.

The madrasas formed the basic institutional anchors of madhhab pluralism, as they were organized in terms of legal school. Most madrasas in Mecca were exclusive only to one or two schools of law. While quadruple-madhhab madrasas had emerged in the Ayyubid and Mamluk periods in Cairo and Baghdad in the twelfth and thirteenth centuries, they only appeared in Mecca in the fifteenth century in the largest of the imperial madrasas. Only the Bangāliyya and the madrasa of the Mamluk ruler Qā’itbāy (r. 872-901/1468-1496), established in 884/1480, taught all four schools of law. Qā’itbāy also appointed the four official qadis of Mecca as professors for their respective madhhabs within his madrasa; thus, the judicial and educational

¹⁰¹ Richard T. Mortel, “Madrasas in Mecca during the Medieval Period: A Descriptive Study Based on Literary Sources,” *Bulletin of the School of Oriental and African Studies, University of London* 60, no. 2 (1997): 236-52 and Mortel, “‘Ribāts’ in Mecca during the Medieval Period: A Descriptive Study Based on Literary Sources,” *Bulletin of the School of Oriental and African Studies, University of London* 61, no. 1 (1998): 29-50. Also see: Abdullatif Abdullah Dohaish, *History of Education in the Hijaz upto 1925 (Comparative and Critical Study)* (Cairo: Dar al-Fikr al-Arabi, 1978), chapters one and two. For a comprehensive study of *ribāts* in the Mamluk period, see: Ḥusayn ‘Abd al-‘Azīz Shāfi‘ī, *al-Arbiṭa fī Makka al-Mukarrama mundh al-Bidāyāt ḥattā Nihāyat al-‘Asr al-Mamlūkī*, edited by ‘Abbās Ṭāshkandī (Riyadh: Al-Furqan Islamic Heritage Foundation, 1426/2005).

¹⁰² Ḥusayn ‘Abd al-‘Azīz Shāfi‘ī, *al-Arbiṭa fī Makka al-Mukarrama fīl-‘Ahd al-‘Uthmānī: Dirāsa Tārīkhiyya Ḥadāriyya*, edited by ‘Abbās Ṭāshkandī (Riyadh: Al-Furqan Islamic Heritage Foundation, 1426/2005), 25.

¹⁰³ For a brief overview of Indian endowments established for the Ḥaramayn, see: “Awqāf al-Ḥaramayn al-Sharifayn (al-Hind),” *Mawsū‘at Makka al-Mukarrama wa al-Madīna al-Munawwara*, ed. Abbas Saleh Tashkendi, vol. 4 (2010): 176-177.

pluralism of the madhhabs were very much intertwined.¹⁰⁴ The Sulaymāniyya madrasa established the next century in 1565 by the Ottoman sultan Sulaymān (r.926-974/1520-1566) also contained four colleges of law, and seems to have continued at least initially in this practice of joint professor and qadi appointments.¹⁰⁵ Madhhab pluralism was therefore well-established within the architecture of Hijazi intellectual life by the sixteenth century.

Yet, such pluralism did not play out on an equal legal or social terrain. The Mamluk period helped facilitate strong scholarly connections between Egypt and the Hijaz.¹⁰⁶ A series of Egypt-based Shafi'i hadith scholars and author-jurists such as Muḥammad ibn 'Abd al-Raḥmān al-Sakhāwī (d.902/1497), Jalāl al-Dīn al-Suyūṭī (d.911/1505), and Zakariyyā al-Anṣārī (d.926/1520) achieved prominence in the Hijaz and Cairo through their students and their prolific writings.¹⁰⁷ Zakariyyā al-Anṣārī's chain of hadith transmission through his teacher Ibn Ḥajar al-'Asqalānī (d.852/1449) in particular achieved a distinctive status. These were usually transmitted in circles of hadith scholarship in the Ḥaramayn (the grand mosques of Mecca and Medina)

¹⁰⁴ "Al-Ashrafiyya, al-Madrasa," *Mawsū'a*, vol. 2 (2008): 619.

¹⁰⁵ However, because of the difficulties in finding a Hanbali teacher, the Hanbali section was initially turned into a *dār al-ḥadīth*, for the study of hadith. Quṭb al-Dīn al-Nahrawālī, *al-I'lām bi-A'lām Bayt Allāh al-Ḥarām* (Mecca: al-Maktaba al-Tujjāriyya, n.d), 353-354.

¹⁰⁶ For an account of the economic and political history of Mamluk Mecca and its sharifs, see John L. Meloy, *Imperial Power and Maritime Trade: Mecca and Cairo in the later Middle Ages* (Chicago: Middle East Documentation Center, 2010). For a wider history of Hijazi scholarly life in the Mamluk period, see: Khālid Muḥsin al-Jābrī, *al-Ḥayāt al-'Ilmiyya fī al-Ḥijāz khilāl al-'Aṣr al-Mamlūkī (648-923 H / 1250-1517 M)* (Riyadh: Al-Furqan Islamic Heritage Foundation, 1426/2005). On Medina, see: Sāra bint Aḥmad, *al-Ḥayāt al-Ijtīmā'iyya fī al-Madīna al-Munawwara fī al-'Aṣr al-Mamlūkī* (Medina: al-Madinah al-Munawwara Research & Studies Center, 2016).

¹⁰⁷ 'Abd al-Ḥayy al-Kattānī, *Fahras al-Fahāris wa al-Athbāt wa Mu'jam al-Ma'ājim wa al-Mashaykhāt wa al-Musalsalāt* (Beirut: Dār al-Maghrib al-Islāmī, 1982), 2:989-993. For a study of al-Sakhāwī, see: Sayyid Mazhar Mu'īn, "Shams al-Dīn al-Sakhāwī: Ḥayātuh wa Mu'allifātuh ma'a Taḥqīq wa Ta'līq 'alā Irtiyāḥ al-Akbād bi Arbāḥ Faqd al-Awlad," (PhD Diss., University of the Punjab, Lahore, 1987); as well as his autobiography in his voluminous biographical dictionary: Muḥammad ibn 'Abd al-Raḥmān al-Sakhāwī, *al-Ḍaw' al-Lāmi' li Ahl al-Qarn al-Tāsi'* (Beirut: Dār al-Jīl, 1992), 8:2-32. There are dozens of references in his biographical dictionary to Indian students, from various regions. For some of his interactions with scholars from Gujarat, see: al-Sakhāwī, *al-Ḍaw' al-Lāmi'*, 2:166, 4:339, and 10:289.

rather than the madrasas, within common venues where members from different madhhabs met and thereby forged intersectional genealogies of hadith and Sufi *silsilas*. Together, these Egyptian figures contributed to the preeminence of the Shafi‘i school in the Hijaz.¹⁰⁸

Hence, despite the formal recognition of legal pluralism, the individual madhhabs occupied uneven and contested terrain, creating much opportunity for school partisanship and competition. Al-Suyūṭī himself argued that the Shafi‘i school was the most sound madhhab because it was most heavily substantiated by hadith, had strong roots in the tribe of the Quraysh, and because its members had waged jihad by pen and sword in distant lands.¹⁰⁹ At the same time, such school partisanship also *ipso facto* entailed acceptance of the madhhabs themselves as the underlying legal framework. Even a polymath like al-Suyūṭī had to qualify his claims of being a *mujtahid*, an independent jurist, to conform to some level of madhhab authority; he had to carefully balance conformity to his madhhab alongside his wider juristic ambitions.¹¹⁰ His vast corpus of writings, along with other Shafi‘i contemporaries, were not disseminated exclusively along Shafi‘i lines: from the Hijaz, al-Suyūṭī’s texts were circulated, cited, and commented upon by Sindhi and Gujarati Hanafi scholars in the sixteenth century and afterwards.¹¹¹ Dozens of

¹⁰⁸ al-Jābrī, *al-Hayāt al-‘Ilmiyya fīl-Hijāz khilāl al-‘Aṣr al-Mamlūkī*, 339.

¹⁰⁹ Jalāl al-Dīn al-Suyūṭī, *Jazl al-Mawāhib fī Ikhtilāf al-Madhāhib*, ed. ‘Abd al-Qayyūm ibn Muḥammad Shafi‘ (n.a: Dār al-‘Itisām, n.a), 45-52.

¹¹⁰ On his legal thought more broadly, and the controversies that ensued, see: Rebecca Skreslet Hernandez, *The Legal Thought of Jalāl Al-Din Al-Suyūṭī: Authority and Legacy* (Oxford: Oxford University Press, 2017).

¹¹¹ For a glimpse of the Egyptian-Yemeni-Gujarati scholarly connection, see: Joel Blecher, *Said the Prophet of God: Hadith Commentary across a Millennium* (Oakland, California: University of California Press, 2018), 143-147. Also on al-Suyūṭī: Marlis Saleh, “Al-Suyuti and His Works: Their Place in Islamic Scholarship from Mamluk Times to the Present,” *Mamluk Studies Review* 5 (2001): 77–78.

manuscripts by him as well as other Mamluk Shafi‘is can be found in libraries across Sindh and Punjab today.

While Shafi‘i jurists constituted the majority of this Red Sea-Arabian Sea nexus, they were rivaled closely by Hanafi jurists. Prominent Mamluk Hanafis included Badr al-Dīn al-‘Aynī (d.855/1451), Kamāl ibn al-Humām (d.861/1457), and his student Qāsim ibn Quṭlūbughā (d.879/1474).¹¹² Ibn al-Humām’s influence on Indian scholarship cannot be overstated: his famous work entitled *Fath al-Qadīr*, a commentary on the Hanafi text *al-Hidāyā* of al-Marghīnānī (d. 593/1197), was very frequently cited, praised, and contested by Indian jurists in the next centuries. An edition of Ibn al-Humām’s commentary was also taught at the Sulaymāniyya madrasa at Mecca.¹¹³ In addition, al-‘Aynī’s famous commentary on the hadith collection of Bukhārī was eventually incorporated within the advanced Ottoman (and heavily Hanafi) madrasa curriculum of 1565.¹¹⁴ As we shall see in this chapter, the Indians relied in considerable measure upon their work especially regarding debates on hadith and the Hanafi madhhab.

After the Mamluks, Ottoman control over the Hijaz from 1517 onwards ushered significant developments, including a likely increase in the number of annual pilgrims.¹¹⁵ The Ottomans worked to ensure the safety of the pilgrimage route from Damascus and Cairo, and to wrest control of both pilgrimage routes and maritime trade from the Portuguese in the Indian

¹¹² On Qāsim ibn Quṭlūbughā, see Al-Azem, *Rule-Formulation and Binding Precedent in the Madhhab-Law*.

¹¹³ Quṭb al-Dīn al-Nahrawālī, *al-I‘lām bi-A‘lām Baytillāh al-Ḥarām* (Mecca: al-Maktaba al-Tujjāriyya, n.d), 353.

¹¹⁴ Shahab Ahmed and Nenad Filipovic, “The Sultan's Syllabus: A Curriculum for the Ottoman Imperial medreses Prescribed in a fermān of Qānūnī I Süleymān, Dated 973 (1565),” *Studia Islamica* 98/99 (2004): 200.

¹¹⁵ Suraiya Faroqhi, *Pilgrims and Sultans: The Hajj under the Ottomans* (London: I.B. Tauris & Co Ltd, 1994), 6.

Ocean.¹¹⁶ The effects were far reaching, and even the commercial prosperity of Surat in the second half of the sixteenth century was intimately connected to the rise of Ottoman power in the Red Sea and the Persian Gulf.¹¹⁷ Within the Hijaz, the Ottomans established foundations to support pilgrims, the destitute, and the general population in Mecca and Medina, as well as public projects to repair water supply and rebuild many structures of the Ḥaram itself. Many of the new developments and projects were described in detail by local scholars such as Jārullāh ibn Fahd al-Hāshimī (d.954/1547).¹¹⁸ By the end of the sixteenth century, the annual *surre-i hümayun* grants awarded to Mecca and Medina from *waqfs* (endowments) in Egypt, Syria, Anatolia, and elsewhere in the empire listed more than a thousand individuals and families as beneficiaries, including long-term visitors inhabiting various *ribāts*.¹¹⁹

As Hanafis themselves, Ottoman rule bolstered the Hanafī madhhab in the Hijaz through, for instance, the promotion of Hanafī imams and *khaṭībs* (preachers usually assigned to deliver

¹¹⁶ Giancarlo Casale, *The Ottoman Age of Exploration* (New York: Oxford University Press, 2010).

¹¹⁷ Ashin Das Gupta, *Indian Merchants and the Decline of Surat c.1700-1750* (Wiesbaden: Franz Steiner Verlag, 1979), 4.

¹¹⁸ For two recent articles that engage with Jārullāh, see Muzaffar Alam and Sanjay Subrahmanyam, “A View from Mecca: Notes on Gujarat, the Red Sea, and the Ottomans, 1517–39/923–946 H,” *Modern Asian Studies* 51, no. 2 (2017): 263-318; Guy Burak, “Between Istanbul and Gujarat: Descriptions of Mecca in the Sixteenth-Century Indian Ocean,” *Muqarnas: An Annual on the Visual Cultures of the Islamic World* 34, no. 1 (2017): 287-320. For his own writings see: Jārullāh ibn Fahd al-Hāshimī, *Jawāhir al-Ḥisān fī Manāqib al-Sulṭān Sulaymān Khān ‘alayh al-Rahma wa al-Ghufrān*, Suleymaniye Kütüphanesi, Darül-Mesnevi MS 360; *Kitāb Nayl al-Munā bi-Dhayl Bulūgh al-Qirā li-Takmilat Ithāf al-Warā*, ed. Muḥammad al-Ḥabīb (Mecca: Mu’assasa al-Furqān li-Turāth al-Islāmī, 2000/1420). An incomplete and undated manuscript of a treatise by Jārullāh can be found in Karachi today: *Tanbīh al-Umma bimā Warada fī al-Sunna anna Āl al-Nabī Muḥammad fī al-Janna*, Pir Jhando Collection, Karachi National Museum, MS 1980 1-94.

¹¹⁹ There is a growing literature on the *surre-i hümayun* grants, which were managed and distributed by Ottoman officials to a wide array of residents, visitors, staff, and even Bedouins in the Hijaz. For one study, see: Yusuf Çağlar and Salih Gülen, eds., *Dersaadet’ten Haremeyne’e Surre-i Hümayun* (Istanbul: Yılık Hazine Yayınları, 2009). For examples of the actual grants, see the *defters* for the year 1011/1603: Cumhurbaşbakanlığı Devlet Arşivleri, İstanbul (BOA) EV.HMK.SR.d 1204/1 and EV.HMK.SR.d 1293/1.

the Friday sermon) at the Ḥarams.¹²⁰ However, Ottoman scholarship and legal administration was slower to penetrate Hijazi life than their financial and infrastructural projects, and as compared to their other Arab provinces. The Ottomans confronted the rival power of the local Sharif families and households, who had become mostly Shafi‘i and had wielded power in the Hijaz for centuries. It was several decades after the conquest that the Ottomans replaced local qadis in Mecca in 1537 and in Medina after 1555 with Ottoman-trained scholars from the learned bureaucracy known as the *‘ilmiye*.¹²¹ It was also in the mid-seventeenth century that these Meccan and Medinan judgeships reached high rankings in the wider Ottoman hierarchy of judgeships.¹²² Thus, for much of the sixteenth century, the careers of high ranking Ottoman jurists followed – and consciously emphasized – a geography that was centered more around Ottoman centers in Istanbul, Bursa, and Edirne, and to an extent greater Syria and Cairo.¹²³ This is not to suggest that Ottomans did not travel from Anatolia to the Hijaz; there is evidence that they did engage in pilgrimage and sometimes took up residence therein in personal capacities.¹²⁴

¹²⁰ On such promotion in Medina, see: An‘am Muḥammad al-Kabbāshī, *al-Madīna al-Munawwara fī al-Niṣf al-Thānī min al-Qarn ‘al-‘Ashir al-Hijrī al-Sādis ‘Ashar al-Mīlādī Waqfan lil-Wathā’iq al-‘Uthmāniyya* (Medina: al-Madinah al-Munawwarah Research and Studies Center, 1438/2017), 49-50.

¹²¹ Burak, “Between Istanbul and Gujarat,” 29; Abdurrahman Atçıl, *Scholars and Sultans in the Early Modern Ottoman Empire* (Cambridge: Cambridge University Press, 2017), 205-206.

¹²² Suraiya Faroqhi, *Pilgrims and Sultans: The Hajj under the Ottomans*, 152; Madeline Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600-1800)* (Minneapolis: Bibliotheca Islamica, 1988), 24-25.

¹²³ For instance, the famous historian Mustafa ‘Alī (d.1008/1600) only was appointed governor of Jeddah after failing to get his preferred post in Aleppo in the last year of his life. See Cornell H. Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Ali (1541-1600)* (Princeton: Princeton University Press, 1986), 176-187. Also see: Abdurrahman Atçıl, “The Route to the Top in the Ottoman *ilmiye* Hierarchy of the Sixteenth Century,” *Bulletin of the School of Oriental and African Studies* 72, no. 3 (2009): 489-512.

¹²⁴ A survey of the Ottoman biographical dictionary *al-Shaqā’iq al-Nu‘māniyya* reveals instances of pilgrimage and visitations, including a number of Central Asian scholars who usually first went through Istanbul’s madrasas before heading to the Hijaz: see Ahmed Taşköprizade, *al-Shaqā’iq al-Nu‘māniyya fī ‘Ulamā’ al-Dawla al-‘Uthmāniyya* (Beirut: Dār al-Kutub al-‘Arabī, 1975), 234, 248, 254, 282, 319.

However, ultimately, the Hijaz in the sixteenth century formed a bastion for scholarship that was not Ottoman in training or origin.

A strong Shafi‘i (Egyptian and Yemeni) intellectual presence in the Hijaz thus continued during the sixteenth century. For instance, a *surre-i hümayun* record book for Medina, dated to 1595-1596 (1004 AH), listed 210 Shafi‘i beneficiaries of the Ottoman endowments, as opposed to 98 Hanafi, 36 Maliki, and 9 Hanbali recipients.¹²⁵ This Shafi‘i dominance continued along older Mamluk lines through important scholars such as the Egyptian Abū al-Ḥasan al-Bakrī (d.952/1545) and Aḥmad ibn Ḥajar al-Haytamī (d.974/1567), a direct student of the previously mentioned Zakariyyā al-Anṣārī.¹²⁶ Ibn Ḥajar al-Haytamī worked to bridge the gaps between Ottoman and Hijazi scholarship. He composed a *thabat* (an index) of his chains of transmission for key hadith compilations and related texts at the request of the Ottoman Hanafī qadi of Mecca and granted him an *ijāza* for the *thabat*, after brief readings of hadith in the courtyard of the Ḥaram.¹²⁷ He prefaced this *thabat* with the usual praises of the discipline of hadith, but also added effusive praises of the Ottoman sultan Sulaymān and his projects in the Hijaz, as well as the Hanafī qadi that was being granted the *ijāza*. Strikingly, he also commented that the qadi desired “to add to the chains he had [already] collected from the ‘ulamā’ of Istanbul and its neighboring regions the chains of Arab ‘ulamā’, especially those in Egypt, Syria, and the two nobles sanctuaries [Mecca and Medina]” and thereby accumulate an unsurpassed and

¹²⁵ al-Kabbāshī, *al-Madīna al-Munawwara fīl-Nisf al-Thānī*, 85.

¹²⁶ Al-Kattānī, *Fahras al-Fahāris*, 1:337-340. See Mahmood Kooria’s discussion of Ibn Ḥajar’s contribution to intellectual life in Mecca; Mahmood Kooriadathodi, “Cosmopolis of Law: Islamic Legal Ideas and Texts across the Indian Ocean and Eastern Mediterranean Worlds,” (PhD Diss., Leiden University, 2006), chapter five.

¹²⁷ Aḥmad ibn Ḥajar al-Haytamī, *Thabat Shaykh al-Islām ibn Ḥajar al-Haytamī al-Makkī al-Shāfi‘ī*, ed. Amjad Rashīd (Jordan: Dār al-Fatḥ lil-Dirāsāt wa al-Nashr, 2014).

distinguished collection of genealogies.¹²⁸ Here was a direct recognition of separate Istanbul-based and Arab traditions of hadith scholarship, as well as the need to merge them.¹²⁹

Despite being a Shafi‘i himself, Ibn Ḥajar al-Haytamī wrote several sections praising Imām Abū Ḥanīfa (d.150/767), the eponym of the Hanafi school in this *thabat*.¹³⁰ In fact, he composed a complete treatise on the virtues of Abū Ḥanīfa at the request of another learned visitor from Istanbul.¹³¹ His efforts probably helped him gain the wide audiences he did: one of his texts on the *Shamā‘il* literature was copied during his lifetime and taken to Sarajevo.¹³² Indeed, from Mecca, al-Haytamī also addressed other empires altogether: he wrote a treatise defending Sunni beliefs regarding the ‘Umayyad caliph Mu‘āwiya (r.41-60/ 661-680) reportedly at the urgent request (*al-ṭalab al-ḥathīth*) of the Mughal emperor Humāyūn (d.963/1556), whose staunch Sunni commitments al-Haytamī extolled.¹³³ He probably fulfilled this request in good time: a library in Sindh today contains an ornate manuscript of this work copied in 950/1543-44; this partially overlaps with the period Humāyūn himself took refuge in Sindh (before he

¹²⁸ “*an yaḍumma ilā mā jama ‘ahu min masānīd ‘ulamā’ al-qusṭanīniyya wa a‘mālihā asānīd ‘ulamā’ al-‘arab lā siyyamā alladhī bi-diyār al-miṣr wa al-shām wa al-ḥaramayn al-sharīfayn.*” Ibid., 83.

¹²⁹ This confirms the flow of knowledge Helen Pfeifer has traced regarding postconquest Damascus and the Arab provinces generally, where for much of the sixteenth century, Rumis came to study under Arabs. Helen Pfeifer, “Encounter after the Conquest: Scholarly Gatherings in 16th-Century Ottoman Damascus,” *International Journal of Middle East Studies* 47, no. 2 (2015): 219-239.

¹³⁰ Ibn Ḥajar al-Haytamī, *Thabat Shaykh al-Islām*, 252-259.

¹³¹ Aḥmad ibn Ibn Ḥajar al-Haytamī, *Al-Khayrāt al-Ḥisān fī Manāqib al-Imām al-A‘zam Abī Ḥanīfa al-Nu‘mān* (Cairo: Maṭba‘at al-Sa‘āda, 1324/1906).

¹³² This manuscript was copied by his student in 968/1560. Aḥmad ibn Ibn Ḥajar al-Haytamī, *Ashraf al-Wasā‘il ilā Fahm al-Shamā‘il*, Gazi Husrev-Beg Library, Sarajevo, MS. 441/507.

¹³³ Aḥmad ibn Ḥajar al-Haytamī, *Al-Ṣawā‘iq al-Muḥriqa fī al-Radd ‘alā Ahl al-Bida‘ wa al-Zandaqa* (Istanbul: Hakikat Kitabevi, 1990), 3.

eventually fled to the Safavids).¹³⁴ Al-Haytamī thus successfully and quite efficiently utilized the transregional connections of the Hijaz engendered by the Sunni madhhab-system to reach broader audiences. As will be discussed below, al-Haytamī was the teacher to several Sindhi and South Asian Hanafi scholars.

In addition to the Mamluks and the Ottomans, a third polity held significant importance for the Hijaz through the late fifteenth and early sixteenth centuries: the Gujarat Sultanate (1407-1573). Even though they did not possess sovereignty over the Hijaz, the Gujarati sultans invested heavily in the Hijaz, sponsoring new *ribāṭs* and repairs for existing infrastructure, especially during vizier Asaf Khān’s time in Mecca in 1536.¹³⁵ In terms of scholarship, it was actually the famous Gujarati Hanafi scholar Quṭb al-Dīn al-Nahrawālī (d. 990/1582) who was appointed as the first teacher for Hanafi jurisprudence at the imperial Sulaymāniyya madrasa, as well as the Hanafi mufti of Mecca.¹³⁶ A man of ambition, al-Nahrawālī had a vibrant and successful career; his knowledge of Turkish helped him build relationships with the Ottomans, and he made two trips to Istanbul on official business.¹³⁷ A gate of the Ḥaram at Mecca was even named after him (*bāb al-quṭbī*).¹³⁸ However, he was not only a jurist and a mufti: he taught hadīth and transmitted

¹³⁴ Unfortunately, this manuscript was kept behind a glass display and I could not examine its contents for further codicological and paleographic details. Aḥmad ibn Ḥajar al-Haytamī, *Al-Ṣawā’iq al-Muḥriqa fī al-Radd al-Rāfaḍa*, Allama I.I. Kazi Library, Jamshoro, Acc. 26558.

¹³⁵ For an account of this trip, see Ulughkhānī, *An Arabic History of Gujarat*, 385-390. For general overviews, see: Alam and Subrahmanyam, “A View from Mecca,” 263-318; Burak, “Between Istanbul and Gujarat”; Iqbāl Muḥammad Tankārī, *‘Arab Mumālīk aur Ṣūba-yi Gujārāt kay Ta’lluqāt* (Gujarat: Maktabat Abū Bakr Rabī bin al-Ṣabīḥ al-Baṣrī, 2012).

¹³⁶ See the decree which appoints “Mevlana Kutbeddin” as the Hanafi teacher: BOA, A.DVNS.MHM.d 7/442. Quṭb al-Dīn also discusses his appointment in his *al-I’lām bi-A’lām Bayt Allāh al-Ḥarām* (Mecca: al-Maktaba al-Tujjāriyya, n.d), 352.

¹³⁷ Eymen Fuād Seyyid, “Nehrevâlî,” *TDV Ansiklopedisi*, 32 (2006): 547-48.

¹³⁸ “Bāb al-Quṭbī,” *Mawsū’a*, vol. 4 (2010), 385-86.

the major hadith compilations mostly through his own father, who too had moved to Mecca and was licensed in hadith by the Shafī‘i al-Sakhāwī.¹³⁹ Al-Nahrawālī along with his family and descendants thus marked the successful integration of a Gujarati Hanafī line of scholarship within both Ottoman legal bureaucracy and Arab hadith scholarship, reflecting the wide career possibilities opened by madhhab-centered legal pluralism in the Indian Ocean.

Other Hanafī Gujarati scholars such as ‘Alī ibn Ḥusām al-Dīn al-Muttaqī (d.975/1567) and Muḥammad ibn Ṭāhir Patnī (d.986/1578) spent their careers moving between Gujarat and the Hijaz.¹⁴⁰ ‘Alī al-Muttaqī first studied at Burhanpur and Multan, and thereafter traveled to the Hijaz, where he studied with or was otherwise licensed in hadith by a series of Shafī‘i hadith scholars, including the aforementioned Abū al-Ḥasan al-Bakrī and Ibn Ḥajar al-Haytamī. The latter stood more as a colleague or a peer, as ‘Alī al-Muttaqī is also said to have licensed him as well in a mutual exchange of *ijāzas*. Overall, the geography of his scholarly genealogies was clearly split along school lines between Hanafis in South Asia and Shafī‘is at Mecca. Yet, as we shall see in the next sections, he along with Nahrawālī contributed to the development of a Hanafī Indian layer of scholarship at Mecca. With support from the Gujarat sultans, he opened the Muttaqī *ribāṭ* in Mecca, which also came to be supported by the annual Ottoman *surre-i*

¹³⁹ See his sanads: Quṭb al-Dīn al-Nahrawālī, *Thabat Quṭb al-Dīn al-Nahrawālī*, Maktabat al-Ḥaram al-Makkī, MS 29/755. An annotated version has been published: *Thabat Quṭb al-Dīn al-Nahrawālī*, ed. Al-‘Arabī al-Dā‘iz al-Faryāṭī (Beirut: Dār al-Bashā‘ir al-Islāmiyya, 2007/1428).

¹⁴⁰ On ‘Alī al-Muttaqī, see: Ghulām Āzād Bilgrāmī, *Ma ‘āthir al-Kirām* (Lahore: Maktaba-yi Ihyā al-‘Ulūm al-Sharqiyya, 1971), 176-179; ‘Abd al-Ḥaqq al-Dihlawī, *Akhbār al-Akhyār*, trans. Subḥān Maḥmūd and Muḥammad Fāḍil (Lahore: Akbar Book Sales, n.d.) 507-526; Muḥammad Yūsuf Mutālā, *Mashāyikh-i Aḥmadābād* (Lahore: Maktabat al-Ḥaramayn, 2011), 365-397; Ḥasan al-‘Ujaymī, *Khabāyā al-Zawāyā*, Maktabat al-Ḥaram al-Makkī, MS 2804, f. 83-90; Ulughkhānī, *An Arabic History of Gujarat*, 315-319; al-Ḥasanī, *Nuzhat al-Khawātir*, 4:385-389. On Ṭāhir Patnī, see: Bilgrāmī, *Ma ‘āthir al-Kirām*, 179-181; al-Dihlawī, *Akhbār al-Akhyār*, 542-43; ‘Abd al-Rashīd Nadwī Khānpūrī, *Malik al-Muḥaddithīn ‘Allāma Muḥammad ibn Ṭāhir Patnī Gujarātī* (Bharūch, Gujarat: Rābiṭa-yi Adab-i Islāmī, 2010).

hūmayun grants.¹⁴¹ This helped him and his associates find a foothold amidst the more established local households of the Hijazi Shafī‘is. As a scholar, ‘Alī al-Muttaqī was a prolific writer of both short treatises and voluminous texts which circulated as far as Istanbul and South Asia. His magnum opus was the hadith collection *Kanz al-‘Ummāl fī Sunan al-Aqwāl wa al-Af‘āl*, which directly built upon certain hadith compilations authored by the previously mentioned al-Suyūfī and others.¹⁴² One of the key features of this collection was its reorganization of the hadith corpus upon legal issues (*al-abwāb al-fiqhiyya*), which would help jurists sort through the oceans of hadith literature. As we will see in Chapter Three, this kind of reorganization was also undertaken frequently in the early nineteenth century; ‘Alī al-Muttaqī represented an early Indian Hanafī instance of such efforts to integrate juristic and hadith discourse.

As a key figure within the Muttaqī Sufī order, ‘Alī al-Muttaqī also participated in Sufī activities and theological controversies within the Indian Ocean. One such instance of conflict was the famous messianic movement of Sayyid Muḥammad Jawnpūrī (d. 910/1505), who had declared himself as the *mahdī* at Mecca in 901/1495. The resulting clashes, which spread through many associates and disciples and involved the local sultans, marked a major divide in the intellectual milieu of Gujarat and Sindh, as well as beyond.¹⁴³ In fact, one of ‘Alī al-Muttaqī’s

¹⁴¹ This *ribāṭ* reportedly could house as many as fifty individuals. BOA, EV.HMK.SR.d.1209/1 (1004), f. 46; EV.HMK.SR.d.1207 (1013), f. 54. See the entry in: Shāfī‘ī, *al-Arbiṭa fī Makka al-Mukarrama fīl-‘Ahd al-‘Uthmānī*, 52-53.

¹⁴² ‘Alī al-Muttaqī, *Kanz al-‘Ummāl fī Sunan al-Aqwāl wa al-Af‘āl*, 18 vols. (Beirut: Mu’assasat al-Risāla, 1986).

¹⁴³ Scott Kugle, *Sufis and Saints’ Bodies: Mysticism, Corporeality, and Sacred Power in Islam* (Chapel Hill: University of North Carolina Press, 2007), 163-180; M. H. Siddiqi, “The Mahdi of Jaunpur in Sindh,” in *The Samma Kingdom of Sindh*, 89-98.

treatises on this issue also found its way to Sarajevo.¹⁴⁴ Another fracture within the Gujarati community emerged between ‘Alī al-Muttaqī (and Tāhir Patnī) and the monastic visions of Muḥammad Ghawth (d.970/1562). In turn, Muḥammad Ghawth’s student Wajīh al-Dīn al-‘Alawī (d.998/1590) sought to merge their divisions.¹⁴⁵ His efforts bore fruit when his own student Şibghatullāh Barochī (d.1015/1606) later settled in Medina and spread the Shattariya order through two Shafī‘i disciples, Aḥmad al-Shinnāwī (d.1028/1619) and Aḥmad al-Qushāshī (d.1071/1660).¹⁴⁶ Some of Şibghatullāh’s writings also found circulation deep within the Ottoman Empire.¹⁴⁷

The Hijaz was thus a major center bringing together traditions of thought, political support, and scholars from regions as far as Anatolia and Bengal, as well as Sindh and Gujarat. It sustained important streams of learning in law, hadith, as well as Sufism in a context that upheld the institutional infrastructure and validity of the four madhhabs. Madhhab legal pluralism was enacted in imperial institutions and madrasas but did not limit or circumscribe inter-madhhab interactions. Although the law colleges and the judge positions were organized along madhhab lines, the grand mosques and the abundant *ribāṭs* of the sacred cities provided venues where scholars of different traditions and regions could cross paths and enter into intellectual

¹⁴⁴ ‘Alī al-Muttaqī, *Talkhīṣ al-Bayān fī ‘Alāmāt Mahdī Ākhir al-Zamān*, Gazi Husrev Beg Library, Sarajevo, MS. 2147/1356.

¹⁴⁵ al-Ḥasanī, *Nuzhat al-Khawāṭir*, 4:442-

¹⁴⁶ Azra, *The Origins of Islamic Reformism in Southeast Asia*, 23-25; El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, 249-51; al-‘Ujaymī, *Khabāyā al-Zawāyā*, f. 141-152; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 5:541-42.

¹⁴⁷ According to al-Ḥasanī, his gloss on *Tafsīr al-Bayḍāwī* was well-known in Ottoman lands; this can be attested to at some level by manuscript evidence. See: Şibghatullāh Barochī, *Ḥāshiyat Şibghatullāh ‘alā Tafsīr al-Bayḍāwī*, Gazi Husrev-Beg Library, MS. 315/3371.

relationships with each other through the lingua franca of Arabic. And despite major Ottoman administrative projects in the Hijaz, the Ottoman learned establishment was slower to participate in the Hijaz for much of the sixteenth century. Instead, the scholarship of the Arab provinces and the Indian Ocean – in many cases, pushed outward to the Hijaz by imperial developments in Iran and Central Asia – formed a critical component of Hijazi scholarship. Some Indian Hanafis, such as the Nahrawālī family, managed to penetrate Ottoman administration and gain employment, whereas others retained more independent roles even as they received funds from Ottoman endowments. In this way, a wave of Egyptian hadith and legal scholarship that began in the Mamluk era forged a sustained encounter in the Ottoman Hijaz with an array of scholars and migrants from multiple regions of South Asia.

Sindhis in the Hijaz: Consolidating Hanafi Law and Hadith

Having set the larger contours of scholarly activity in the sixteenth-century Indian Ocean and Ottoman Hijaz, this section introduces the main Sindhi Hanafi actors and their students that traveled these spaces. Many Sindhis headed outwards for different destinations in the early sixteenth century, fleeing imperial unrest in Afghanistan amidst Mughal and Safavid competition, and most directly, the Arghun invasion of Samma-ruled Thatta. The most prominent destination of these Sindhi scholars, unsurprisingly, was south to Gujarat. The family of the scholar ‘Īsā ibn Qāsim Sindhī (d. 1031/1621) moved to Ahmedabad, and eventually to Burhanpur, where they became ensconced in their Sindhi neighborhood; some of their descendants only returned to Sindh after the politics of the Partition of 1947 forced them to do

so.¹⁴⁸ Not all left Sindh permanently; the prolific Ja‘far Būbakānī (d.1002/1593), traveled briefly to the Hijaz via Ahmedabad, studied with leading scholars such as Ibn Ḥajar al-Haytamī, and returned to teach in Sindh.¹⁴⁹

The Hijaz, however, was frequently the final destination for Sindhi scholars fleeing imperial unrest. Qāḍī ‘Abdullāh ibn Ibrāhīm al-Sindī and his sons slowly made their way to Ahmadabad, where they gained access to ‘Alī al-Muttaqī and the sultan Bahādur Shāh (r.932-943/1526-1537).¹⁵⁰ Qāḍī ‘Abdullāh had studied hadith in Sindh with Makhdūm ‘Abd al-‘Azīz Abharī, a hadith scholar who had escaped the Safavids in Herat and moved to Sindh in the late Samma period.¹⁵¹ Qāḍī ‘Abdullāh’s background in hadith scholarship probably influenced how two of his sons, Raḥmatullāh al-Sindī (d.990/1586) and Ḥamīd al-Dīn al-Sindī (d.1009/1600), also pursued hadith studies.¹⁵² Qāḍī ‘Abdullāh and his son Raḥmatullāh did not stay long in Ahmadabad; they moved to the Hijaz along with a friend (and relative by marriage) ‘Abdullāh

¹⁴⁸ For a comprehensive study of their family and networks, see Sayyid Muḥammad Muṭī‘ullāh Rāshid Burhānpūrī, *Burhānpūr kay Sindhī Awliyā’*, ed. Makhdūm Salīmullāh Ṣiddīqī (Jamshoro: Sindhi Adabi Board, 2006).

¹⁴⁹ See: ‘Abdullāh Khoso, *Makhdūmu Ja‘far Būbaka’i: Savāniḥ Ḥayātu, ‘Ilmī ayn Adabī Khidmāt* (Jamshoro: Sindhi Adabi Board, 2012).

¹⁵⁰ Bakkarī, *Tārīkh-i Ma‘šūmī*, 202-204; al-Dihlawī, *Akhhār al-Akhyār*, 543-44; Qānī‘, *Tuḥfat al-Kirām*, p. 442-444; Abd al-Qādir ibn ‘Abdullāh al-‘Ayradrūs, *al-Nūr al-Sāfir ‘an Akhhār al-Qarn al-‘Ashir*, ed. Aḥmad Ḥālū, et al (Beirut: Dar Sader Publishers, 2001), 470; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 4:373-74.

¹⁵¹ Makhdūm ‘Abd al-‘Azīz wrote a commentary on the hadith compilation *Mishkāt al-Maṣābīh*, which is mentioned in several sources, including the bibliographical dictionary of Katip Çelebi (d.1067/1657): Katip Çelebi, *Kashf al-Zunūn ‘an Asāmī al-Kutub wa al-Funūn*, ed. Muḥammad Sharaf al-Dīn Yāltaqāyā (Beirut: Dār Iḥyā al-Turāth al-‘Arabī, 2008), 2:1700; Qānī‘, *Tuḥfat al-Kirām*, 442; and al-Ḥasanī, *Nuzhat al-Khawāṭir*, 4:370.

¹⁵² Some of their biographies are mentioned alongside the father, listed previously. Also see: ‘al-‘Ayradrūs, *al-Nūr al-Sāfir*, 561; Shihāb al-Dīn ‘Abd al-Ḥayy Ibn ‘Imād al-Ḥanbalī, *Shadhārāt al-Dhahab fī Akhhār man Dhahab*, ed. Maḥmūd al-Arnā’ūt (Damascus: Dār ibn Kathīr, 1993), 10:631; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 4:339.

al-Muttaqī al-Sindī (d.984/1577), reportedly supported by a generous sum by the sultan Bahādur Shāh.¹⁵³

In the Hijaz, Raḥmatullāh studied under the aforementioned Ibn Ḥajar al-Haytamī, among many others, and eventually gained more renown than his father. At some point, Raḥmatullāh and the family friend ‘Abdullāh al-Muttaqī did return from Medina to Ahmedabad for several years and most probably witnessed the Mughal conquest in 980/1573. Here he would be reunited with his brother Ḥamīd al-Dīn, who apparently stayed in Ahmedabad for many decades, at least until the 991/1583 revolt of the last Gujarat sultan Muzaffar Shāh III against the Mughal emperor Akbar (r.963-1014/1556-1605). During this time, Ḥamīd al-Dīn evidently studied hadith, including from a Yemeni scholar who had pursued hadith in the Hijaz and moved to Ahmadabad in 958/1551.¹⁵⁴ Ḥamīd al-Dīn also taught hadith works such as the *Mishkāṭ al-Maṣābīḥ* of Khaṭīb al-Tabrīzī (d.741/1340); one of his students was the prominent historian and chronicler Mīr Muḥammad Ma‘ṣūm (d.1019/1611).¹⁵⁵

After the Mughals solidified their control over Gujarat, Ḥamīd al-Dīn and Raḥmatullāh eventually returned to the Hijaz and contributed to a new generation of Hanafī scholarship that was steeped in the hadith sciences and was intimately connected to political and intellectual developments in South Asia. Their family did not penetrate Ottoman institutions as had the

¹⁵³ Although the biographical dictionaries mention no women members of this family, thankfully the *surre-i hūmayun* notebooks give us a brief glimpse: in the year 1004/1596, a woman by the name of Āmina bint al-Shaykh Ḥamīd al-Sindī, wife of Mullā ‘Abdullāh al-Sindī is listed as a recipient of 8 *sikka*; this suggests that Ḥamīd’s daughter married this family friend ‘Abdullāh al-Sindī. BOA, EV.HMK.SR.d 1209 (1004), folio 54.

¹⁵⁴ This was al-Sayyid Shaykh ibn ‘Abdillāh al-Ḥaḍramī (d.990/1582). Al-Ḥasanī, *Nuzhat al-Khawātir*, 4:352.

¹⁵⁵ However, Ḥamīd al-Dīn too is reported to have studied with Ibn Ḥajar al-Haytamī, who died before this revolt. This would suggest he may have traveled to the Hijaz at some earlier point as well. On his relationship with Ma‘ṣūm, see: Ma‘ṣūm, *Tārīkh-i Ma‘ṣūmī*, 204; Ḥusām al-Dīn Rāshdī, *Amīn al-Mulk Nawāb Mīr Muḥammad Ma‘ṣūm Bakkharī*, trans. Nawāz ‘Alī Shawq (Jamshoro: Sindhī Adabī Board, 2011), 89-91.

Nahrawālī family; they seem to have remained independently active in scholarship and writing, if connected in some capacities to the Gujarat Sultanate. They most likely also received support from the Ottoman annual grants for *mujāwirīn*, but there is no evidence that they were officially employed by them; this family presents a strong example of how juristic activity was enabled by the state but extended far beyond it.

As these Sindhi scholars moved through the Hijaz, they began to think and write about the legal questions they confronted. The vast oeuvre of Raḥmatullāh al-Sindī's work was on *‘ilm al-manāsik*, the discipline of the rites of pilgrimage. He wrote encyclopedic tomes for scholars, as well as abridgements as hajj guides for general pilgrims, thus encompassing both scholarly and non-scholarly communities.¹⁵⁶ Raḥmatullāh wrote his largest *Jam‘ al-Manāsik wa Naf‘ al-Nāsik* (The Compilation of Rites and the Benefit of the Pilgrim) in 950/1543 in Medina, while still in his early twenties. Though it initially attracted local opposition, it became a landmark in the field that Hanafi scholars in South Asia and the Ottoman Empire consulted for centuries.¹⁵⁷ Drawing upon more than 150 sources of Hanafi law, Raḥmatullāh laid out in encyclopedic detail the rulings of pilgrimage, claiming to have produced an unprecedented compilation (*jāmi‘an fihimā lā a‘lam ijta‘a mithluhu*).¹⁵⁸ Unlike some of the Hanafi jurists he cited, he explicitly avoided discussing the reasoning and evidence behind these verdicts (*mu‘riḍān ‘an al-dalā‘il*), and strove instead to synthesize the vast array of differences amongst Hanafi scholars

¹⁵⁶ Aḥmad ‘Abd al-Qayyūm ‘Abd al-Rabb al-Nabī ‘Abdullāh, introduction to Raḥmatullāh al-Sindī, *Jam‘ al-Manāsik wa Naf‘ al-Nāsik* (PhD Dissertation: Jami‘at Umm al-Qurā, 1429/1430 (2008/2009), 74-95.

¹⁵⁷ ‘Abd al-Ḥaqq al-Dihlawī (d.1052/1642) comments that Raḥmatullāh's book in this field, which was unmatched in its comprehensiveness, attracted opposition from jealous detractors. Hence, it was kept from public eye, only shared selectively until it gradually gained popularity. ‘Abd al-Ḥaqq al-Dihlawī, *Zād al-Muttaqīn fī Sulūk Ṭarīq al-Yaqīn*, trans. and ed., ‘Abd al-Ḥalīm Chishtī (Karachi: al-Raḥīm Akādami, 1998), 71.

¹⁵⁸ Raḥmatullāh al-Sindī, *Jam‘ al-Manāsik wa Naf‘ al-Nāsik*, Süleymaniye Kütüphanesi, Süleymaniye MS 419, f. 2.

themselves.¹⁵⁹ His goal was not to justify Hanafi positions against critics; it was to compile Hanafi opinions and engage where necessary in *tarjīh* and *tashīh* (“rule-formulation” and “rule-review” – or the processes of determining the preferred legal positions of the madhhab).¹⁶⁰ He thus participated in a juristic enterprise that became prominent in the post-classical era of Hanafi thought as the “jurisprudential engine” that enabled scholars navigate the complex terrain and plurality of Hanafi jurisprudence by presenting an authoritative reading of the school in this field. In contrast to the arguments on early modern state-led canonization of an official madhhab, this work represented the independent attempt of a jurist-author to consolidate and systematize approaches to the Hanafi madhhab.

Raḥmatullāh engaged in the processes of legal scaffolding, notwithstanding his background in hadith studies. He remained strictly within madhhab confines and sought to navigate the plurality of Hanafi opinions in a manner that could make legal conformity possible for less learned individuals. He thus produced several abridgements of the *Jam‘ al-Manāsik*, which served as more handy pilgrimage guides for travelers.¹⁶¹ Brief excerpts from his larger tome were later copied into other hajj compilations.¹⁶² His texts also spawned several commentaries, including most notably by the junior Mullā ‘Alī al-Qārī (d.1014/1606), an Afghan migrant who moved to the Hijaz from Herat, and whose writings spread to Istanbul and

¹⁵⁹ Ibid.

¹⁶⁰ On “rule-formulation” and “rule-review,” see Al-Azem, *Rule Formulation and Binding Precedent in the Madhhab-Law Tradition*.

¹⁶¹ For one abridged text, see: Raḥmatullāh al-Sindi, *Lubāb al-Nāsik wa ‘Ubāb al-Masālik*, Maktabat al-Ḥaram al-Makkī, MS 2069.

¹⁶² One treatise was copied as part of a volume of Hajj treatises endowed to the Sulaymaniye Library itself. Raḥmatullāh al-Sindī, *Lubāb al-Marām fī Ziyārat al-Nabī ‘alayh al-Ṣala wa al-Salām*, Suleymaniye Kütüphanesi, Suleymaniye MS 386, f. 92-111.

Sarajevo.¹⁶³ These Hanafi works competed with Shafi‘i writings in this field, including a commentary written by his teacher Ibn Hajar al-Haytamī himself on pilgrimage rites.¹⁶⁴ Raḥmatullāh and ‘Alī al-Qārī’s works were also cited copiously by Hanafi jurists in the nineteenth century, including the famous Ottoman Syrian Ibn ‘Ābidīn (d.1252/1836).¹⁶⁵ One of ‘Alī al-Qārī’s works also became the subject of a commentary in the early twentieth century by a Meccan Hanafi scholar.¹⁶⁶ The commentaries and super-commentaries demonstrated the long and accumulative reach of these texts. In effect, the increasing production of knowledge about the rites of pilgrimage in the context of the Indian Ocean facilitated a cohering of the vast corpus of the Hanafi madhhab outside imperial institutions.

If Raḥmatullāh al-Sindī demonstrated a prolific attention to law, his brother Ḥamīd al-Dīn al-Sindī (d.1009/1600) is known more for his work on hadith at Mecca.¹⁶⁷ Ḥamīd al-Dīn, as

¹⁶³ ‘Alī al-Qārī wrote a commentary and an abridgement of different works of Raḥmatullāh, in addition to his own treatises pertaining to the hajj. See: ‘Alī al-Qārī, *Al-Maslak al-Mutaqassit fīl-Mansak al-Mutawassit*, Suleymaniye Kütüphanesi, Asir Efendi MS 104; *Bidayat al-Sālik fī Nihāyat al-Masālik*, Suleymaniye Kütüphanesi, Antalya Tekelioğlu MS 858, *Lubb Lubāb al-Manāsik wa ‘Ubb ‘Ubāb al-Manāsik*, Suleymaniye Kütüphanesi, Lala İsmail MS 103, f.1-16. Also see: ‘Alī al-Qārī, *Al-Maslak al-Mutaqassit fīl-Mansak al-Mutawassit*, Gazi Husrev-Beg Library, MS 1451/3660. This last copy was actually copied during his lifetime in 1009/1601 and originally was held in the Karadjoz Mehmed-Beg Library in Mostar.

¹⁶⁴ Ibn Hajar al-Haytamī, *Hashiyat al-‘Allāma ibn Hajar al-Haytamī ‘alā Sharḥ al-Īḍāḥ fī Manāsik al-Ḥajj li al-Imām al-Nawawī* (Beirut: Dār al-Ḥadīth, n.d.).

¹⁶⁵ Aḥmad ‘Abd al-Qayyūm, introduction to *Jam‘ al-Manāsik wa Naf‘ al-Nāsik*, 79.

¹⁶⁶ Ḥusayn ibn Muḥammad Sa‘īd ‘Abd al-Ghanī, *Irshād al-Sārī ilā Manāsik al-Mullā ‘Alī al-Qārī*, (n.a., Egypt: Maṭba‘a Muṣṭafā Muḥammad, n.d.).

¹⁶⁷ Şiddīq Ḥasan Khān (d.1307/1890) mentions that Raḥmatullāh al-Sindī did produce an abridgement of another treatise on fabricated hadith, but I have not been able to find a copy. See: Şiddīq Ḥasan Khān, *Abjad al-‘Ulūm*, 3 vols., ed. ‘Abd al-Jabbār Zakār (Damascus: Manshūrāt Wizārat al-Thiqāfa wa al-Irshād al-Qawmī, 1978), 3:163. References to Ḥamīd are often found alongside Raḥmatullāh and their father, listed above. Also see: Muḥammad ibn Abī Bakr ibn Aḥmad al-Shīlī Bā ‘Alawī, *Aqd al-Jawāhir wa al-Durar fī Akhbār al-Qarn al-Ḥādī ‘Ashar*, ed. Ibrāhīm Aḥmad al-Maqḥafī (Sanaa: Maktabat Tarīm al-Ḥadītha, 2003), 73; ‘Abdullāh ibn Muḥammad al-Ghāzī, *Naẓm al-Durar fī Ikhtisār Nashr al-Nūr wa al-Zahar fī Tarājim Afāḍil Ahl Makka min al-Qarn al-‘Ashir ilā al-Qarn al-Rābi‘ ‘Ashar*, ed. ‘Abd al-Malik ibn Abdillāh ibn Duhaysh (Mecca: al-Maktaba al-Asadiyya, 2014), 149, 174, 176; Muḥammad Amīn al-Muḥibbī, *Khulāṣat al-Athar fī A‘yān al-Qarn al-Ḥādī ‘Ashar* (Beirut: Dār Ṣādir, n.d.), 2:327; and al-Ḥasanī, *Nuzhat al-Khawātir*, 5:524.

mentioned before, studied at the hands of many hadith scholars, including Ibn Ḥajar al-Haytamī himself. In terms of hadith, his main work was a commentary on the *thulāthiyyāt* of al-Bukhārī (d.256/870).¹⁶⁸ The *thulāthiyyāt* were those traditions that only consisted of three links in the chain of transmission between al-Bukhārī (or any particular compiler of hadith) and the Prophet himself. They were considered special, as Ḥamīd al-Dīn explained in his introduction, because of their relatively short chain, and thus were valued not only for their higher level of authenticity, but as a means of achieving a kind of spiritual proximity (*qurb*) to the Prophet. This emphasis on achieving proximity to the Prophet was of course not new to hadith scholarship or to his family: his father Qāḍī ‘Abdullāh had composed an entire treatise on the virtues of sending salutations upon the Prophet.¹⁶⁹

Ḥamīd al-Dīn accounted for twenty-two traditions in this work that belonged to this category, and undertook a commentary (*sharḥ*) to “clarify their meanings and explain their words” (*īḍāḥ ma ‘ānīhā wa bayān alfāzihā*).¹⁷⁰ In practice, this entailed linguistic and philological commentary, discussions of how these traditions fit within standards of hadith classification, accounts of their narrators and transmitters, and the wider moral lessons contained in the traditions themselves. He also engaged in legal discussions where relevant. At one point in the treatise, Ḥamīd al-Dīn interrupted his commentary to compose a lengthy section on the virtues (*faḍā’il*) of the Prophet’s mosque (al-Masjid al-Nabawī), its pulpit, pillars, and so forth –

¹⁶⁸ Ḥamīd al-Dīn al-Sindī, *Kifāyat al-Qārī fī Thulāthiyyāt al-Bukhārī*, Maktabat al-Azhar al-Sharīf, Cairo, MS. 93169|6080.

¹⁶⁹ Qāḍī ‘Abdullāh ibn Ibrāhīm al-Sindī, *Al-Tuḥfa al-Fākihīyya bi-Thimār al-Ṣalawāt al-Nabawīyya*, Maktabat al-Qāsmīyya, Kandīaro, reproduced from Maktabat al-Malik ‘Abd al-‘Azīz, Medina, MS 59.

¹⁷⁰ Ḥamīd al-Dīn, *Kifāyat al-Qārī*, f. 2.

all so that “we can be blessed by mentioning [them]” (*fal-natabārik bi-dhikr...*).¹⁷¹ As such, this work was not driven by legal concerns, and did not immediately pose a challenge to legal scaffolding. However, it did enthusiastically propagate the idea that al-Bukhārī’s hadith collection was the soundest collection of them all (*aṣaḥḥ al-ṣihāḥ*). As we shall see later, this development would later hold important legal ramifications for the Hanafīs, as it departed from standards of hadith criticism used by classical Hanafī jurists.

With their combined strengths in both law and hadith, this Sindhi family collectively trained a new generation of Indian Hanafī migrants to the Hijaz from outside Sindh. The Hijaz indeed served to connect them to other Indian scholars they otherwise might not have met. With a stronger Hanafī foundation, some of their students (and “grand students”) went on to make much more ambitious strides in hadith scholarship and commentary, as well as partake explicitly in school rivalries.

Ḥamīd al-Dīn was a teacher of ‘Abd al-Wahhāb al-Muttaqī al-Dihlawī (d.1001/1592), another Hanafī hadith scholar of the Hijaz and a prominent successor of ‘Alī al-Muttaqī’s Sufī order, which had established a foothold in Mecca. Ḥamīd al-Dīn licensed him specifically in the hadith compilation *Mishkāṭ al-Maṣābīḥ*. ‘Abd al-Wahhāb, in turn, was the main hadith teacher and Sufī master of the more famous and recognized ‘Abd al-Ḥaqq al-Dihlawī (d.1052/1642), one of the most well-known hadith scholars in South Asian history.¹⁷² In fact, ‘Abd al-Ḥaqq reached the Hijaz just a few years after Raḥmatullāh’s death, but met Ḥamīd al-Dīn and another brother,

¹⁷¹ Ibid., ff. 18-29.

¹⁷² For a brief overview of the reception of his hadith work, see K.A. Nizāmī, *Ḥayāt-i Shaykh ‘Abd al-Ḥaqq Muḥaddith Dihlawī* (Delhi: Nadwat al-Muṣannifīn, 1964), 283-85.

Şāliḥ, in Mecca.¹⁷³ He received an *ijāza* directly from Ḥamīd al-Dīn in the major compilations of hadith as well as other fields of study; these extensive *sanads* formed a major part of the *thabat* that ‘Abd al-Ḥaqq eventually compiled.¹⁷⁴ In addition, ‘Abd al-Ḥaqq studied the *Mishkāṭ al-Maṣābīḥ* at length under his primary teacher at Mecca, ‘Abd al-Wahhāb al-Muttaqī, who himself had studied it with Ḥamīd al-Dīn. Thus, ‘Abd al-Ḥaqq’s transmission of the *Mishkāṭ*, within his famous Arabic commentary of the text – arguably his *magnum opus* – reached from ‘Abd al-Wahhāb to Ḥamīd al-Dīn.¹⁷⁵ Already, in the late sixteenth century, an important connection was made between the scholarship of Delhi and Sindh in the Hijaz itself. This was not simply a fleeting interaction; in the eighteenth century, as we will discuss in Chapter 2, ‘Abd al-Ḥaqq’s works would be furiously debated at Thatta by an array of Sindhi scholars, and things would come full circle.

Besides ‘Abd al-Ḥaqq al-Dihlawī, another landmark Hanafī figure also emerged from this Meccan ecumene: Mullā ‘Alī al-Qārī (d. 1014/1606), who was briefly mentioned above in the context of his commentary on Raḥmatullāh’s work on pilgrimage rites.¹⁷⁶ A polymath and

¹⁷³ For accounts of encounters, see: ‘Abd al-Ḥaqq al-Dihlawī, *Zād al-Muttaqīn*, 72 and 170.

¹⁷⁴ ‘Abd al-Ḥaqq al-Dihlawī, *Dhikr Ijāzāt al-Ḥadīth fī al-Qadīm wa al-Ḥadīth*, Bibliotheca Alexandrina, MS ǧ12-ḅ1325, ff. 113-124. Also see the recently edited and published version: ‘Abd al-Ḥaqq al-Dihlawī, *Dhikr Ijāzāt al-Ḥadīth fī al-Qadīm wa al-Ḥadīth*, ed. Asadullāh Khān (Peshawar: Maktabat al-Asad al-‘Ilmiyya, 1438/2016), 392-499.

¹⁷⁵ The reason why ‘Abd al-Ḥaqq chose to transmit it through ‘Abd al-Wahhāb and not Ḥamīd al-Dīn (though he had been licensed by both), was because ‘Abd al-Wahhāb was his main teacher for this text. ‘Abd al-Ḥaqq al-Dihlawī, *Lam ‘āt al-Tanqīḥ fī Sharḥ Mishkāṭ al-Maṣābīḥ*, ed. Taqī al-Dīn al-Nadwī (Damascus: Dār al-Nawādir, 2014), 1:95-96.

¹⁷⁶ ‘Alī al-Qārī’s significance is only slowly beginning to be realized by Western scholars. See especially the work of Patrick Franke in this regard: Patrick Franke “‘Alī al-Qārī,” *Encyclopaedia of Islam, THREE* (Brill, 2014); “The Ego of the Mullah: Strategies of Self-Representation in the Works of the Meccan Scholar ‘Alī al-Qārī (d. 1606),” in *Many Ways of Speaking about the Self: Middle Eastern Ego-Documents in Arabic, Persian, Turkish (14th-20th century)*, edited by Ralf Elger und Yavuz Köse (Wiesbaden, Harrassowitz 2010), 185-200.

prolific author, ‘Alī al-Qārī fled Safavid expansion in Afghanistan, migrating from Herat to Mecca. Here, he studied with a series of Hanafī scholars identified above, including ‘Alī al-Muttaqī, al-Nahrawālī, and Abdullāh al-Muttaqī al-Sindī, amongst many others, including another Afghan scholar.¹⁷⁷ In addition, he also studied with Shafi‘is such as Ibn Ḥajar al-Haytamī, and his own authorial ambitions resembled al-Haytamī. This mix of teachers that contained a number of Hanafis in Mecca (and not only in South Asia) arguably led to ‘Alī al-Qārī’s strong defenses of Hanafī doctrine, as we shall see in the following pages. ‘Alī al-Qārī earned his living as a calligrapher; this particular skill-set helped him, as we shall see, in some of his projects which involved critically evaluating multiple manuscripts of given texts. It also granted him a wide berth of independence from scholarly bureaucracy, as also seen amongst many of the figures examined thus far. Nonetheless, ‘Alī al-Qārī and his children were also supported by the *surre-i hümayun* funds, as is mentioned for the year 1004/1596.¹⁷⁸

¹⁷⁷ On the Afghan scholar, named Muḥammad Sa‘īd al-Khurāsānī, who studied in Herat, moved to the Hijaz for a period of time, and ultimately died in Agra in 981/1573, see: al-Ḥasanī, *Nuzhat al-Khawātir*, 4:422. For a comprehensive biography of ‘Alī al-Qārī, see: Khalīl Aḥmad Quṭlāy, *Al-Imām ‘Alī al-Qārī wa Atharuh fī ‘Ilm al-Ḥadīth* (Beirut: Dār al-Bashā’ir al-Islāmiyya, 1987/1308).

¹⁷⁸ He was granted 10 *sikka*. BOA, EV.HMK.SR.d 1209 (1004), f. 55.

Selected 16th Century Hijazi Encounters

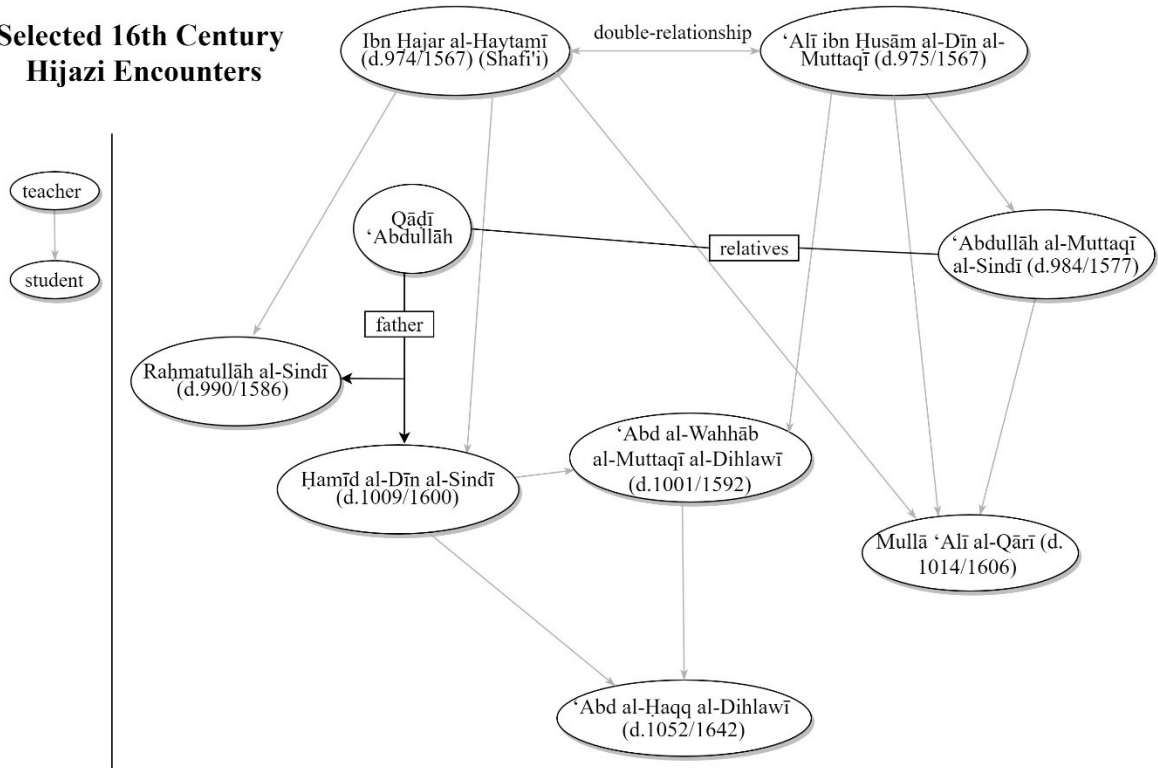


Figure 2: Selected 16th Century Hijazi Genealogies

All of these South Asian Hanafīs received *ijāzas* from or studied at some length with several Shafi‘ī scholars of hadith. This is not surprising considering the Shafi‘īs long dominated the study of hadith and possessed the most prestigious *isnāds*; many Hanafīs studied with Ibn Ḥajar al-Haytamī because of his stature as a hadith scholar and his elevated chain of transmission through Zakariyya al-Anṣārī. However, through all their individual differences, these South Asian scholars firmly self-identified with the Hanafi madhhab. Indeed, they helped gradually build a generation of Indian Hanafi scholars of hadith in the Hijaz. ‘Abd al-Ḥaqq al-Dihlawī’s long tenure of hadith study under ‘Abd al-Wahhāb al-Muttaqī, who in turn had Hanafi teachers in Ḥamīd al-Sindī and ‘Alī al-Muttaqī, represented a stark contrast to the generation of ‘Alī al-Muttaqī himself. ‘Alī al-Muttaqī’s Hanafi teachers were the ones he had encountered in South

Asia, whether in Multan or Gujarat, but not in Mecca. The production of a Hanafi layer of hadith scholars in the Hijaz following ‘Alī al-Muttaqī and his peers arguably endowed the Hanafi community with more social and intellectual depth. As will be discussed below, this is one way of understanding the much more vocal Hanafi positions and the critiques of Shafi’i scholarship from students such as ‘Abd al-Ḥaqq al-Dihlawī and Mullā ‘Alī al-Qārī, who pushed the boundaries of legal scaffolding and scriptural interpretation much further than their immediate teachers had.

Inter-Madhhab Prayer at Mecca: Controlling Legal Fluidity

Even as hadith scholarship formed an area of inter-madhhab interaction and encounter, the overarching importance of the madhhabs was visibly paramount in the Hijaz. The Ḥaram at Mecca instituted separate congregational prayers for the four schools, complete with separate physical stations (*maqām*). The Ḥaram at Medina also contained separate prayer arrangements for at least the Hanafis and Shafi’is for much of the Mamluk and Ottoman periods with two separate niches (*miḥrāb*).¹⁷⁹ This arrangement was several centuries old, dating at least back to the twelfth century; the Moroccan traveler Ibn Jubayr (d.614/1217) visited Mecca in 1184 and observed that there were five stations for each madhhab (including the Zaydis) at the Ḥaram in

¹⁷⁹ For a comprehensive overview of the histories and changing arrangements, see: “A’immat al-Ḥaramayn,” *Mawsū’a*, vol. 4 (2010): 254-67.

Ramadan for the nightly *tarāwīḥ* prayers.¹⁸⁰ There are also references to fatwas composed by visiting scholars in 551/1156 regarding this arrangement.¹⁸¹

This arrangement brought the madhhab-system to a very public arena and transformed it into something architecturally visible and visibly manifest to everyone in the Hijaz, beyond the debates of scholars in legal or educational settings. The sources used here do not go so far as to substantiate the existence of a public sphere on their own, but they can be better contextualized alongside the arguments for an active public space of engagement and participation in religious rituals in the early modern period.¹⁸² As we shall see below, the question of the common person's adherence to madhhab boundaries, as well as the public representation of each madhhab, did form an important concern for scholars. In fact, when the Ottomans (as Hanafis themselves) rebuilt the dome of the Hanafi *maqām* to outsize the other *maqāms* in 1518, it attracted so much opposition from rival schools that the dome was eventually demolished.¹⁸³ Furthermore, the *maqāms* of each madhhab were reproduced within paintings and illustrations of the Ḥaram that circulated heavily in the early modern period within guidebooks such as the *Futūḥ al-Ḥāramayn* by Muḥyī al-Dīn Lārī (d.1526/1527) and other texts, including the *Dalā'il*

¹⁸⁰ William Wright, ed., *The Travels of Ibn Jubayr: Edited from a MS. in the University Library of Leyden* (Leiden and London: E. J. Brill and Luzac & Co., 1907), 143.

¹⁸¹ Raḥmatullāh al-Sindī, *Ghāyat al-Taḥqīq wa Nihāyat al-Tadqīq*, f. 95.

¹⁸² See Farhat Hasan, "Forms of Civility and Publicness in Pre-British India," in *Civil Society, Public Sphere, and Citizenship*, edited by Rajeev Bhargava and Helmut Reifeld (New Delhi: Sage Publications, 2005), 84-105; Jonathan Parkes Allen, "Up All Night Out of Love for the Prophet: Devotion, Sanctity, and Ritual Innovation in the Ottoman Arab Lands, 1500-1620," *Journal of Islamic Studies* 30, no. 3 (2019): 303-337.

¹⁸³ Burak, "Between Istanbul and Gujarat," 293.

al-Khayrāt.¹⁸⁴ These formed an important part of how ordinary Muslims beyond the Hijaz visualized the legal and physical architecture of the Ḥaram complex at Mecca.¹⁸⁵

This section analyzes the legal discourse surrounding this arrangement, as it surfaced in three treatises by Raḥmatullāh al-Sindī, Ḥamīd al-Dīn al-Sindī, and the younger Mullā ‘Alī al-Qārī – all composed at the most within decades of each other in the second half of the sixteenth century. As relative newcomers to the Hijaz’s arena of legal pluralism, these three figures gave considerable thought to the question of praying behind an imam of a different madhhab. For although each madhhab was accepted as valid, they contained mutual differences: some of the actions recommended by the Shafi‘i school would be considered as invalid by the Hanafis (or more accurately, invalid for Hanafis), and vice-versa. As such, inter-madhhab prayers constituted a space where madhhab boundaries were blurred and destabilized, pushing the limits of madhhab pluralism. Furthermore, this arrangement compelled all pilgrims, including both the common person and the learned scholar, to affirm the particular school they identified with and practiced. This discussion thereby provides a measure of the social and legal depth of madhhab pluralism as an everyday reality in sixteenth-century Mecca.¹⁸⁶ It shows how legal fluidity – or crossing school boundaries, in this instance by praying behind an imam of another madhhab – was

¹⁸⁴ See for instance the reproduction of the *maqāms* in a seventeenth-century copy of the *Futūḥ al-Ḥaramayn*: Muḥyi al-Dīn Lārī, *Futūḥ al-Ḥaramayn*, British Library, OR 343, f 18. For an analysis of about 20 manuscripts of this text, see: Rachel Milstein, “*Futuh-i Haramayn*: Sixteenth Century Illustrations of the Hajj Route,” in *Mamluks and Ottomans: Studies in Honour of Michael Winter*, edited by David J. Wasserstein and Ami Ayalon (London and New York: Routledge, 2006), especially 171-173. Also see the illustration of the *maqāms* in a brief Persian text on the virtues of Mecca in an undated but likely early modern manuscript: *Risāla dar Faḍā’il-i Makka Mukarrama*, Punjab University Library, Oriental Manuscripts Collections, MS F34/8326, f. 30, 47.

¹⁸⁵ On the public and domestic nature of such depictions of sacred sites in the Hijaz in the early modern period, see: Jonathan Parkes Allen, “Sanctifying Domestic Space and Domesticating Sacred Space: Reading *Ziyāra* and *Taṣliya* in Light of the Domestic in the Early Modern Ottoman World,” *Religions* 11, no. 2 (2020): 59.

¹⁸⁶ For a brief account of such debates, see: Marion Holmes Katz, *Prayer in Islamic Thought and Practice* (New York: Cambridge University Press, 2013), 150-155.

carefully controlled to maintain the individual integrity of each madhhab without sacrificing the larger framework of madhhab pluralism. By comparing the three treatises, this section will also highlight generational differences that emerged as migrant Hanafi scholarship slowly became more entrenched in Hijazi circles of hadith scholarship. Ultimately, it will show how the usage of hadith sources progressively increased, expanding the scope of legal fluidity within this context of pluralism.

Raḥmatullāh al-Sindī (d.990/1586)

Raḥmatullāh al-Sindī's treatise formed the benchmark of the ensuing discussion as it systematically mapped the wider contours of this issue.¹⁸⁷ As seen in the first part of its title *Ghāyat al-Taḥqīq wa Nihāyat al-Tadqīq* (The Ultimate Verification and Final Examination), he envisioned this project as one of *taḥqīq*, or verification of a legal matter. He supplied copious lists and quotes from both early and late Hanafi scholars across Egypt, Iraq, Central Asia, and South Asia and sketched out four large positions across the Hanafi legal tradition: first, that inter-madhhab prayer was permissible only if the imam made sure to conform to the Hanafi school in matters of difference (and if not, then it was impermissible); second, that it was permissible if it was not known with certainty that the imam would violate Hanafi injunctions (and if it was

¹⁸⁷ Raḥmatullāh al-Sindī, *Ghāyat al-Taḥqīq wa Nihāyat al-Tadqīq*. This work is substantially similar to a shorter treatise, the *Risāla fī Bayān al-Iqtidā' bil-Shāfi'iyya*. This is attributed in some manuscripts to an unknown Shaykh 'Alī al-Sindī, or as "al-Shaykh al-Sindī" or "al-shaykh al-Islām al-Sindī," all described as a direct student of Ibn al-Humām – however, I have not seen this Shaykh 'Alī or any Sindhi student of Ibn al-Humām in biographical dictionaries and other sources (and Raḥmatullāh could not have studied with him, as Ibn al-Humām died much earlier). For copies of this shorter treatise, see: *Risāla fī Bayān al-Iqtidā' bil-Shāfi'iyya* Süleymaniye Kütüphanesi, Bağdatlı Vehbi MS 2077, ff. 15-22; Süleymaniye Kütüphanesi, Mehmed Nuri Efendi MS 52, ff. 91-104; Maktabat al-Azhar al-Sharīf, 33169|2288. In contrast, there is plenty of evidence from biographical dictionaries and other contemporaneous legal treatises – including Raḥmatullāh's other works – that reference Raḥmatullāh as the author of the larger manuscript analyzed here, which contains six chapters, as opposed to one.

known that he would, then it was impermissible); third, that it was never permissible; fourth, that it was always permissible. According to Raḥmatullāh, the last two had the least support from Hanafi scholarship, and the first two had the most. For Raḥmatullāh, the first was actually the strongest; he argued that the Shafi‘is considered certain things as recommended that the Hanafis did not; as an example, he mentioned, *raf‘ al-yadayn* (or raising one’s hands at particular junctures in prayer). It would be only reasonable to expect Shafi‘is to pray in their own recommended manner by default; hence, Hanafis could not safely assume the Shafi‘i imams would voluntarily conform to Hanafi requirements. Ultimately, Raḥmatullāh favored the position that the prayer was valid only if the imam took care not to break any Hanafi requirements; he hence argued for the limited and contingent permissibility for a Hanafi to pray behind someone of a different madhhab.¹⁸⁸ As such, it would be even preferable to pray individually than join the Shafi‘i congregation.¹⁸⁹ All in all, he imposed major restrictions on legal fluidity and boundary-crossing but did not completely prohibit it.

Here, as in his work on *‘ilm al-manāsik*, Raḥmatullāh did not defend the Hanafi method of prayer vis-à-vis other schools of law. Nor did he argue for Hanafi superiority over them; he did not furnish evidence to debate the other schools and show why their actions nullified prayer. Indeed, there were few references to hadith literature and the scriptural proofs that undergirded the legal discourse on prayer. Instead, he only engaged in listing and adjudicating between the variant positions of a long list of Hanafi jurists on inter-madhhab prayer. In particular, he attached great importance to the legal commentary of the aforementioned Mamluk Hanafi Ibn al-

¹⁸⁸ Raḥmatullāh, *Ghāyat al-Taḥqīq*, f. 91.

¹⁸⁹ *Ibid.*, f. 94.

Humām, demonstrating how quickly Sindhis integrated Mamluk Hanafism within their work. It also revealed a reliance upon later works of Hanafis rather than earlier ones, as demanded by legal scaffolding. In fact, there was little recognition of the historic evolution of the madhhab itself as a legal formation, and how that might have explained some of the differences between earlier and later Hanafis. Instead, by sketching out four large positions amongst Hanafi authorities, and then explaining his preferences for one of them, he engaged in a classic instance of legal scaffolding. Legal authority for him stemmed from within the madhhab alone.

In fact, Raḥmatullāh felt the need to defend such strict adherence to madhhab boundaries by expounding on the prestige of the madhhab-system. He concluded his discussion by responding to an unnamed (but ostensibly Hanafi) person who had attacked the Hanafi “‘*ulamā*’ of the madhhab” for engaging in *ta‘aṣṣub* or factional partisanship by restricting the conditions of inter-madhhab prayer: “does he not see how God most high had raised their ranks [of the ‘*ulamā*’], spread their knowledge in far-flung regions, granted them the level of *ijtihād*, and established the religion through them in all the lands?”¹⁹⁰ Raḥmatullāh’s defense of the “‘*ulamā*’ of the madhhab” invoked visions of madhhab-based scholarship as a successfully transregional entity at the pinnacle of legal mastery (*ijtihād*) and power (in *establishing* religion). In this conception, it must be noted, the state was conspicuously absent – hence making room for scholars like Raḥmatullāh who were not members of the imperial bureaucracy to be counted as the “‘*ulamā*’ of the madhhab.”

Raḥmatullāh proceeded to defend the Hanafi restrictions on legal fluidity as no different from the stances of the other three schools. As he addressed his critic: “if [the critic] does not

¹⁹⁰ Raḥmatullāh al-Sindī, *Ghāyat al-Taḥqīq wa Nihāyat al-Tadqīq*, f. 92.

accept the verdict of the *'ulamā'* of his [Hanafi] madhhab, then let him examine what the *'ulamā'* from the remaining three madhhabs have written.”¹⁹¹ At stake here was not simply the Hanafi position, but the madhhab-system as a whole and its scope of boundary-crossing. He then surveyed the verdicts of the three schools to argue that the Hanafis were not exceptional in stipulating such conditions. Ultimately, he argued that “the one who rejects the Hanafis exclusively is either ignorant and rude or obstinately partisan – and in reality a critic of his own madhhab.”¹⁹² As such, in Raḥmatullāh’s formulation, it was not mere “partisanship” that had led to such restrictions on inter-madhhab prayer. Rather, it was a legitimate legal problem shared by all the madhhabs. The close management of legal fluidity, then, was integral to the functioning of the madhhab-system.

Besides gaining occasional opposition, the separate arrangements for congregational prayer also led in practice to unique predicaments in the courtyard of the Ḥaram at Mecca. For instance, in some prayers the Shafi’is held their congregation slightly earlier than the Hanafis; hence, if Hanafis followed Raḥmatullāh’s rulings to the letter, they would have to refrain from joining the Shafi’i congregation even if they witnessed its call to prayer in the vicinity of the Ḥaram. Yet, neglecting to join a congregation after witnessing its call carried its own censure and blame. Hence, someone who awaited the congregation of his own madhhab would be yet guilty of committing a blameworthy action by neglecting the Shafi’i prayer. Raḥmatullāh did not provide a solution to this problem; he resorted to critiquing the entire arrangement of repeated congregations (*takrār al-jamā‘a*) as disliked unanimously (*makrūh bil-ittifāq*) and creating all

¹⁹¹ Ibid.

¹⁹² Ibid., f. 94.

sorts of problems, such as discontinuous lines and conflicting sounds from multiple congregations in the courtyard of the Ḥaram.¹⁹³ While Raḥmatullāh did cite certain opinions which were more accepting of multiple congregations, and which formed the basis of the arrangement, his ideal prayer would only consist of a main Hanafī congregation with no provision for the other madhhabs. Raḥmatullāh in fact criticized how some common people (*‘awām*) would actually join both the initial Shafī‘i and succeeding Hanafī congregations to avoid the censure of neglecting a prayer *and* not conforming to their madhhab.¹⁹⁴ This criticism shows that at least some members of the *‘awām* did take careful care to conform to madhhab boundaries – that this debate held wider public resonance in the open courtyards of the Ḥaram.

Ḥamīd al-Dīn al-Sindī (d.1009/1600)

Despite Raḥmatullāh’s theoretical preferences, the social fact of legal pluralism – the presence of multiple schools – was unavoidable in the Hijaz and confronted all, including scholars and common people. Indeed, Raḥmatullāh’s previously mentioned criticism of divergent practices by common people shows how common people were indeed cognizant of madhhab boundaries and that some even strove to respect them. As such, it is not surprising that confusion and commotion over the arrangements intensified. In response, Raḥmatullāh’s brother Ḥamīd al-Dīn composed a treatise on the legality of a solution that could satisfy such concerns.¹⁹⁵ This

¹⁹³ Ibid., f. 95.

¹⁹⁴ Ibid., f. 94.

¹⁹⁵ Ḥamīd al-Dīn al-Sindī, *al-Qawl al-Ḥasan fī Jawāz al-Iqtidā’ bil-Imām al-Shāfi‘ī fī al-Nawāfil wa al-Sunan*, Maktabat al-Qāsimiyya, Kandiaro, reproduction from another source, MS 78.

solution entailed joining the Shafi‘i congregation with the intention of *nafl* or *sunnah* (voluntary and recommended prayers), and later completing the *fard* (obligatory prayers) with the Hanafi congregation. In this way, one would join the Shafi‘i congregation (and fulfill its call to prayer), and still offer the prescribed obligatory prayers with the Hanafis. It is evident that there was much confusion regarding the validity of this practice, as Ḥamīd al-Dīn began his treatise by describing how “the confusion has been prolonged, the requests for resolving it [the aforementioned problem] have increased, and the opinions on the matter have been divided.”¹⁹⁶ As such, it was not simply an abstract debate, but something that would be manifest during everyday prayer in the Ḥaram of Mecca.

In his treatise, Ḥamīd al-Dīn first established the validity of praying *sunna* or *nafl* behind an imam who was leading the *fard* prayer, based on a number of hadith traditions. He then approached the thorny question of praying behind an imam of a different madhhab: here, he declared that “the best (*aḥsan*) that has been spoken regarding this question is by Shaykh Raḥmatullāh, may God encompass him with His mercy,” and Ḥamīd al-Dīn provided a brief summary of the four general positions his brother had listed earlier.¹⁹⁷ However, notwithstanding his deferential nod towards his brother, Ḥamīd al-Dīn’s conclusion was opposed to him in many ways: he favored the second position instead of the first Raḥmatullāh had favored – he declared it permissible to pray behind someone of a different madhhab even if one did not know with certainty that the imam would commit actions that invalidate a Hanafi prayer. Nor did he agree with Raḥmatullāh’s position that certain actions of the Shafi‘i imām such as *raf‘ al-yadayn*

¹⁹⁶ Ibid., f. 52

¹⁹⁷ Ibid., f. 54.

nullified the Hanafi's prayer; he argued that that was a *shādh* (anomalous) opinion, and could not invalidate the prayer because this question was something that was subject to valid debate (*mujtahad fih*).¹⁹⁸ Ultimately, the core argument of his treatise, on the permissibility of praying *nafl* or *sunna* behind a Shafi'i imam who was praying *farḍ*, also was opposed to Raḥmatullāh who had declared it as *makrūh* (disliked). Ḥamīd al-Dīn did concede that inter-madhhab prayer was disliked, even in the case of voluntary prayers, but that it was still less disliked than the act of neglecting a congregation after hearing its call (*iqāma*). Thus, if a Hanafi was in the sanctuary and heard the *iqāma* for a Shafi'i prayer, he could pray it with them as *nafl* and avoid the more serious charge of neglecting to respond to the *iqāma*.

In this treatise, Ḥamīd al-Dīn's stronger background in hadith scholarship was at display. He began with a particular hadith that Hanafi scholars used to establish the general permissibility of praying *sunna* or *nafl* behind an imam who was leading the *farḍ* prayer. He even mentioned the initial narrator and the compilations it appeared within, in conversation with the conventions of hadith scholarship. Yet, with this tradition as well as others that he quoted later in the treatise, Ḥamīd al-Dīn's pursued a highly legalistic reading that was well in accord with the demands of legal scaffolding. He layered the discussion of traditions with detailed accounts and discussions of how Hanafi jurists (such as the aforementioned Ibn al-Humām) had interpreted them. Indeed, this was a deliberate goal: his stated purpose at the outset was to gather "the traditions transmitted in the reliable texts and their commentaries from the books of Hanafi authorities" (*bil-riwāyāt al-wārida fī al-mutūn al-mu'tabara wa shurūḥihā min kutub al-sāda al-*

¹⁹⁸ Ibid., f. 56.

ḥanafīyya).¹⁹⁹ As such, the traditions were presented through the intermediating commentary and support of Hanafī authorities. It was far from a direct, independent reading of scripture, even though it incorporated a greater attention to hadith scholarship. Nor did Ḥamīd al-Dīn spend much time weighing the authenticity of certain narrations over others; the traditions were rather used to spawn discussions of Hanafī (and at times Shafī‘i) legal discourse. As such, Ḥamīd al-Dīn engaged in legal scaffolding to arrive at a different verdict within Hanafī legal discourse, diverging even from his own brother.

Mullā ‘Alī al-Qārī (d.1014/1606)

A more ambitious critique of the same question was made by the younger Mullā ‘Alī al-Qārī, who as mentioned previously also wrote a commentary on Raḥmatullāh’s work on the *‘ilm al-manāsik*. He began his treatise mentioning how a “group of distinguished scholars of our time” composed treatises on this question, but the issue ultimately had not been investigated as it ought to have been done (*wa lam yataḥaqqaq al-mas’ala ḥaqq al-taḥqīq*).²⁰⁰ These scholars departed from the boundaries of fairness (*ḥadd al-inṣāf*) and entered the realm of deviation (*bāb al-i’tisāf*).²⁰¹ This was in reference to two opposed ends of the debate: on one end, those who declared that praying individually was preferable to joining a different madhhab, and on the other, those who declared that joining the different madhhab’s congregation was preferable to waiting for their own madhhab’s congregation. As such, ‘Alī al-Qārī explicitly listed and

¹⁹⁹ Ibid., 54.

²⁰⁰ Mullā ‘Alī al-Qārī, *Al-Ihtidā’ fī al-Iqtidā’*, Dār al-Kutub al-Qawmiyya, Cairo, Uṣūl Taimūr collection MS 172, f. 2.

²⁰¹ Ibid.

critiqued Raḥmatullāh's conclusion that praying individually was more preferable.²⁰²

Furthermore, 'Alī al-Qārī, along with Ḥamīd al-Dīn, rejected Raḥmatullāh's idea that the imam's performance of *raf' al-yadayn* would violate his Hanafi follower's prayer. For 'Alī al-Qārī, praying individually militated against all the hadith traditions that attached great importance to praying in congregation, and had made it one of the symbols of Islam (*sha'ā'ir al-islām*).²⁰³ Indeed, 'Alī al-Qārī spent several folios listing prophetic reports, with details on their source compilations and narrators, as well as Hanafi commentary on the importance of praying in congregation.

'Alī al-Qārī then proceeded to produce his own *taḥqīq* in a manner sensitive to historical practice and the differences between early and later Hanafi verdicts. Ultimately, he argued that the arrangement of multiple congregations in the Ḥaram was a licit innovation (*bid'a ḥasana*): it was not present in the time of the Prophet, the companions, or even in the eras of the eponymous founders of the four schools of law; and nor did they deem it impermissible to pray behind someone of a different madhhab or someone whose legal opinion they differed with.²⁰⁴ It was only Hanafi jurists from later generations, such as Abū Layth Samarqandī (d.373/983) and al-Ḥalwānī (d. 452/1060), who began to argue that it was impermissible to pray behind someone of a different madhhab unless they satisfied Hanafi conditions. Indeed, 'Alī al-Qārī argued that the Ḥaramayn had only one congregation for all congregants, until the rise of factional partisanship (*inshā' al-ta'ṣṣub*) – whose reasons he did not explain – between the madhhabs led them to

²⁰² Ibid., f. 19.

²⁰³ Ibid., f. 20.

²⁰⁴ Ibid., f. 6-7.

perform separate congregations in the Ḥaram. ‘Alī al-Qārī viewed this arrangement as something positive, even a mercy (*rahma*) to maintain the peace between the madhhabs, as it prevented unnecessary disputes between Hanafi or Shafi‘i jurists who might witness each other committing acts that would violate their madhhabs and therefore refuse to join their congregation.²⁰⁵ As such, ‘Alī al-Qārī explicitly recognized the extra-legal social forces of partisanship that drove such legal pluralism of the madhhabs.

Of course, ‘Alī al-Qārī did recognize the legal component of these arrangements; however, he interpreted the debates on inter-madhhab prayer not as a matter of permissibility or impermissibility per se, but simply as something that would or would not contain *karāha* (offensiveness/dislike). Hence, even if the imam did not adhere to Hanafi positions, it would be permissible to pray behind him, though it would be *makrūh* (disliked). This again flew in direct opposition to Raḥmatullāh’s arguments examined earlier. Indeed, in a strong contrast to Raḥmatullāh, who had held the strictest position on inter-madhhab prayer and decried the arrangement in the Ḥaram of multiple congregations, ‘Alī al-Qārī presented a more lenient understanding of inter-madhhab prayer and a more favorable opinion of holding multiple congregations. ‘Alī al-Qārī conceded that the best-case scenario was if all Muslims agreed upon one imam who was the most learned, best in recitation, humble, and considerate of the disagreements to the extent possible, but this was difficult rather impossible (*muta‘assir bal muta‘adhir*) to achieve. As such, the best scenario given the circumstances would be to pray in the congregation of one’s own madhhab; however, a Hanafi could pray without *karāha* behind a Shafi‘i if they did not know with certainty that the imam would commit actions that invalidated

²⁰⁵ Ibid., f. 18.

Hanafi prayer. This was not just for voluntary prayers, as it was for Ḥamīd al-Dīn but also for obligatory prayers as well.

‘Alī al-Qārī presented the most critical perspective of the three scholars, distinguishing between early moments in Hanafi law, its later development, and the particular rivalries that had emerged across madhhabs. ‘Alī al-Qārī, who in his own terms had set out to adopt a fair and balanced method (*maslakan ‘adlan wasaṭan*), affirmed the preferability of conforming to one’s congregation, supported this particular arrangement of holding separate congregations, but maintained the most room for legal fluidity. His treatise admitted to the importance of partisanship and competition between jurists of different madhhabs, but it also included the most citations of hadith literature. Indeed, if Raḥmatullāh had the least citations of hadith, ‘Alī al-Qārī had the most; this was reflective of individual idiosyncrasy and also of a larger generational Hanafi shift amongst Indian and Afghan migrants in using hadith as law. This shift may explain ‘Alī al-Qārī’s emphasis on the stark differences between early and late Islamic practice. However, even as he quoted and cited hadith literature, ‘Alī al-Qārī ultimately remained in conversation with (and beholden to) a series of Hanafi jurists and commentators. As such, his investigation marked an exercise in legal scaffolding to create room for legal change.

The collective discussion on inter-madhhab prayer illustrates how the madhhab-system was paramount for scholars of law and hadith in the Hijaz, despite the complications arising from managing its plurality and fluidity. It is not insignificant that all three scholars were migrants to the Hijaz who most likely had never seen such an arrangement before; and all were students of Shafi‘i teachers such as Ibn Ḥajar al-Haytamī. Raḥmatullāh al-Sindī presented the strictest positions regarding the invalidity of praying behind Shafi‘i imams who did not conform to the

Hanafi positions, and he opposed having multiple congregations; Ḥamīd al-Dīn approved of performing voluntary prayers behind Shafi‘i imams to overcome the problem of not joining a congregation whilst present in the Ḥaram; ‘Alī al-Qārī considered adhering to madhhab lines as the strongest position, but deemed inter-madhhab prayer not as a question of permissibility but of *karāha*. In this way, the scope for legal fluidity expanded with each successive treatise, as did the engagement with hadith literature and citations of narrators and hadith compilations.

The importance these scholars attached to this issue indicates that it continued to be questioned and reevaluated by waves of migrants despite its practice since the late medieval period. In addition, this debate attracted wider discussion amongst other recent travelers to the Ḥaramayn; the aforementioned ‘Abd al-Ḥaqq al-Dihlawī also reported the opinions of his teacher in Mecca, ‘Abd al-Wahhāb, about the contingent permissibility of praying behind Shafi‘is that follow the same theoretical contours of Raḥmatullāh’s treatise mentioned earlier.²⁰⁶ It represented how deeply each madhhab had come into its own as a visibly independent formation through the processes of legal scaffolding – of primary engagement with madhhab authorities – and *taḥqīq* despite intersectional madhhab genealogies in the growing fields of hadith scholarship. It also demonstrated, with its references to divergent common practices, that the madhhab-system extended unevenly to common people in the public spaces of the Ḥaram. And it showed how plural and divergent approaches with even one madhhab could be in determining the scope of legal fluidity, the acceptable level of boundary-crossing between madhhabs. For this arrangement at once challenged the integrity of an individual madhhab vis-à-vis the rubric of madhhab pluralism that recognized all the madhhabs as valid. It formed a prelude to the intense

²⁰⁶ ‘Abd al-Ḥaqq al-Dihlawī, *Zād al-Muttaqīn*, 158-59.

debates on legal fluidity and legal conformity that would emerge in the following generations as Indians grew entrenched in the Hijaz.

Hadith-based Defenses of the Hanafi Madhhab

The discussion on inter-madhhab prayer did not involve defending Hanafi opinions against other schools of thought; this was not a debate between madhhabs, but within the Hanafi madhhab regarding the scope of boundary-crossing. However, the tensions and competition between the individual madhhabs did surface amongst newly arrived Hanafis as they drew upon a growing Indian Hanafi community in the Hijaz, including two prominent students of the Sindhis, whom we have already mentioned: ‘Abd al-Ḥaqq al-Dihlawī and ‘Alī al-Qārī.²⁰⁷ Collectively, these two produced some of the most widely circulated and influential works on Hanafi hadith sciences and law in the early modern period in both South Asia and the Ottoman Empire, representing some of the most important Hanafi hadith scholarship during this period. What follows is a brief analysis of how they negotiated legal scaffolding with hadith interpretation, as they strove to defend the Hanafi madhhab. As such, it moves chronologically forward in time, towards the very end of the sixteenth century and the beginning of the seventeenth century, a generation after the earlier Indian migrants listed earlier in the chapter. This section argues that these scholars sought to reconcile hadith literature and Hanafi madhhabs, through hadith commentaries and treatises on the principles and methodologies of hadith (*uṣūl al-ḥadīth*). In so doing, they helped push forward a hadith-based approach to law even as they

²⁰⁷ Although ‘Abd al-Ḥaqq al-Dihlawī does mention him in passing in one of his works, there is no evidence that he studied under Mullā ‘Alī al-Qārī. See an overview of this debate in ‘Abd al-Ḥaqq al-Dihlawī’s published *ṭabat*: al-Dihlawī, *Dhikr Ijāzāt al-Ḥadīth*, 164-168.

staunchly defended the Hanafi madhhab from criticisms and argued forcefully for the obligation of legal conformity.

Mullā ‘Alī al-Qārī

As the student of at least four prominent Hanafi scholars in the Hijaz, Mullā ‘Alī al-Qārī contributed in unprecedented ways to the consolidation of Hanafi identity and madhhab in the late sixteenth-century Hijaz. Indeed, for his numerous contributions, he carried a reputation for being a very staunch and partisan (*muta ‘āṣṣib*) Hanafi.²⁰⁸ Yet, much of his work seems to have been defensive: he found himself frequently responding to Shafi‘i claims of supremacy. In one instance, he wrote a vehement defense of the Hanafi school and its eponym Abū Ḥanīfa against an early attack attributed to Imām al-Juwaynī (d.478/1085), a Shafi‘i scholar of the early Seljuk period who wrote at a time when the Shafi‘i-Hanafi divide was much more polemical and even violent.²⁰⁹ The fact that such an early critique was being revived and cited by ‘Alī al-Qārī is an indication that Shafi‘i-Hanafi tensions continued in the sixteenth century, despite the enshrinement of each madhhab in the institutional pluralism that had come into prominence since the Mamluk period.

Over the course of this treatise’s two dozen folios, ‘Alī al-Qārī affirmed the legality and virtues of all four madhhabs, and pushed back against claims of exceptional Shafi‘i superiority

²⁰⁸ On a discussion (and defense) of ‘Alī al-Qārī’s staunch Hanafism, see: Khalīl Aḥmad Quṭlāy, *Al-Imām ‘Alī al-Qārī wa Atharuh fī ‘Ilm al-Ḥadīth* (Beirut: Dār al-Bashā’ir al-Islāmiyya, 1987/1308), 112-114.

²⁰⁹ Mullā ‘Alī al-Qārī, *Tashyī‘ al-Fuqahā’ al-Ḥanafīyya bi-Tashnī‘ ‘alā Sufahā’ al-Shāfi‘iyya*, Maktabat Makka al-Mukarrama, MS 109/Fiqh Ḥanafī. Also see: Richard W. Bulliet, *The Patricians of Nishapur: A Study in Medieval Islamic Social History* (Cambridge: Harvard University Press, 1972), especially chapter 3; Sohaira Z. M. Siddiqui, *Law and Politics under the Abbasids: An Intellectual Portrait of al-Juwayni* (New York: Cambridge University Press, 2019).

that had been made in the treatise. In fact, he even charitably (for the Shafi‘is) cast doubt on the attribution of this treatise to Imām al-Juwaynī, saying that it must have been someone from the Kharijites or Shi‘is, who were jealous (*ḥāsidiṅ*) of the convergence of the “Ahl al-Sunna wa al-Jamā‘a” (or the Sunnis) upon one path, and wanted to stir discord between them.²¹⁰ In this rendition, Sunni pluralism was the envy of those excluded from it, and subject to manipulative attacks who sought to pit the schools against each other. ‘Alī al-Qārī thus responded to a series of doctrinal, political, and methodological criticisms made against the Hanafīs. He in particular pushed against the idea that Hanafīs practiced rationalistic considered opinion (*ra’y*), as opposed to hadith: he argued that Shafi‘is gave more legal weight to *qiyās* (analogy) over a weak (*da‘īf*) hadith, in contrast to Abū Ḥanīfa who preferred hadith to *qiyās*, even in cases where the hadith report in question was weak.²¹¹ In this way, he gave several counterexamples of their differences in legal methodology, arguing that the Hanafīs had strong foundations in hadith literature.

This treatise evidently circulated rapidly in Mecca around the late sixteenth and early seventeenth centuries, attracting great controversy: ‘Alī al-Qārī was accused of blaspheming against Imām al-Shāfi‘ī himself, even by some of his own former students.²¹² Argumentation (*jidāl*) intensified amongst the general people (*‘umūm al-nās*) to such a degree that it seemed that violence would break out (*ḥattā kāda an yaqa‘ al-qitāl*), and ‘Alī al-Qārī prayed that he would

²¹⁰ Ibid, f. 1.

²¹¹ Ibid., f. 15. I borrow this translation of *ra’y* from Wymann-Landgraf, *Malik and Medina*, 8.

²¹² Mullā ‘Alī al-Qārī, *Takmila*, Süleymaniye Kütüphanesi, Asir Efendi MS 409, f. 23-24.

not be banished from Mecca altogether.²¹³ Fortunately, he found protection with senior scholars, including the shaykh of the Ḥaram himself, who managed to stem the attack against ‘Alī al-Qārī.

This shows at once how powerful these discussions were, and how quick such treatises were in stirring controversy in public society. Even if we do not have access to the writings of common people, their presence can be detected here. ‘Alī al-Qārī clearly wrote for an actively engaged and responsive public, one that included both scholars and non-scholars conscious of multiple orders of law. As such, legal pluralism did not spell an end to inter-school rivalry but was constantly subject to renegotiation and critique as both a social and legal formation. ‘Alī al-Qārī imagined the Hanafī madhhab not only as a legal and theological entity, but also as a larger social force that transcended regions and empires: he took great pride in transregional Hanafī numerical superiority over the other madhhabs, claiming, as was mentioned in the beginning of this chapter that the Hanafīs have “always been increasing in all the lands, especially in the lands of Rūm, Transoxiana, the province of Hind, and [include] most of the people of Khurasan and Iraq, along with the presence of many in the Arab lands by consensus. And I estimate they constitute two-thirds of all Muslims.”²¹⁴ In another instance, he wrote that the Hanafī madhhab accounted for “most of the Islamic nation” (*akthar ahl al-milla al-islāmiyya*).²¹⁵ For Alī al-Qārī and his fellow Hanafīs, their perception of the Hanafī madhhab was at once bolstered by visions of transregional superiority in general society, beyond scholarly circles and unrestricted by statist boundaries.

²¹³ Ibid.

²¹⁴ Mullā ‘Alī al-Qārī, *Tashyī‘ al-Fuqahā’ al-Ḥanafīyya*, f. 4.

²¹⁵ Ibid., f. 1.

It is not surprising then that so many works from ‘Alī al-Qārī’s vast oeuvre were motivated precisely by his project to establish and defend Hanafī legitimacy. He wrote a commentary on a hadith compendium attributed to Abū Ḥanīfa, defending and analyzing the role of Abū Ḥanīfa as not only a legal jurist but a transmitter and scholar of hadith.²¹⁶ Incidentally, he based his commentary on a manuscript that was copied by his teacher ‘Abdullāh al-Muttaqī al-Sindi, showing the material dependency and progressive growth of scholarship in this Hijazi milieu of Hanafī hadith studies.²¹⁷ In addition, he also wrote a commentary on the hadith collection *al-Muwaṭṭā’* of Imām Mālik as transmitted by Imām Muḥammad al-Shaybānī (d.189/805), one of the leading authorities of the Hanafī school.²¹⁸ This concentration on early Hanafī figures, rather than late Hanafī figures, reversed the usual direction of legal scaffolding, which typically referenced late figures. It also points to how Hanafī legal scholarship in this period could and did engage early legal authorities, unlike the arguments Ahmad El Shamsy has made regarding the Shafī’i legal tradition.²¹⁹ This deep grasp enabled ‘Alī al-Qārī to make the arguments seen earlier regarding the distinctions between late and early Hanafīs on the question of inter-madhhab prayer. While ‘Alī al-Qārī was still immersed within the framework of the Hanafī madhhab (and these two hadith commentaries heavily referenced legal matters), one can

²¹⁶ Mullā ‘Alī al-Qārī, *Sharḥ Musnad Abī Ḥanīfa* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1985).

²¹⁷ Ibid., 8.

²¹⁸ Mullā ‘Alī al-Qārī, *Fath al-Mughatṭā Sharḥ al-Muwaṭṭā’ bi-riwāyat Muḥammad bin al-Ḥasan al-Shaybānī*, ed. Taslīm al-Dīn (Beirut: Dār al-Kutub al-‘Ilmiyya, 2018). This should not be confused with the more well-known recension of the *Muwaṭṭā’* through Yahyā ibn Yahyā al-Laythī (d.234/849).

²¹⁹ Ahmed El Shamsy, *Rediscovering the Islamic Classics: How Editors and Print Culture Transformed an Intellectual Tradition* (Princeton and Oxford: Princeton University Press, 2020), chapter 2, and El Shamsy, “The Ḥāshiya in Islamic law,” 296.

notice how ‘Alī al-Qārī’s approach stood out from his contemporaries, at the precipice of a major sea-change in Hanafī law.

As ‘Alī al-Qārī himself described, he was spurred by his work on the hadith collection of Abū Ḥanīfa to write another work on the biography and virtues of Abū Ḥanīfa.²²⁰ In this work, he began with the virtues of Imām Abū Ḥanīfa, but expanded to include his early students, the next generations of Hanafī jurists, as well as poets, merchants, rulers, and others associated with the Hanafī school across a geography spanning from Central and South Asia to Yemen and Egypt. He built on earlier Hanafī works of *ṭabaqāt* or genealogical dictionaries, thereby bolstering the madhhab’s capacity to furnish a strong identity through history. In this way, the madhhab came to be systematically consolidated not only in terms of legal doctrine and jurisprudence, but also genealogy and history. This occurred just around the time when Ottoman Hanafis too were creating their own *ṭabaqāt* of the Hanafī madhhab in service of their own genealogies.²²¹ Yet, given ‘Alī al-Qārī’s distance from the official apparatus of empire, it shows how such early modern works of genealogy and consolidation were not simply imperial projects but spoke to larger juristic concerns regarding the construction of their madhhab.

In addition to these works, ‘Alī al-Qārī wrote prolifically on the hadith sciences, including on the principles, nomenclature, and methodologies of hadith (*uṣūl al-ḥadīth*) and hadith commentaries. ‘Alī al-Qārī wrote a famous commentary on the *Sharḥ Nukhbat al-Fikr* of the Shafī‘i Ibn Ḥajar ‘Asqalānī (d.852/1449), which delved into detailed discussions of hadith

²²⁰ Mullā ‘Alī al-Qārī, *al-Aṭmār al-Janiyya fī Asmā’ al-Ḥanafīyya*, 2 vols., ed. ‘Abd al-Muḥsin ‘Abdullāh Aḥmad (Baghdad: Dīwān al-Waqf al-Sunnī, 2009).

²²¹ Burak, *The Second Formation of Islamic Law*, chapter 3.

terminology, theory, classifications of narrators, and the applicability of hadith as legal evidence.²²² In composing this commentary, ‘Alī al-Qārī drew upon the earlier commentary of the fifteenth-century Mamluk Hanafī scholar Qāsim ibn Quṭlūbaghā (amongst others), thereby bolstering a Hanafī contribution to the conversation on the principles of hadith especially in those cases where traditionists and Hanafī jurists held differences of opinion. For instance, in his discussion on the legal standing of the *mursal* hadith (or a hadith with an *isnād* that jumps to the Prophet without citing the intermediary Companion who transmitted it), he insisted on the more expansive Hanafī positions regarding its acceptability as a source of legal evidence, in contrast to the Shafī‘ī position.²²³ As such, his work formed a Hanafī counterpoint in a field largely dominated by Shafī‘ī scholarship.

‘Alī al-Qārī authored several hadith commentaries, including a commentary on the famous collection of forty hadiths by the Shafī‘ī Imām al-Nawawī.²²⁴ His magnum opus, however, was his commentary on the *Mishkāt al-Maṣābīh*, the widely popular hadith collection referenced several times in this chapter. For ‘Alī al-Qārī, a fundamental reason that prompted him to write this commentary was, as he explained, that most existing commentators of the *Mishkāt* were Shafī‘ī and would justify Shafī‘ī positions in their works while dismissing the Hanafīs as people of considered opinion (*ra’y*) who did not incorporate hadith in their methodology. ‘Alī al-Qārī thus endeavored to explain and defend Hanafī rulings, so that common people who did not have an understanding of legal evidences would not doubt whether

²²² Mullā ‘Alī al-Qārī, *Sharḥ Sharḥ Nukhbat al-Fikr*, ed. Muḥammad Nizār Tamīm and Haytham Nizār Tamīm (Beirut: Dār al-Arqam ibn Abī al-Arqam, n.d).

²²³ Ibid., 399-409. For more on *mursal* hadiths, see Zysow, *The Economy of Certainty*, 34-46.

²²⁴ Mullā ‘Alī al-Qārī, *al-Mubīn al-Mu‘īn li-fahm al-Arba‘īn*, ed. Ḥamza al-Bakrī (Istanbul: Dār al-Lubāb, 2018).

the rulings of the Hanafīs contradicted the evidence of the religion (*li-allā yatawahham al-‘awām al-ladhīna laysa lahum ma‘rifa bil-adillat al-fiqhiyya anna al-masā’il al-ḥanafīyya tukhālif al-dalā’il al-ḥanīfiyya*).²²⁵ Here, the social function of writing a hadith commentary was explicitly meant to defend the Hanafī madhhab against the Shafī‘is for the benefit of an Arabic-reading public (‘*awām*). This was despite the fact that ‘Alī al-Qārī opened his introduction with a list of the Hanafī and Shafī‘i scholars he had studied this compilation with as well as those who had granted him *ijāzas*. In effect, the larger brunt of his efforts were not to overcome the Shafī‘is as a socially distinct group – as might have been in Seljuk times – but simply to defend the legitimacy of the Hanafīs in the presence of a cosmopolitan, Arabic-reading ‘*awām* in Mecca that attached great epistemological priority to hadith.

As ‘Alī al-Qārī listed the various scholars he studied with or had received an *ijāza* from in his introduction, he also qualified his reliance upon them and gestured instead to his usage of collated (*muqābala*) manuscripts in establishing the veracity of the source-text of the *Mishkāt*. Here, we gain a glimpse of the material dimensions involved in the act of writing a hadith commentary. This was a project ‘Alī al-Qārī was particularly suited for given his career as a calligrapher and scribe. As he wrote, “because these great scholars [his teachers] were not *huffāz* [a technical category of a scholar who mastered and memorized a certain large number of hadith] of the sacred hadith, and did not possess an authentic original that this weak servant could rely upon; and because the commentators only concerned themselves with the accuracy of some words... my heart could not be satisfied, and my chest could not be relaxed except by gathering many corrected manuscripts that were recited, heard, and were clear, which could be reliably

²²⁵ Mullā ‘Alī al-Qārī, *Mirqāt al-Mafātīh Sharḥ Mishkāt al-Maṣābīḥ*, ed. Jamāl ‘Aytānī (Beirut: Dār al-Kutub al-‘Ilmiyya, 2001), 1: 41.

trusted and depended upon in the case of differences.”²²⁶ He then listed many of the manuscripts he had collected and made the basis of his project. The development of this practice of manuscript-based transmission of hadith had its roots in the centuries following the canonization of hadith compilation.²²⁷ While it appeared here in a mostly anodyne and nonconfrontational tone, debates about the validity of manuscripts did reach significant proportions within legal debates in the eighteenth century, as discussed in Chapter Two. Here, it provides a glimpse of the increasing dependency of scholars on collated manuscripts for hadith transmission, in a process that supplemented and extended beyond personal and oral transmissions of hadith.

In sum, Mullā ‘Alī al-Qārī invoked a complex vision of the Hanafī madhhab: it was at once a transregional social entity that had successfully outnumbered the other madhhabs and extended beyond scholarly circles; it possessed a rich and abundant history and genealogy; and it was endowed with firm foundations in hadith scholarship. As an independent scholar, ‘Alī al-Qārī embraced madhhab pluralism and indeed studied with Shafī‘ī teachers but ultimately sought to defend his madhhab against wide critiques in a context rife with school rivalry. Through his commentaries and treatises, he opened a path for Hanafis to increasingly integrate hadith literature in their legal work. Although he built upon the work of his Hanafī teachers in the Hijaz in very material and direct ways (such as by relying on their manuscripts or commentaries), his approach was starkly different from many, such as Raḥmatullāh al-Sindī, who had worked

²²⁶ “li-kawn hā’ulā’ al-akābir ghayr ḥuffāz lil-ḥadīth al-sharīf wa lā yakūn fī aydīhim aṣlun ṣaḥīḥ yu’tamad ‘alayh al-‘abd al-ḍa’if wa al-shurrāḥ mā i’tanaw illā bi-ḍabt ba’ḍ al-kalimāt... mā iṭma’nna qalbī wa lā ‘insharaḥa ṣadrī illā bi-an jama’tu al-nusakh al-muṣaḥḥaḥa al-maqrū’a al-masmū’a’ al-muṣraḥa allatī tuṣliḥ al-i’timād wa taṣiḥḥ ‘ind al-ikhtilāf lil-istinād.” ‘Alī al-Qārī, *Mirqāt al-Mafātiḥ*, 1:40.

²²⁷ See the discussion on the permissibility of transmitting non-source copies that are otherwise verified from the thirteenth and fourteenth centuries: Davidson, “Carrying on the Tradition,” 91-95.

primarily off legal texts, without much reference to hadith; as well as those like Ḥamīd al-Dīn, whose approach to hadith literature was primarily devotional and not legal. At the same time, ‘Alī al-Qārī too maintained strong fidelity to the Hanafī madhhab (and its vast internal plurality), by positing a supportive and harmonious relationship between hadith and Hanafī law, both in terms of legal doctrine and methodology. This perhaps helped explain why his work was found quite amply in Ottoman libraries in the next centuries, though his hadith commentaries were seemingly read more widely by Ottoman scholars than his work on the technicalities of the hadith sciences.²²⁸ Ultimately, his hadith scholarship was taken to far new heights by the Hanafīs of the Indian Ocean, who, as we shall see in the next chapters, used his work to propel changes in their conceptions of legal authority.

‘Abd al-Ḥaqq Muḥaddith al-Dihlawī (d.1052/1642)

‘Abd al-Ḥaqq al-Dihlawī’s path to Mecca from Delhi took a long and transformative route.²²⁹ During his time in the Hijaz, between the years 1586 to 1592, as was mentioned earlier, he served his primary teacher ‘Abd al-Wahhāb al-Muttaqī as well as Ḥamīd al-Dīn al-Sindī, amongst many others. These Hanafī teachers directly helped to solidify and reinforce his Hanafī

²²⁸ See for instance the library catalog of Beshir Agha (d.1746), the chief eunuch of the Ottoman imperial harem who also served as the chief eunuch of the Prophet’s tomb in Medina in the early eighteenth century, where he may have obtained manuscripts of ‘Alī al-Qārī’s works. His library catalog, composed in 1885, lists several copies of *‘Alī al-Qārī’s* commentary on the *Mishkāt*, in addition to his other hadith commentaries, but did not even include a section for the principles of the hadith sciences. *Defter-i Kütüphanesi-i Beşir Ağa* (Istanbul: Matbaa-yı Âmire, 1303/1885), 7-14. In comparison, the Süleymaniye Kütüphanesi in Istanbul holds more than a hundred volumes of his hadith commentary, compared to around fifty copies of his much smaller (and presumably less expensive and more mobile) work on hadith principles.

²²⁹ For a full analysis, see: Scott Kugle, “‘Abd Al-Ḥaqq Dihlawī, An Accidental Revivalist: Knowledge and Power in the Passage from Delhi to Makka,” *Journal of Islamic Studies* 19, no. 2 (2008): 196-246.

identity, as he grappled with rampant Shafi‘i critiques of his native Hanafi madhhab in the Hijaz. Indeed, as ‘Abd al-Ḥaqq himself described, when he began studying the *Mishkāt* in Mecca, he was so swayed by Shafi‘i arguments that he considered joining their madhhab.²³⁰ When he confided in his teacher ‘Abd al-Wahhāb al-Muttaqī, the latter responded with surprise: “How did this idea occur to you? It was probably caused by your rushed reading of the *Mishkāt*.”²³¹ He then launched into a discussion of how the Hanafis were as rooted in hadith as were the Shafi‘is, and extolled the virtues (*manāqib*) of Abū Ḥanīfa and his successors. ‘Abd al-Wahhāb argued that Abū Ḥanīfa and his successors were exceptional in their perfection of knowledge, hadith, law, asceticism, and their proximity to the times of the *salaf* (the first generations of Muslims).²³²

This claim showed just how much epistemological importance the hadith sciences had gained in discussions of Hanafi law. In fact, ‘Abd al-Ḥaqq petitioned his teacher to remain in the Hijaz rather than return to Delhi, so he could embark on a major project: he would “research and investigate (*abḥath wa ataḥaqqaq*) the madhhabs of the four imams... in particular the two madhhabs of the Hanafis and Shafi‘is because of their divide, so that the matter be verified and the truth be manifest (*ḥattā yataḥaqqaq al-amr wa yazhar al-ḥaqq*).”²³³ His teacher ‘Abd al-Wahhāb, however, assured him that he would achieve all this in Delhi and commanded him to return against his wishes.

²³⁰ ‘Abd al-Ḥaqq al-Dihlawī, *Fath al-Mannān fī Ta’yīd Madhhab al-Nu‘mān*, Manuscript Library at Imam Muhammad ibn Saud Islamic University, Riyadh, MS 2284, f. 4. (This is a digital copy of a manuscript held elsewhere, most likely the personal collection of the twentieth-century Pakistani scholar ‘Abd al-Rashīd al-Nu‘mānī.)

²³¹ Ibid.

²³² Ibid. Also: ‘Abd al-Ḥaqq al-Dihlawī, *Zād al-Muttaqīn*, 163.

²³³ ‘Abd al-Ḥaqq al-Dihlawī, *Fath al-Mannān*, f. 4.

Back in Delhi, it is not surprising that a large part of ‘Abd al-Ḥaqq’s oeuvre pertained to the hadith sciences, the madhhabs, and the institutions of legal conformity (*taqlīd*), despite the lack of a substantial local Shafi‘i population. ‘Abd al-Ḥaqq wrote an Arabic primer on hadith terminology which functioned as a quick glossary and introduction to his larger hadith commentary.²³⁴ It was not as detailed as was Mullā ‘Alī al-Qārī’s discussed earlier, and only mentioned basic differences amongst jurists without furnishing the evidences they provided. It seems to have been aimed as an educational tool and an introductory work rather than a reference source; it was indicative of an attempt at getting past a more specialist audience. While this work briefly specified certain Hanafī points of departure, it also incorporated broader developments in the field of hadith sciences, including the canonization of certain hadith compilations.²³⁵ ‘Abd al-Ḥaqq declared the *Ṣaḥīḥs* of Bukhārī and Muslim to be the most authentic hadith compilations, bar none (though he also argued that individual *ṣaḥīḥ* traditions also existed elsewhere and were not restricted to them).²³⁶ This declaration would have important implications for Hanafī attitudes towards hadith, as we shall see in the following chapters. It held Hanafī positions to particular understanding of a “*ḥadīth ṣaḥīḥ*” – a sound hadith, which was not prevalent during the classical period of Hanafī law, producing a sharp divide between the hadith standards of early and later Hanafī scholarship.

²³⁴ ‘Abd al-Ḥaqq al-Dihlawī, *Muqaddima fī Uṣūl al-Ḥadīth*, ed. Salmān al-Ḥusaynī al-Nadwī (Beirut: Dār al-Bashā‘ir al-Islāmiyya, 1986).

²³⁵ See Brown, *The Canonization of al-Bukhārī and Muslim*.

²³⁶ ‘Abd al-Ḥaqq al-Dihlawī, *Muqaddima*, 85-87. On their lack of monopoly over *ṣaḥīḥ* hadiths, see: ‘Abd al-Ḥaqq al-Dihlawī, *Sharḥ Sifr-i Sa‘ādat* (Lahore: Al-Nūriyya Riḍawiyya Publishing Kampanī, 2010), 15-16.

‘Abd al-Ḥaqq wrote commentaries on the *Mishkāt al-Maṣābīh*, which as we have seen, also concerned Mullā ‘Alī al-Qārī. ‘Abd al-Ḥaqq actually wrote separate commentaries in both Persian and in Arabic; an analysis awaits a full study. His Persian commentary betrays at the very minimum a concern with making hadith accessible on a broader level through the lingua franca of Persianate societies, in a move that foreshadowed more prolific Indian efforts in the eighteenth and nineteenth century for translating hadith literature. In contrast, he intended his Arabic commentary to be more advanced and thorough than the Persian commentary, dedicated for a more specialist readership.²³⁷

One reason why ‘Abd al-Ḥaqq wrote the Arabic commentary was, as he mentioned in his introduction, to allude to points of difference between the madhhabs and corroborate the Hanafī madhab.²³⁸ In this way, he could fulfill to some degree the wish he had expressed to his teacher back in Mecca. To this very end, ‘Abd al-Ḥaqq stated that he relied on the aforementioned commentary of the Mamluk Hanafī Ibn al-Humām on the *Hidāya*, wherein he had established the veracity of the Hanafī madhhab through hadith traditions. In fact, Ibn al-Humām had been so successful, ‘Abd al-Ḥaqq wrote, that he made it seem that Abū Ḥanīfa had a literalist approach to hadith (*min aṣḥāb al-zāwāhir*) and that Shāfi‘ī was a person who followed considered opinion (*ra’y*).²³⁹ He thus reversed the usual accusations regarding the two madhhabs. ‘Abd al-Ḥaqq would go on to repeat his praises of Ibn al-Humām elsewhere in his work; it demonstrated the

²³⁷ ‘Abd al-Ḥaqq al-Dihlawī, *Lam‘āt al-Tanqīh*, 88.

²³⁸ *Ibid.*, 92.

²³⁹ *Ibid.*, 93.

important connections between Mamluk Hanafi scholarship and Indian Hanafis.²⁴⁰ Through ‘Abd al-Ḥāqq, Indian Ocean Hanafi thought slowly gained a foothold in the imperial mainland in Delhi.

By their nature, ‘Abd al-Ḥāqq’s commentaries on the *Mishkāt* were inclusive of other goals and purposes besides establishing the veracity of the Hanafi madhhab. ‘Abd al-Ḥāqq thus could not satisfy his quest for verification through them alone: he proceeded to pursue this goal in another Arabic work entitled “The Victory of The Benefactor in Corroborating the Madhhab of Nu‘mān” (*Faṭḥ al-Mannān fī Ta’yīd Madhhab al-Nu‘mān*). In this lengthy work, ‘Abd al-Ḥāqq systematically went through a whole series of legal chapters from ritual purification to financial transactions in the order of the *Mishkāt*, with special focus on the issues that were subject to differences between the madhhabs. In analyzing these differences, he pursued two methodologies (*namaṭ*): first, as per the books of hadith, he mentioned the reasoning and source-proofs (*istidlālāt*) in the areas of difference as he systematically moved through the chapters; second, as per the books of *fiqh*, he made legal arguments to establish preponderance (*tarjīḥ*) of Hanafi doctrine. In doing so, he explicitly drew upon hadiths that were not included in the *Mishkāt*, including from the hadith collection of the Gujarati Hanafi ‘Alī al-Muttaqī (his grand-teacher) to supply some of his arguments regarding the Hanafi positions. Ultimately, as he furnished the scriptural proofs of the Hanafi madhhab, ‘Abd al-Ḥāqq fully embraced the need for verifying law directly in the light of hadith, through sound hadiths – and not simply internally within a madhhab’s canon of legal texts.

²⁴⁰ ‘Abd al-Ḥāqq al-Dihlawī, *Faṭḥ al-Mannān*, f. 4

Despite his major output of brief and voluminous works in Arabic, it would be wrong to discount the presence of hadith-based criticism in Persian. ‘Abd al-Ḥaqq composed some of his most elaborate defenses of the madhhab-system, the concept of *taqlīd*, and the Hanafī madhhab in his Persian *Sharḥ Sifr-i Sa ‘ādat*.²⁴¹ This was a commentary on a text written by the famous lexicographer Muḥammad ibn Ya‘qūb al-Fayrūzābādī (d. 827/1414). ‘Abd al-Ḥaqq mentioned in the introduction that al-Fayrūzābādī had drifted towards the Zahiris (often called the “literalists”) and had become critical of the madhhabs of the jurists (*madhāhib-i mujtahidīn*), claiming that they, among many things, did not have a solid foundation on sound traditions. According to ‘Abd al-Ḥaqq, this approach posed a danger to the religion itself, and thus needed to be corrected and explained. He aimed to explicitly establish the veracity of the madhhabs, though his ultimate purpose was to support and verify the legitimacy of the Hanafis (*taqwiyyat-u-ta’yīd-i madhāhib mahmā amkana ‘alā al-khuṣūṣ ithbāt-u-tahqīq-i madhhab-i ḥanafī ke maqṣūd-i aham-u-maṭma ‘-i naẓar-i aṣal ānast*).²⁴² In such a way, as we shall see time and again, the commentary became a space for critique, revision, and new arguments. Here, it served to uphold madhhab pluralism and the Hanafī madhhab’s place within it.

In his introduction, ‘Abd al-Ḥaqq provided a quick breakdown of the hadith sciences, discussing the different types of traditions, their hierarchies, and the rise of hadith compilations and their particular features. He then discussed the origins of differences amongst the *mujtahidīn* or independent jurists and the concept of *taqlīd* that buttressed the four schools of law. This last subject was discussed by many before him, including al-Suyūṭī, and attempted at accounting for

²⁴¹ ‘Abd al-Ḥaqq al-Dihlawī, *Sharḥ Sifr-i Sa ‘ādat* (Lahore: Al-Nūriyya Riḍawīyya Publishing Kampanī, 2010).

²⁴² *Ibid.*, 4.

the staggering diversity of law as well as the authority of the four schools of law as distinct but valid formations.²⁴³ ‘Abd al-Ḥaqq explained various situations that might give rise to different interpretations, and described it not only as a feature of the jurists but also of the Companions. His goal here was twofold: to legitimate the existence of differences (or pluralism), and simultaneously to describe these differences as proof of the necessity of *taqlīd* to a madhhab. As he wrote, in his days, there was no option but to follow the precedent of the *mujtahids* from the four madhhabs (*dar īn rūzgār... īshān rā juz mutābi ‘at-i mujtahidān kardan ve dar pay īshān raftan sabīlī nabūd*).²⁴⁴ This was true even if the authoritative corpus of a particular madhhab appeared to contradict a tradition. ‘Abd al-Ḥaqq questioned who amongst the commoners and contemporary scholars had the ability to distinguish abrogated traditions from the non-abrogated, the sound from the weak, to verify interpretations, and reconcile different pieces of evidence. Hence, ‘Abd al-Ḥaqq argued for the need for *taqlīd* to the authoritative corpus of the madhhabs. In the end, ‘Abd al-Ḥaqq continued to argue for the epistemological importance of hadith within the legal methodology of the Hanafī madhhab in the same breath as he advocated adherence to the authoritative doctrine of the Hanafī madhhab over a contradictory tradition. For him, the Hanafīs had their own sound evidences from hadith.

While much of this criticism was directed against those who rejected the madhhabs as a whole, ‘Abd al-Ḥaqq also took the time to address the inter-madhhab differences between the Shafi‘is and Hanafīs. Much like ‘Alī al-Qārī, he dedicated a section to addressing the oft-repeated claim that the Shafi‘is had a strong scriptural foundation in hadith, whilst the Hanafīs

²⁴³ al-Suyūṭī, *Jazīl al-Mawāhib fī Ikhtilāf al-Madhāhib*.

²⁴⁴ ‘Abd al-Ḥaqq al-Dihlawī, *Sharḥ Sifr-i Sa‘ādat*, 22. Also see page 20 for the explicit reference to the exclusive authority of four madhhabs, and not more.

legislated according to *ra'y* (considered opinion) even in contradiction to hadith literature. This idea, 'Abd al-Ḥaqq stated, was entirely wrong and was attributable to the *ta'sṣub* or factional partisanship of some Shafī'i commentaries of hadith compilations which discounted the legitimacy of the traditions used by the Hanafis as evidence. Here, we find an echo of the same complaint 'Alī al-Qārī had also made regarding rival commentaries of hadith. 'Abd al-Ḥaqq argued that if one looks at Hanafī works popular in Arabs lands, one could discover the truth of the matter (*nazar dar kutub-i ḥanafīyya ke dar diyār-i 'arab mashhūr ast, bāyad andākht tā ḥaqīqat-i ḥāl munkashif kard.*)²⁴⁵ Of these Arab works, he cited in particular the oeuvre of the Egyptian scholar Ibn al-Humām, as we have seen in his previous works. His debts to Indian Ocean Hanafī thought were repeatedly made explicit in his works, and he facilitated its articulation in Persian.

In this section, 'Abd al-Ḥaqq argued for the strong basis of Hanafī literature in hadith by stressing the strong doctrinal overlap between Hanafis and Hanbalis, which were generally considered to be more literal in their adherence to scripture than the Shafī'is. He also argued in more methodological (*uṣūlī*) terms, as had 'Alī al-Qārī, that the rationalist (*'aqlī*) evidences and analogy (*qiyās*) used by Hanafis were meant to support hadith traditions, rather than undermine them. In fact, al-Shāfī'ī had preferred *qiyās* in many instances over certain hadith traditions, as opposed to the Hanafis. Furthermore, even if some hadiths used by Hanafis were now considered by hadith scholars as weak (*dā'if*), they were actually sound in the generation of Abū Ḥanīfa, and only became weaker through diffuse processes of transmission thereafter – hence they still

²⁴⁵ 'Abd al-Ḥaqq al-Dihlawī, *Sharḥ Sifr-i Sa'ādat*, 23.

constituted legitimate evidence.²⁴⁶ In this way, ‘Abd al-Ḥaqq advanced a series of methodological arguments supporting the Hanafi basis in hadith.

In social terms, what makes ‘Abd al-Ḥaqq exceptional as compared to most of the Hanafis analyzed in this chapter was his return to Delhi and his prolific discussion of hadith and law therein. Through him (and his students), Indian Ocean Hanafi thought expanded from Cairo, the Hijaz, Sindh, and Gujarat, found a foothold in the imperial capital of Delhi, and even spread from there to Kashmir and Bilgram.²⁴⁷ He thereby enabled the transmission and study of hadith for several generations. His hadith-based defenses of Hanafi legal methodology vis-à-vis the Shafi‘is were expanded in much more rigor and sophistication by the famous Muḥibullāh al-Bihārī (d.1119/1707), whose work became a widely used textbook of Hanafi legal theory and methodology.²⁴⁸ In a similar vein, as we shall see in Chapter Two, ‘Abd al-Ḥaqq’s defense of *taqlīd* against the Zahiri critique also was upheld and eventually contested by Sindhi scholars in the eighteenth century.

In broad terms, ‘Abd al-Ḥaqq’s collective engagement in the hadith sciences and defense of *taqlīd* reveals several concerns: first, to respond to Shafi‘i criticisms against the Hanafi madhhab which had upset him since his years in the Hijaz; second, to respond to Zahiris who rejected the madhhab-system (and *taqlīd*) on the basis of hadith literature; and finally, to bridge the gap between hadith scholars and certain Sufi groups regarding the normativity of many Sufi

²⁴⁶ Ibid., 24.

²⁴⁷ On the succeeding generation of his students from Kashmir and Bilgram: see: Ishaq, *India’s Contribution to the Study of Hadith Literature*, 154-63.

²⁴⁸ Muḥibullāh al-Bihārī, *Musallam al-Thubūt*, 2 vols. (Cairo: al-Maṭba‘a al-Ḥusayniyya, n.d.). On his biography and track of legal employment in Mughal service, see: al-Ḥasanī, *Nuzhat al-Khawāṭir*, 6:793. Muḥibullāh al-Bihārī is said to have studied with the “founding” shaykhs of the Farangi Mahalli school, Quṭb al-Dīn al-Sihālāwī (d.1102/1691) and Quṭb al-Dīn Shamsābādī (d.1121/1709).

practices and celebrations.²⁴⁹ The first concern explored in the pages above did not in all likelihood constitute a large social force in Delhi. Establishing the veracity of the Hanafi madhhab from hadith in Hanafi-dominated Delhi was quite a different undertaking than in the Hijaz, where there was a strong presence of Shafi'i hadith scholarship. From this angle, his engagement with this concern seems to have been the product more of 'Abd al-Ḥāqq's desire to participate within a much longer tradition of legal debate, than address a pressing social or legal reality that confronted him in Delhi. One might also consider whether he had transregional audiences in mind as he wrote them, but his hadith works do not seem to have circulated widely beyond South Asian Hanafi realms, unlike the work of his Mecca-based contemporary Mullā 'Alī al-Qārī, whose work was amply found in Ottoman libraries.²⁵⁰ (In comparison, 'Abd al-Ḥāqq's Sufi manuals and hagiographical works seem to have had barely more success than his hadith works.²⁵¹)

In Delhi, 'Abd al-Ḥāqq's oeuvre instead would stand opposed to a critique emerging from certain royal quarters and Sufi Chishti shaykhs against *taqlīd* and the madhhab-system.

²⁴⁹ This was seen in works such as the following, which sought to establish the scriptural basis of a large number of popular customs and rituals in the Islamic calendar: 'Abd al-Ḥāqq Dihlawī, *Mā Thabata min al-Sunna fī Ayyām al-Sana*, Maktabat al-Ḥaram al-Makkī, MS 3774.

²⁵⁰ For instance, the Süleymaniye library in Istanbul contains more than a hundred volumes of Mullā 'Alī al-Qārī's Arabic commentary, and only one or two volumes of 'Abd al-Ḥāqq al-Dihlawī's Persian commentary. I have not yet found 'Abd al-Ḥāqq al-Dihlawī's Arabic commentary anywhere outside South Asia (or Europe); the King Faisal Center for Research and Islamic Studies in Riyadh contains digital reproductions from the British Library. In addition, there is another copy of his Persian commentary, originally copied in Lahore in 1093/1682, in Medina's al-Maktaba al-Maḥmūdiyya: 'Abd al-Ḥāqq al-Dihlawī, *Tarjuma-yi Mishkāt-i Maṣābīḥ*, Maktabat al-Malik 'Abd al-'Azīz, al-Maktaba al-Maḥmūdiyya, MS 612.

²⁵¹ For example, I have come across two Arabic copies of a Sufi treatise he wrote in Sarajevo and Konya; a Persian history of Medina, in Medina; and his Persian biographical dictionary of Sufi shaykhs in Istanbul. 'Abd al-Ḥāqq al-Dihlawī, *Akḥbār al-Akhyār*, Süleymaniye Kütüphanesi, Esaf Efendi MS 1311; *Jadhb al-Qulūb ilā Diyār al-Maḥbūb*, al-Maktaba al-Maḥmūdiyya, MS 3150 and 3152; *Jadhb al-Qulūb ilā Tarīq al-Maḥbūb*, Gazi Husrev-Beg Library, MS 115/2211 and Konya Bölge Yazma Eserler Kütüphanesi MS BY3815.

This Mughal critique was not articulated in the language of rigorous hadith-based reasoning, as were the Shafi‘i (or Zahiri) critiques ‘Abd al-Ḥaqq addressed in his works. Rather, the Mughal critiques were articulated in the context of Sufi discussions of a more theological nature, where prominent Chishtis such as Shaykh ‘Abd al-Raḥmān (d.1683) articulated a madhhab of the Sufis and critiqued exclusive legal conformity to an individual madhhab.²⁵² This also intersected with an imperial context, given that the Mughal emperor Akbar’s (r.1556-1605) court had declared him as early as 1579 as the *mujtahid* of the age, celebrating Akbar’s powers of *ijtihād* and *taḥqīq* – terms that could also be used occasionally to praise later Mughal emperors.²⁵³ As such, ‘Abd al-Ḥaqq’s body of work examined in this section that sought to disprove Shafi‘i critiques would be ill-suited against such critiques. However, his attempts to integrate hadith within his Sufi practice would lead to quite novel and even ecumenical formulations of Sufism in contrast to those circulating in exclusive Mughal courtly circles.²⁵⁴

The most fundamental transformation traced in this section concerns the rising prominence of hadith literature in the legal discussions of Indian Ocean Hanafis. For both ‘Abd al-Ḥaqq and Mullā ‘Alī al-Qārī, the charge that the Hanafis had a weak scriptural basis had to be

²⁵² Muzaffar Alam, “The Debate Within: A Sufi Critique of Religious Law, *Tasawwuf* and Politics in Mughal India,” *South Asian History and Culture* 2, no. 2 (2011): 138-159.

²⁵³ A. Azfar Moin, *The Millennial Sovereign: Sacred Kingship and Sainthood in Islam* (New York: Columbia University Press, 2012), 153-63; A. Azfar Moin, “The Millennial and Sainthood of Emperor Shah Jahan According to a Court Sufi,” in *The Empires of the Near East and India: Source Studies of the Safavid, Ottoman, and Mughal Literate Communities*, edited by Hani Khafipour (New York: Columbia University Press, 2019), 205-217.

²⁵⁴ See Sushmita Banerjee’s arguments regarding his universalist conception of Sufi orders, rather than a particularistic courtly one. Sushmita Banerjee, “Conceptualising the Past of the Muslim Community in the Sixteenth Century: A Prosopographical Study of the *Akhbār al-Akhyār*,” *The Indian Economic and Social History Review* 54, no. 4 (2017): 423-56.

taken very seriously and gave birth to massive commentaries and treatises. In doing so, they built upon the work of earlier Hanafis from Mamluk Egypt that corroborated Hanafi law with hadith from the thirteenth to fifteenth centuries based upon an acceptance of the canonical status of certain hadith compilations.²⁵⁵ More immediately their scholarly production was enabled by an intermediating generation of Indian Hanafi scholarship from Sindh and Gujarat that reinforced their Hanafi practice and hadith scholarship amidst the legal pluralism and Shafi'i prominence in the Hijaz. These Hanafis remained largely faithful to the larger Hanafi madhhab, engaged in legal scaffolding to navigate the textual oceans of jurisprudence and arrive at new injunctions, and defended the Hanafi school on the basis of its concordance with prevalent notions of hadith canonization that were not found in classical Hanafi thought.²⁵⁶ Unlike the contemporaneous scripturalist Akhbaris of the Imami tradition (who also developed a presence in Mecca), they thus used hadith to uphold existing theories of *ijtihad* and madhhab authority, rather than break away from them.²⁵⁷ Far beyond courtly contexts and imperial bureaucracies, this line of independent Hanafi scholarship flourished within the Sindhi, Gujarati, Delhi, and Afghan community of Hanafi teachers of hadith and law in the late sixteenth and early seventeenth centuries.

Mughal Hanafis and Sindhi Scholarship in the Seventeenth Century

²⁵⁵ For a discussion of thirteenth and fourteenth century Hanafi engagement with the hadith canon, and the reasons for its late emergence, see: Brown, *The Canonization of al-Bukhārī and Muslim*, 140-41, 226-27, 235-39.

²⁵⁷ On the Akhbaris, see: Robert Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbārī Shī'ī School* (Leiden: Brill, 2007).

This last section returns to Sindh, where we began the chapter. It moves forward in the seventeenth century and analyzes how the hadith scholarship and legal conformity explored in the previous pages fared as the Mughal empire expanded and annexed Sindh at the end of the sixteenth century. It demonstrates that Sindhi – and to an extent Indian – connections with Hijazi scholarship declined relative to the previous century; and that legal conformity to the Hanafi madhhab continued in large measure, especially during the reign of the Mughal emperor Aurangzeb (r.1658-1707), but witnessed a growth in legal fluidity in various circles. It looks in particular at the Mughal composition of the *Fatāwā ‘Ālamgīriyya* and the spread of the Naqshbandi-Mujaddidi tariqa to examine how its members upheld legal conformity. Ultimately, it argues that with the brief dip in Hijaz-Indian hadith scholarship, the hadith-driven discussions of law we have seen in the work of ‘Abd al-Ḥāqq al-Dihlawī, Mullā ‘Alī al-Qārī, and other Indian Ocean Hanafis declined in Sindh itself but continued to grow in Delhi in the latter half of the seventeenth century.

After completing their conquest of Thatta in 1592, the Mughals integrated Sindh as whole into the *subah* of Multan, with larger cities such as Thatta, Sehwan, and Bhakkar forming separate *sarkars*.²⁵⁸ Over the next few decades, the Mughals attempted to establish some level of control over Sindh’s urban centers and semi-pastoralist tribes through a combination of military engagement and land grants. They issued *madad-i ma‘ash* grants (or tax revenue rights to specific lands) to improve their relationships with many religious elites, shrine establishments,

²⁵⁸ Abū al-Faḍl ibn Mubārak, *The Ain-i Akbari by Abul-Fazl-i ‘Allami: Edited in the Original Persian*, ed. JI. Blochmann (Calcutta: Asiatic Society of Bengal in the Bibliotheca Indica, 1872; Frankfurt: Institute for the History of Arabic-Islamic Science, 1993), 3: 549-558.

and the tribes associated with them.²⁵⁹ However, the account of an early critic in 1055/1634 suggests that the *madad-i ma'ash* grants were abused by large zamindars and were barely sufficient for the needs of the qadis, muftis, and other members of the legal establishment.²⁶⁰ Shāh Jahān (r.1037-68/1628-57) commissioned a grand imperial mosque at Thatta in 1644, which stood prominently as an architectural symbol of Mughal sovereignty.²⁶¹ Aurangzeb, who served as governor of Multan and Sindh from 1648 to 1652 spent much of his time in long, unsuccessful campaigns against Qandahar on his father's orders.²⁶² However, he managed to subdue some of the most problematic forces of the Baluch tribes, and gain nominal allegiance from others.

Despite this political insecurity, Sindh's integration into the Mughal Empire influenced the geographies of Sindhi scholars and ushered in several new developments in the legal infrastructure and the proliferation of scholarly networks. For one, it brought Sindh's scholarship much closer to Delhi in a more direct manner, and facilitated a synthesizing approach to Hanafi law and its authoritative corpus for the service of Mughal legal courts. As Persian was declared the official language of the Mughal empire in Akbar's time, Sindhi scholars found increasing success in participating and finding patronage outside Sindh within the Persianate imperial system of the Mughals. While it is difficult to determine with certainty how Persian was used in

²⁵⁹ Sunita Zaidi, "The Mughal State and Tribes in Seventeenth Century Sind," *The Indian Economic and Social History Review* 26, no. 3 (1989): 356-362.

²⁶⁰ Muḥammad Saleem Akhtar, "Sind under the Mughuls: An Introduction to, Translation of and Commentary on the Mazhar-i Shāhjahānī of Yūsuf Mīrak (1044/1634)," (Phd Diss., Australian National University, 1983), 304-5.

²⁶¹ Catherine Asher, *The New Cambridge History of India I:4 Architecture of Mughal India* (Cambridge: Cambridge University Press, 1992), 218.

²⁶² Jadunath Sarkar, *History of Aurangzeb, based on Persian Sources (Vol. 1. Reign of Shah Jahan)* (Calcutta: M.C. Sarkar & Sons, 1912), 114-124.

Sindh after the Ghaznawid invasions in the eleventh century (apart from major texts such as the thirteenth-century *Chachnāma*), literary output in Persian grew considerably during the Arghun and Tarkhan periods in the sixteenth century.²⁶³ By the Mughal period, a scholar from Thatta, Makhdūm Raḥmatullāh reportedly impressed Aurangzeb with his lessons of Jalāl al-Dīn Rūmī's *Mathnawī*.²⁶⁴ With their fluency in Persian, Sindhis were able to compete for grants and find positions within the imperial bureaucracy, as well as to remain connected to legal developments across the empire. Some career itineraries did follow a familiar pattern; for instance, Makhdūm Abū al-Faṭḥ moved to Gujarat in Shah Jahan's reign, where he gained appointment as a qadi of a local district, and later gained a promotion in Aurangzeb's reign as qadi of Surat.²⁶⁵ However, many other Sindhis began to head north to Delhi to serve the imperial court as bureaucrats or to seek its patronage. Much of this movement – as based on Qāni's history – occurred in the second half of the seventeenth century, during the imperial reign of Aurangzeb.²⁶⁶

It was in this larger context that two Sindhis, Qāḍī Niẓām al-Dīn al-Sindī and Makhdūm Abū al-Khayr, served in the imperial team of well-known scholars from multiple regions of South Asia that produced the *Fatāwā 'Ālamgīriyya*.²⁶⁷ First written in Arabic, and then translated into Persian, the *Fatāwā 'Ālamgīriyya* was the most monumental undertaking of Hanafi law in

²⁶³ H. I. Sadarangani, *Persian Poets of Sindh* (Jamshoro, Pakistan: Sindhi Adabi Board, 1987), chapters 1 and 2.

²⁶⁴ See Makhdūm Raḥmatullāh in Qāni, *Tuḥfat al-Kirām*, 685-86.

²⁶⁵ See Makhdūm Abū al-Faṭḥ in Qāni, *Tuḥfat al-Kirām*, 680.

²⁶⁶ Some Sindhi scholars associated with Aurangzeb or granted awards by him include: Sayyid 'Abd al-Rashīd in Qāni, *Tuḥfat al-Kirām*, 636, Sayyid Muḥammad 'Alī's two sons, Qāni, *Tuḥfat al-Kirām*, 638, Makhdūm Ṭālibullāh Mudarris, Qāni, *Tuḥfat al-Kirām*, 688, Shāh 'Izzatullāh, Qāni, *Tuḥfat al-Kirām*, 705, 'Abd al-Raḥmān Sayfī Qādrī, 722, and the grandsons of Shaykh 'Abd al-'Azīz, in Qāni, *Tuḥfat al-Kirām*, 724-25.

²⁶⁷ Niẓām al-Dīn al-Sindī in al-Ḥasanī, *Nuzhat al-Khawāṭir*, 5:656; Qāni, *Tuḥfat al-Kirām*, 600; and Makhdūm Abū al-Khayr, in Qāni, *Tuḥfat al-Kirām*, 691.

the late seventeenth century: it was undertaken by a team of more than two dozen scholars from India, and was allocated two lakh rupees (200,000) for its expenses.²⁶⁸ It was produced to serve as a comprehensive reference for Mughal qadis by cohering together the vast and divergent textual realms of Hanafi law. Indeed, among the reasons listed for its composition by Aurangzeb's chronicler, two included the differences of opinions amongst the judges and jurists, and weak traditions (*bi-sabab-i ikhtilāf-i quḍāt-u-muftiyān bā riwāyāt-i ḍa 'īfa wa aqwāl-i mukhtalifa*).²⁶⁹ This reference to weak traditions (*riwāyāt-i ḍa 'īfa*) is a small hint of an imperial acknowledgement of the contentions of hadith scholarship within the Hanafi madhhab. However, in the discussion of the *Fatāwā*, there was not much attention given to investigating the scriptural evidence of each ruling; instead, references abounded of Hanafi jurists. Legal scaffolding continued unabated.²⁷⁰

There was much at stake in the *Fatāwā 'Ālamgīriyya*. According to Aurangzeb's chronicler, it had become impossible to derive rulings without first gathering a vast collection of books and developing an expansive breadth of learning and legal knowledge.²⁷¹ In this respect, this fatwa collection marked an imperial effort to grapple with a problem that Raḥmatullāh al-

²⁶⁸ See Alan M. Guenther, "Hanafi Fiqh in Mughal India: The Fatawa-i 'Ālamgiri," in *India's Islamic Traditions, 711-1750*, edited by Richard M. Eaton (New Delhi: Oxford University Press, 2003); M. Reza Pirbhai, "British Indian Reform and Pre-Colonial Trends in Islamic Jurisprudence," *Journal of Asian History* 42, no. 1 (2008): 36–63; Muhammad Khalid Masud, "Religion and State in Late Mughal India: The Official Status of the *Fatawa Alamgiri*," *LUMS Law Journal* 3, no.1 (2016): 32-50; Bhatia, *The Ulama, Islamic Ethics and Courts*, 182-85.

²⁶⁹ Muḥammad Sāqī Musta'id Khān, *Ma'athir-i 'Ālamgīrī*, ed. Āgha Aḥmad 'Alī (Calcutta: Baptist Mission Press, 1871), 529-30.

²⁷⁰ See also Mouez Khalfaoui's arguments regarding how the authors of the *Fatāwā 'Ālamgīriyya* discriminated between late Central Asian Hanafis and early Iraqi Hanafis to arrive at more appropriate legal solutions for their contemporary context in South Asia, and their dealings with non-Muslims. Mouez Khalfaouis, "Together but Separate: How Muslim Scholars Conceived of Religious Plurality in South Asia in the Seventeenth Century," *Bulletin of the School of Oriental and African Studies* 74, no. 1 (2011): 87-96.

²⁷¹ Ibid.

Sindī in the previous century had also confronted with regards to the *‘ilm al-manāsik*: to navigate the divergent and textually scattered plurality of Hanafī texts and produce one comprehensive and authoritative compendium. It was driven by the difficulty of bringing together the textual mountains of Hanafī law within practical reach of the general population, or in other words, to allow for the very possibility of *taqlīd* itself.²⁷² As Aurangzeb’s chronicler described it, it was the product of Aurangzeb’s firm desire to shape the practice of all Muslims in accordance with the authoritative doctrine composed by the scholars of the Hanafī madhhab (*ke kāffīye ahl-i islām bi-muftā bihā masail-i ‘ulamāyi madhhab-i hanafi ‘amal namāyand*).²⁷³ While there is debate on whether the *Fatāwā ‘Ālamgīriyya* functioned in practice as an authoritative code or as a non-binding reference work (it was likely the latter), it nonetheless represented the most comprehensive collaboration of Hanafī jurists across the Mughal empire. It marked a synthesizing layer of Hanafī scholarship in a genre of legal writing that did not feel the need to engage in lengthy investigations of Hanafī scriptural evidences. With the Sindhis involved in the composition of this text, it is thus fair to suggest that such a text also represented a major event in the legal milieu of Sindhi scholars.

Another major – and somewhat contrary – development that occurred as Sindhis drew closer to Delhi was the spread of the Naqshbandi-Mujaddidi tariqa into Sindh. Soon after Aurangzeb became emperor in 1658, another group of scholars from Thatta set out for Delhi, hoping to secure financial support from him. Among them was the famous Makhdūm Ādam

²⁷² Fadel, “The Social Logic of *Taqlīd* and the Rise of the *Mukhtaṣar*.”

²⁷³ Musta‘id Khān, *Ma’athir-i ‘Ālamgīrī*, 529.

(Ado) Thattwī, who instead ended up meeting Ma‘ṣūm Sirhindī (d.1079/1668), the son and successor of Aḥmad Sirhindī (d.1034/1624), in Delhi and becoming his disciple. He, along with Miān Kabīr Muḥammad and others, spent several years studying under Ma‘ṣūm Sirhindī before returning to Thatta.²⁷⁴ Their return to Thatta marked the beginning of the Naqshbandi-Mujaddidi tariqa in Sindh, which had already been the site of well-established Qadiri and Suhrawardi traditions. While it was no easy matter to establish a new tariqa in a region already abundant with saints and Sufi communities, the Mujaddidis rose to prominence in the next generation. Makhdūm Ādam sent his own student Abū al-Qāsim Thattwī (d.1138/1726) to Sirhind to study with Sayf al-Dīn (d.1096/1685), the grandson of Aḥmad Sirhindī.²⁷⁵ Upon his return, Abū al-Qāsim was successful in attracting a large number of students and establishing a strong Mujaddidi presence in the region. His influence would continue to shape Sufi politics in eighteenth century Sindh.

The advent of the Mujaddidis in Sindh does not seem to have brought forth the controversy it did in the Hijaz or Delhi, where opposition erupted over many of Aḥmad Sirhindī’s statements concerning prophetology (and other issues) in his *Maktūbāt* in the 1650s and 1680s.²⁷⁶ The Sindhis were aware of the controversies, given that Abū al-Qāsim Thattwī owned a copy of a rebuttal of the Ḥaramayn criticisms written by a disciple of Aḥmad Sirhindī in

²⁷⁴ Qāni‘, *Tuḥfat al-Kirām*, 714; Dīn Muḥammad Wafā’i, *Tadhkira Mashāhūr-i Sindh*, trans. ‘Azīz Anṣārī and ‘Abdullāh Waryāh (Jamshoro: Sindhī Adabī Board, 2005), 2:353-357; I‘jāz al-Ḥaqq al-Quddūsī, *Tadhkira-yi Ṣūfiyā-i Sindh* (Karachi: Urdū Akadamī Sindh, 1959), 46.

²⁷⁵ Qāni‘, *Tuḥfat al-Kirām*, 713-14 and I‘jāz al-Ḥaqq, *Tadhkira-yi Ṣūfiyā-i Sindh*, 52-53.

²⁷⁶ See: Atallah S. Copt, “The Naqshbandiyya and Its Offshoot, the Naqshbandiyya-Mujaddidiyya in the Ḥaramayn in the 11th/17th Century,” *Die Welt des Islams* 43, no. 3 (2003): 321-348; El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, 249-261.

1683.²⁷⁷ This treatise had a particularly large geography in mind, addressing critics in the Hijaz, Istanbul, South Asia (*Hind*), and Transoxiana, without specific reference to Sindh. This might have signified a different reception of Mujaddidi teachings in Sindh. It is unclear as to how much weight Aḥmad Sirhindī’s critiques of *waḥdat al-wujūd* (the doctrine of unity of being) carried in Sindh even amongst the Mujaddidis themselves; certainly in the eighteenth century, Mu‘īn Thattwī, a prominent Mujaddidi, staunchly defended *waḥdat al-wujūd*.²⁷⁸

It is also not clear if Sindhi participation in the Mujaddidi tariqa influenced their conformity to Hanafi jurisprudence. Shaykh Aḥmad Sirhindī adopted a relatively fluid practice of the Hanafi madhhab: while he extolled the praises of Abū Ḥanīfa, who “has authority over three quarters of jurisprudence while all others share the fourth quarter,” he admitted that “I have a personal love for Imam Shafi‘i... and follow his juristic interpretations in some of my supererogatory practices.”²⁷⁹ Indeed, he was described by his disciple Badr al-Dīn Sirhindī as a “Hanafi Shafi‘i” (*ḥanafīyyu al-shāfi‘ī*).²⁸⁰ This was cast in the language of legal conformity (to either Hanafi or Shafi‘i madhhab) based upon their scriptural strengths (rather than his own independent reasoning), and as such represented a higher degree of legal fluidity between madhhabs rather than a critique of the madhhab-system in toto (as other Sufis and Chishtis had

²⁷⁷ There is a seal marking Abū al-Qāsim’s ownership in the beginning – I am grateful to Dr. Anas Rajpur for bringing it to my attention. The treatise was written by one of Aḥmad Sirhindī’s disciples during a visit to the Hijaz. Muḥammad Beg, *‘Aṭīyyat al-Wahhāb al-Fāṣila bayn al-Khaṭa’ wa al-Ṣawāb*, Institute of Sindhology, University of Sindh, Jamshoro, MS. 64058|26.4.84.

²⁷⁸ See chapter 2.

²⁷⁹ Aḥmad Sirhindī, “Letter 2.55,” in *Revealed Grace: The Juristic Sufism of Ahmad Sirhindī (1564-1624)* by Arthur F. Buehler (Louisville: Fons Vitae, 2011), 103. Compare with the account in Alam, “The Debate within,” 146.

²⁸⁰ Badr al-Dīn Sirhindī, *Ḥaḍarāt al-Quds*, trans. Ghulām Muṣṭafā Khān (Lahore: Qādirī Riḍawī Kutubkhāna, 1431/2010), 2:109.

articulated). It continued in Delhi in the next generations of Mujaddidi successors and in other Sufi groups. It was also seen in the case of the prominent shaykh Shāh ‘Abd al-Raḥīm al-Dihlawī (d.1131/1718), who as described by his famous son Shāh Walīullāh (d.1176/1762), was a Hanafi but also adopted other opinions based on his reading of hadith and according to his spiritual states.²⁸¹ If practiced in Sindh, its relatively expansive vision of legal fluidity between madhhabs could represent a source of controversy.

As Sindhi scholars found new opportunities under the Mughals, there was a relative drop in Sindhi participation in scholarly networks across the Indian Ocean in the seventeenth century. The beginning of the seventeenth century saw the famous Shāh Khayrullāh (d.1027/1618), an Iraqi-born descendant of ‘Abd al-Qādir al-Jīlānī, moving permanently to Sukkur after spending more than a decade in the Hijaz, but this was a rare exception.²⁸² There were no independent family movements to the Hijaz as there were in the sixteenth century. Thus, there was also a drop in the cultivation of hadith sciences in Sindh in this period. To some extent, this reflected the larger economic picture: Mughal rule witnessed a decline in Thatta’s oceanic trade due to the opening of other ports along the Indian Ocean and the silting of Lahori Bandar.²⁸³ Portuguese control over Sindh’s export economy had ended early in the seventeenth century, as the English attempted to establish a factory in Thatta, finally succeeding in the winter of 1635.²⁸⁴ The

²⁸¹ Shāh Walīullāh al-Dihlawī, *Anfās al-‘Arifīn*, trans. Sayyid Muḥammad Fārūqī al-Qādirī (Lahore: Farid Book Stall, 2007), 167-68.

²⁸² Qāni’, *Tuḥfat al-Kirām*, 401, footnote 1.

²⁸³ Claude Markovits, *The Global World of Indian Merchants, 1750-1947: Traders of Sind from Bukhara to Panama* (Cambridge: Cambridge University Press, 2004), 35.

²⁸⁴ For an account of the arrival of the English at Thatta, see: “William Fremlen and John Spiller at ‘Tutta’ to the President and Council at Surat, December 18, 1635,” in William Foster, *The English Factories in India, 1634-1636*:

English exported locally produced cotton, indigo, and saltpeter (among many other goods), supplementing their more central factory in Surat until the decline and desertion of Lahori Bandar in the second half of seventeenth century. Aurangzeb's new seaport, named Auranga Bandar, did not prove as successful as the older Lahori Bandar.

Surprisingly, it was mostly in the latter half of the seventeenth century, after Lahori Bandar was silted and deserted that we see evidence of Sindhi participation in the Hijaz, and indeed, of a particular family.²⁸⁵ However, unlike the scholars of the sixteenth century, this relationship carried a strong imperial capacity. A Sindhi jurist, Qadi 'Abd al-Raḥmān Naṣarpūrī, was appointed as the official trustee for gifts to the Hijaz during the reigns of Shāh Jahān and Aurangzeb, and received a jagir (land revenue grant) in exchange for his service.²⁸⁶ According to a twentieth-century source, he actually served as a mufti of the army camp (*mufitī al-mu'askar*) in the reign of Aurangzeb, and traveled to the Hijaz around the year 1106/1694, where he performed hajj and probably studied for a period of time.²⁸⁷ He composed a work on the narrators of *Ṣaḥīḥ al-Bukhārī*, which is a good indication of his investment in the hadith sciences.²⁸⁸ He taught his son Muḥammad Akram Naṣarpūrī (to whom we shall return to in the

A Calendar of Documents in the India Office, British Museum and Public Record Office (Oxford: Clarendon Press, 1911), 126-134.

²⁸⁵ There are bound to be exceptions for hajj, but what is meant here is a scholarly encounter. For instance, Makhdūm Ādam (d.1066/1656) did hajj as well, though the exact date is not clear and there is no evidence of him studying or teaching there. See: Qāni', *Tuḥfat al-Kirām*, 681-82.

²⁸⁶ Qāni', *Tuḥfat al-Kirām*, 539.

²⁸⁷ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 6:747.

²⁸⁸ This work, *Asmā' Rijāl al-Bukhārī* is listed in Aligarh University's manuscript collections, which I have been unable to consult.

next chapter), who maintained a library in Sindh containing many hadith collections that later Sindhi scholars explicitly reference in their works.²⁸⁹

In the seventeenth century, the madhhab-system thus remained paramount as many Sindhis became closely affiliated with the imperial bureaucracy and did not diverge from the larger Mughal impetus under Aurangzeb to consolidate the dynamics of Hanafi jurisprudence. Instead, the revision and readjustment of Hanafi law continued to dominate juristic activity in its creative capacities as the jurisprudential engine of *taqlīd*. The affiliation with the imperial bureaucracy also explains the visible decrease in Sindhi scholarly connections with the Hijaz who could find employment in relative proximity. Some who did travel to the Hijaz and spent extended time there seem to have done so on behalf of the Mughal government, in their capacities as Mughal officials. In effect, the earlier phase of Sindhi-Hijazi hadith scholarship in the sixteenth century did not find a strong foothold back in Sindh itself. In contrast, hadith scholarship continued to an extent in Delhi and Gujarat, where individual jurists expressed more expansive views of legal fluidity between the madhhabs, and where even scholars from Southeast Asia came to study.²⁹⁰

Conclusions

²⁸⁹ See Chapter Two.

²⁹⁰ A number of Southeast Asian Shafi'is in the seventeenth century also circulated Gujarat as part of Sufi networks, including Nūr al-Dīn al-Rānīrī (d.1068/1658). In addition, a famous text of Faḍlullāh Burhānpūrī, written in 1590, on Sufism also was known to the Malay-Indonesian world by 1619. Azra, *The Origins of Islamic Reformism in Southeast Asia*, 41-42, 52-69.

Whereas scholarship has focused on the construction of imperial institutions of law in the early modern period, this chapter illustrates the development of the Hanafī madhhab in the scholarship and social worlds of scholars across multiple imperial geographies in the Indian Ocean. These scholars were situated within madrasas and *ribāts* that were often supported by distant patrons, such as in Gujarat, which enabled movement between the Hijaz and local centers. The grand mosques of the Ḥaramayn also presented scholars with opportunities to engage other schools, and inter-madhhab genealogies of learning and discussions continued to proliferate through both extended study with a teacher and formal transmission via the *ijāza*. The madhhab flourished within the legal pluralism of the Hijaz, where jurists with varying degrees of autonomy composed ambitious works that consolidated multiple waves of Hanafī jurisprudence from medieval times to Mughal India. These were produced within but not restricted to an Indian Ocean zone of scholarship and eventually circulated amongst mainland Hanafī scholars as far as Istanbul and Sarajevo. These scholars also catalyzed an Arabic and Persian reading public that could be stirred up by occasional controversies and debates regarding madhhab authority. In all, they demonstrated the vast connectivity of legal scholarship as facilitated by madhhab pluralism in the early modern period – and yet neglected in historiography, especially within the “Balkans-to-Bengal complex” elucidated more recently by Shahab Ahmed.²⁹¹

The initial generation of Sindhi Hanafī scholars in the sixteenth century contributed to the consolidation of Hanafī law regarding issues peculiar to the Hijaz and directly confronted – though not exclusively – by Hanafīs of the Indian Ocean. The flurry of Arabic texts and commentaries on the rites of pilgrimage by the likes of Raḥmatullāh al-Sindī served to organize

²⁹¹ In his attempt to decenter law from definitions of Islam, Ahmed loses sight of the historically connective role of law within the very geographical arena he covers. Ahmed, *What is Islam*, especially chapter two.

the plurality of Hanafi jurisprudence and thereby make *taqlīd* more feasible and hajj practicable for both the scholar and the lay pilgrim. Scholars such as Ḥamīd al-Dīn also undertook the study of hadith, though in a more devotional framework that did not interrupt established Hanafi legal methodologies. Together, these scholars upheld madhhab conformity in the face of the large crowds and separate prayer stations at the Ḥaram, which presented a unique predicament in the Indian Ocean. They collectively argued for legal conformity to an individual madhhab, as a necessary feature of madhhab pluralism; all madhhabs were entitled to their respective spaces. Yet, the scope of legal fluidity – or crossing between madhhabs – expanded successively from Raḥmatullāh al-Sindī, to Ḥamīd al-Dīn al-Sindī, to Mullā ‘Alī al-Qārī, paralleling the expanding citations of hadith traditions within their respective treatises.

The Sindhi and Gujarati Hanafis served to anchor another generation of Hanafi students in the Hijaz, who began to develop sustained defenses of the Hanafi madhhab against critiques made regarding its basis in hadith literature. These scholars, including the Afghan ‘Alī al-Qārī and Delhi-based ‘Abd al-Ḥaqq al-Dihlawī, drew upon the authoritative corpus of Hanafi law and conceptions of hadith canonization to answer criticisms mainly from Shafi‘is but also Zahiris who rejected *taqlīd*. Through voluminous commentaries, monographs, and brief treatises, they engaged at length with hadith scholarship, building in explicit ways upon the works of earlier Mamluk Hanafis such as Ibn al-Humām and Ibn Quṭlubaghā, as well as Shafi‘is such as al-Suyūfī. They attempted to reconcile their legal understanding of the Hanafi school, its historical formulation, and underlying theories of *taqlīd* with their scholarship in hadith. ‘Abd al-Ḥaqq al-Dihlawi in addition wrote several works in Persian, anchoring this hadith-based discussion of law within the lingua franca of the Mughal and Ottoman empires, though with seemingly limited circulation beyond South Asia.

Their collective work helped strengthen the emphasis on legal conformity in the next generations over the course of the seventeenth century. As Sindh-Hijaz connections decreased with the consolidation of Mughal imperial and legal power, so too did Sindhi hadith scholarship; yet, such scholarship did continue to some extent in Delhi through the disciples of ‘Abd al-Ḥaqq al-Dihlawī and others. The most ambitious Mughal legal project in the seventeenth century, the *Fatāwā ‘Ālamgīriyya*, did not engage with hadith in depth and was organized more around the problem of consolidating the vast internal plurality of Hanafi law. However, other Hanafis – especially those connected to Mujaddidi circles – sought to expand legal fluidity between madhhabs in a limited capacity, based on some notions of superior hadith evidences. All the same, Hanafis from the Hijaz to South Asia, from independent jurists to official judges, remained committed to the basic processes of legal conformity and legal scaffolding, opposed only in certain Sufi circles. There was one major exception: an internal hadith-based Hanafi critique appeared near the end of the seventeenth century that became the source of much debate and controversy in the eighteenth century, challenging the very pillars of madhhab-based legal pluralism. It is to this we now turn.

Chapter 2:

Hanafis in Revolt:

Contesting *Taqīd* across Thatta, Delhi, and the Hijaz, 1670-1770

“Indeed, the most virtuous science is the science of hadith and the most virtuous scholars are the scholars of hadith...and indeed the lands of Sindh and Hind are in this matter destitute.”²⁹² Mu‘īn Thattwī (d.1161/1748), Thatta

“And you see them reading, reviewing, and studying the books of hadith not to act upon them but to learn the proofs of [the legal school] they follow (*qalladū*) and the alternative interpretations (*ta’wīl*) of what contradicts [their school’s] rulings...”²⁹³ Ḥayāt al-Sindī (d.1163/1750), Medina

In the first decade of the eighteenth century, a dispute emerged between two Sindhi Hanafī scholars in Medina concerning the act of raising one’s hands at particular junctures during ritual prayer (*raf‘ al-yadayn*). As mentioned in the previous chapter, this practice contravened the established doctrine of the Hanafi school.²⁹⁴ Abū al-Ḥasan al-Kabīr (d.1139/1727), a teacher of hadith at the Prophet’s mosque, was known to engage in this practice, in what was considered as brazen opposition to centuries of widely held Hanafi discourse. His fellow Sindhi Hanafī Abū Ṭayyib ibn ‘Abd al-Qādir al-Sindī (d.1149/1736) attempted to get him to stop, arguing for the scriptural soundness of the Hanafi position. When Abū Ṭayyib did not succeed, he lodged complaints for several years with the local Ottoman

²⁹² Mu‘īn Thattwī, *Dirāsāt al-Labīb fī al-Uswat al-Ḥasana bil-Ḥabīb*, ed. Muḥammad ‘Abd al-Rashīd al-Nu‘mānī (Karachi: Sindhi Adabi Board, 1957), 4.

²⁹³ Ḥayāt al-Sindī, *Tuḥfat al-Anām fī al-‘Amal bi-Ḥadīth al-Nabī ‘alayh al-Ṣalāt wa al-Ṣalām*, Maktabat al-Haram al-Makkī, MS 1537, f. 8.

²⁹⁴ Although this was a bodily practice, it was less invested in disciplining the physical body or imbuing it with sacred power, such as in Sufi meditative practices of embodiment; instead, it was concerned more with upholding the correct Prophetic model of prayer, as established by hadith. For more on Sufi conceptions of the body, see: Kugle, *Sufis and Saints’ Bodies*.

Hanafi qadis of Medina, specifically citing Abū al-Ḥasan’s “lack of inclination to his own madhhab and opposition to its imām in some issues.”²⁹⁵ For several years, according to our early nineteenth century account, the qadis that investigated Abū al-Ḥasan were humbled by his great knowledge and took no action against him. Eventually, a newly appointed qadi ordered Abū al-Ḥasan to desist from *rafʿ al-yadayn*, but Abū al-Ḥasan refused, swearing, “By God, I will not do something that I consider unsound, and I will not leave something that I consider sound.”²⁹⁶ After some arbitration, Abū al-Ḥasan began to wear a large overcoat that would hide the movement of his arms, so he could continue raising his hands without being seen publicly. The qadi died soon thereafter, and upon receiving word of the qadi’s passing whilst he was in the state of prayer, Abū al-Ḥasan instantly threw off the large overcoat and resumed praying openly with *rafʿ al-yadayn*.

This incident is emblematic of the shifts that emerged in the eighteenth century. Here, we find the beginnings of internal Hanafi critique against mainstream Hanafi authoritative discourse. This critique was fueled by a deep engagement in the hadith sciences and justified primarily by claiming the necessity of acting upon sound hadiths and independent reasoning (*ijtihād*) of the individual jurist, as opposed to conformity to the madhhab (*taqlīd*). This sustained critique of *taqlīd* and the subsequent defenses that it catalyzed held important consequences not only for the Hanafi madhhab but for madhhab-centered legal pluralism as an authoritative framework and an institutional reality. For the critiques against Hanafi positions were not, as in the previous chapter, made by rival Shafiʿis who argued for their madhhab’s superiority over the Hanafis;

²⁹⁵ “‘admi mayl al-shaykh Abī al-Ḥasan ilā madhhabihī wa mukhālifāt imāmihi fī ba‘d al-masā’il.” This entire account is in ‘Ābid al-Sindī, *Tarājim Mashāyikh ‘Ābid al-Sindī*, Maktabat al-Ḥaram al-Makkī, MS 2782, ff.15-16.

²⁹⁶ Ibid.

they were made from within Hanafī circles against Hanafī doctrine, and ultimately challenged the entire edifice of *taqlīd* which upheld the madhhab-system. This discourse on the limits of *taqlīd* and *ijtihād* formed a wider discussion by Hanafis and non-Hanafis alike in the eighteenth century, across madhhabs from West Africa to the Arabian Peninsula and Southeast Asia.²⁹⁷ By participating in this discussion, Indian Hanafis entered transregional debates that extended beyond their madhhab.

This chapter analyzes a series of well-connected Indian scholars across the Hijaz, Sindh, and Delhi in the eighteenth century and questions how their engagements with hadith scholarship across multiple schools of law influenced their construction of legal authority. In more precise terms, it asks how they practiced independent reasoning to interpret traditions of hadith and thereby challenge – or defend – the established corpus of Hanafī authoritative doctrine (*ẓāhir al-riwāyā*). This chapter argues that Indian scholars began to rely less upon the “legal scaffolding” used by Hanafis in previous centuries to arrive at legal and epistemological certainty, which entailed working by reference to madhhab precedent. Instead, whether they were conforming to or departing from the madhhab’s positions, they began to advance hadith-based legal methodologies that emerged through their intellectual and textual encounters across the Indian Ocean. By engaging in manuscript-based practices of “deep reading” and commentary writing to parse through the vast corpus of hadith and law, and by constructing intricate genealogies of hadith transmission from the Hijaz, Indian jurists created greater hermeneutical space to push past the boundaries of the Hanafī madhhab. In effect, they expanded the scope of legal fluidity – of transgressing madhhab boundaries – that had been carefully controlled in the previous

²⁹⁷ For a recent survey of discussions of *ijtihād* in the eighteenth century, see: Dallal, *Islam without Europe*, chapter 2.

centuries, transforming the existing edifice of madhhab-centered legal pluralism. Whereas legal pluralism previously was upheld by strong notions of legal conformity to individual madhhab boundaries, it now assumed a more fluid terrain with more expansive scopes of inter-madhhab interaction in both social and legal contexts. For many Indian Hanafis, then, madhhab identity could be upheld in social circles of teachers and students without requiring exclusive conformity to Hanafi doctrine.

This chapter begins with an overview of the resurgence of Sindhi-Hijazi exchange in the eighteenth century. It then traces the beginnings of hadith-based critique of Hanafi doctrine at Medina by successive generations of Sindhi Hanafi hadith teachers, highlighting the role of networks of hadith – rather than Sufi orders – in bringing them together. It examines a case-study of Sindhi debates in Medina on the question of hand placement in prayer, which was especially controversial because it entailed publicly contesting Hanafi doctrine in favor of Shafi'i doctrine. Within this debate, it analyzes how these Sindhi jurists parsed through conflicting standards of hadith authenticity held by the Hanafi school and hadith scholars. It also analyzes their scrutinization of physical manuscripts to adduce the scriptural authenticity of hadith traditions, demonstrating how processes of deep reading and manuscript circulation in the Indian Ocean were instrumental in enabling the production of this discourse. It then follows these debates to Thatta, where local scholars also began to partake in such hadith-based discourse, producing some of the most systematic critiques of legal authority. It ends with a brief section surveying the varied trajectory of such hadith-based critiques in Sindh, Delhi, and the Hijaz, challenging the exceptionality of the Delhi hadith scholars usually assumed in historiography. Finally, it concludes by showing how hadith-based legal reasoning became increasingly essential for Indian Hanafi scholars across the Indian Ocean, both in critique and defense of Hanafi doctrine.

The Resurgence of Sindh-Hijaz Exchange in the 18th Century

From Sindh to the Hijaz

Over the course of the eighteenth century, Sindhi scholars came to occupy a preeminent place in the Indian scholarly community of the Hijaz, surpassing even those from Gujarat and Delhi. Three consecutive generations of Sindhi migrant scholars taught hadith at the Prophet's mosque in Medina in this century, which was not matched by any other Indian community in this period. The most notable were Abū al-Ḥasan al-Kabīr (senior, d.1139/1727), Muḥammad Ḥayāt al-Sindī (d.1163/1750), and Abū al-Ḥasan al-Ṣaghīr (junior, d.1187/1773). Unlike the Sindhis discussed in the previous chapter, all came to the Hijaz at separate points as migrants and had no familial connections with each other. Yet, they retained a strong semblance of Sindhi identity abroad: according to a late eighteenth-century historian of Sindh (who never himself traveled to Medina), Ḥayāt al-Sindī was buried alongside several fellow Sindhis, including Muḥammad Qā'im al-Sindī (d.1158/1745), Qāḍī 'Abd al-Raḥmān Thānī (the grandson of the Qāḍī 'Abd al-Raḥmān we met in the first chapter), and Miān 'Abd al-Ḥamīd Halā'ī (d.1171/1757) at the Baqī' cemetery in Medina.²⁹⁸ These figures may have also been accompanied with their own families: we know of at least one Sindhi Naqshbandi scholar who fled with his family to Mecca around 1736 in fear of the destruction that would befall Sindh with the invasions of Nādir Shāh (d.1160/1747).²⁹⁹

²⁹⁸ Qāni', *Tuḥfat al-Kirām*, 540.

²⁹⁹ This was Shaykh Muḥammad Abū al-Masākin Thattwī (d.1149/1737). *Wafā'i, Tadhkira Mashāhīr-i Sindh*, 2: 357-361.

Other Sindhi scholars maintained a brief presence in the Hijaz and returned after their pilgrimage and a period of study to work and teach in different cities of Sindh. Among these were Makhdūm Hāshim Thattwī (d.1174/1761), the most prominent jurist of Thatta in the eighteenth century; Muḥammad Qā'im al-Sindī, who eventually returned once more to the Hijaz; and the Afghan-born Faqīrullāh 'Alawī (d.1195/1781), who reportedly made several pilgrimages to Mecca from Shikarpur in Upper Sindh. Most of the travel undertaken by these scholars occurred in the first half of the eighteenth century; there were several other Sindhi figures who traveled in the last quarter of the eighteenth century and are discussed in Chapter Three. Together, they easily surpassed the level of Sindh-Hijaz interactions of the sixteenth century in terms of the number of Sindhi scholars in the Hijaz, their transregional students, and the treatises they wrote. The eighteenth century marked, in other words, the peak of Sindhi engagement with the intellectual worlds of the Hijaz. It also marked the rising influence of Sindhi scholarship over scholars from other parts of South Asia.

This growth in Sindhi intellectual engagement in the Indian Ocean can only be partially explained by the reigning political geography of the eighteenth century. The eighteenth century was after all the century that marked the infamous decline of the Mughal empire, which as we saw in the previous chapter, had provided many Sindhi jurists with employment opportunities in the seventeenth century. With the decline of central Mughal power, the eighteenth century witnessed the emergence (and fall) of the local Kalhora dynasty, which had gradually consolidated power in Sindh and earned official Mughal sanction in 1701 to govern parts of northern Sindh. Over the next decades, the Kalhoras acquired more autonomy from the Mughal center, and annexed Mughal Thatta and lower Sindh in 1737. Yet, shortly thereafter, they were

forced into paying annual tribute to the invading force of Nādir Shāh (d.1160/1747) in the very beginning of 1740 and again of Aḥmad Shāh Abdālī (d.1186/1772) in 1754.

The growth in Sindh's transregional exchange with the Hijaz cannot be simply explained by the decline of Mughal power in Sindh and the emergence of the Kalhora dynasty. The Mughals only lost control of Thatta in 1737, long after many of the Thatta-based scholars had already set sail for the Hijaz. The Kalhoras in the reigns of Miān Nūr Muḥammad (r.1718-1754) and his son Ghulām Shāh Kalhoro (r.1755-1772) also presented more stable opportunities for traders, bureaucrats, and scholars than did Punjab or Surat itself. Although the Kalhoras paid annual taxes as a tributary state, they maintained local control and were instrumental in building a series of new canals along the Indus river and clearing land for agricultural purposes.³⁰⁰ Hence, during their brief reign of power, an influx of new migrants actually moved to Sindh.³⁰¹ The Kalhoras seemed to have confronted internal division and unrest mainly in the last decade of their rule, before they were defeated by the Baloch Talpurs, their former mercenaries, in 1783. In all, their presence may help us explain why some Sindhis decided to return after their journeys abroad, but it does not capture why many Sindhis left to learn and teach in the Hijaz.

The economic fortunes of Sindh in the Indian Ocean also do not help explain this movement. This certainly was a time of growing agricultural prosperity for Sindh; the Kalhora period more than doubled Sindh's land revenues from Mughal times, reaching, by one estimate,

³⁰⁰ S. P. Chablani, *Economic Conditions in Sindh, 1592-1843* (Bombay, Calcutta, Madras: Orient Longmans Ltd., 1951), 28; Ghulām Rasūl Mehr, *Tārīkh-i Sindh* (Karachi: Sindhi Adabi Board, 1958), 2: 950-55.

³⁰¹ Matthew A. Cook, "Getting Ahead or Keeping Your Head? The 'Sindhi' Migration of Eighteenth Century India," in *Interpreting the Sindhi World: Essays on Society and History*, ed. Michel Boivin and Matthew A. Cook (Karachi: Oxford University Press, 2010), 142.

at least two million acres of agricultural cultivation.³⁰² However, this prosperity did not necessarily translate into a rise of oceanic imports of textiles and other goods: the new seaports, including Auranga Bandar and Shah Bandar did not successfully replace the old seaport of Lahori Bandar, which had by now silted. The British did establish a factory for the second time at Thatta with an outpost at Shah Bandar from 1758 to 1775, mainly in pursuit of Sindh's saltpeter and to channel the British woolen trade to Afghanistan and Central Asia.³⁰³ Yet this was undercut by the civil wars of the Kalhoras, who were also their competitors, since the Kalhoras were also invested in supplying woolen goods to their Afghan overlords.³⁰⁴ There was, however, a noticeable change in the pilgrimage route of Sindh during this period. Many Sindhis now traveled for pilgrimage at Mecca from one of the smaller Sindhi ports directly to Muscat in the Persian Gulf, as opposed to embarking at the declining Mughal port of Surat.³⁰⁵ Hindu Bhattias from Thatta, who had become some of Muscat's most important trading partners, achieved significant concessions from the Omani dynasts, and even established multiple Hindu temples there.³⁰⁶ Thus, it was no accident that many Sindhi pilgrims chose to travel to the Arabian

³⁰² According to Chablani's calculations (based off Mughal and British sources), Mughal Sindh's land revenue reached 21.7 lakh rupees over 1.5 million acres, and during Kalhora times was 53.3 lakh rupees over 2 million acres. Chablani, *Economic Conditions in Sindh*, 47-49.

³⁰³ H. T. Sorley, *Shāh Abdul Latīf of Bhit: His Poetry, Life and Times: A Study of Literary, Social and Economic Conditions in Eighteenth Century Sind* (Lahore, Karachi, Dacca: Oxford University Press, 1940), 37.

³⁰⁴ Sorley, *Shāh Abdul Latīf of Bhit*, 52.

³⁰⁵ For instance, at least three Sindhi personalities traveled for hajj through Muscat: Faqīrullāh 'Alawī (Wafā'i, *Tadhkira Mashāhīr-i Sindh*, 2:349), the Talpur notable Mīr Bijār Khān (Ghulām Rasūl Mehr, *Tārīkh-i Sindh*, 733-34), and Shaykh Ni'matullāh (who mentioned this in a letter to Makhdūm 'Abdullāh, a student of Hāshim Thattwī). 'Abdullāh ibn Muḥammad al-Sindī, *Jāmi' al-Kalām fī Manāfi' al-Ānām*, ed. Nabī Bakhsh Khān Baloch (Jamshoro: Sindhi Adabi Board, 1447/2006), 15 and 123.

³⁰⁶ See: Calvin H. Allen, "The Indian Merchant Community of Masqat," *Bulletin of the School of Oriental and African Studies* 44, no. 1 (1981): 40-42.

Peninsula through Muscat, especially after the decline of Surat in the 1730's. However, given that many Sindhis had begun to travel to the Hijaz before the 1730s and did so via Surat, it would be a stretch to view this as a direct cause of the rising contact with the Hijaz.³⁰⁷

There are thus no precise and easy material explanations of Sindh's rising engagement with the Hijaz. We can gain more from analyzing certain scholarly genealogies and families that contributed to the collective strength of Sindhi scholarly networks and the sustained growth of intellectual activity during the Kalhora period. This century represented a major moment in Sindhi intellectual history, and not only for reasons to do with the Hijaz. It witnessed the growing articulation of Sindhi identity: the aforementioned Makhdūm Hāshim Thattwī, the chief judge in Thatta, wrote a treatise in praise of Sindh (in Persian) and its rich spiritual and intellectual heritage, responding to an Afghan who had insulted Sindh.³⁰⁸ More importantly, this century marked the rising importance of Sindhi as a popular vernacular through the production of a series of devotional and legal compositions in the Sindhi language.³⁰⁹ This was led both by Sufi saints and judges such as Miān Abū al-Ḥasan Thattwī (d.1163/1750), Makhdūm Ḍiyā al-Dīn (d.1171/1758), and later Hāshim Thattwī. Miān Abū al-Ḥasan was probably the first to write a

³⁰⁷ Among those who traveled to the Hijaz via Surat were noted figures such as Hāshim Thattwī and Muḥammad Qā'im Sindhī, though both did so in the first decades of the eighteenth century. For an account of Muḥammad Qā'im's great reception in Surat (*ke ḥadd-i bayan nadārad*), see Mīr 'Alī Sher Qāni', *Tadhkira-yi Maqālāt al-Shu'arā'*, ed. Hussām al-Dīn Rashdī, (Karachi: Sindhī Adabī Board, 1957), 647.

³⁰⁸ Makhdūm Hāshim Thattwī, *Madaḥnāma-yi Sindh*, Sindhi Adabi Board Library, Jamshoro, MS 106. A few sections have also been translated into Sindhi and published: Hāshim Thattwī, *Madaḥnāma-yi Sindh*, ed. and trans. Muḥammad Idrīs Dāhir (Nawabshah, Sindh: Idāra-yi Khidmat al-Qur'ān wa al-Sunna, 2006).

³⁰⁹ For more on the history of Sindhi literature in this period, see: Qāḍī Yār Muḥammad, *Sindhī me Fiqhī Tahqīq jo Irtiqā'* (Hyderabad/Karachi: Sindhī Bolī jo Bā Ikhtiyār Idāro, 1413/1992); Nabī Bakhsh Khān Baloch, *Sindhī Zabān-o-Adab kī Tārīkh*, trans. Shadhra Sikandrī (Jamshoro: Sindhi Adabi Board, 2009), 304-347; Ḥusām al-Dīn Rāshdī, *Sindhī Adab* (Karachi: Urdū Maṭbū'āt-i Pākistān, n.d.), 32-61; Annemarie Schimmel, "Sindhī Literature," *Mahfil* 7, no. 1/2 (1971): 71-80; Ali S. Asani, "At the Crossroads of Indic and Iranian Civilizations: Sindhi Literary Culture," in *Literary Cultures in History: Reconstructions from South Asia*, ed. Sheldon Pollock (Berkeley and Los Angeles: University of California Press, 2003), 612-646.

Sindhi manual on the introductory rules of ritual prayer, near the end of the seventeenth century. His work was quite distinct from the mystical poetry of the contemporaneous Shāh ‘Abd al-Laṭīf Bhitāi (d.1752), but still contributed significantly to the larger trajectory of Sindhi literature. Miān Abū al-Ḥasan probably influenced Hāshim Thattwī’s prolific Sindhi manuals on a wide range of issues, from prayer and zakat to hajj rituals and Qur’anic exegesis. These were explicitly aimed to be didactic compositions for those who could not read or understand Arabic and Persian, and many became household texts that are read even today in Sindh. A new Sindhi textual world began to emerge through the prolific output of these scholars who sought to bring what they considered as essential religious knowledge within the reach of a larger audience. It did not displace the elite status of Arabic or Persian but represented a more populist mobilization of religious texts and practices. It is quite evocative of wider literary developments during this period, including the outcrop of versified religious texts in local languages as far as Bengal and Bosnia.³¹⁰

In this new textual frontier, the Sunni madhhab-system and the Hanafi madhhab remained dominant despite the important presence of a large Shi‘i population in Sindh. While some Sunni scholars discussed Shi‘i ideas and practices, legal writing seems to have been a Hanafi undertaking. The flurry of legal compositions in the Sindhi vernacular, as well as in the lingua francas of Arabic and Persian, were based on Hanafi texts. This Hanafi dominance was also recognized on the political level: in his last will, the Kalhora ruler Nūr Muḥammad affirmed the validity of the four Sunni madhhabs as per madhhab-centered legal pluralism, and gave pride

³¹⁰ Thibaut d’Hubert, *In the Shade of the Golden Palace: Alaol and Middle Bengali Poetics in Arakan* (New York: Oxford University Press, 2018); Harun Buljina, “Empire, Nation, and the Islamic World: Bosnian Muslim Reformists between the Habsburg and Ottoman Empires, 1901-1914,” (PhD Diss., Columbia University, 2019), 36-52.

of place to the Hanafis as his dynasty's preferred legal tradition.³¹¹ This was supported by the emergence of informal madrasas based around scholarly families such that of Hāshim Thattwī (the Madrasa Hāshimiyya) and others. References in biographical dictionaries abound of madrasas that hosted students and teachers in the eighteenth century; the Scottish merchant Alexander Hamilton (d. in or after 1733) famously wrote about the existence of four hundred “colleges” in Thatta during his visit near the turn of the eighteenth century.³¹² With the expanding reach of Hanafi law into a broader textual and social arena through the Sindhi vernacular, legal and theological debates took on new dimensions that proved significant for the intellectual history of Sindh and the Indian Ocean in the eighteenth century. Indeed, as we shall see in this chapter, the legal responsibility of common people (‘*awām*) to follow madhhab doctrine over apparently contradictory hadith reports also assumed an increasingly important line of debate in this period, testifying to the wider importance of such discussions.

Legal Pluralism in the 18th Century Hijaz

As they left behind Hanafi-dominated Sindh, Sindhi scholars had diverse legal experiences in the legal context of the Ottoman Hijaz, where the four madhhabs existed not only within legal texts but as an infrastructural and social reality, and where the Shafi'i school had maintained its preeminence in hadith scholarship for the last several centuries. As noted in the previous chapter, the second half of the seventeenth century saw a relative decline in Indian

³¹¹ Miān Nūr Muḥammad, *Manshūr al-Waṣiyya wa Dastūr al-Hukūma*, ed. Ḥusām al-Dīn Rāshdī (Hyderabad: Sindhi Adabi Board, 1964), 14.

³¹² Alexander Hamilton, *A New Account of the East-Indies, 1688-1723*, Second Edition (London, 1739; New Delhi: Asian Educational Services, 1995), 1:127.

hadith scholarship, despite the movements of Indian Naqshbandi Mujaddidis through the Hijaz. Apart from individuals like ‘Abdullāh Sa‘d al-Lāhorī of Medina (d.1083/1672), a student of Quṭb al-Dīn al-Nahrawālī, there are few records of Indian hadith scholars and even lesser of their writings.³¹³ The thin layer of Indian Hanafi scholars in the Hijaz did not grow after the generations of ‘Abd al-Ḥaqq al-Dihlawī and Mullā ‘Alī al-Qārī. ‘Abd al-Ḥaqq himself returned to Delhi, where he trained a generation of Indian scholars at home.³¹⁴ Mullā ‘Alī al-Qārī, it must be remembered, earned his living as a calligrapher rather than a professor; there are relatively few students of his mentioned in biographical dictionaries.³¹⁵

Yet, as we shall see below, many of the eighteenth-century Sindhi migrants developed projects directly opposed to their sixteenth-century predecessors, especially in terms of contesting Hanafi doctrine. This was not only a reflection of the preeminence of Shafi‘i scholarship, which had also existed in the sixteenth century. Rather, it also had to do with the rising scope of legal fluidity, of boundary-crossing between the madhhabs in the Hijaz that had emerged since the sixteenth century. Indeed, the most prominent Hanafi scholar of hadith in Mecca, Ḥasan ibn ‘Alī al-‘Ujaymī (d.1113/1702), was described as someone who did not adhere exclusively to the Hanafi madhhab, would engage in non-Hanafi practices, and permitted *talfīq* (legal eclecticism).³¹⁶ One of Mullā ‘Alī al-Qārī’s students, Muḥammad ‘Abd al-‘Azīm ibn

³¹³ ‘Abdullāh Sa‘d al-Lāhorī was also a teacher of the Shafi‘is Ibrāhīm al-Kūrānī (d.1101/1689) and ‘Abdullāh ibn Sālīm al-Baṣrī (d.1134/1722), discussed below. See Ibrāhīm al-Kūrānī’s reference to ‘Abdullāh Sa‘d in his *thabat*: Ibrāhīm al-Kūrānī, *al-Amam li-Īqādh al-Himam* (Hyderabad: Majlis Dā‘irat al-Ma‘ārif al-Nizāmiyya 1328/1910), 5. Also see the entry in: al-Ḥasanī, *Nuzhat al-Khawāṭir*, 5:577.

³¹⁴ See: Muhammad Ishaq, *India’s Contribution to the Study of Hadith Literature*, 154-159.

³¹⁵ For an overview of some of ‘Alī al-Qārī’s students, see: Quṭlāy, *Al-Imām ‘Alī al-Qārī wa Atharuh fī ‘Ilm al-Hadīth*, 84-90.

³¹⁶ Ṣiddīq Ḥasan, *Abjad al-‘Ulūm*, 1:663.

Mullā Farrūkh al-Makkī (d.1061/1650), also provides an important example of how such border-crossing was justified even in official contexts.³¹⁷ Born in Mecca to the prominent Farrūkh family, he rose in the Ottoman bureaucracy, gaining appointments as a teacher at local madrasas, as an imām and a khaṭīb at the Hanafī maqām at the Ḥāram, as well as the Hanafī mufti of Mecca. It is unclear as to what he actually studied with ‘Alī al-Qārī, or what kind of relationship they enjoyed, but Ibn Mullā Farrūkh eventually wrote on questions of *taqlīd* and *ijtihād* in ways that were markedly different from his teacher. In contrast to ‘Alī al-Qārī’s measured acceptance of inter-madhhab prayers as carrying dislike (*karāha*) (which, as discussed, was still more flexible than his immediate Sindhi predecessors), Ibn Mullā Farrūkh declared that it was completely permissible to pray behind an imam of a different madhhab.³¹⁸ In addition, he went so far as to advocate for the permissibility of *talfīq* or pragmatic eclecticism which entailed combining the verdicts of multiple schools, rather than conforming to one alone.³¹⁹ Ibn Mullā thus expounded a highly versatile notion of legal fluidity (or boundary-crossing), even as he supported the institutions of *taqlīd*.

This increase in legal fluidity can also be confirmed by other accounts. An eighteenth-century treatise by the Sindhi hadith scholar Muḥammad Akram Naṣarpūrī (whose exact dates are uncertain, but whose father Qāḍī ‘Abd al-Raḥmān served under Aurangzeb) also sheds further light. Muḥammad Akram wrote on the question of praying behind a Shafi‘i imām

³¹⁷ Al-‘Ujaymī, *Khabāyā al-Zawāyā*, f. 363.

³¹⁸ Muḥammad ‘Abd al-‘Azīm ibn Mullā Farrūkh al-Makkī, *al-Qawl al-Sadīd fī ba‘d Masā’il al-Ijtihād wa al-Taqlīd* (Kuwait: Dār al-Da‘wa, 1988), 46-63.

³¹⁹ See Ibrahim’s discussion of him: Ibrahim, *Pragmatism in Islamic Law*, 111-115.

specifically with reference to the Ḥaramayn.³²⁰ In this treatise, the goalposts of the debate had changed since the sixteenth century: rather than debate its permissibility, the question now concerned whether it was *preferable* for Hanafis to pray with the Shafi‘is in the first congregation or wait for the later Hanafi congregation. Thus, it represented a significant relaxation of the restrictions on inter-madhab prayers in the sixteenth century. Whereas Raḥmatullāh had argued for its impermissibility for obligatory prayers (except if the imam adhered to Hanafi requirements), Ḥamīd al-Dīn had argued for the permissibility of praying voluntary prayers (if the imam adhered to Hanafi requirements), and ‘Alī al-Qārī had allowed for the permissibility of performing obligatory prayers but still preferred the Hanafi congregation, Muḥammad Akram argued that it was actually more recommended (*awlā*) to pray behind a Shafi‘i in the earlier congregation if the imam was not known to violate Hanafi standards. He explicitly critiqued Mullā ‘Alī al-Qārī, who had maintained the preferability of praying with the Hanafi congregation. In this way Muḥammad Akram continued the successive expansion of inter-madhab fluidity.³²¹

Muḥammad Akram’s treatise also furnished anecdotal evidence of this wider change. Besides the standard references to legal texts, Muḥammad Akram cited the actual practices of a series of Hanafi *mujāwirīn* or residents of Mecca. In one example, he cited from his father ‘Abd

³²⁰ Muḥammad Akram Naṣarpūrī, *Qunyat al-‘Arif li-Hukm al-Iqtidā’ bi al-Mukhālif*, Maktabat al-Qāsimiyya, Kandīaro, reproduced from Maktabat al-Malik ‘Abd al-‘Azīz, Medina, MS 134. Also see another manuscript of this work in Suleymāniye Kütüphanesi, Bağdatlı Vehbi MS 2017. On a brief biographical note, see: al-Ḥasanī, *Nuzhat al-Khawātir*, 6:806.

³²¹ Muḥammad Akram argued that a clear majority of Hanafi scholars argued for the permissibility of praying behind a Shafi‘i imām without *karāha* (or dislike) if the imam was not known to violate certain Hanafi standards. He adduced several reasons for this: first, to avoid the Prophetic censure of not responding to the adhān of the (first) congregation; second, that only the first congregation actually held the virtue of the sunnah congregational prayer, and the ensuing congregations would be deprived of them; and third, that the prophetic congregation was never preceded by another congregation (unlike the Hanafi congregation).

al-Raḥmān that his own Hanafi teacher in the Ḥaram usually prayed with the Shafi‘is when their congregation was held first. Thus, Muḥammad Akram tapped into a source of knowledge that was not found in the usual legal texts but was transmitted through the lived traditions of Hanafi residents at Mecca. He also listed social advantages of engaging in joint-prayer, arguing that it would help reduce factionalism and inculcate good opinions (*ḥusn al-ẓann*) about the other madhhabs. As such, it suggests that while separate madhhab prayers continued in the eighteenth century, they were not followed in strict measure even by scholars – let alone the common person.

Such expanding legal fluidity thus provided a very different Hijazi context of legal pluralism for Sindhis in the eighteenth century than it had in the sixteenth century.³²² This context must have enabled, even emboldened, their project on creating a hermeneutical framework to move beyond madhhab boundaries. However, it is important not to confuse these projects. Both Ibn Mullā Farrūkh and Muḥammad Akram were still engaged in legal scaffolding; theirs was not an attempt to directly reinterpret scriptural sources and determine the validity of Hanafi doctrine but to reevaluate an array of late Hanafi positions in order to arrive at certain conclusions. Ibn Mullā Farrūkh especially provided few scriptural citations and was wholly steeped in the reinterpretation of legal precedent and legal theory. This formed quite a different approach from the discussions we will see below, which were based heavily upon hadith.

As Sindhis and other Indians began to circulate within the hadith networks of the Indian Ocean in the eighteenth century amidst this regime of widening legal fluidity, they produced a

³²² For a counter example, see the work of ‘Abd al-Ghanī al-Nabulusī (d.1143/1731) on this question of inter-madhhab prayer and legal eclecticism: ‘Abd al-Ghanī al-Nabulusī, *Khulāṣat al-Taḥqīq fī Bayān Ḥukm al-Taqlīd wa al-Talfīq*, ed. Ḍiyā’ al-Ḥaqq Abū Bakr Muṣṭafā (Cairo: Dār al-Iḥsān, 2016).

deep reevaluation of the basic scriptural underpinnings of *taqlīd* and *ijtihād*, on contradicting and transgressing madhhab boundaries in pursuit of sound hadith interpretation. Although some Indian scholars remained resolutely attached to authoritative Hanafi doctrine, the cumulative shift was towards a strongly hadith-centered legal methodology that no longer sufficed with legal scaffolding or the usual engagement with the internal Hanafi canon. This methodology now depended in large part on the jurist's ability to interpret and synthesize an array of scriptural sources and critiques from other Sunni legal schools. It required, in other words, a deep foundation in the intersectional genealogies of hadith scholarship and an exposure to an array of manuscripts that could be sought in the Indian Ocean.

The Beginnings of Internal Critique

Having sketched the larger context of Sindh-Hijaz interactions in this period, this section introduces the first Sindhi articulations of dissent from established Hanafi doctrine in the language of hadith. The figure who pioneered this approach was the aforementioned Abū al-Ḥasan Muḥammad ibn ‘Abd al-Ḥādī (d.1139/1727), later known as Abū al-Ḥasan al-Kabīr (the senior).³²³ Abū al-Ḥasan was born in Mughal Sindh – decades before the rise of the Kalhoras in the eighteenth century – where he began his studies and remained for an undefined period of time. He moved to the Hijaz sometime in the latter half of the seventeenth century, and there is no evidence to suggest that his move was done in service to the Mughal Empire. He probably moved sometime before the death of the Egyptian Shams al-Dīn al-Bābilī in 1077/1666, under

³²³ The most detailed study on him is the following unpublished dissertation: ‘Abd al-Qayyūm ibn ‘Abd al-Ghafūr al-Sindī, *al-Imām Abū al-Ḥasan al-Sindī al-Kabīr: Ḥayātu wa Āithāru* (PhD Dissertation: University of Sindh, Jamshoro, 1416/1995). I am indebted to the author for providing me with an abridged version.

whom Abū al-Ḥasan is reported to have studied directly.³²⁴ Abū al-Ḥasan, however, did not transmit hadith from al-Bābilī; he transmitted hadith mainly from Ibrāhīm ibn Ḥasan al-Kūrānī (d.1101/1689), Muḥammad ibn ‘Abd al-Rasūl al-Barzanjī (d.1103/1691), and ‘Abdullāh ibn Sālim al-Baṣrī (d.1134/1722). All were amongst the most important hadith scholars of their day and all were Shafi‘i; there is no evidence indicating who Abū al-Ḥasan’s Hanafi teachers were.

The fact that *all* of Abū al-Ḥasan’s recorded teachers were Shafi‘i marks a major difference from the earlier generation of Hanafi migrants to the Hijaz of the sixteenth century. It certainly reflects the continuing preeminence of Shafi‘i hadith scholarship in the Hijaz. However, there were other non-Indian Hanafi scholars in the Hijaz around the time of Abū al-Ḥasan, including the aforementioned Ḥasan al-‘Ujaymī (d.1113/1702). Thus, Abū al-Ḥasan’s choice to transmit only from the Shafi‘is is arguably an indication of his own preferences and training. It corroborates to a certain extent Abū al-Ḥasan’s openness in diverging from established Hanafi positions in preference for Shafi‘i positions. Unlike ‘Abd al-Ḥaqq al-Dihlawī in the sixteenth century, who had a Hanafi teacher to prevent him from switching madhhabs and becoming a Shafi‘i, Abū al-Ḥāsan seems to have wholeheartedly embraced his Shafi‘i education in hadith. Yet, he remained, as we shall see, loosely affiliated with the Hanafi school and accountable to fellow Hanafis, and in this way bore testament to the widening scope of legal fluidity between the madhhabs.

Abū al-Ḥasan’s teachers were pillars of the intellectual community in the Hijaz. Most attention has been focused on the prolific Ibrāhīm al-Kūrānī, a Kurdish scholar who settled in Medina in the mid-seventeenth century. Scholars have noted his strong association with

³²⁴ Murtaḍā al-Zabīdī, *al-Murabbī al-Kābulī fīman Rawā ‘an al-Shams al-Bābilī*, ed. Muḥammad ibn Nāṣir al-‘Ajmī (Beirut: Dār al-Bashāir Islāmiyya, 2004), 234.

Southeast Asian Shafi‘i students, who developed a significant presence in Mecca during this time, forming a parallel example of madhhab-based exchanges in the Indian Ocean.³²⁵ His works (and that of his teacher Aḥmad al-Qushāshī) thus circulated the Indian Ocean, and it is no surprise that many of his manuscripts can be found today in Sindh, including a recension of his *thabat* or index of transmitted books copied by his own grandson.³²⁶ Ibrāhīm al-Kūrānī’s larger contribution was a critical synthesis of the works of Ibn Taymiyya (d.728/1328) and Ibn ‘Arabī (d.638/1240) that allowed for the possibility of a hadith-based monistic theology.³²⁷ His was an approach that was grounded both in hadith scholarship, Shafi‘i law, and *taṣawwuf*, and reshaped many of the existing fault lines in the intellectual society of his day.

This is quite remarkable because there is no evidence to suggest that Abū al-Ḥasan was affiliated with a Sufi tariqa. This lack of affiliation was exceptional in both Medina and Thatta: it is not clear who Abū al-Ḥasan studied with at Thatta, before coming to the Hijaz, but all of the prominent figures of that time – whom he may have crossed paths with at some point – ranging from Makhdūm ‘Ināyatullāh (d.1114/1703) to the Mujaddidi shaykh Abū al-Qāsim, were all important Sufi figures.³²⁸ The same was true in Medina, where even those hadith scholars such as ‘Abdullāh ibn Sālim al-Baṣrī, who were not known to actively initiate others into tariqas, still

³²⁵ Azra, *The Origins of Islamic Reformism in Southeast Asia*, chapters 1-5.

³²⁶ It is dated to 1140/1728, by the *ḥafīd al-muṣannif*. Ibrāhīm al-Kūrānī, *al-Amam li-Īqādh al-Himam*, Karachi National Museum, Pir Jhando Collection, MS N.M.1980-1/168.

³²⁷ Basheer M. Nafi, “Taṣawwuf and Reform in Pre-Modern Islamic Culture: In Search of Ibrāhīm al-Kūrānī,” *Die Welt des Islams* 42, no. 3 (2002): 307-355; John Voll, “Hadith Scholars and Tariqahs: An Ulama Group in the 18th Century Haramayn and their Impact in the Islamic World,” *Journal of Asian and African Studies* 15, no. 3-4 (1980): 264-273; El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, chapters 8 and 9; Harith Ramli, “Ash‘arism through an Akbarī Lens: The Two “Taḥqīqs” in the Curriculum Vitae of Ibrāhīm al-Kūrānī,” in *Philosophical Theology in Islam: Later Ash‘arism East and West*, edited by Ayman Shihadeh and Jan Thiele (Leiden and Boston: Brill, 2020), 371-398.

³²⁸ For Makhdūm ‘Ināyatullāh, see: *Tuḥfat al-Kirām*, 687.

were members themselves of Sufi tariqas and transmitted books of *taṣawwuf*.³²⁹ This cautions us against relying too heavily on Sufi connections to explain the networks of the eighteenth century, as most historians have done.

After completing his studies, Abū al-Ḥasan was appointed to teach hadith at al-Masjid al-Nabawī, and possibly at the Madrasat al-Shifā' nearby.³³⁰ He had several Syrian and Egyptian students and even granted an *ijāza* to Ismā'īl 'Ajlūnī, the famous “*muḥaddith* of Shām,” which 'Ajlūnī reproduced in his own *thabat*.³³¹ This reflects the geography of Abū al-Ḥasan's own textual afterlives: Abū al-Ḥasan is discussed in the biographical dictionaries of the Damascene scholar Muḥammad al-Murādī (d.1206/1791), the Egyptian historian 'Abd al-Raḥmān al-Jabartī (d.1240/1825), and the Yemeni 'Abd al-Raḥmān ibn Sulaymān al-Ahdal (d.1250/1834).³³² However, there is no trace of him in the work of the eighteenth-century Sindhi historian Mīr 'Alī Qānī'. It is only in the early nineteenth century that the Sindhi polymath Muḥammad 'Ābid al-Sindī (d.1257/1841) included him in an Arabic treatise on his own pedigree of teacher (and their

³²⁹ John O. Voll, “Abdallah ibn Salim al-Basri and 18th Century Hadith Scholarship,” *Die Welt des Islams* 42, no. 3 (2002): p. 369.

³³⁰ This madrasa is mentioned in the recent study of 'Abd al-Rasūl Qādirī on Makhdūm Hāshim Thattwī, though he does not mention sources for this claim. 'Abd al-Rasūl Qādirī, *Makhdūmu Muḥammad Hāshim Thattwī: Sawāniḥ Ḥayātu ayn 'Ilmī Khidmaton* (Jamshoro: Sindhi Adabi Board, 2006), 179. The closest association I have come across is a scribe of a manuscript who mentions in his colophon that he wrote it at the “Dār al-Shifa, known as the Ribāṭ al-Jadīd,” and then had it read to Abū al-Ḥasan at al-Masjid al-Nabawī. *Musnad Imām Aḥmad ibn Ḥanbal al-Shaybānī*, al-Maktaba al-Maḥmūdiyya, MS 185, f. 1027.

³³¹ Ismā'īl ibn Muḥammad al-'Ajlūnī, *Hilyat Ahl al-Faḍl wa al-Kamāl bil-Ittisāl al-Asānīd bi-Kummal al-Rijāl*, ed. Muḥammad Ibrāhīm al-Ḥusayn (Amman: Dār al-Faḥl lil-Dirāsāt wa al-Nashr, 2009), 126-127.

³³² Muḥammad Khalīl ibn 'Alī al-Murādī, *Silk al-Durar fi A'yān al-Qarn al-Thānī 'Ashar* (Dār al-Bashā'ir al-Islāmiyya, 1988), 4:66; 'Abd al-Raḥmān al-Jabartī, *'Ajā'ib al-'Āthār fī al-Tarājim wa al-'Ākbār*, ed. 'Abd al-Raḥīm 'Abd al-Raḥmān (Cairo: Maṭba'a Dār al-Kutub al-Maṣriyya, 1997), 1:154; 'Abd al-Raḥmān ibn Sulaymān al-Ahdal, *al-Nafas al-Yamānī wa al-Rūḥ al-Rūḥānī fī Ijāzat Quḍāt banī al-Shawkānī*, ed. 'Abdullāh Muḥammad al-Ḥabashī (Riyadh: Dār al-Ṣumay'ī, 2012), 63-64. He is also discussed in more modern works: Muḥammad al-Tūnjī, ed., *Tarājim A'yān Ahl al-Madīna al-Munawwara fī al-Qarn al-Thānī 'Ashar al-Hijrī* (Jeddah: Dār al-Shurūq, 1984), 60; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 6:685; al-Kattānī, *Fahras al-Fahāris*, 1:148.

teachers), which in turn, formed the main basis for an account on Abū al-Ḥasan in the early twentieth century Sindhi-language biographical dictionary by the Sindhi historian Dīn Muḥammad Wafā'ī (d.1369/1950).³³³ This mirrors the distribution of Abū al-Ḥasan's manuscripts today, as they are found across archives in the Hijaz, Istanbul, and Cairo, and yet hardly in Sindh itself.

This relatively poor documentary and archival record in Sindh cannot be taken to mean, however, that Abū al-Ḥasan did not engage with Sindhi scholars or that he was free to diverge from Sindhi scholarship without criticism. Towards the latter part of his life, in the early eighteenth century, when he began adopting legal rulings contrary to the Hanafī madhhab, the most persistent opposition he faced in Medina was from the aforementioned Abū Ṭayyib ibn 'Abd al-Qādir al-Sindī (d.1149/1736), another Sindhi migrant who was a staunch Hanafī and Naqshbandī.³³⁴ Abū Ṭayyib studied the six compilations of hadith mainly with the prominent Hanafī scholar Ḥasan ibn 'Alī al-'Ujaymī (d.1113/1702), unlike Abū al-Ḥasan who studied, as noted earlier, with Shāfi'ī scholars. Abū Ṭayyib also wrote a commentary on the hadith collection *Sunan* of al-Tirmidhī (d.279/892), as well as a commentary on the late Hanafī legal compendium *Durr al-Mukhtār* of 'Alā' al-Dīn al-Ḥaṣkafī (d.1088/1677).³³⁵ He represented a continuation of the earlier Indian Ocean Hanafī trend we have seen in the previous chapter which sought to harmoniously integrate hadith literature with Hanafī law. As someone who by all

³³³ 'Ābid al-Sindī, *Tarājim Mashāyikh 'Ābid al-Sindī*, ff.15-16; Wafā'ī, *Tadhkira Mashāhīr-i Sindh*, 2:278-80. The latter entry contains some errors and confusions with Abū al-Ḥasan al-Ṣaghīr.

³³⁴ al-Tūnjī, ed., *Tarājim A'yān Ahl al-Madīna al-Munawwara*, 78; al-Ḥasanī, *Nuzhat al-Khawātir*, 6:689; 'Abd al-Qayyūm al-Sindī, *al-Imām Abū al-Ḥasan al-Sindī al-Kabīr*, chapter 2, section 6, "on his contemporaries and students" (there are no page numbers in my copy). I did not find him in *Tuhfat al-Kirām*.

³³⁵ Abū Ṭayyib ibn 'Abd al-Qādir al-Sindī, *Ḥayāt al-Muhja wa 'Īdāh al-Wajaha*, al-Maktaba al-Maḥmūdiyya, MS 519 and 520; *Qurrat al-Anzār 'alā Sharah Tanwīr al-Abṣār*, al-Maktaba al-Maḥmūdiyya, MS 1131, 1132, and 1133.

accounts shared and partook in the social world of Abū al-Ḥasan, he shows how Abū al-Ḥasan's critical Hanafī orientation was not an inevitable development.

Abū al-Ḥasan also appointed another Sindhi migrant – the famous Muḥammad Ḥayāt al-Sindī (d.1163/1750) – to succeed his teaching post in Medina, who in turn, appointed his own Sindhi student to succeed him after his own death. As mentioned above, this successive chain of Sindhi teachers of hadith was not matched by any other contemporaneous Indian group in the Ḥaramayn. It is indicative of a strong sense of community amongst these Sindhis. As we shall see, Ḥayāt al-Sindī maintained an active correspondence with scholars in Sindh, defending his teacher Abū al-Ḥasan against Sindhi critics and participating in other debates. In addition, several of his treatises and manuscripts are found in libraries across Sindh today. This line of Sindhi teaching posts at al-Masjid al-Nabawī, along with collective conversations with scholars in Thatta, demonstrate that Abū al-Ḥasan belonged to a transregional Sindhi community throughout his life as a migrant in Medina.

What drove Abū al-Ḥasan's engagements with fellow Sindhis was his critique of Hanafī positions on the basis of hadith interpretation. Abū al-Ḥasan stands as one of the most prolific hadith commentators of this period, writing glosses (*ḥawāshī*) on the six canonical compilations of hadith, the *Musnad* of Aḥmad ibn Ḥanbal (d.241/855), as well as a series of other texts across other disciplines. In addition, he wrote a gloss on a large portion of *Fath al-Qadīr* by Ibn al-Humām (d.861/1457) on Hanafī jurisprudence. This was the same text, as discussed in the previous chapter, that was praised so heavily by 'Abd al-Ḥaqq al-Dihlawī for proving the legitimacy of the Hanafī madhhab based upon sound hadith literature. Yet, as we shall see below, Abū al-Ḥasan was not always so convinced by Ibn al-Humām's arguments. One study presents at least eighteen issues where Abū al-Ḥasan diverged from the Hanafī position on the basis of his

interpretation of particular traditions and their level of soundness.³³⁶ These eighteen questions mostly pertained to ritual prayer and were scattered in his commentary on the *Fath al-Qadīr* as well as within his glosses of hadith compilations. Abū al-Ḥasan’s conclusions in these cases led him to mostly support Shafī‘i positions, but also on occasion the Hanbali position. His hadith-first approach earned Abū al-Ḥasan on occasion the accusation of being a Zahiri (in reference to the Zahiri madhhab, often known as literalists), despite his own claim to being a member of the Hanafī school and his frequent references to Hanafī scholars as “our Hanafī scholars” in his writings.

While many of the issues on which Abū al-Ḥasan diverged from the Hanafī school were less manifest on a public level, some were more public and landed him in controversy. We have already mentioned the trouble Abū al-Ḥasan gained from his stance on *raf‘ al-yadayn* from his Sindhi colleague Abū Ṭayyib in Medina. Another controversial issue concerned the proper placement of the hands whilst standing in prayer. In his gloss of the legal compendium *Fath al-Qadīr* of Ibn al-Humām, Abū al-Ḥasan argued that the Hanafī position, which stipulated that the hands ought to be placed below the navel, was not based on sound traditions.³³⁷ Instead, he argued that the traditions adduced by the Shafī‘i school to support the position that the hands should be placed on the chest, rather than below the navel, were sound and hence correct. This was quite a bold move; he used the marginalia to compose a critique not only of Ibn al-Humām but the Hanafī position writ large. In contrast, his colleague and opponent Abū Ṭayyib also touched upon this question in his commentary on the *Sunan* of al-Tirmidhī and labored to defend

³³⁶ ‘Abd al-Qayyūm al-Sindī, *al-Imām Abū al-Ḥasan al-Sindī al-Kabīr*, chapter 4, section 3.

³³⁷ Abū al-Ḥasan al-Sindī, *al-Badr al Munīr fī al-Kashf ‘an Mabāḥith Fath al-Qadīr*, al-Maktaba al-Maḥmūdiyya, MS. 959, f. 168.

the authenticity of the traditions used by the Hanafi school, citing a particular tradition which Abū al-Ḥasan had not listed in his discussion.³³⁸ Evidently, for both of these scholars, the necessity of having a hadith-based jurisprudence was paramount. Abū al-Ḥasan simply did not see the Hanafi position as substantiated and took the liberty to follow his own judgement, whereas Abū Ṭayyib did see the Hanafi position as valid and hence remained committed to it. For both scholars, the spaces offered by the marginalia formed important grounds for engaging in considerable critique and evaluation.

This discussion on hand placement provoked a major debate between two Sindhis of the next generation, including Abū al-Ḥasan's successor Ḥayāt al-Sindī (who defended him) and Hāshim Thattwī, who defended the standard Hanafi position. This debate dragged on for multiple treatises and rebuttals between the two. We shall return to this debate below, but here it is important to recognize Abū al-Ḥasan's role in instigating the affair. The first contender, Hāshim Thattwī, began his treatise by describing how this issue emerged: namely, that Abū al-Ḥasan, “despite being a leader of the Hanafis in his city, places his hands on the chest during the position of standing in prayer, claiming to do *taqlīd* of the school of Imām al-Shāfi‘ī, may God be pleased with him.”³³⁹ This situation may not have warranted an entire treatise, but matters grew serious according to Hāshim Thattwī: Abū al-Ḥāsan claimed in his aforementioned gloss on the Hanafi text *Fatḥ al-Qadīr* that the Hanafis had no sound evidence (*dalīl thābit*) to support their position besides a weak tradition (*da‘īf ḥadīth*) which was contradicted by many more reliable traditions. As a result, “many Hanafis started to follow him [Abū al-Ḥāsan], may God

³³⁸ Abū Ṭayyib al-Sindī, *Ḥayāt al-Muhja wa 'Īdāḥ al-Wajaḥa*, MS 519, f. 70.

³³⁹ Hāshim Thattwī, *Dirham al-Ṣurra fī waḍ‘ al-Yadayn taḥt al-Surra*, Maktabat al-Masjid al-Nabawī, MS. 80.53(1), f. 1.

most High preserve him...and many Hanafis fell into doubt and strongly suspected that their madhhab had no evidence from hadith.”³⁴⁰ It is clear from Hāshim Thattwī’s description that Abū al-Ḥasan held a major position of leadership amongst the Hanafis in Medina, such that his pronouncements within writing and practice in the public eye created ripples within the Sindhi Hanafi community, all the way from Medina to Thatta. It is also evident that such controversies and rituals had clearly public consequences, performed as they were, in the open setting of the mosque.

As a commentator on the *Fath al-Qadīr*, a major Hanafi legal compendium wherein Abū al-Ḥasan discussed Hanafi scholars from a position of affiliation, it was no small matter for him to rule directly against Hanafi positions. Abū al-Ḥasan’s rulings against the authoritative doctrine of the Hanafi school heralded a major change in the juristic norms of early modern Hanafi scholarship. For indeed, while much debate had taken place on the place of hadith in legal reasoning during the formative period of Islamic law in medieval times, it had a different problematic here around the turn of the eighteenth century.³⁴¹ Most fundamentally, the madhhabs were an established legal institution that underpinned legal practice and regulated the act of boundary-crossing across madhhabs. In ruling against the veracity of Hanafi positions, Abū al-Ḥasan was pushing against the discursive weight of the authoritative doctrines of the Hanafi madhhab, the processes of legal scaffolding, as well as the overarching madhhab-system that had been constructed and negotiated over the last eight centuries.

³⁴⁰ Ibid.

³⁴¹ For a few surveys of the emergence of early debates on hadith and ra’y, see: Melchert, *The Formation of the Sunni Schools of Law*, 1-31 and Hallaq, *The Origins and Evolution of Islamic Law*, 69-76, 102-110, 122-128. For a recent critique of their arguments, see Wymann-Landgraf, *Malik and Medina*, 8-11, 94-129, 141-144.

Yet, Abū al-Ḥasan’s contentions were scattered within his glosses of voluminous works of hadith and law, and not composed in brief and focused treatises. Nor does he appear to have written on the theory of the madhhab and the principles of *taqlīd*. He seems to have left that for his student and successor Ḥayāt al-Sindī, who prolifically composed shorter treatises of a more concentrated nature. As we shall see below, Ḥayāt al-Sindī sought to justify the positions of Abū al-Ḥasan and to critique existing restrictions on acting upon hadith beyond madhhab boundaries in a more comprehensive manner. In Ḥayāt al-Sindī’s writings, we can gain a deeper understanding of both the theory and the historical significance behind this wave of legal reasoning.

Theorizing the Critique, Defending the Madhhab

The actual development of rigorous discussion regarding Abū al-Ḥasan al-Kabīr’s legal positions and the limits of *taqlīd* emerged in the next generation of his students and successors. This section provides a broad overview of two of the most prominent and prolific actors who contested his legacy: Ḥayāt al-Sindī and Hāshim Thattwī. By sketching an account of their larger networks and textual output, it argues that despite their opposed viewpoints, they both advanced a hadith-based methodology of law that could no longer suffice upon the internal legal scaffolding of their Hanafī madhhab. They drew upon their respective training in circles of hadith and legal scholarship, as well as independent readings of manuscripts to redefine legal authority and madhhab pluralism.

Muḥammad Ḥayāt ‘Ādilpūrī al-Sindī moved to Medina from a village in Upper Sindh at a young age.³⁴² There are no specific details on how and when he traveled, but, as others have noted, he must have done so sometime before the death of one of his teachers, the famous Hanafi Ḥasan al-‘Ujaymī in 1702. Unlike Abū al-Ḥasan, Ḥayāt al-Sindī did directly study with a Hanafi hadith scholar. He also received *ijāzas* from other major leaders of hadith scholarship during this time, including the Shafi‘is ‘Abdullāh ibn Sālim al-Baṣrī and Abū Ṭāhir al-Kūrānī (d.1145/1733), the famous son of Ibrāhīm al-Kūrānī (a teacher of Abū al-Ḥasan), and several others.³⁴³ Due to his social aloofness at the beginning of his career, Ḥayāt al-Sindī is described in one account as a completely unexpected candidate to succeed Abū al-Ḥasan’s teaching position at the Prophet’s mosque.³⁴⁴ Perhaps his defenses of the latter played some role in securing Ḥayāt al-Sindī this position. In contrast to ‘Abd al-Ḥaqq al-Dihlawī, whose Hanafi teacher at Mecca had spurred him to remain a steadfast Hanafi (as discussed in Chapter 1), Ḥayāt al-Sindī’s close relationship with Abū al-Ḥasan made him a central figure in the rise of hadith-based critiques of Hanafi doctrine.

Once Ḥayāt al-Sindī assumed the teaching position at the Prophet’s mosque, his stature grew immensely. An ascetic Iraqi scholar who visited Medina in 1157/1745 and received an

³⁴² By far, the most comprehensive work on Ḥayāt al-Sindī is Rafīqu Aḥmadu Magriyo, *Shaykhu Muḥammadu Ḥayātu Sindhī* (Jamshoro: Sindhi Adabi Board, 2009). Also see: ‘Abd al-Wahhāb ‘Abd al-Qādir al-Sindī, *Manār al-Ḥasanāt fī al-Shaykh Muḥammad Ḥayāt* (Sukkur, Sindh: Sharī‘at li-Ṭibā‘a wa al-Nashr, 1435/2014).

³⁴³ For an analysis of the webs of scholarship Ḥayāt al-Sindī participated in, based mainly off al-Murādī and al-Jabartī, see: Voll, “Muḥammad Ḥayyā al-Sindī and Muḥammad ibn ‘Abd al-Wahhab,” 32-39 and Basheer Nafi, “A Teacher of Ibn ‘Abd Al-Wahhāb: Muḥammad Ḥayāt Al Sindī and the Revival of Aṣḥāb Al-Ḥadīth’s Methodology,” *Islamic Law and Society* 13, no. 2 (2006): 208-241.

³⁴⁴ In fact, in ‘Ābid al-Sindī’s account, Ḥayāt al-Sindī’s appointment as Abū al-Ḥasan al-Kabīr’s successor was seen with much doubt and skepticism. This, however, subsided after his first lecture. ‘Ābid al-Sindī, *Tarājim Mashāyikh ‘Ābid al-Sindī*, f. 16.

ijāza from Ḥayāt al-Sindī wrote in his travelogue about how disturbed he was to see Ḥayāt al-Sindī accepting gifts from so many visitors and pilgrims (and judged it as a sign of worldliness), to the extent that he regretted requesting an *ijāza* from Ḥayāt al-Sindī.³⁴⁵ Another Moroccan scholar who visited Medina around the mid-eighteenth century listed Ḥayāt al-Sindī in his travelogue as among the five main scholars of Medina.³⁴⁶ Indeed, Ḥayāt al-Sindī developed an impressive array of students, from Sindh and Gujarat to Yemen and even Daghestan. He is a prominent presence in a wide array of biographical dictionaries from the eighteenth century onwards, including that of his own North Indian student Ghulām Āzād Bilgrāmī (d.1220/1785), the Damascene Muḥammad al-Murādī, the Yemeni ‘Abd al-Raḥmān ibn Sulaymān al-Ahdal, the later Bhopal-based Ṣiddīq Ḥasan Khān (d.1307/1890), and others.³⁴⁷ Ḥayāt al-Sindī, however, did not return to Sindh and is only passingly referenced in the work of the Sindhi historian Mīr ‘Alī Qānī’.³⁴⁸

Like Abū al-Ḥasan, Ḥayāt al-Sindī also wrote only in Arabic, and his manuscripts were copied and distributed beyond the Hijaz, including the familiar geographies of Cairo, Istanbul, and Yemen. Yet, rather than writing long glosses or commentaries as did Abū al-Ḥāsan, he usually wrote shorter treatises. In hadith, he wrote a commentary on the forty hadith (*al-arba‘īn*)

³⁴⁵ Al-Suwaydī ‘Abdullah ibn Ḥusayn al-Baghdādī, *al-Nafha al-Miskiyya fī al-Rihla al-Makkiyya*, ed. ‘Ālī ‘Umar (Cairo: Maktabat al-Thiqāfa al-Dīniyya, 2009), 222.

³⁴⁶ Muḥammad ibn Aḥmad al-Ḥuḍaykī, *al-Rihla al-Hijāziyya*, ed. ‘Abd al-‘Ālī (Rabat: Markaz al-Dirāsāt wa al-Abḥāth wa Iḥyā’ al-Turāth, 2011), 173.

³⁴⁷ Ghulām Azād Bilgrāmī, *Sibhat al-Marjān fī ‘Āthār Hindustān*, ed. Muḥammad Sa‘īd al-Ṭurīḥī (Beirut: Dār al-Rāfiḍayn, 2015), 177-80; Ghulām Āzād Bilgrāmī, *Ma ‘āthir al-Kirām* (Lahore: Maktaba-yi Iḥyā’ al-‘Ulūm al-Sharqiyya, 1971), 144-147; al-Murādī, *Silk al-Durar*, 4:34; ‘al-Ahdal, *al-Nafas al-Yamānī*, 38, 63; al-Kattānī, *Fahras al-Fahāris*, 1:356-57; al-Ḥasanī, *Nuzhat al-Khawātir*, 6:815; Ṣiddīq Ḥasan, *Abjad al-‘Ulūm*, 1:665; Wafā’i, *Tadhkira Mashāhīr-i Sindh*, 329-332..

³⁴⁸ See Qānī’, *Tuḥfat al-Kirām*, 540 and 712.

of al-Nawawī, which did not exceed thirty folios (a far cry from the extensive commentary on the same collection by ‘Alī al-Qārī before him).³⁴⁹ Similarly, he wrote a primer on the principles of hadith, providing quick definitions of hadith terminology, their application, the variable status of different hadith compilations, and differences of opinion – all in ten folios.³⁵⁰ In law, he generally wrote on focused issues emanating from specific questions or debates. These shorter works were by their nature more portable: for instance, an Arabic treatise by Ḥayāt al-Sindī on the question of dyeing one’s hair black was copied onto the margins of another Persian treatise, within a manuscript collection of treatises by the sixteenth-century ‘Alī al-Muttaqī and the contemporaneous ‘Abd al-Ghanī al-Nabulusī.³⁵¹ This greater portability perhaps explains why manuscripts of Ḥayāt al-Sindī’s writings can be found in Sindh to a much greater degree than those by Abū al-Ḥasan. Ḥayāt al-Sindī also participated in several Sindhi debates, as we shall see below, and maintained a wider readership in Sindh than did his teacher.

Ḥayāt al-Sindī’s overarching project engaged multiple fields of knowledge; he wrote on the hadith sciences (in multiple genres), as well as law, theology, and *taṣawwuf*. Ḥayāt al-Sindī often wrote with a wider readership in mind, stripping away the more technical discussion and terminology of the sciences. He is sometimes regarded as a kind of proto-Salafī, considering how Ḥayāt al-Sindī is mentioned in Najdi chronicles as an early teacher of Muḥammad ibn ‘Abd al-Wahhāb (d.1206/1792) and as sympathetic to the latter’s critiques of popular practices at the

³⁴⁹ Note the geographical scope of its circulation in Medina, Istanbul, and Sindh: Muḥammad Ḥayāt al-Sindī, *Tuḥfat al-Muḥibbīn Sharḥ al-Arba ‘īn*, Maktabat al-Malik ‘Abd al-‘Azīz, Maktabat ‘Ārif Hikmat MS 85/232; Süleymaniye Kütüphanesi, Veliyuddine Efendi 801; Sindh Archives, Clifton, MS 372.

³⁵⁰ Muḥammad Ḥayāt al-Sindī, *Uṣūl al-Ḥadīth*, Süleymaniye Kütüphanesi Yahya Tevfik MS 66.

³⁵¹ Muḥammad Ḥayāt al-Sindī, *Risāla fī al-Khiḍāb*, Sindh Culture, Tourism & Antiquities Department, Manuscript Collection, MS A-70.

Prophet’s mosque.³⁵² However, Ḥayāt al-Sindī was a member of the Naqshbandi order, initiated at Medina by an itinerant Yemeni shaykh (who had come from Delhi), and wrote on *taṣawwuf* and composed refutations of *waḥdat al-wujūd* (the doctrine of the unity of being).³⁵³ While he was not an active Naqshbandī (he is not known to have initiated other Naqshbandis), he belonged to the intersecting worlds of hadith, *taṣawwuf*, and legal scholarship. It would be a complete misreading to lump Ḥayāt al-Sindī’s ideas together with that of Muḥammad ibn ‘Abd al-Wahhāb.³⁵⁴

Ḥayāt al-Sindī did compose a forceful critique of the regnant institutions of legal authority. Yet, his critique did not involve a wholesale rejection of the madhhabs, as seen in a treatise on growing the beard, wherein he argued for its practice from both scriptural and Hanafi sources.³⁵⁵ In one of his treatises, he argued instead for the legal imperative of acting on a sound hadith *if* it contradicts one’s madhhab.³⁵⁶ This “hadith praxis” only allowed *taqlīd* as an option for the completely ignorant lay person who did not understand the meanings of the source texts, hadiths, and their interpretations (*al-‘āmī al-ṣirf al-jāhil alladhī lā ya‘rif ma‘nā al-nuṣūṣ wa al-*

³⁵² See ‘Uthmān ibn ‘Abd Allāh ibn Bishr al-Ḥanbalī, *Unwān al-Majd fī Tārīkh Najd*, British Library, MS. Or 7718, f. 6.

³⁵³ Ḥayāt al-Sindī, *al-I‘āna al-Ṣamadiyya fī al-Ṭarīqa al-Naqshabandiyya*, Suleymaniye Kütüphanesi, Reisülkütab MS 1208; *Risālā fī Kayfiyyat al-Talqīn wa al-Dhikr*, Süleymaniye Kütüphanesi, Bağdatlı Vehbi MS 2190; *Fath al-Wadūd fī al-Takallum fī Mas‘alat al-‘Ayniyya wa Waḥdat al-Wujūd*, Dār al-Kutub al-Qawmiyya, Cairo, Taṣawwuf Taimūr Collection, MS 187; *Risāla fī Radd Jahalat al-Mutaṣawwifa al-Musammā Fath al-Laṭīf fī Ajwibat As‘ilat al-Sharīf*, Maktabat al-Qāsimiyya, Kandiaro (reproduced from Dargāh Sharīf Pīr Jhando collection).

³⁵⁴ See Dallal, *Islam without Europe*, chapter 1; Nafi, “Teacher of Ibn ‘Abd Al-Wahhāb.”

³⁵⁵ Muḥammad Ḥayāt al-Sindī, *Risāla fī Ḥukm I‘fā’ al-Liḥā*, ed. Abū ‘Ābd al-Raḥmān ‘Abd al-Majīd Jum‘a (Algiers: Dār al-Faḍīla, 2007).

³⁵⁶ Ḥayāt al-Sindī, *Tuḥfat al-Anām fī al-‘Amal bi-Ḥadīth al-Nabī ‘alayh al-Ṣalāt wa al-Ṣalām*, Maktabat al-Ḥaram al-Makkī, MS 1537.

aḥādīth wa ta'wīlātihā).³⁵⁷ Yet, even for the common person, there were differences regarding whether he would be obligated to act upon a hadith upon being informed of one – and Ḥayāt al-Sindī reproduced many arguments granting the common person the mandate to act upon hadith rather than insisting upon madhhab doctrine. In contrast, the scholar (*al-'ālim*) was perfectly within their rights to contravene the madhhab if they were convinced of the soundness of another tradition. In fact, Ḥayāt al-Sindī listed copious quotations from earlier scholars to the affect that such a jurist *must* act upon the sound hadith as opposed to remaining within the madhhab. If someone considered only one madhhab to be exclusively true, then that person was guilty of disbelief (*kufīr*), and should be killed.³⁵⁸ Ḥayāt al-Sindī attacked those who obstinately refused to act upon or transmit sound hadiths that contravened their madhhab, and instead searched for alternative interpretations to reaffirm their madhhab. Ḥayāt al-Sindī thus cast the boundaries of legal fluidity quite open, subjecting them to the all-encompassing rubric of hadith praxis. The goal was not to discard the institution of the madhhab, but to mandate greater legal importance to the hadith sciences and individual juristic accountability to the scriptural sources based upon independent reasoning.

Ḥayāt al-Sindī's approach stood directly opposed to work of his interlocutor, Makhdūm Hāshim Thattwī, who has escaped the notice of almost all English studies of eighteenth-century South Asian Islam. Hāshim Thattwī had a towering presence in Sindh, and his family became one of the most influential scholarly families in Thatta. He studied for several years at Thatta

³⁵⁷ Ibid., f. 2.

³⁵⁸ Ibid., 4.

with his own father and later with Makhdūm Ḍiyā al-Dīn, an important teacher in Sindhi circles and an author of Sindhi texts on theology.³⁵⁹ He began to write intricate legal treatises and was already a prolific author by the time he left for pilgrimage in 1135/1723. Hāshim Thattwī studied in the Hijaz for about a year, primarily with ‘Abd al-Qādir ibn Abī Bakr al-Ṣiddīqī (d.1138/1726), a senior professor at the Sulaymāniyya Madrasa, the mufti of the Hanafis, and a student of the Hanafī hadith scholar Ḥasan al-‘Ujaymī.³⁶⁰ Although Hāshim Thattwī did study (or at least transmit) from others in the Hijaz, including the Shafī‘ī Abū Ṭāhir al-Kūrānī, his choice to make ‘Abd al-Qādir his primary teacher is reflective of his strong Hanafī loyalties and inclinations. ‘Abd al-Qādir, moreover, did not only teach Hanafī jurisprudence; he also taught hadith and initiated Hāshim Thattwī into dozens of Sufī orders in the Hijaz.

On his return journey from Mecca a year later, Hāshim Thattwī stopped in Surat and gained more *ijāzas* in Sufī tariqas (with the Qadiri tariqa as the primary one) from Sa‘dullāh Sūrātī (d.1138/1726), a famous Sufī shaykh and a teacher of ‘Abdullāh ibn Sālim al-Baṣrī himself.³⁶¹ Hāshim Thattwī thereafter returned to Thatta, where he taught at his Madrasa Hāshimiyya, delivered daily sermons at the mosque, and reportedly served as the chief judge under the Kalhoras.³⁶² He embarked on a project of reforming popular practices, speaking both to

³⁵⁹ Curiously, Qānī‘ does not bother to mention his Hijazi teachers. Qānī‘, *Tuḥfat al-Kirām*, 691; Rāshdī, *Sindhī Adab*, 56.

³⁶⁰ ‘Abd al-Qayyūm al-Sindī, introduction to *Tibyān al-Ḥukm bi al-Nuṣūṣ al-Dālla ‘alā al-Sharaf min al-Umm*, ‘Abd al-Qādir ibn Abī Bakr al-Ṣiddīqī (Mecca: Awqāf Āl al-Muftī al-Ṣiddīqī, 1436/2015), 9-40. I am grateful to the editor for giving me a copy of this work.

³⁶¹ For his biography, see Bilgrāmī, *Ma’āthir al-Kirām*, 207-209. For his association with al-Baṣrī, see: ‘Abdullāh ibn Sālim al-Baṣrī, *al-Imdād fī Ma’rifat ‘Uluww al-Isnād*, ed. al-‘Arabī al-Dāiz al-Faryātī (Riyadh: Dār al-Tawḥīd li-Nashar, 1428/2006), 156.

³⁶² Qādirī, *Makhdūmu Muḥammad Hāshim Thattwī*, 74-76, 88.

the masses and to the elites, as well as making trips to more rural areas to stimulate religious activity. The historian Mīr ‘Alī Qāni’, who was a few decades younger than him, mentioned that Hāshim Thattwī exchanged letters with Nādir Shāh (d.1160/1747) and Aḥmad Shāh Abdālī (d.1186/1772), and that hundreds accepted Islam through his efforts.³⁶³

As an author-jurist, Hāshim Thattwī was extremely prolific, writing more than a hundred treatises, poems, and tomes over the span of his career in Sindhi, Persian, and Arabic. His largest works included his multi-volume *Ithāf al-Akābir*, a compendium (*thabat*) of all the narrations and texts Hāshim Thattwī transmitted from his teacher, the Hanafi jurist ‘Abd al-Qādir, at Mecca.³⁶⁴ This work cemented his links to different fields of scholarship, including hadith, law, tafsir, and *taṣawwuf*. The first section of the *thabat* consisted of specific books that Hāshim Thattwī had gained authorization to transmit. These ranged from hadith compilations and commentaries to works of history and *taṣawwuf*. The next sections consisted of authors Hāshim Thattwī had gained authorization to transmit in general (as opposed to specific books), special kinds of hadith narrations (*al-awā’il*), and Sufi *silsilas*. An addendum at the very end included an *ijāza* from Sa’dullāh Suratī, the Sufi shaykh Hāshim Thattwī met on his return journey at Surat.³⁶⁵ Thus, this particular *thabat* was characterized by a harmonious vision of hadith, law and *taṣawwuf*, and a strong focus on text, author, and shaykh. It kept alive the integrative vision of hadith and law espoused in earlier centuries by Hanafis in the Indian Ocean.

³⁶³ Qāni’, *Tuḥfat al-Kirām*, 696.

³⁶⁴ Makhdūm Hāshim Thattwī, *Ithāf al-Akābir bi-Marwiyyāt Shaykh ‘Abd al-Qādir*, Maktabat al-Ḥaram al-Makkī, MS. 724 and MS. 725.

³⁶⁵ Makhdūm Hāshim Thattwī, *Takmila Dhayl Ithāf al-Akābir*, Maktabat al-Ḥaram al-Makkī, MS. 725, ff. 162-168.

In addition to this *thabat*, Hāshim Thattwī compiled another extended work within the hadith sciences. This was a work of *atrāf*, a genre which emerged in late medieval times and addressed those traditions that were repeated across different chapters of a hadith compilation, with multiple chains of transmission.³⁶⁶ A work of *atrāf* consolidated all the various chains of transmission of a given tradition together, thereby making it easier for hadith scholars to map and trace the multiple recensions of a hadith.³⁶⁷ This genre only mentioned few keywords or prominent words (*taraf*) of the actual text of the tradition itself; here, the central focus was on the chains of transmission behind every hadith. Hāshim Thattwī in his work largely relied upon the classic work of the Syrian Yūsuf ‘Abd al-Rahmān al-Mizzī (d.743/1342) on the *Ṣaḥīḥ al-Bukhārī*, adding his own edits and adjustments. Even though it was not as original a work, it formed an essential resource for a jurist who undertook intensive analyses of hadith traditions and narrators to establish the veracity of legal positions. It was thus quite suited to the legal demands of this Indian Ocean context.

Indeed, Hāshim Thattwī’s legal works were suffused with lengthy discussions of hadith sources, chains of narrations, and the compilations in which the traditions had been recorded. Unlike Abū al-Ḥasan, the bulk of Hāshim Thattwī’s work consisted not of commentaries or glosses of classical texts, but of monographs on an array of legal and theological subjects. Some of the larger treatises (reaching at least 100 or more folios) he wrote were on hunting and animal slaughter, the ritual of fasting, the Prophetic biography and the *ahl al-bayt*, and a guide for travelers to Medina. Many were written in both Arabic and Persian, quite akin to ‘Abd al-Ḥaqq

³⁶⁶ Makhdūm Hāshim Thattwī, *Ḥayāt al-Qārī bi-Atrāf Ṣaḥīḥ al-Bukhārī*, Maktabat al-Ḥaram al-Makkī, MS 1009.

³⁶⁷ See Jonathan Brown, *Hadith: Muhammad’s Legacy in the Medieval and Modern World* (Oxford: Oneworld Publications, 2009), 60.

al-Dihlawī's dual Persian and Arabic commentaries on the *Mishkāt* discussed in the previous chapter. The rest of his work consisted of scores of smaller treatises on a similar array of subjects. As we shall see below, even as he maintained his conformity to the Hanafī madhhab through it all, Hāshim Thattwī integrated the language of hadith within his legal arguments.

Despite his major profile in Sindh, Hāshim Thattwī did not leave a very international legacy; he is absent from biographical dictionaries outside Sindh. Besides Mīr 'Alī Qāni', his younger contemporary in Thatta, who includes him briefly in his biographical dictionaries, it is only in the twentieth century that the Moroccan al-Kattānī and Indian al-Ḥasanī incorporate him in their compendiums, with the former listing his own *isnāds* to him.³⁶⁸ This may well be because Hāshim Thattwī's principal base was in Sindh, but it may also be reflective of how his own hadith *isnāds* were not very prestigious, notwithstanding the impressive *thabat* that he compiled. Hāshim Thattwī arrived in the Hijaz at the mid-point of his career, after the death of the major seventeenth-century scholars of hadith, including 'Abdullāh ibn Sālim al-Baṣrī and Ḥasan ibn 'Alī al-'Ujajmī. Most of his narrations therefore first went through his own teacher 'Abd al-Qādir before reaching them; this added an extra layer within his chain of transmission. In this respect, Hāshim Thattwī stood at a disadvantage to Ḥayāt al-Sindī. His exhaustive and voluminous *thabat* could not match the brief *thabat* of Ḥayāt al-Sindī, who did not even compose it himself (it was composed by his student).³⁶⁹ As such, Hāshim Thattwī's transmission of hadith

³⁶⁸ Qāni', *Tadhkira-yi Maqālāt al-Shu'arā'*, 841-43; Qāni', *Tuḥfat al-Kirām*, 696; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 6:842; and al-Kattānī, *Fahras al-Fahāris*, 2:1098.

³⁶⁹ It was composed by his student Abū al-Ḥasan al-Ṣaghīr (d.1187/1773), and amounted to just a dozen folios or so, primarily covering the books of hadith. See Abū al-Ḥasan al-Ṣaghīr, *Thabat al-Shaykh Abī al-Ḥasan*, al-Maktaba al-Maḥmūdiyya, MS. 2652.

survived mainly through local Sindhi students who later moved to the Hijaz and Yemen and granted their own students *ijāzas* in their transmissions from Hāshim Thattwī.³⁷⁰

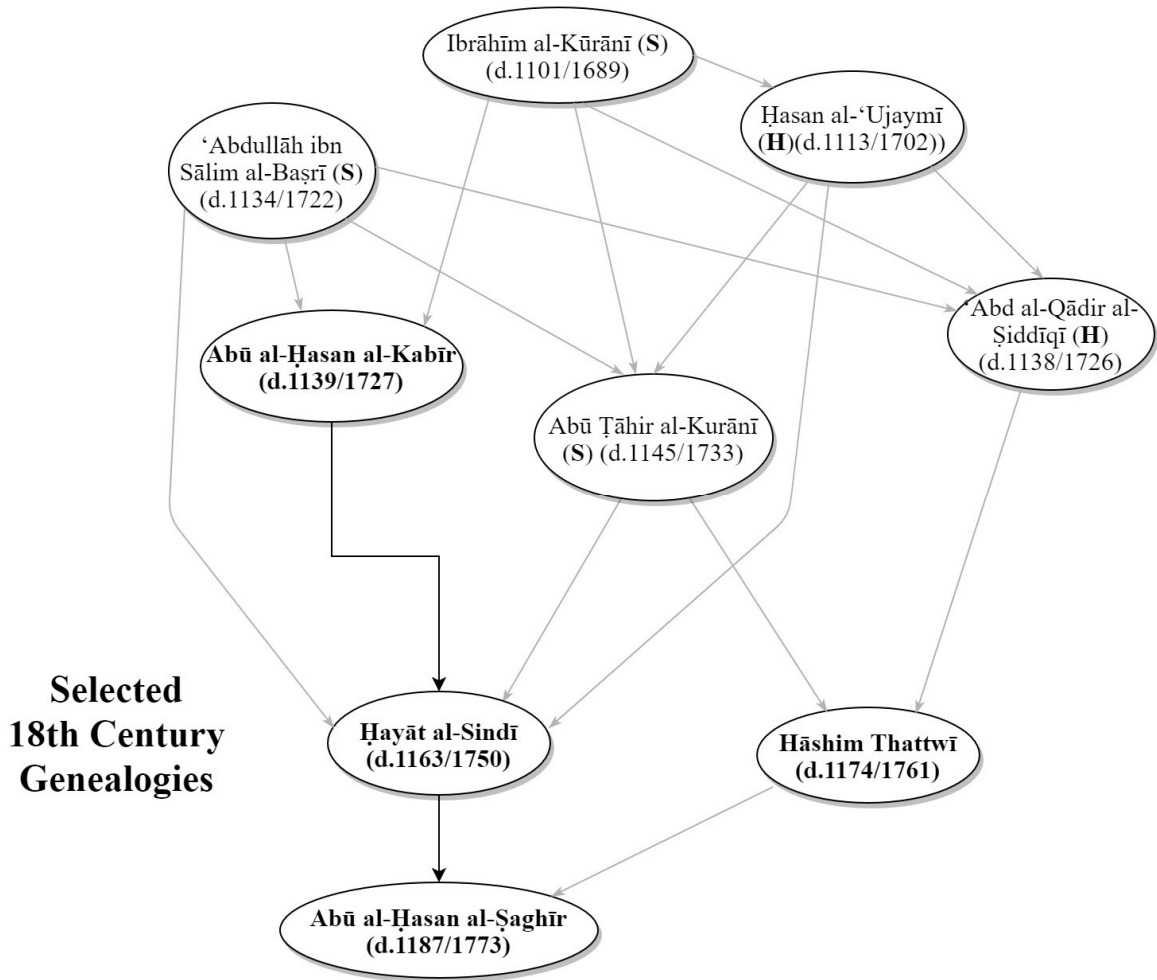


Figure 3: Selected 18th Century Sindh-Hijaz Genealogies, Part One

³⁷⁰ Some of the students he licensed include: Faqīrullāh ‘Alawī, Murād al-Sindī (the grandfather of ‘Ābid al-Sindī), Muḥammad ibn Ashraf al-Naqshbandī, and a Meccan student ‘Abd al-Ḥafīz ibn Darwīsh al-‘Ujaymī. See al-Kattānī, *Fahras al-Fahāris*, 1:518 and chapter 3 of this dissertation.

(Hanafi teachers are marked as **H** and Shafi‘is as **S**).

Although they belonged to a shared intellectual milieu, Hāshim Thattwī and Ḥayāt al-Sindī developed very different viewpoints on the limits of *taqlīd* and the veracity of Hanafi doctrine. Ḥayāt al-Sindī formulated the theoretical apparatus to support Abū al-Ḥasan al-Kabīr’s legal methodology and posit a cohesive critique of *taqlīd* and exclusive adherence to one madhhab. This clashed significantly with Hāshim Thattwī, who was much more resolute in his commitments to the Hanafi school as a judge under Kalhora rule. He sought to uphold the integrationist approach of the previous century, where scholars like ‘Abd al-Ḥaqq al-Dihlawī had argued for the compatibility of Hanafi law and the hadith sciences, as well as for the importance of engaging in *taqlīd* even when confronted with contradictory evidence. Yet, both ultimately grounded their legal practice in scripture, which competed with the processes of legal scaffolding based upon madhhab precedent. Their debates, as analyzed below, reveal key new developments in the articulation of the Hanafi madhhab and its relationship to the sciences of hadith.

Hands below the Navel: A Sindhi Debate in the Hijaz, 1723-1724

This section analyzes the debate between Hāshim Thattwī and Ḥayāt al-Sindī regarding the question of hand placement in prayer, mentioned earlier in the discussion on Abū al-Ḥasan al-Kabīr. Far from being treated as a moot and miniscule point of difference, this debate engaged the attention of multiple Sindhi scholars and created a stir amongst lay Hanafis, especially given the very public manner in which Abū al-Ḥasan contravened the standard Hanafi positions on this question. Moreover, the debate was not just limited to the matter of furnishing legal evidence from hadith sources, but it also entailed discriminating between multiple standards of hadith

criticism held by the different madhhabs.³⁷¹ This section will demonstrate how through such scriptural evaluation, Hanafī identity became less indicative of substantive legal and methodological conformity, increasing the scopes of legal fluidity and independent reasoning.

The debate between Hāshim Thattwī and Ḥayāt al-Sindī occurred during the former's visit to the Hijaz in 1136/1724. It consisted of five treatises, including three by Hāshim Thattwī and two by Ḥayāt al-Sindi. The opening salvo was penned by Hāshim Thattwī in critique of Abū al-Ḥasan, to which Ḥayāt al-Sindī responded with two treatises. The first treatise of Ḥayāt al-Sindi was quite rushed and brief, whereas his second was completed after consultation with Abū al-Ḥasan. Hāshim Thattwī thereafter responded with two more treatises. The main source for this entire debate is a manuscript from the library of al-Masjid al-Nabawī, which Hāshim Thattwī himself finished writing and annotating on 9 Dhū al-Qa‘da 1136 (July 30, 1724), in the last years of Abū al-Ḥasan's life. This seems to be the only early manuscript copy; however, its limited circulation should not lead us to underestimate its regional importance.³⁷² As we shall see in the next section, the debates continued back in Thatta amongst other Sindhi scholars.

Both Ḥayāt al-Sindī and Hāshim Thattwī were at the time junior scholars who were not well known in the Hijaz; Hāshim Thattwī was presumably completing his studies with ‘Abd al-Qādir (though he was already a prolific scholar in Sindh), while Ḥayāt al-Sindī was hardly known in Medina before he succeeded Abū al-Ḥasan in his position at al-Masjid al-Nabawī. The seeds of the debate probably had been planted before Hāshim Thattwī arrived in the Hijaz, as he

³⁷¹ On the question of hand placement, as framed between competing conceptions of *sunna* and hadith within the Maliki school, see: Yasin Dutton, “‘Amal v Ḥadīth in Islamic Law the Case of Sadl Al-Yadayn (Holding One's Hands by One's Sides) When Doing the Prayer,” *Islamic Law and Society* 3, no. 1 (1996): 13-40.

³⁷² There is also another manuscript in Sindh, but it was copied in 1960. Makhdūm Hāshim Thattwī, *Dirham al-Ṣurra fī Wad' al-Yadayn Taht al-Surra*, Sindhi Adabi Board Library, Jamshoro, MS 551.

mentions that he investigated how Yemeni Jews in Aden and Mocha held their hands in prayer on his way to Mecca (he learned that they placed their hands on the chest).³⁷³ There are other references to encounters between the two interlocutors in Mecca and Medina, but the actual debates themselves were conducted in writing.³⁷⁴ The key title phrase in Hāshim Thattwī's first treatise, *dirham al-ṣurra* (literally, "Coin of the Purse"), was almost certainly a reference to the *surre-i hümayun* grants allocated by the Ottomans for the Hijaz. This treatise was thus clearly embedded within the milieu of the Hijaz, conceived as a legal gift for its inhabitants. While it was likely not directly solicited by Ottoman officials, as Hāshim Thattwī only spent around a year in the Hijaz, it would nonetheless reinforce the standard Hanafī practice upheld by them.

What Hāshim Thattwī found worthy of debate was not that Abū al-Ḥasan had violated the Hanafī madhhab by placing his hands on his chest in prayer. Nor did Hāshim Thattwī claim that the Shafī'i position was baseless, or that it was wrong per se to take from the Shafī'is in particular matters. His main grievance was that Abū al-Ḥasan al-Kabīr had gone so far as to claim that the Hanafī position had no basis besides a weak (*da'if*) hadith.³⁷⁵ Thus, it is important not to confuse Hāshim Thattwī's criticism with that of Abū Ṭayyib al-Sindī, whose main line of argument before the Ottoman qadi was that Abū al-Ḥasan was contradicting his own madhhab. It signified how vastly the terms of the conversation had shifted from Raḥmatullah al-Sindī more than a century earlier, who had only conditionally granted the legitimacy of a Hanafī's prayer behind a Shafī'i imam, let alone allowing a Hanafī to incorporate Shafī'i doctrine in his own

³⁷³ Hāshim Thattwī, *Tarṣī' al-Durra 'alā Dirham al-Ṣurra*, Maktabat al-Masjid al-Nabawī, MS. 80/53(3), f. 25.

³⁷⁴ Hāshim Thattwī, *Tarṣī' al-Durra*, f. 23; idem, *Mi'yār al-Nuqād fī Tamyīz al-Maghshūsh 'an al-Jiyād*, Maktabat al-Masjid al-Nabawī, MS. 80/53(5), f. 33.

³⁷⁵ Hāshim Thattwī, *Dirham al-Ṣurra fī waq' al-Yadayn taht al-Surra*, f. 2.

practice. Hāshim Thattwī was not as invested in restricting and controlling legal fluidity as they were (though he did later argue to a certain extent for maintaining Hanafi conformity); he was more interested in defending the legitimacy of the Hanafi opinion, and in doing so, affirming the legitimacy of madhhab pluralism.

Hāshim Thattwī's first treatise consisted of an introduction, five chapters, and a conclusion. His introduction provided a quick survey of the positions held by the four madhhabs on the question of hand-placement, thereby tracing the contours of the larger state of the field. He listed how all Hanafis, some Hanbalis, and a few Shafi'is concur that hand-placement is under the navel; however, the main Shafi'i position is that it is beneath the chest and above the navel. Another Shafi'i opinion held that it is at the top of the chest – as Abū al-Ḥasan was wont to practice – but was not the dominant opinion. This entire summation was based on source texts of each school, though Hāshim Thattwī relied much more on foundational texts in his survey of the Shafi'i school (such as *Kitāb al-Umm* by Shafi'i (d.204/820)) than he did for the Maliki and Hanbali schools. He also relied on the Mamluk Hanafi Ibn al-Humām's famous commentary on the *Hidāya* of al-Marghīnānī to cite opinions from non-Hanafi schools as well. Hāshim Thattwī thus began with legal texts; the madhhab positions formed the starting point of his inquiry.

Hāshim Thattwī dived into scriptural discussions in the following chapters. He divided the second chapter into two sections; the first on the Shafi'i proofs for placing the hands on the chest, and the second on the Hanafi proofs for doing so below the navel. Hāshim Thattwī combed through major hadīth compilations as well as various legal compendia of each school, attempting to discount the superiority of Shafi'i sources. For instance, he mentioned how the Shafi'is relied upon a certain *mursal* hadith, or (as mentioned in the previous chapter) a tradition with an *isnād* that jumps to the Prophet without naming the Companion who had heard it from

him directly. Yet, according to Shafi‘i principles of jurisprudence, *mursal* hadiths were inadmissible as evidence – or so Hāshim Thattwī argued. He then defended the soundness of the Hanafī evidences, listing a series of traditions that supported one another. Ultimately, he argued in the third chapter that both the Shafi‘i and Hanafī evidences were similar in strength. Hāshim Thattwī concluded that both schools were justified in choosing their verdict based on their principles, and that Abū al-Ḥasan was wrong to claim that the Hanafīs did not have strong evidence. Madhhab pluralism – or the equal validity of the madhhabs – was, therefore, verified and reestablished.

In his response, Ḥayāt al-Sindī systematically critiqued Hāshim Thattwī’s arguments. Contrary to Hāshim Thattwī’s arguments regarding the *mursal* traditions in the Shafi‘i school, Ḥayāt al-Sindī argued that the Shafi‘is did allow using a *mursal* hadith as legal evidence if it was supported by other narrations that had a fully documented *isnād*. This was true here, and hence, in this instance, the *mursal* hadith’s usage was valid by Shafi‘i standards.³⁷⁶ Ḥayāt al-Sindī also engaged in *isnād* criticism to poke holes in the reliability of the traditions used by Hāshim Thattwī to defend the Hanafī positions, pointing to their defective chains of transmission. For instance, he rejected many traditions that were transmitted by a certain ‘Abd al-Rahmān ibn Ishāq, who was deemed by most hadith scholars as a weak and unreliable narrator. This level of detail and argumentation would not be seen in Ḥayāt al-Sindī’s more popular work; for instance, he wrote another treatise on the same topic, where he cited traditions without discussion of the

³⁷⁶ The Hanafīs, in contrast, did not stipulate this condition and argued that the fact a hadith was *mursal* indicated that the Successor (Tabi‘ī) who narrated the report was so confident about its reliability that he did not feel the need to name his intermediate source to the Prophet.

legal principles underlying their interpretations or even the status of their *isnāds*.³⁷⁷ Here, Ḥayāt al-Sindī concluded that Hāshim Thattwī’s argument failed to provide “strong evidence [vindicating] *our* Hanafī scholars.”³⁷⁸ Remarkably, he still self-affiliated with the Hanafi school even after rejecting its evidences regarding this issue.

Over the next three treatises, this back-and-forth on the reliability of certain narrations and the application of hadith principles continued. Several larger points emerge from their discussion. The first pertains to their understandings of *taqlīd* and *ijtihād*, on legal conformity and the independent reasoning of a jurist, and the second pertains to their conflicting standards of hadith evidence. At the outset, Hāshim Thattwī had stated that Abū al-Ḥasan claimed to practice *taqlīd* of the Shafī‘i school on the matter. Ḥayāt al-Sindī immediately objected to this description: for *taqlīd* was to act without understanding the evidence behind a doctrine (‘*adma ‘rifat al-dalīl*).³⁷⁹ To choose an opinion based off one’s own evaluation was not *taqlīd* but *ijtihād*. Furthermore, he argued that the essence of *taqlīd* (*mujarrad al-taqlīd*) practiced by Abū al-Ḥasan al-Kabīr was not of the Shafī‘i school per se, but of the sound (*ṣaḥīḥ*) hadith that happened to correspond with the Shafī‘i position. Finally he argued that acting upon sound traditions was also the testament of Abū Ḥanīfa (d.150/767), citing the well-known statement

³⁷⁷ Muḥammad Ḥayāt al-Sindī, *Fath al-Ghafūr fī Waḍ‘ al-Aydī ‘alā al-Ṣudūr* (Medina: Maktabat al-Ghurabā’ al-Athariyya, 1419/1998). This is also a work that Basheer Nafī utilizes in his article; though because of its concise and abridged form, he underestimates Ḥayāt al-Sindī’s investment in crafting intricate legal arguments.

³⁷⁸ Ḥayāt al-Sindī, *al-Radd ‘alā Dirham al-Ṣurra fī waḍ‘ al-Yadayn taḥt al-Surra*, Maktabat al-Masjid al-Nabawī, MS. 80/53(2), f. 18.

³⁷⁹ Ḥayāt al-Sindī, *al-Radd ‘alā Dirham al-Ṣurra*, f. 16.

attributed to him: “if a hadith is established as sound, then that is my madhhab.” Thus, he argued that he was still faithful to the directive of Abū Ḥanīfa, even if he did not conform in doctrine.³⁸⁰

Hāshim Thattwī, in his next two treatises disagreed vehemently; for him, only the *mujtahid muṭlaq* (the absolute jurist) possessed the complete knowledge (*al-ma'rifa al-kāmila*) necessary to derive rulings (*istinbāṭ al-ahkām*).³⁸¹ Hence, those who engaged in *ijtihād* in some issues would still be considered as engaging in *taqlīd* of the school itself. He listed prominent jurists who were also learned in hadith, such as the Shafī'i Imām al-Nawawī (d.676/1277) and Ibn Ḥajar al-'Asqalānī (d.852/1449), and argued that they were also considered as *muqallids* (legal conformists) and not as *mujtahids* (independent jurists), despite their prominent status. Hence, if Abū al-Ḥasan arrived through his independent reasoning at the position held by the Shafī'i school, he was still in the grand scheme of jurist typologies, a *muqallid* of the Shafī'i school on this issue. Hāshim Thattwī ended this point with a brief caveat, saying that “if you claim for yourself the [capability] of absolute *ijtihād* (*al-muṭlaq*), then that is another matter, and we are not commenting on that.”³⁸² Hāshim Thattwī thus invoked the jurist typologies and hierarchies constructed in the previous centuries to deny Abū al-Ḥasan the independent claims to his own judgement, and incorporate him within the framework of the madhhab-system.

Ḥayāt al-Sindī's response bypassed these limitations on jurists and claimed an open license for Abū al-Ḥasan to diverge from the established Hanafī doctrine based on his own *ijtihād*. In his second treatise, written in consultation with Abū al-Ḥasan, Ḥayāt al-Sindī regarded

³⁸⁰ Ḥayāt al-Sindī, *Durra fi Izhār Ghashh Naqd al-Ṣurra*, Maktabat al-Masjid al-Nabawī, MS. 80/53(4), f. 27.

³⁸¹ Hāshim Thattwī, *Tarṣīṭ al-Durra*, f. 19.

³⁸² *Ibid.*

Hāshim Thattwī’s accusation that Abū al-Ḥasan lacked the understanding of evidence (*ahliyyat ma’rifat al-dalīl*) as nothing more than obstinacy (*‘inād*).³⁸³ In other words, he refused to be pigeonholed within the rubric of *taqlīd*; this was not a zero-sum game between the Hanafi or Shafi‘i madhhab. Instead, it was a claim for more individual agency and discretion of the scholar, for more accountability to methodology (acting upon sound traditions). And even though he did not conform to Hanafi doctrine on this issue, Ḥayāt al-Sindī actively affiliated with the Hanafi school. He took deep care to distinguish his criticism of Hāshim Thattwī’s arguments from criticism of Abū Ḥanīfa. He clarified that Abū Ḥanīfa must have ruled according to evidence that was legitimate to him and available to him, even if that evidence was no longer known.³⁸⁴ Instead of arguing that Abū Ḥanīfa may not have been aware of a particular hadith, which he listed in another treatise on the causes of difference amongst Muslim jurists, he adopted a more intellectually humble position (which was also far more agreeable to other Hanafis) of saying that Abū Ḥanīfa’s evidence was not available.³⁸⁵ For indeed, Ḥayāt al-Sindi asked, how could a deficient person like himself ever criticize the greatest *imām* and most distinguished scholar?

It is thus possible to see how the established Hanafi madhhab became more vulnerable to methodological shifts in utilizing hadith as legal evidence. The meaning of soundness within the famous saying attributed to Abū Ḥanīfa, “if a hadith is established as sound, then that is my madhhab,” was separated in Ḥayāt al-Sindī’s formulation from Hanafi standards of *ṣaḥīḥ*.³⁸⁶

³⁸³ Ḥayāt al-Sindī, *Durra fī Izhār Ghashh Naqd al-Ṣurra*, Maktabat al-Masjid al-Nabawī, MS. 80/53(4), f. 27.

³⁸⁴ *Ibid.*, f. 26.

³⁸⁵ Muḥammad Ḥayāt al-Sindī, *al-‘Īqāf ‘alā Sabab al-Ikhtilāf*, Maktabat al-Masjid al-Nabawī, MS. 80/2(1), f. 4.

³⁸⁶ For a discussion of how this saying, attributed to both Abū Ḥanīfa and Shāfi‘ī, was discussed amongst later jurists from both schools, see: ‘Awwāma, *Athar al-Ḥadīth al-Sharīf fī Ikhtilāf*, 39-52.

Despite his repeated references to “our Hanafi scholars,” and despite the claims to be engaging in *taqlīd* of the hadith itself, Ḥayāt al-Sindī mainly privileged notions of hadith authenticity used in the Shafi‘i school or by scholars of hadith in their *isnād* criticism of narrators, thus upending the legal autonomy of the madhhabs. His affiliation with the Hanafi madhhab was emptied of substantive legal content in this question, aside from a generalized injunction to follow sound traditions. Unsurprisingly, he arrived at a position outside the mainstream Hanafi madhhab.

Hāshim Thattwī refused to yield ground to non-Hanafi standards of hadith soundness and legality. For him, the traditions used by Hanafis could be used as legal evidence according to their principles of hadith criticism; the same was true for the Shafi‘is with their evidence. Hence, both schools ultimately had sufficient evidence for their arguments. From here, he made a feeble attempt to restrict boundary-crossing between madhhabs: “if the hadith is established as sound on both sides [i.e the Shafi‘is and Hanafis], it is not befitting to leave the madhhab” (*idhā ṣaḥḥ al-ḥadīth min al-jānibayn falā yunāsib tark al-madhhab*).³⁸⁷ In this double move, he both acknowledged Ḥayāt al-Sindī’s arguments on the importance of rooting jurisprudence in sound traditions, and at the same time tried to restrict boundary-crossing between madhhabs, though in a very restrained manner, contingent upon sound traditions. Accordingly, Hāshim Thattwī refused to grant the opinion of placing hands on the chest space within the Hanafi school, despite Ḥayāt al-Sindī’s convenient gestures to Abū Ḥanīfa’s testament. In his final treatise, he persisted in describing both Ḥayāt al-Sindī and his teacher as engaging in *taqlīd* of the Shafi‘i school, despite the objections raised by the former.³⁸⁸ He also described Abū al-Ḥāsan in the marginalia

³⁸⁷ Hāshim Thattwī, *Mi‘yār al-Nuqqād*, f. 33.

³⁸⁸ Hāshim Thattwī, *Mi‘yār al-Nuqqād*, f. 32.

as a Zahiri.³⁸⁹ Clearly, Hāshim Thattwī could not find any room within the Hanafī school or its methodological apparatus for supporting Ḥayāt al-Sindī’s particular conclusion.

Ultimately, both Hāshim Thattwī and Ḥayāt al-Sindī maintained that legal doctrine must be based on sound traditions. Thus, even as they quoted later Hanafī or Shafī‘i authorities, in a manner reminiscent of legal scaffolding, they subjected them to deep scriptural evaluation. This evaluation was carried on the basis of conflicting notions of hadith criticism; Ḥayāt al-Sindī largely preferred using *isnād* criticism by hadith scholars and the legal principles of the Shafī‘is, whereas Hāshim Thattwī attempted to justify specific Hanafī standards. He thus resisted flattening hadith criticism across the schools, preserving the integrity of their legal pluralism. He also made a small attempt at controlling boundary-crossing, and even attempted to frame the discussion in terms of *taqlīd* to a school, which would help reify Abū al-Ḥāsan’s individual reasoning within the framework of the madhhab-system. In response, by arguing for the necessity of acting upon scriptural evidence as a general directive of Abū Ḥanīfa, Ḥayāt al-Sindī claimed an affiliation with the Hanafī school without actual substantive legal conformity in doctrine or method. In this way, madhhab identity could lose its determinative legal content and yet remain part of the social profile of scholars.

“Deep Reading” Manuscripts of Hadith Compilations

While much of the discussion was deeply immersed in *isnād* criticism, a major point of contention that emerged in the later treatises concerned the problem of verifying a hadith narrated in the hadith collection, the *Muṣannaf* of Abū Bakr ibn Abī Shayba (d. 233/847).

³⁸⁹ Hāshim Thattwī, *Dirham al-Ṣurra*, f. 1.

Multiple manuscripts of the *Muṣannaḥ* conveyed different versions of this tradition, and the ensuing debate over determining the correct version illustrates the material contexts in which these scholars interacted with the physical texts. It helps us understand the emergence of individual criticism and reading practices, such as “deep reading,” beyond the context of direct teacher-student transmission of knowledge.³⁹⁰ In doing so, it also demonstrates how the circulation of manuscripts in the Indian Ocean was crucial in enabling the production of this discourse. Indeed, as this chapter will argue, this debate would be inconceivable at the time anywhere outside the context of the Indian Ocean.

This tradition under scrutiny was first cited by Hāshim Thattwī as follows:

Wā’il ibn Ḥujr narrates that his father said, “I saw the Prophet, may peace and blessings of Allah be upon him, place his right hand on his left in prayer below the navel.”³⁹¹

Here, the emerging dispute lay in the soundness of the last phrase, which was the crux of the whole debate: “below the navel” (*taḥt al-surra*). In his brief response, Ḥayāt al-Sindī claimed that different copies of the *Muṣannaḥ* had recorded the very same tradition in three different ways: “on the chest,” “below the navel,” and with no specification. He himself had not seen “below the navel” quoted by anyone besides the Mamluk Hanafī jurist Qāsim ibn Quṭlūbaghā (d. 879/1474). Arguing that the most reliable version of a report is the one that reduces conflict and is most corroborated by other sources, Ḥayāt al-Sindī concluded that the version “below the navel” must have been a copyist’s mistake.³⁹² In his more detailed response, Ḥayāt al-Sindī

³⁹⁰ Here I am referring to Khaled El-Rouayheb’s arguments regarding the rise of “deep reading” in the early modern era, though his discussion is mainly in the context of the instrumental and rational sciences. See El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, chapter 3, and especially pages 120-125.

³⁹¹ Hāshim Thattwī, *Dirham al-Ṣurra*, f. 10.

³⁹² Ḥayāt al-Sindī, *al-Radd ‘alā Dirham al-Ṣurra*, f. 18.

argued that it had yet to be determined whether Ibn Quṭlubaghā’s version which contained the phrase “below the navel” was written with a direct and sound chain to the *Muṣannaf* itself. If not, it would be inadmissible to cite as evidence. He also mentioned how one manuscript of Ibn Abī Shayba’s *Muṣannaf* did not include the phrase “below the navel” in the tradition, but instead cited it in another *athar* (a non-prophetic tradition) which immediately followed this tradition. Thus, it was possible that a scribe had accidentally interpolated the wording of the *athar* into the prophetic hadith itself. Ḥayāt al-Sindī proposed that if there was a manuscript that contained both, it should be checked as to whether this phrase appeared on the edges or in the lines, for that could indicate if it was an annotation or meant as part of the original text. Furthermore, in a turn towards the broader legal corpus of the Hanafī school, Ḥayāt al-Sindī argued that the lack of citation of the “below the navel” version by many Hanafī jurists such as Ibn al-Humām formed another reason to discount its authenticity, for it was impossible that they would have noticed its existence and not utilized it as evidence.³⁹³

This level of verification encompassed the wider circulation of hadith manuscripts, the writing practices of scribes, as well as other means entirely, including its citation within other major works of law. In response, Hāshim Thattwī took exception with Ḥayāt al-Sindī’s claim that some copies of the *Muṣannaf* contained the phrase “on the chest,” (*‘alā al-ṣadr*) responding that “if you meant by this the version of ‘Abdullāh ibn Sālim al-Baṣrī as we heard it directly from you in Makka al-Mu‘azzama, then that is an outright lie.”³⁹⁴ For Hāshim Thattwī himself had reviewed that copy and confirmed that it did not contain the phrase “on the chest,” though

³⁹³ Ḥayāt al-Sindī, *Durra fī Iẓhār Ghashh Naqd al-Ṣurra*, f. 29-30.

³⁹⁴ Hāshim Thattwī, *Tarṣī‘ al-Durra*, f. 23.

the words “below the navel” had been omitted. He had also seen its four complete volumes, and noticed that its margins were empty, that none had even changed a word in it (as scribes were wont to do, in the process of collation and correction). It was thus apparent that nobody had verified this copy, for they would have left some comments or changed some words.³⁹⁵ In his last treatise, Hāshim Thattwī rejected the permissibility of transmitting from this entire copy or considering it as evidence, for it had not been collated with others for verification (*al-nuskha al-ghayr al-muqābala*). He quoted al-Nawawī and al-Suyūfī (d.911/1505), amongst others, on how a manuscript can only be transmitted or considered admissible as evidence if it is collated (*muqābala*) with sound principles (as listed by them) by a qualified person.³⁹⁶ In the absence of collation, some allowed transmission from a manuscript on three conditions: the copyist must be precise and make few or no mistakes; that he must copy from the authentic original; and that he must declare that it is not collated. However, Hāshim Thattwī continued, it was not permissible according to Qāḍī ‘Iyād (d.544/1149) to transmit from a non-collated copy even if these three conditions had been met. Thus, Hāshim Thattwi argued that ‘Abdullāh ibn Sālim al-Baṣrī’s copy could not be utilized as evidence.³⁹⁷

In addition to arguing for the dismissal of that particular copy as evidence, Hāshim Thattwī listed a number of other copies of the *Muṣannaf* that contained the phrase “below the navel.” First was the copy that the Mamluk Hanafī Ibn Quṭlūbaghā had referenced in his work; second was a manuscript in Sindh held in the library of the contemporaneous hadith scholar

³⁹⁵ Hāshim Thattwī, *Tarṣī‘ al-Durra*, f. 23.

³⁹⁶ On another discussion of manuscript collation in the early modern period, see El Rouayheb, *Islamic Intellectual History in the Seventeenth Century*, 120-125.

³⁹⁷ Hāshim Thattwī, *Mi‘yār al-Nuqqād*, f. 39.

Muḥammad Akram Naṣarpūrī (whose father Qādī ‘Abd al-Raḥmān was once posted in the Hijaz); and a third was a manuscript belonging to his own teacher ‘Abd al-Qādir in Mecca.³⁹⁸ Hāshim Thattwī considered the version of Ibn Quṭlubaghā admissible as evidence, despite Ḥayāt al-Sindī’s objections that it was not confirmed to have its own direct chain of transmission to the original *Muṣannaf*. This was because of both the stature of Ibn Quṭlubaghā himself as a discriminating scholar and because the manuscript itself was collated. Thus, together, these three separate and corroborating manuscripts bolstered Hāshim Thattwī’s claim that the phrase “below the navel” was an authentic reflection of the hadith as originally transmitted by Ibn Abī Shayba in his *Muṣannaf*.

This episode sheds light on how scholars evaluated physical manuscripts and determined their admissibility for transmission in the rare scenario where the authenticity of a tradition could not be resolved by *isnād* criticism alone. Here, the physical manuscript of a hadith compilation – and a jurist’s individual interpretation of it – became more important than personal teacher-to-student transmission, hence driving efforts to review and evaluate multiple manuscripts. Attention came to surface on the physical details of a given manuscript and its collation or lack thereof, as well as its citation within Hanafi legal texts through the centuries. Thus, one’s actual exposure to different manuscripts of hadith compilations could become highly significant in determining the authenticity of a given tradition. Hāshim Thattwī’s review of manuscripts at Thatta and in the Hijaz was more extensive than Ḥayāt al-Sindī’s in Medina, which enabled him to make a more comparative set of claims regarding the authenticity of the manuscripts in question. In contrast, Ḥayāt al-Sindī argued that the absence of its citation in most other major

³⁹⁸ Hāshim Thattwī, *Tarṣī‘ al-Durra*, f. 23.

Hanafi legal compendia, despite its direct relevance to the debate, most likely pointed to its later interpolation in these manuscripts of the *Muṣannaḥ*.

This search for manuscripts across libraries and collections in the Indian Ocean was evidently a broader phenomenon fueled by the more impersonal demands of “deep reading,” even in the context of hadith sciences.³⁹⁹ We have already seen a glimpse in the previous chapter of Mullā ‘Alī al-Qārī’s careful effort in the sixteenth century to obtain several accurate manuscript copies of the hadith compilation *Mishkāṭ* when writing his commentary. More generally, there is evidence from travelogues on how early modern scholars consulted libraries and personal collections in the Hijaz, in order to review, copy, or otherwise purchase manuscripts whilst visiting for pilgrimage.⁴⁰⁰ The library of an Ottoman scholar Veliyüddin Carullah Efendi (d.1151/1738) also contains manuscripts he annotated during his time in the Hijaz near the end of the seventeenth century.⁴⁰¹ The occurrence of such concerns in these Sindhi legal treatises demonstrates yet again how important the physical availability of manuscripts (and, in particular, several copies of the same text), was for the construction of legal arguments in the Indian Ocean. The material engagements with manuscripts in the Indian Ocean thus made possible the methodological shifts of legal fluidity.

Thatta-based Calls for Hadith-based Law

³⁹⁹ This argument is positioned against the recent claims made by El Shamsy regarding the “falling prestige of book learning” in the early modern period. See: El Shamsy, *Rediscovering the Islamic Classics*, chapter 2.

⁴⁰⁰ See for instance ‘Abd al-Ghanī al-Nabulusī’s descriptions of his encounters with the manuscript collection of Sayyid Muḥammad al-Barzanjī in Medina, around 1693. ‘Abd al-Ghanī al-Nābulusī, *al-Ḥaḡīqa wa al-Majāz fī al-Rihla ilā Bilād al-Shām wa Miṣr wa al-Hijāz* (Cairo: al-Hay’a al-Maṣriyya al-‘Āmma lil-Kitāb, 1986), 425-426.

⁴⁰¹ In fact, some of the manuscripts of Sindhi scholars analyzed here are from his collection. Berat Açıl, ed., *Osmanlı Kitap Kültürü: Carullah Efendi Kütüphanesi ver Derkenar Notları* (Ankara: İlem Kitaplığı, 2015).

The debate on hand placement and hadith-based law did not remain confined to the Hijaz. Here is where the limited geographical horizons of much of secondary scholarship excludes vital pieces of intellectual history. This debate continued as two more Sindhi scholars wrote treatises on hand-placement and presented their critical assessment of the proceedings. Thus, rather than having the comfort of leaving the controversy behind in the Hijaz and returning to a Hanafi stronghold in Sindh, Hāshim Thattwī returned to face hadith-based critiques at home in Thatta. Here, the reception of the debate was mixed. Muḥammad Qā'im al-Sindī, a student of Ḥayāt al-Sindī who crossed the Indian Ocean multiple times, wrote a lengthy treatise wherein he ultimately came to support the main Hanafi position, in contradiction to his teacher, largely on the basis of the soundness of the Hanafi-supporting traditions and his survey of the available manuscripts of the *Muṣannaf* of Ibn Abī Shayba.⁴⁰² In contrast, Makhdūm Mu'īn Thattwī (d.1161/1748), whom we shall investigate further below, largely defended Ḥayāt al-Sindī's critique of the Hanafi position at Thatta.⁴⁰³

The debate's afterlife signified the arrival of this hadith-based discourse and expansive vision of legal fluidity in Sindh in the eighteenth century. As a conversation held between a well-connected group of Hanafi Sindhis, it did not require a large presence of local Shafi'is or the infrastructural assemblage of Sunni pluralism found in the Ottoman Hijaz. It simply required a strong connection with the texts and scholars that circulated the Indian Ocean. Indeed, the most important figure who advanced a hadith-based critique of the madhhab-system in Thatta was

⁴⁰² Muḥammad Qā'im al-Sindī, *Fawz al-Kirām bimā thabata fī waḍ' al-Yadayn taḥt al-Surra aw fawqahā taḥt al-Ṣadr*, Maktabat al-Qāsimiyya, Kandiaro.

⁴⁰³ Mu'īn Thattwī, *al-Multaqaṭ min al-Dalīl al-Wāḍiḥ ka al-Badr 'alā Waḍ' al-Aydī 'alā al-Ṣadr*, Maktabat al-Qāsimiyya, Kandiaro; reproduced from Mufīd-e-'Ām Library in Sehwan.

Mu‘īn Thattwī, who participated in debates across the Hijaz and Delhi without ever having set foot outside Sindh. This section will analyze his biography and social profile in detail, before turning to an analysis of his contribution to this debate and his larger hadith-based critiques in other works. It will argue that even as he formulated his critiques in connection and conversation with scholars in the Hijaz and in Delhi, his conception of hadith authenticity and legal fluidity was geared towards Sindhi society: it expanded to legitimize practices and beliefs commonly associated with its large Shi‘i population directly within its hadith-based Hanafī discourse.

Mu‘īn Thattwī’s first teacher was his father Muḥammad Amīn, a Hanafī scholar and a person with connections to local Mughal notables. His main teachers were Makhdūm ‘Ināyatullāh (d.1114/1702) and Abū al-Qāsim (d.1138/1726), a successor of Aḥmad Sirhindī’s grandson Saif al-Dīn (d.1096/1685) and one of the most important Mujaddidi scholars of Thatta. Mu‘īn Thattwī did have an important and extended relationship with Abū al-Qāsim, who was his main link to the networks of the Naqshbandi-Mujaddidis. However, their relationship did not determine Mu‘īn Thattwī’s theological leanings; Mu‘īn Thattwī did not share Aḥmad Sirhindī’s famous critiques of *waḥdat al-wujūd* (or for that matter Ibn Taymiyya’s critiques), and remained a committed defender of Ibn ‘Arabī (d.638/1240).⁴⁰⁴ He was not an official judge as was Hāshim Thattwī, but he was respected and visited by the Kalhora elites, according to Qāni‘.⁴⁰⁵ In institutional terms, he taught at his own madrasa and mosque that his nephew also joined as a

⁴⁰⁴ For an analysis and a published edition of many of his treatises on *waḥdat al-wujūd*, see: Muḥammad Anas Rājpar, ed. and trans., *Rasā‘il Makhdūmu Muḥammad Mu‘īn (Wujūd ayn Shuhūd)* (Hyderabad, Pakistan: Dr. N. A. Baloch Institute for Heritage Research, 2016).

⁴⁰⁵ Qāni‘, *Tuḥfat al-Kirām*, 694.

student and eventually a teacher.⁴⁰⁶ There is no strong evidence that he ever left Sindh, though at one point, Mu‘īn Thattwī did evidently consider moving to Surat (he was strongly advised against doing so by Shāh Walīullāh (d.1176/1762), who suggested that he should only move to Mecca or Medina, if he wanted to leave Sindh).⁴⁰⁷ Mu‘īn Thattwī was also a close friend of the famous poet Shāh ‘Abd al-Laṭīf Bhitāi, and it was during one of his musical *sama* performances that Mu‘īn Thattwī was overtaken by a state of extreme *wajd* (spiritual ecstasy) and passed away in 1161/1748.⁴⁰⁸ As we shall see below, he was at ease both with Sindh’s diverse religious communities, and the emergence of a hadith-based form of negotiating Hanafī law within the transregional landscape.

Accounts of Mu‘īn Thattwī’s life are found in the work of Mīr ‘Alī Qāni’ and the twentieth-century dictionary of Dīn Muḥammad Wafa’i, amongst others.⁴⁰⁹ Mu‘īn Thattwī’s own *thabat* also forms an important window into how he traced his scholarly genealogies.⁴¹⁰ Here, he mentioned having received epistolary *ijāzas* from the Hanafī jurist ‘Abd al-Qādir ibn Abū Bakr at Mecca (the teacher of Hāshim Thattwī) and the Shafī‘i hadith scholar Abū Ṭāhir al-Kūrānī at Medina (also a teacher of Hāshim Thattwī and Ḥayāt al-Sindī). There is no other source that confirms or negates this, and no actual copy of the original *ijāzas* can be found, but it is very

⁴⁰⁶ See the entry on Najm al-Dīn in Wafāi’, *Tadhkira Mashāhīr-i Sindh*, 2:241-2.

⁴⁰⁷ Shāh Walīullāh, *Nādir Maktūbāt-i Haḍrat Shāh Walīullāh Muḥaddith Dihlawī*, 2 vols., ed. Nithār Aḥmad Fārūqī, trans., Naṣīm Aḥmad Farīdī (Phulat: Haḍrat Shāh Walīullāh Akadēmī, 1998), vol. 2, letter 2, pg. 20.

⁴⁰⁸ This account is related by Qāni’ in his entry. Qāni’, *Tuḥfat al-Kirām*, 694.

⁴⁰⁹ The most detailed and comprehensive work is Muḥammad Anas Rājpar, *Makhdūm Muḥammad Mu‘īn Thattwī ayn sandas Falsafo* (Hyderabad, Pakistan: Dr. N. A. Baloch Institute for Heritage Research, 2013). Other historical sources include: Qāni’, *Tuḥfat al-Kirām*, 693-4; al-Ḥasanī, *Nuzhat al-Khwāṭir*, 6:837; Wafā’i, *Tadhkira Mashāhīr-i Sindh*, 1:152-158.

⁴¹⁰ Makhdūm Mu‘īn Thattwī, *Thabat Mu‘īn Thattwī*, Maktabat al-Qāsmiyya, Kandiaro, Sindh; reproduced from Mufīd-e-‘Ām Library in Sehwan.

much congruent with Mu‘īn Thattwī’s investment in the hadith science. Given Abū Ṭāhir and ‘Abd al-Qādir’s relationships with many other Sindhi students, it is possible that Mu‘īn Thattwī managed to receive the *ijāzas* through other Sindhi travelers. Mu‘īn Thattwī also listed an *ijāza* from Makhdūm Ādam Thattwī (the teacher of Abū al-Qāsim himself) who surprisingly received it from the famous Meccan Hanafī scholar Ḥasan al-‘Ujaymī. There is also no corroborating evidence to confirm this turn to Mecca in the *isnād*. Nevertheless, the *thabat* demonstrates Mu‘īn Thattwī’s investment in possessing a link, forged in the genres of the hadith sciences – even if through the highly symbolic means of correspondence – with the mainly Hanafī scholars of the Hijaz.

There is one more *ijāza* that Mu‘īn Thattwī cites in his *thabat*, which has attracted a fair level of controversy among later Sindhi scholars. Mu‘īn Thattwī claimed to have received an *ijāza* from his contemporary Shāh Walīullāh al-Dihlawī (d.1176/1762) in both verbal and epistolary form. However, he provided no details as to when and how their encounter occurred. The nature of their relationship has thus been the subject to significant debate, given the universal acclaim of Shāh Walīullāh within Indian scholarship. Qani’ himself made no mention of this relationship, though both Dīn Muḥammad Wafāi and al-Ḥasanī claimed that Mu‘īn Thattwī traveled to Delhi for several years in pursuit of knowledge.⁴¹¹ Others have argued that Shāh Walīullāh himself visited Thatta on the way to the pilgrimage in Mecca and granted him an *ijāza* at that meeting. This is based on an account by ‘Āshiq Phultī, the cousin of Shāh Walīullāh and his travel companion, of their famous trip to hajj in 1731. In this account, Shāh Walīullāh stopped briefly at Thatta and granted the local scholars *ijāzas*, including Mu‘īn Thattwī, who is

⁴¹¹ Wafā’i, *Tadhkira Mashāhūr-i Sindh*, 1:152; al-Ḥasanī, *Nuzhat al-Khwāṭir*, 6:837.

mentioned by name.⁴¹² This is also supported by the fact that Mu‘īn Thattwī did not list Shāh Walīullāh’s Hijazi teachers in his *sanad*, which suggests that their encounter must have taken place before Shāh Walīullāh’s trip to the Hijaz. In addition, there also are about nine surviving letters that Shāh Walīullāh wrote to Mu‘īn Thattwī, which show that they held each other in a very high regard. In these letters Shāh Walīullāh was usually responding to questions from Mu‘īn Thattwī, giving him advice, or requesting particular manuscripts (including incidentally, the *Muṣannaf* of Ibn Abī Shayba).⁴¹³ Mu‘īn Thattwī also mentioned Shāh Walīullāh several times in his own magnum opus, the *Dirāsāt al-Labīb*, listing him as his own shaykh (*shaykhunā*).⁴¹⁴ As such, Mu‘īn Thattwī saw him as an important personal authority to cite in the course of his arguments.

The only reference to Mu‘īn Thattwī across the Indian Ocean is in al-Murādī’s *Silk al-Durar*, where al-Murādī lists Mu‘īn Thattwī as one of the teachers of Ḥayāt al-Sindī himself.⁴¹⁵ This is the only early source that lists Mu‘īn Thattwī as a teacher of Ḥayāt al-Sindī, and it too has been subject to vigorous debate amongst later Sindhi historians.⁴¹⁶ The twentieth-century ‘Ubaydullāh Sindhī (d.1363/1944) accepts it and constructs a chain of transmission where Ḥayāt

⁴¹² Muḥammad ‘Āshiq Phultī, *al-Qawl al-Jalī fī Dhikr Āthār al-Walī* (Delhi: Ḥaḍrat Shāh Abū al-Khayr Akademī, n.d.), 39.

⁴¹³ For the letter mentioning the *Muṣannaf*, see Shāh Walīullāh, *Nādir Maktūbāt*, vol., 1, letter 74, pg. 285. His letters can be found in both volumes of this publication..

⁴¹⁴ For a list, see ‘Abd al-Raṣhīd al-Nu‘mānī’s discussion of their relationship in his appendix to Mu‘īn Thattwī, *Dirāsāt al-Labīb fī al-Uswat al-Ḥasana bi-l Ḥabīb*, 7-10.

⁴¹⁵ al-Murādī, *Silk al-Durar*, 4:34.

⁴¹⁶ Magriyo, *Shaykh Muḥammad Ḥayāt Sindhī*, 125-145; ‘Abd al-Qādir al-Sindī, *Manār al-Ḥasanāt fī Ḥayāt al-Shaykh Muḥammad Ḥayāt*, 11-18; Rājpar, *Makhdūm Muḥammad Mu‘īn Thattwī ayn sandas Falsafo*, 668-71.

al-Sindī transmitted from Mu‘īn Thattwī, who in turn did so from Shāh Walīullāh.⁴¹⁷ Yet, it does not seem very plausible for many reasons, including the lack of corroboration from other sources as well as their age disparities (Ḥayāt al-Sindī moved to the Hijaz before 1702, whereas Shāh Walīullāh was born in 1703, and must have only met Mu‘īn Thattwī around 1730). One reason for al-Murādī’s awareness of a relationship between Mu‘īn Thattwī and Ḥayāt al-Sindī might have been that Ḥayāt al-Sindī wrote critiques from Medina against Mu‘īn Thattwī.⁴¹⁸ Yet, the manuscripts of these treatises are mostly found in Sindh and not in the Hijaz, which might suggest that they were actually not read or even intended to be read in the Hijaz. At the same time, at least two manuscripts of Mu‘īn Thattwī are found in Medina; one is a Persian treatise that he wrote in response to a question posed by his friend Shāh ‘Abd al-Latīf Bhitāi, and the second is on the legitimacy of participating in Muḥarram mourning rituals.⁴¹⁹ Their presence in Medina points to the presence of his own readership in the Hijaz; and indeed, the latter treatise was subject to a critique by Ḥayāt al-Sindī.

While the genealogies of Mu‘īn Thattwī do not give a clear window into his intellectual influences, they are proof of his engagement with scholars beyond Sindh, from Delhi to Medina. With such capacity for connection, Mu‘īn Thattwī stood as one of the most prominent figures of Thatta’s intellectual life in the first half of the eighteenth century, writing prolifically in Arabic

⁴¹⁷ One of the interesting implications of this chain is the genealogy it makes possible from Muḥammad ibn ‘Abd al-Wahhāb through Ḥayāt al-Sindī all the way to Shāh Walīullāh (as the teacher). See: ‘Ubaydullāh Sindhī, *al-Tamhīd li-Ta’rīf A’immat al-Tajdīd*, ed. Ghulām Muṣṭafā Qāsmī (Jamshoro: Sindhi Adabi Board, 1976), 5.

⁴¹⁸ Ḥayāt al-Sindī, *Radd Risāla Qurrat al-‘Ayn fī al-Bukā’ ‘ala al-Ḥusayn*, Maktabat al-Qāsimiyya, Kandiaro.

⁴¹⁹ Unfortunately, I was denied access by librarians to these manuscripts in Maktabat al-Malik ‘Abd al-‘Azīz, but I was able to consult reproductions available in Kandiaro. Makhdūm Mu‘īn Thattwī, *Risāla ‘Uwaisiyya* and *Qurrat al-‘Ayn fī al-Bukā’ ‘alā al-Ḥusayn* (Maktabat al-Qāsimiyya, Kandiaro, Sindh; reproduced from Maktabat al-Malik ‘Abd al-‘Azīz, Medina).

and Persian on many subjects, including hadith, law, philosophy, and theology. His writings on the hadith sciences and legal theory constituted a sizeable portion of his vast oeuvre. His magnum opus, which is examined further below, was the *Dirāsāt al-Labīb*.⁴²⁰ This lengthy work consisted of twelve chapters on the principles of practicing and interpreting hadith in cases where they were contradicted by Hanafi authoritative doctrine. In addition, he composed his own collection of forty hadiths as well as a brief treatise on the principles of hadith advanced by the Shafi‘i scholars Ibn Ṣalāh (d.1245) and al-Nawawī.⁴²¹ As such, Mu‘īn Thattwī remained in communication with both contemporaneous scholars as well as the premodern debates on the principles of hadith.

With this brief biographical profile, we can now turn to Mu‘īn Thattwī’s treatise on hand placement in prayer, and thereby follow the textual trail of the Sindhi debates in the Hijaz back to Thatta.⁴²² There is no date on the manuscript itself, but it is evident from the discussion in the treatise that it was written after the debates between Ḥayāt al-Sindī and Hāshim Thattwī. Mu‘īn Thattwī began this treatise by quickly critiquing the main evidence the Hanafis supplied in support of their arguments; he did this by engaging in the usual *isnād* criticism that accompanied these legal works, such as those made previously by Ḥayāt al-Sindī. He then moved to the question of the contested hadith in the *Muṣannaḥ*, discussed above. The first point of contention

⁴²⁰ Mu‘īn Thattwī, *Dirāsāt al-Labīb fī al-Uswat al-Ḥasana bi-l-Ḥabīb*.

⁴²¹ Mu‘īn Thattwī, *Muntakhab Majma‘ al-Nukāt*, Institute of Sindhology, University of Sindh, Jamshoro, MS 108.30551; *Ghāyat al-Īdāh fī al-Muḥakama bayn al-Nawawī wa Ibn al-Ṣalāh*, Maktabat al-Qāsmiyya, Kandiaro.

⁴²² Mu‘īn Thattwī, *al-Multaqaṭ min al-Dalīl al-Wāḍiḥ ka al-Badr ‘alā Waḍ‘ al-Aydī ‘alā al-Ṣadr*, Maktabat al-Qāsmiyya, Kandiaro; reproduced from Mufīd-e-‘Ām Library in Sehwan.

here was the reliability of the manuscript cited by Ibn Quṭlubaghā that quoted the tradition from the *Muṣannaḥ* with the words “below the navel” as proof of the Hanafī position. Mu‘īn Thattwī argued that this version ought to be dismissed because of the existence of differences in other manuscripts, including that of the “preeminent authority off the latter-day hadith scholars (*qiblat al-muta’khirīn*) ‘Abdullāh ibn Sālim al-Maghribī.”⁴²³ Although Mu‘īn Thattwī had never traveled to the Hijaz or seen the manuscript of ‘Abdullāh ibn Sālim al-Baṣrī, he accepted its authority on the basis of Ḥayāt al-Sindī’s remarks.

Mu‘īn Thattwī did not accept this position blindly; he supplemented it with his knowledge of the late Hanafī tradition to trace this hadith in other legal compilations to determine its reliability. He further developed a point that Ḥayāt al-Sindī had also made considering how the lack of citation of the tradition that included the words “below the navel” by Hanafī jurists supported the idea that they had not encountered or accepted this version of the tradition. Hence, a charitable view of Ibn Quṭlubaghā’s citation, Mu‘īn Thattwī posited, was that he must not have had access to other manuscripts and was therefore unaware of the problems in this version of the tradition. That Ibn Quṭlubaghā’s own teacher Ibn al-Humām himself did not cite it in his work was an indication that he considered it as unreliable. Mu‘īn Thattwī observed that Ibn al-Humām relied on notions of the etiquette (*adab*) of hand placement to justify the Hanafī position, instead of basing it in hadith literature. Therefore, he must have, Mu‘īn Thattwī insisted, deemed Ibn Quṭlubaghā’s version unreliable or uncorroborated by other manuscripts. Mu‘īn Thattwī proceeded to endorse a position in the debate: “from this, it becomes clear that what the *al-shaykh al-‘ālim* Ḥayāt al-Sindī had written was correct.” Ḥayāt al-Sindī, after all, had

⁴²³ Mu‘īn Thattwī incorrectly referred to ‘Abdullāh ibn Sālim as al-Maghribī instead of al-Baṣrī throughout the treatise.

not found a single instance to corroborate Ibn Quṭlubagha’s version despite searching all the manuscripts of hadith that were available to him in the sacred sanctuary of Medina.

Here, Mu‘īn Thattwī took the opportunity – unlike Ḥayāt al-Sindī – to express his grave frustration as to how a *mujtahid* of Ibn al-Humām’s stature could blatantly concede the lack of scriptural evidence and yet persist in upholding the Hanafi opinion – “and to God most High is our complaint,” he wrote. This reflected his willingness to criticize recognized figures of late Hanafi scholarship, in strong contrast to the praise that was showered upon him in the early seventeenth century by ‘Abd al-Ḥaqq al-Dihlawī, as seen in the previous chapter. Yet, much like Ḥayāt al-Sindī, Mu‘īn Thattwī never directed such criticism against Abū Ḥanīfa himself, keeping alive his own claims of self-affiliation in the loose way seen before with Ḥayāt al-Sindī. Later, in his *Dirāsāt al-Labīb*, Mu‘īn Thattwī dedicated his last chapter to the virtues of the eponym Abū Ḥanīfa and rescuing him from his criticisms of Hanafi scholarship. For him, the formative period of Islamic law inhabited by the likes of Abū Ḥanīfa represented a time when the hadith sciences were taken seriously by the Hanafis – in contrast to the current period, when the accumulative weight of the madhhab-system had become far too determinative of any engagement with scripture. In this way, Mu‘īn Thattwī too did not relinquish his affiliation with the Hanafi school despite claiming the right to contravene its doctrine.

After having critiqued the Hanafi position, Mu‘īn Thattwī spent the rest of the treatise surveying the arguments for placing the hands on the chest. He listed a series of traditions, evaluated their *isnāds*, and posited that the most conclusive evidence suggest that the correct position was to place the hands on the chest or below it, as maintained by the dominant Shafi‘i opinion, and not below the navel. He only diverged from Ḥayāt al-Sindī in one small but important point: he argued that Abū al-Ḥasan’s practice of placing his hands above his chest,

rather than beneath his chest and above the navel, would contradict the Shafi‘i school (as Hāshim Thattwī had first argued). However, Mu‘īn Thattwī conceded that this practice still had a basis in hadith itself, because the hadith did not specify the exact parameters of the chest area and could possibly incorporate the higher areas. In this way, he retained a small difference with Ḥayāt al-Sindī and Abū al-Ḥasan.

At a fundamental level, thus, Mu‘īn Thattwī shared the emerging transregional contention that a jurist should not be bound to legal conformity of the madhhab in the face of a sound tradition. This formed the subject of Mu‘īn Thattwī’s *Dirāsāt al-Labīb*, wherein he launched the most sustained and lengthy critiques against those who “considered acting upon hadith as a terrible affliction, and were deeply beholden to the opinions of men.”⁴²⁴ In its modern print, the twelve chapters of the *Dirāsāt al-Labīb* extend to more than four hundred and fifty pages (in contrast to Ḥayāt al-Sindī’s dozen or so folios on the same subject). Written in colorful Arabic prose and interspersed with Persian quotations, this tome was then unmatched in the breadth and depth of its arguments and sources. A detailed analysis of the contents of this work could require several studies; the following pages will briefly analyze how it departed from the existing scholarship of his peers by advancing new ideas of legal pluralism within a hadith-based discourse.

Mu‘īn Thattwī’s main target in this work was the late Hanafi scholarship of the last several centuries. His most prominent antagonist was ‘Abd al-Ḥaqq al-Dihlawī, who as discussed in the previous chapter, was one of the most important Indian figures to return to Delhi from the Hijaz and compose hadith literature in Persian. Mu‘īn Thattwī engaged at length with ‘Abd al-

⁴²⁴ “mā ḥasibū al-‘amal bil-ḥadīth illā iddan wa akibbū ‘alā ārā’ al-rijāl jiddan.” Mu‘īn Thattwī’s *Dirāsāt al-Labīb*, 4.

Ḥaqq’s Persian *Sharḥ Sifr-i Sa ‘ādat*, reproducing passages (in the original Persian, without their Arabic translation) and parsing through them for detailed critique. In particular, he was severely opposed to ‘Abd al-Ḥaqq al-Dihlawī’s argument for practicing *taqlīd* within the madhhab even when confronted with a contradictory sound tradition. As discussed in the previous chapter, ‘Abd al-Ḥaqq had reasoned that no one could possibly become an absolute jurist (*mujtahid muṭlaq*) in this late stage of the history of the madhhab, since jurists no longer mastered all the requisite sciences to engage in full-fledged independent reasoning (*ijtihād*). Thus, he argued that it was necessary to adhere to the authoritative corpus of the madhhab than to venture individually against it. In response, Mu‘īn Thattwī argued that the conditions (*sharṭ*) of *ijtihād* did not require one to master all the sciences; rather, if one “understood the evidences of a question and all that pertained to it (‘*arafa adillat mas’alatin wa mā yata’allaqu bihā*), then he was a *mujtahid* of it (*mujtahid fihā*), even if he was ignorant in other matters.”⁴²⁵ Mu‘īn Thattwī rejected the juristic typologies referenced by ‘Abd al-Ḥaqq as constituting late elaborations and constructions of jurists.

Another foundational argument by Mu‘īn Thattwī related to a more intricate distinction he drew between independent reasoning and praxis (*ijtihād* and ‘*amal*). Mu‘īn Thattwī argued that in the case of those sound traditions where the manifest meaning was clear and unambiguous, there was no need to engage in *ijtihād* or independent reasoning to extract its ruling. A clear and sound tradition simply necessitated its straightforward practice (‘*amal*) and not *ijtihād*. Thus, it also did not require *taqlīd*, as *taqlīd* only was applicable to more complex subjects matters of *ijtihād*. The sound and clear hadith was therefore accessible to anyone (and

⁴²⁵ Mu‘īn Thattwī, *Dirāsāt al-Labīb*, 19.

hence, binding upon everyone) who could understand its manifest meanings, including both jurists and common people. The need for independent reasoning or *ijtihād* (as well as *taqlīd*) only arose with ambiguous traditions that required a certain amount of legal analysis.⁴²⁶ Hence, the question ‘Abd al-Ḥaqq raised regarding the need to fulfill the requisite qualifications to practice independent reasoning was irrelevant to Mu‘īn Thattwī’s formulation of practice and implementation of hadith. His theory of a hadith-based praxis did not require a jurist, and at the same time, overrode the authoritative corpus of the madhhab by virtue of being a sound prophetic tradition. In this manner, it also opened a larger role for common people (‘*awām*) to contradict the madhhab based on their direct application of sound traditions, incorporating a wider social sphere within the parameters of legal fluidity. Although it is not clear to what extent such members of the ‘*awām* may have been proceeded to contradict their madhhabs, this argument provided them the framework to do so.

While this approach had strong parallels with interlocutors across the ocean (such as Ḥayāt al-Sindī), it differed strongly in certain ways that diverged significantly from the intellectual milieu of the Hijaz. Mu‘īn Thattwī argued in this work for the special status and legal import of the narrations of the twelve imams from the *ahl al-bayt*, arguing that following them was akin to acting in accordance with the Qur’an itself.⁴²⁷ This reflected his sympathies towards Shi‘i ideas; indeed, he argued for the infallibility of the twelve imams of the *ahl al-bayt* and Fāṭima al-Zahrā’, the daughter of the Prophet.⁴²⁸ In other works, he also argued for the

⁴²⁶ Ibid., 22-24.

⁴²⁷ Ibid., 232-33.

⁴²⁸ Ibid., 238-39. By infallibility (‘*iṣma*) he meant the protection and lack of the emergence of sin, but not its impossibility (“al-‘iṣma bi-ma‘nā al-ḥifẓ wa ‘adm ṣudūr al-dhanb lā istiḥālat ṣudūrih”). Ibid., 247.

permissibility of engaging in Muharram mourning rituals and the validity of certain Shi‘i beliefs, which earned a refutation from Ḥayāt al-Sindī and accusations of being Shi‘i.⁴²⁹ In any case, his approach appears as much more possible in Sindh than the Hijaz, where for instance, Muḥammad al-Barzanjī, a teacher of Abū al-Ḥāsan al-Kabīr, had penned a refutation of Shi‘i theology (which was thereafter abridged by Ḥayāt al-Sindī).⁴³⁰ At Thatta, even Hāshim Thattwī wrote on the virtues of the *ahl al-bayt* and argued in other treatises for the permissibility of using certain terminology commonly associated with Shi‘is.⁴³¹

Mu‘īn Thattwī was also a staunch supporter of the pro-Zahiri Ibn ‘Arabī, and his discussion on Ibn ‘Arabī’s critiques of the class of jurists formed the largest chapter in this book.⁴³² In a similar vein, Mu‘īn Thattwī was strongly opposed to Ibn Taymiyya (d.728/1328)’s scholarship, who had enjoyed a resurgence in the Hijaz from the seventeenth century onwards. However, Mu‘īn Thattwī’s readings of Ibn al-‘Arabī were evidently not informed by the interpretations that had emerged in the Hijaz since the seventeenth century through Ibrāhīm al-Kūrānī and Aḥmad al-Qushāshī. While Ibrāhīm al-Kūrānī had worked hard to harmonize

⁴²⁹ Mu‘īn Thattwī, *Risāla fī Ta’yīd Madhhab al-Shī‘a fīmā yata’allaq bi-Fadak wa Amthālih*, Maktabat al-Qāsimiyya, Kandiaro; Mu‘īn Thattwī, *Risāla ‘Uwaisiyya; Qurrat al-‘Ayn fī al-Bukā’ ‘alā al-Ḥusayn*, Maktabat al-Qāsimiyya, Kandiaro; Ḥayāt al-Sindī, *Radd Risāla Qurrat al-‘Ayn fī al-Bukā’ ‘alā al-Ḥusayn*, Maktabat al-Qāsimiyya, Kandiaro.

⁴³⁰ Muḥammad ibn ‘Abd al-Rasūl al-Barzanjī, *al-Nawāfiḍ lil-Rawāfiḍ*, Maktabat Makka al-Mukarrama, MS. Tawḥīd 64. This treatise made it to South Asia as well: see the manuscript in Lahore dated to 1097/1686 (within al-Barzanjī’s lifetime): idem, *al-Nawāfiḍ lil-Rawāfiḍ*, Punjab University Library, Oriental Manuscripts Collections, Are III 61| 1437. For Ḥayāt al-Sindī’s abridgement, see: Ḥayāt al-Sindī, *Rakḍa fī Zahr al-Rafaḍa*, Süleymaniye Kütüphanesi, Veliyuddin Efendi 801.

⁴³¹ Hāshim Thattwī, however, was not sympathetic to Mu‘īn Thattwī’s support for Shia beliefs. See: Hāshim Thattwī, *Khulāṣat al-Nafahāt al-Bāhira fī Jawāz al-Qawl bil-Khamsa al-Ṭāhira*, trans. Muḥammad Idrīs Dāhirī (Nawabshah, Sindh: Idāra-yi Khidmat al-Qur’ān wa al-Sunna, 2000); *Faḍa’il-i Ahl-i Bayt*, trans. Muḥammad Ṣāliḥ Kuhro (Kandiaro: Roshnī Publikishan, 2005).

⁴³² On Ibn ‘Arabī’s Zahiri practice, see: Hamza A. Dudgeon, “The Counter-current Movements of Andalusia and Ibn ‘Arabī: Should Ibn ‘Arabī be considered a Zāhirī?” *Journal of the Muhyiddin Ibn ‘Arabi Society* 64 (2018): 89-108.

synthesize the views of Ibn al-‘Arabī and Ibn Taymiyya, and even Shāh Walīullāh had written positively about Ibn Taymiyya, Mu‘īn Thattwī was severely opposed to Ibn Taymiyya especially for reasons to do with his viewpoints regarding the *ahl al-bayt*. This reflected Mu‘īn Thattwī’s underlying support for many Shi‘i rituals and ideas. In response, Hāshim Thattwī wrote a brief treatise defending Ibn Taymiyya against Mu‘īn Thattwī’s accusations, though he stopped short of accusing Mu‘īn Thattwī of being a Shi‘i therein.⁴³³

This turn in the debate demonstrates that the critiques of established Hanafi opinions based on interpretations of hadith also emerged in Thatta and were not exclusive to the legal milieu of the Hijaz. That the lengthiest and most systematic hadith-based critique of *taqlīd* thus far emerged not amidst the legal pluralism of the Hijaz but in Hanafi-dominated Thatta speaks volumes about the depth and expansion of this Indian Ocean discourse. It is difficult to make absolute claims about who exerted this influence on Mu‘īn Thattwī, considering that he only had epistolary *ijāzas* and no training in hadith from the Hijaz. He seems to have developed a home-grown critique, in the sense that it was conceived more as a reaction to overdetermined Hanafi practices of *taqlīd* in South Asia and sought to justify local Shi‘i practices. In contrast, Abū al-Ḥasan al-Kabīr’s hadith-based critique likely reflected his long period of study under top Shafi‘i scholars in the Hijaz. Yet, it was crafted in conversation with scholars in Medina and in Delhi, and thus demonstrates how the transregional and local merged within this conception of juristic pluralism, producing by all accounts a very original and unique form of a hadith-based jurisprudence.

⁴³³ Hāshim Thattwī, *al-Hujja al-Qawiyya fī al-Radd ‘alā man Qadaḥa fī al-Ḥafīz Ibn Taymiyya*, ed. ‘Abd al-Qayyūm ibn ‘Abd al-Ghafūr al-Sindī (Mecca, 1423/2002).

Conflicting Trajectories in Medina, Sindh, and Delhi

Having described the emergence of this hadith-based discourse in the Hijaz and Sindh, this section surveys its wider context and reception as far as Delhi. It argues that their cumulative impact was to catapult the hadith sciences to the center of Indian Ocean juristic discourse, as well as to widen the scope of legal fluidity in crossing and transgressing madhhab boundaries. As such, the tools of legal scaffolding became increasingly insufficient as a means of establishing legal authority in a context where conformity to the Hanafi madhhab was increasingly challenged. It thus facilitated the formulation of a wide variety of inter-madhhab genealogies across transregional networks, as well as deep intra-madhhab legal contestation amongst Hanafis themselves, through students and successors discussed below. This fueled massive projects of investigation, commentary, and synthesis of hadith and legal scholarship, including the more well-known work of Shāh Walīullāh. Legal fluidity dramatically expanded to enable the creation of distinct and opposed Hanafi approaches in different contexts of the Indian Ocean.

In Sindh, Mu‘īn Thattwī did not succeed in grooming a generation to sustain his approach, so far as his critiques of *taqlīd* were concerned. His outspoken claims came under great attack by the staunchly Hanafi Hāshim Thattwī – the chief judge of Thatta – and his descendants. Hāshim Thattwī’s son Makhdūm ‘Abd al-Laṭīf (d. 1189/1775) wrote a lengthy rebuttal of Mu‘īn Thattwī’s *Dirāsāt al-Labīb*, as did his own son (and Hāshim Thattwī’s grandson) Ibrāhīm Thattwī.⁴³⁴ These were major undertakings: the printed edition of ‘Abd al-

⁴³⁴ ‘Abd al-Laṭīf ibn Hāshim Thattwī, *Dhabb Dhabābāt al-Dirāsāt ‘an al-Madhāhib al-Arba‘a al-Mutanāsibāt*, ed. Muḥammad ‘Abd al-Rashīd al-Nu‘mānī (Karachi: The Sindhi Adabi Board, 1379/1959); Muḥammad Ibrāhīm Thattwī, *al-Qiṣṣā al-Mustaqīm*, Pir Jhando Collection, National Museum of Karachi, MS. 1980-1/386.

Laṭīf's critique spans two volumes (each about 400 pages), and consists of a section-by-section refutation of Mu'īn Thattwī's work. 'Abd al-Laṭīf accused Mu'īn Thattwī of being a heretic and a Shi'i who had long left the community and was simply attempting to gain credibility by instrumentalizing the hadith sciences.⁴³⁵ Perhaps the persistence of these lengthy refutations after Mu'īn Thattwī's death can serve as an indication of some importance. Yet, in the *Majmū'a Fatāwā 'Ulamā-yi Sindh*, a large compilation of fatwas from a series of Sindhi jurists such as Hāshim Thattwī, Mu'īn Thattwī is a conspicuous absence.⁴³⁶ Clearly, his approach did not survive in an institutionally visible or textually prominent way in Sindh. In fact, as will be explored in the next chapter, some of the most important of Sindhi hadith scholars from the next generation eventually moved to the Hijaz, limiting the further development of such hadith scholarship in Sindh in the late eighteenth and early nineteenth centuries.

In Medina, Abū al-Ḥasan al-Kabīr's student Ḥayāt al-Sindī had much more success in developing and propagating his critiques amongst many of his students. Ḥayāt al-Sindī's Yemeni student Muḥammad al-Ṣan'ānī (d.1182/1769), produced his own critiques of *taqlīd*, which have already received some attention.⁴³⁷ Another Indian student, the itinerant Fākhir al-Ilāhābādī (d.1164/1751) was also known to diverge from the Hanafī school in favor of sound hadith.⁴³⁸ The same was true to an extent for his Afghan student, Faqīrullāh 'Alawī as well as another student, Muḥammad Sa'īd Ṣafar (d.1194/1780), who became a prominent teacher in Medina and

⁴³⁵ 'Abd al-Laṭīf Thattwī, *Dhabb Dhabābāt*, 10.

⁴³⁶ *Majmū'a Fatāwā 'Ulamā-yi Sindh*, Maktabat al-Qāsimiyya, Kandiaro.

⁴³⁷ Ahmed S. Dallal, *Islam Without Europe*, 69, 77.

⁴³⁸ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 6:832.

Mecca.⁴³⁹ The most important was Ḥayāt al-Sindī’s own successor, Abū al-Ḥasan ibn Muḥammad Ṣādiq al-Naqshbandī (al-Ṣaghīr, the younger) (d.1187/1773), who moved to Medina from Sindh and became a student of Ḥayāt al-Sindī after having been taught at Thatta by Hāshim Thattwī.⁴⁴⁰ The junior Abū al-Ḥasan continued along the footsteps of Ḥayāt al-Sindī, writing treatises on particular legal or theological questions that gained widespread currency as far as Cairo and Konya. His largest work was a commentary on the *Sharḥ Nukhbat al-Fikr* of Ibn Hajar ‘Asqalānī, the premier text on hadith principles which was previously subject to commentaries by other Hanafī scholars, such as Mullā ‘Alī al-Qārī.⁴⁴¹

Throughout his oeuvre, Abū al-Ḥasan asserted the importance of acting upon sound hadiths; in a treatise against a mainstream Hanafī verdict on prayer, Abū al-Ḥasan al-Ṣaghīr first dedicated several folios on the importance of choosing a sound tradition over madhhab doctrine.⁴⁴² This contained large sections of text copied verbatim from Ḥayāt al-Sindī’s own treatise. Abū al-Ḥasan also wrote a separate treatise on the question of acting upon hadith.⁴⁴³ Yet, he remained a Hanafī (as well as Naqshbandi) and continued to engage at depth with Hanafī legal texts, as seen in his commentary on a popular manual on prayer written by the Ottoman

⁴³⁹ Wafā’i, *Tadhkira Mashāhīr-i Sindh*, 2:349; al-Kattānī, *Fahras al-Fahāris*, 2:986-87.

⁴⁴⁰ Qānī, *Tuḥfat al-Kirām*, 712; al-Kattānī, *Fahras al-Fahāris*, 1:478-79; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 6:685.

⁴⁴¹ Abū al-Ḥasan al-Ṣaghīr, *Bahjat al-Nazar ‘alā Sharḥ Nukhbat al-Fikr*, Sülemaniye Kütüphanesi, Atif Efendi MS 373; Maktabat al-Malik ‘Abd al-‘Azīz, Bashīr Āghā, 550/101; Maktabat al-Azhar, 16248|208; Konya Bölge Yazma Eserler Kütüphanesi MS BY3291.

⁴⁴² Abū al-Ḥasan al-Ṣaghīr, *Risāla fī Qirā’at al-Fātiḥa Khalf al-Imām*, Maktabat al-Malik ‘Abd al-‘Azīz, ‘Ārif Ḥikmat MS. 254.120, ff. 2-5.

⁴⁴³ Abū al-Ḥasan al-Ṣaghīr, *Risāla fī al-‘Amal bil-Ḥadīth*, British Library, MS. OR 13421, ff. 115-123.

Hanafi scholar Muḥammad ibn ‘Alī al-Birgivi (d.981/1573).⁴⁴⁴ Clearly, much like his teacher Ḥayāt al-Sindī, Abū al-Ḥasan al-Ṣaghīr managed to maintain his independent readings of the hadith sciences alongside a loose commitment to the Hanafi madhhab.

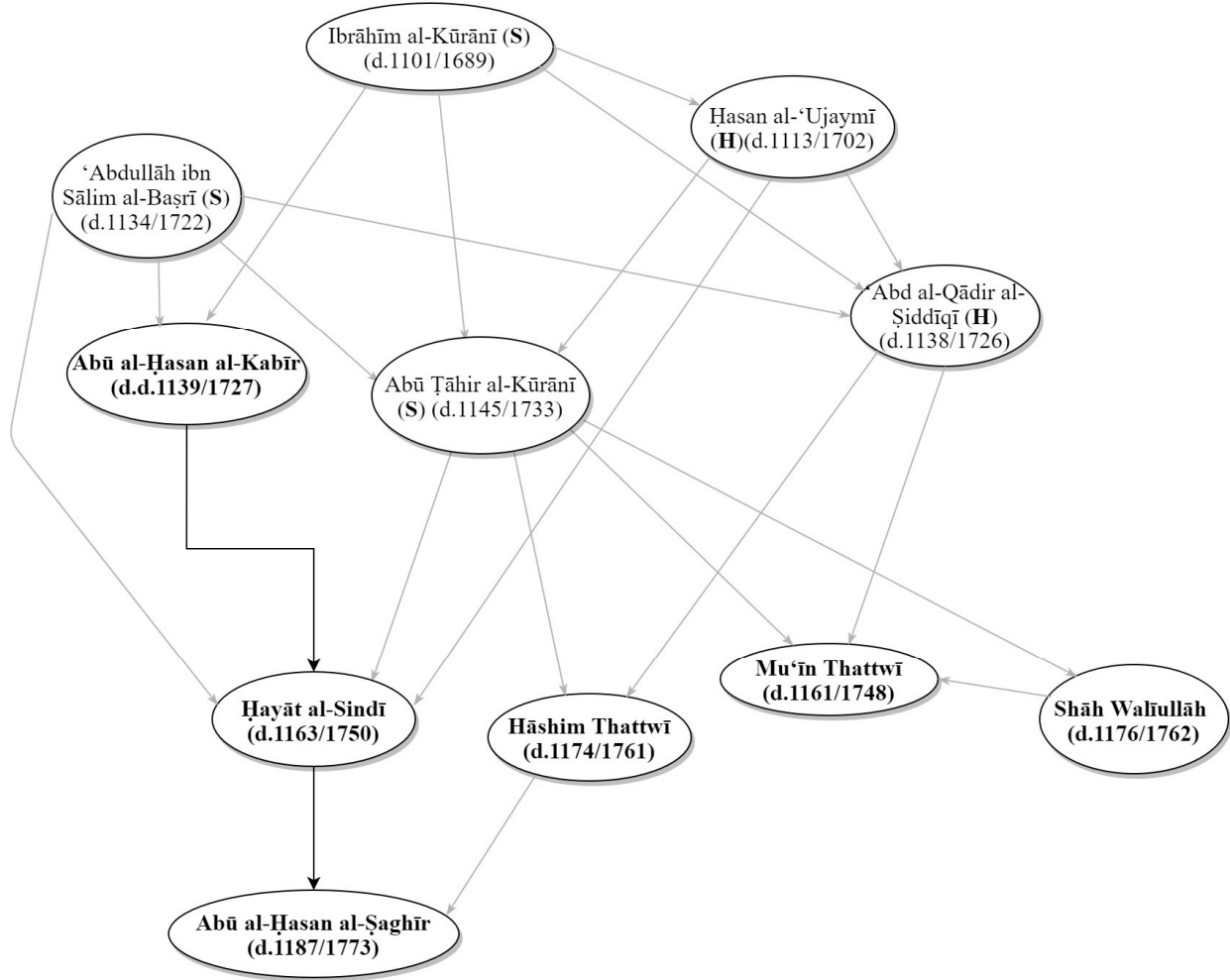


Figure 4: Selected 18th Century Genealogies, Part Two

Lastly, a similar trajectory emerged in Delhi through the scholarship of Shāh Walīullāh, who surfaced previously within the discussion on Mu‘īn Thattwī. As the most prominent scholar

⁴⁴⁴ Abū al-Ḥasan al-Ṣaghīr, *Manhal al-Hudāt Sharḥ Mu‘addal al-Ṣalāt*, Maktabat al-Ḥaram al-Makkī, MS 2138; Konya Bölge Yazma Eserler Kütüphanesi MS BY741; Sülemaniye Kütüphanesi, Fatih 1787.

of hadith in Indian history, Shāh Walīullāh has received much attention from English secondary scholarship (though considerably less so regarding his legal discourse). This chapter does not seek to rehearse their arguments; we have learned of his “inter-juristic eclecticism” across the four madhhabs, his efforts at grand synthesis between juristic and hadith traditions, as well as between separate traditions in theology, *taṣawwuf*, among many fields of knowledge.⁴⁴⁵ In addition, scholarship in Arabic and Urdu has long debated his positions on *taqlīd* and *ijtihād*, as well as his mixed allegiances to the Shafi‘i and Hanafi madhhab, given his centrality within the genealogies traced by rival modern Muslim movements.⁴⁴⁶ In bringing attention to him here, at this point, this chapter seeks to make two broader critiques: first, it qualifies the overwhelming – almost exclusive – focus on Shāh Walīullāh as *the* fountainhead for the rise of hadith scholarship in most narratives of modern South Asian Islam. This chapter instead demonstrates that he belonged to a much longer and extensive wave of Indian scholarship in other regions of South Asia and the Indian Ocean that already had begun to overcome processes of legal scaffolding, expand legal fluidity between madhhabs, and integrate legal discourse with scripture. As original and ground-breaking as his work may have been, Shāh Walīullāh’s oeuvre reflected the intellectual and legal demands of an Indian Ocean context where such hadith-based discourse of legal pluralism was already becoming more essential to the juristic activities of his contemporaries, with whom he built connections through both his famous pilgrimage of 1731

⁴⁴⁵ See a few examples below: Aziz Ahmad, *An Intellectual History of Islam in India* (Edinburgh: Edinburgh University Press, 1969), 8; Marcia Hermansen, *Shāh Walī Allāh’s Treatises on Islamic Law* (Louisville: Fons Vitae, 2010); Rudolph Peters, “*Ijtihād* and *Taqlīd* in 18th and 19th Century Islam,” *Die Welt des Islams* 20, no. 3/4 (1980): 131–146.

⁴⁴⁶ For a recent contribution to this debate, see: ‘Abd al-Naṣīr Aḥmad al-Shāfi‘ī al-Malyabārī, introduction to *Iqd al-Jīd fī Ahkām al-Ijtihād wa al-Taqlīd*, Shāh Walīullāh (Kuwait: Dār al-Ḍiyā’, 2014).

and epistolary correspondences thereafter.⁴⁴⁷ In fact, his treatise on the causes of juristic disagreement contained some portions which were identical to a treatise by Ḥayāt al-Sindī.⁴⁴⁸ As such, Dallal’s recent revisionist contention that Shāh Walīullāh’s education and project of reform was “local” or “regional” – and therefore not inclusive of the Hijaz is simply unsustainable.⁴⁴⁹

An understanding of this larger Indian Ocean context helps us move past the second notion pervasive in much of historiography: the idea that Shāh Walīullāh’s turn towards hadith and scripture was driven by the political fragmentation of the Mughal state and the rising power of the British and Marathas.⁴⁵⁰ According to this argument, his attempts at epistemological and legal synthesis (even “codification”) reflected a larger cry for social and political Muslim unity. Yet, this experience of political turmoil was hardly a necessary precondition for the emergence of such efforts at synthesis and juristic eclecticism; the debates of hadith-based jurists already constituted an important and active discourse within the Indian Ocean, and carried the seeds of transformation. For instance, in describing his motivation for writing a commentary on the *Muwattā’* of Mālik, Shāh Walīullāh mentioned the disturbance (*tashwīsh*) he felt regarding the differences between the legal schools of the jurists and the excessive factionalism amongst scholars (*ikhṭilāf madhāhib al-fuqahā’ wa kathrat aḥzāb al-‘ulamā’*) – or the problem of

⁴⁴⁷ Several letters written by Shāh Walīullāh to friends, teachers, and students in the Indian Ocean provide a small glimpse of the larger communications that must have been. Shāh Walīullāh, *Nādir Maktūbāt*, vol. 1, letter 109; vol. 2., letters 24, 25, 59, 62, 63, 94, 162.

⁴⁴⁸ Hermansen, “Translator’s Introduction,” in *Shāh Walī Allāh’s Treatises on Islamic Law*, xxiii. For the treatise, see: Shāh Walīullāh, *al-Inṣāf fī Bayān Asbāb al-Ikṭilāf*, ed. ‘Abd al-Fattāḥ Abū Ghudda (Beirut: Dār al-Nafā’is, 1977).

⁴⁴⁹ Dallal’s focus on tracing intellectual influences on Shāh Walīullāh’s thought prevents him from recognizing the larger intellectual and legal needs it served in the Indian Ocean. Dallal, *Islam without Europe*, 59.

⁴⁵⁰ See for instance, Pirbhai, *Reconsidering Islam in a South Asian Context*, 148; Barbara Metcalf, *Islamic Revival in British India: Deoband, 1860-1900* (Princeton: Princeton University Press, 1982), 36. For a more complex and comprehensive overview, see: Nizami, *Reform and Renewal in South Asian Islam*, chapter two.

managing plural and competing claims of legal authority.⁴⁵¹ This problem was confronted in varying degrees by most, if not all, of the figures analyzed in this dissertation. This is not to deny the importance of Shāh Walīullāh’s political context – and indeed, his own forays into politics and political theory – but simply to state that it should not conceal the more immediate forces of legal history that animated them.

What arguably set Shāh Walīullāh apart in social terms from his Sindhi and Hijazi contemporaries described in this chapter was his unrivaled success in transmitting hadith scholarship to generations of students back in Delhi. This was enabled by the institutional stability and relative autonomy afforded to him at his father’s Madrasa Raḥīmiyya in the imperial capital, wherein he could devote special attention to teaching hadith and composing works that would make such knowledge more accessible to new students. Shāh Walīullāh even composed his *thabat* – the genre used by hadith scholars to list their authorized chains of transmission – in Persian, and used it to indulge in more general overviews of the sciences and principles of hadith that would be useful for any student.⁴⁵² This represented one of the few *thabats* ever written in Persian.⁴⁵³ With his prolific textual output in Persian, and trans-generational base at the Madrasa Raḥīmiyya, Shāh Walīullāh along with his family and his wide array of students created a far greater movement of hadith scholarship in Delhi than did Hāshim Thattwī in Thatta, who was succeeded by relatively few hadith scholars. As such, Shāh Walīullāh’s circle of students gradually became more active in producing hadith-based juristic discourse, for reasons that will

⁴⁵¹ Shāh Walīullāh al-Dihlawī, *al-Musawwa Sharḥ al-Muwaṭṭā’* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1983), 1:17.

⁴⁵² Shāh Walīullāh al-Dihlawī, *Thabat Ḥakīm al-Hind*, Maktabat al-Ḥaram al-Makkī, MS 741.

⁴⁵³ To my knowledge, the only other *thabat* composed in Persian was the *thabat* of the Ahl-i Hadith scholar Ṣiddīq Ḥasan Khān in the nineteenth century (discussed in Chapter 5).

be explored in the next chapters. Their contribution to the expanding processes of legal fluidity and hadith scholarship in the Indian Ocean only increased thereafter.

Despite the different trajectories of hadith scholarship in Sindh and Delhi, this Indian Ocean Hanafi discourse collectively stood at a sharp contrast to their Ottoman Hanafi counterparts. With the close integration of the Ottoman imperial legal system and Hanafi juristic law, there appears no substantial increase in – and perhaps need for – protracted investigations of the scriptural evidences of law. Although Ottoman Hanafi scholars did produce several hadith commentaries and glosses in the eighteenth century, these had little to do with evaluating their chains of transmission and narrators.⁴⁵⁴ There were even fewer translations of hadith collections made in Turkish or Persian, besides the smaller collections of forty hadiths.⁴⁵⁵ Even the Ottoman Hanafi scholar Carullah Veliyyudin Efendi (d.1151/1738) – who spent six years in the Hijaz in the last decade of the seventeenth century, studied several hadith texts with none other than the Shafi‘i Ibrāhīm al-Kūrānī (a teacher of Abū al-Ḥasan al-Kabīr), and gathered a sizeable collection of about 63 hadith manuscripts – displayed yet little intellectual engagement with the hadith sciences as such. His annotations of hadith manuscripts consisted of paleographic details of the manuscripts and scribes, as well as devotional inscriptions.⁴⁵⁶ In contrast, he held a much

⁴⁵⁴ See: Zişan Türcan, “Osmanlı Dönemi Hadis Şerhlerinin Şerh Literatürü İçindeki Yeri,” *Türkiye Araştırmaları Literatür Dergisi* 11, no. 21 (2013): 143-164; Yunus Macit, “Osmanlı Gerileme Döneminde Hadis Öğretimi,” in *Anadolu’da Hadis Geleneği ve Daru’l-Hadisler*, ed. Muhittin Düzenli (Çankırı: 2011).

⁴⁵⁵ Nejla Hacıoğlu, “Osmanlı Döneminde Neşredilmiş Türkçe Hadis Eserleri Üzerine,” *Hadis Tetkikleri Dergisi*, 14, no. 1 (2016): 99-115.

⁴⁵⁶ I am grateful to Dr. Abdurrahman Atçıl for sharing this insight with me. Abdullah Taha Imamoğlu, “Osmanlı’da Kitap Kültürü Açısından Veliyyüddin Carullah Efendi’nin Hadis Kitaplarındaki Notları,” in *Osmanlı Kitap Kültürü*, 91-99. Also see: Abdurrahman Atçıl, Review of *Ottoman Book Culture: Cārullah Efendi’s Library and Marginal Notes (Osmanlı Kitap Kültürü: Cārullah Efendi Kütüphanesi ve Derkenar Notları*, edited by Berat Açıl, *Nazariyat: Journal for the History of Islamic Philosophy and Sciences* 1, no. 3 (2015): 184-187.

deeper and abiding intellectual interest in his manuscripts on Hanafi legal methodology (64 manuscripts) and substantive law (about 350 manuscripts), wherein his annotations delved into legal comments and debates.⁴⁵⁷ We can safely state that the Indian Ocean critiques of *taqlīd* on the basis of hadith praxis did not form a pressing concern for Carullah and his colleagues in more central Ottoman regions.

Conclusions

This chapter traces the emergence of a distinct Sindhi tradition of hadith and legal scholarship in the eighteenth century for the first time. By dismantling walls constructed in historiography between Sindhi scholars who moved to the Hijaz and those who remained in Sindh, this chapter demonstrates how Sindhi Hanafis in both geographies engaged in transregional conversation and debates on legal authority. As such, it adheres neither to the overdetermined theory of Voll on the singularity of intellectual transmission through the Ḥaramayn, nor to the emphasis on disparate regionalisms by Dallal more recently; neither of whom actually examine legal contexts back in Sindh itself. It instead brings into sharp relief the circulation of scholars and manuscripts in the Indian Ocean to interrogate how Sindhi scholars mediated multiple legal regimes from Sindh and the Hijaz and contributed in their own ways to the expansion of legal fluidity between madhhabs and the rise of hadith as the basis of juristic authority.

⁴⁵⁷ Asım Cüneyd Köksal, “Veliyyüddin Carullah Efendi’nin Fıkıh Usulüne Dair Notları,” *Osmanlı Kitap Kültürü*, 107-120; Özgür Kavak, “Bir Osmanlı Aliminin Bir Ömre Yayılan Okuma Serüveni: Veliyyüddin Carullah Efendi’nin Furu-ı Fıkıh Eserlerine Düştüğü Notlar,” *Osmanlı Kitap Kültürü*, 123-179.

The first half of Kalhora rule marked a period of great mobility and hadith scholarship after a relative lull in the preceding century; a series of Sindhi scholars circulated the Indian Ocean, enabling the development of transregional conversations, debates, and the circulation of manuscripts. The Indian hadith-based critiques of Hanafi doctrine emerged first at Medina from Abū al-Ḥasan al-Kabīr, whose recorded teachers only consisted of Shafi'i teachers, and yet he retained a position of authority over the Hanafi community in Medina as a teacher of hadith and a commentator on Hanafi texts. His critique was developed in more coherent fashion by his student and successor Ḥayāt al-Sindī, who actively corresponded with the scholarship in Sindh and attracted wider transregional acclaim amongst visiting pilgrims from Morocco to Iraq. Both were united in their opposition to (and yet enabled by) the integrationist methodologies of late Hanafi scholarship, including that of the Mamluk Hanafi Ibn al-Humām, and more recently 'Abd al-Ḥaqq al-Dihlawī, and instead actively sought to defend the validity of contravening madhhab boundaries on the basis of hadith praxis.

The most consistent opposition they faced was not from other Hijazi Hanafi scholarship, where such practices were seen amongst some senior Hanafis, but from their fellow Sindhis. These included Hāshim Thattwī, the chief judge of Thatta who studied briefly in the Hijaz but remained more attached to its Hanafi scholarship. The ensuing debates between Ḥayāt al-Sindī and Hāshim Thattwī revealed their deep reliance upon scriptural criticism, such as discriminating between various chains of transmission, and evaluating the legal import of certain types of hadith (and narrators of hadith). In the debate on hand-placement in prayer, Ḥayāt al-Sindī discounted the proofs of the Hanafi position, and argued for the imperative to act upon sound hadith, thereby creating room for legal fluidity beyond Hanafi doctrine. Hāshim Thattwī attempted to establish the sound bases of Hanafi doctrine and affirm the scriptural balance of legal pluralism, or the

equal scriptural validity of the madhhabs. In this way, he sought to cancel the need to cross madhhab boundaries in the first place. Both also attempted to adduce the authenticity of a tradition by evaluating multiple manuscript copies, to answer questions that could not be fully resolved by the usual *isnād* criticism. In such a manner, they exhibited not only their deep reliance upon the material technologies of knowledge in the Indian Ocean, but also their willingness to pursue their own independent readings of hadith, in addition to personal student-teacher transmission.

Both approaches were set apart from the critiques launched by Mu‘īn Thattwī in Thatta. Mu‘īn Thattwī developed a highly detailed and systematic framework for hadith praxis, wherein his conception of legal pluralism expanded not only to legitimate other Sunni schools but also many practices commonly associated with his Shia contemporaries. Yet, even with their distinctive politics, all these approaches were formed in conversation with each other, thereby merging transregional discourses from Sindh, Delhi, Surat, and the Hijaz with local dynamics. Collectively, this contributed to the construction of transregional hadith genealogies (whether by travel or correspondence), the production of new glosses and commentaries of hadith compilations, hadith-based legal tomes in Persian and Arabic, focused essays on legal conformity and independent reasoning, as well as versified religious treatises in Sindhi for vernacular audiences. Collectively, this legal discourse began to address wider social groups and demand more scriptural accountability from both scholars and common people, providing the theoretical justification even for common people to act upon hadiths in contradiction to madhhab doctrine. In this way, madhhab identity began to separate from legal conformity in more advanced circles of scholarship.

The transformation of the madhhab sketched above in terms of expanding legal fluidity and greater scriptural investigation should not be misunderstood as representing the decline of the madhhab-system. What emerges is not the decline of the madhhab, but its articulation in a hadith-centric language. Indeed, all the figures critiquing *taqlīd* and arguing against the grain of Hanafi doctrine still affiliated with the Hanafi madhhab, wrote primarily in relation to Hanafi law, and associated with other Hanafis. This was in addition to those like Hāshim Thattwī, who defended Hanafi doctrine through deep analyses of hadith traditions and their chains of transmission and associated with non-Hanafis. Thus, the most fundamental change was arguably the decline of legal scaffolding as a sufficient means of furnishing a legal verdict, as legal scaffolding assumed a certain distance from scriptural sources and sought legitimacy primarily from within the madhhab. By demanding scriptural proofs, these scholars no longer took the epistemological validity of late Hanafi scholarship as a given, even as they took pains to express their reverence for early Hanafi scholarship and its eponym Abū Ḥanīfa. Hadith scholarship thus became increasingly essential for all juristic activity, as something that transcended the individual boundaries between madhhabs. Here, then, was a great intellectual ferment that laid the epistemic and social groundwork to reinvent Muslim juristic norms and society in the Indian Ocean at the cusp of the modern period.

Chapter 3:

Scholarly Pursuits of Scriptural Evidence, 1780-1841

“I have traveled most lands and I have not seen anything like [Sanaa’s] scholars in their investigation of the sciences (*al-tahqīq lil-‘ulūm*), preoccupation with hadith (*ishtighāl bil-ḥadīth*), and striving (*al-taḥarrī*) in ensuring their acts of worship and social transactions are authenticated by a source-text (*bimā ṣaḥḥa bih al-naṣṣ*).”⁴⁵⁸ Muḥammad ‘Ābid al-Sindī (d.1257/1841)

In the year 1786, Rafī‘ al-Dīn al-Murādābādī (d.1223/1809), an Indian scholar and student of Shāh Walīullāh, set out from Moradabad to perform the pilgrimage at Mecca.⁴⁵⁹ Along the way, he disembarked at Mocha, then one of the largest ports on the Yemeni coast. In his Persian travelogue, he shared general and practical information that might interest future travelers: he described the *ribāt* (hospice) wherein he found lodging, which had been established as an endowment for the city of Medina; the various shrines of pious saints one could visit therein; as well as the local sharifs who ruled the city.⁴⁶⁰ When it came to the local inhabitants, Rafī‘ al-Dīn described them primarily in terms of their madhhab: “the king and most common people here belong to the Zaydī madhhab,” he wrote, whereas “most of the city dwellers are Shafī‘i. The Sindhis who have taken up residence here are Hanafī.”⁴⁶¹ Rafī‘ al-Dīn also could not

⁴⁵⁸ Quoted in al-Ḥasan ibn Aḥmad ‘Ākish al-Ḍamadī, *‘Uqūd al-Durar bi-Tarājim ‘Ulamā’ al-Qarn al-Thālith ‘Ashar*, King Saud University, MS 920/1334, f. 93.

⁴⁵⁹ Al-Ḥasanī, *Nuzhat al-Khawātir*, 7: 974; ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik*, 557-58.

⁴⁶⁰ Manuscripts of the Persian original, titled as *Hālāt al-Ḥaramayn*, are available at the Rampur Raza library (which I have not been able to access). For the following discussion, I have relied on its Urdu translation by Mawlānā Nasīm Aḥmad Farīdī, published in the Lucknow-based *al-Furqān* journal; I am indebted to Saif ul Hadi for providing me with a copy. Rafī‘ al-Dīn al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Ḥijāz,” Nasīm Aḥmad Farīdī, trans., *Al-Furqān* Special Issue 28, no. 10 and 11 (1380/1961): 6-93. I have also referred to its more recent Arabic translation, which was made directly from the Persian original and in consultation with the aforementioned Urdu translation: Rafī‘ al-Dīn al-Murādābādī, *al-Riḥla al-Hindiyya ilā al-Arāḍī al-Ḥijāziyya*, trans. Samīr ‘Abd al-Ḥamīd Ibrāhīm (Cairo: al-Majlis al-‘A‘lā lil-Thiqāfa, 2004).

⁴⁶¹ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Ḥijāz,” 31; *al-Riḥla al-Hindiyya*, 50.

help commenting on how this plurality was ordered at the mosque: “the imām of the masjid here is Shafi‘i. Everyone, including the ruler and all the Zaydis, prays behind Shafi‘i and Hanafi imams.”⁴⁶²

This ethnographic attention to the demographics of the Islamic schools of law formed a persistent feature of Rafī‘ al-Dīn’s travelogue. The madhhabs offered, in a real sense, the conceptual framework for Rafī‘ al-Dīn to describe new cities, organize his encounters with their inhabitants, and to be received by them. His travelogue bears testament in striking detail to madhhab-centered legal pluralism as a social arena, and not only an elite legal discourse; his descriptions above pertained not to scholars, but general society. Furthermore, as we shall see in detail below, Rafī‘ al-Dīn’s travelogue offers a window into how such pluralism transformed in the aftermath of the hadith-based critiques discussed in the previous chapter, wherein madhhab identity continued to feature within the social profiles of many Indian Ocean Hanafis but no longer entailed exclusive conformity to madhhab doctrine in this late eighteenth-century context.

This chapter brings to attention the social and material dimensions of madhhab pluralism, moving far beyond the courtly contexts which usually prefigure such discussions. It analyzes how the earlier hadith-based critiques continued to transform the Hanafi madhhab across networks of scholars that encompassed Delhi, Sindh, Yemen, and the Hijaz. It argues that legal fluidity between madhhabs continued to increase, producing a Sunni legal pluralism that was less invested in establishing the normative superiority of an individual madhhab over another madhhab. Rather, it led to new demands for hadith-based juristic discourse that scholars could use to justify their positions in relation to legal precedent in the madhhab. Just as Hanafi scholars

⁴⁶² Ibid.

wrote syntheses of the Hanafi legal corpus to navigate its internal plurality and make *taqlīd* feasible for other jurists in the previous centuries, Hanafi legal-cum-hadith scholars now worked to make the hadith sciences accessible to fellow jurists by producing massive new works of hadith specifically aimed to facilitate the research (*baḥṭh*) of a jurist in the hadith sciences. This led to an unprecedented surge in Indian hadith scholarship at the beginning of the nineteenth century, paving the way for even deeper scriptural engagement and critique in the following generations.

By tracing the progressive growth of hadith-based juristic discourses within Indian Ocean networks of scholarship, this chapter attempts to overturn sweeping narratives of rupture advanced in historiography between the eighteenth and nineteenth centuries, and between the pre-colonial and colonial periods more generally.⁴⁶³ It brings to light a crucial step of the intellectual process – of making hadith more accessible to jurists – previously undetected by historiography. It shows how hadith-based law continued to drive juristic activity and discourse in the Indian Ocean within changing political contexts across the Baloch Talpur dynasty in Sindh (1783-1843), the British East India Company’s expansion into Delhi and northern India from 1803 onwards, the longstanding Qasimi imamate in Yemen, as well as the Ottoman Hijaz, which was briefly overtaken by Saudi rule from 1803 to 1812, and thereafter came under Egyptian administration until 1840. These separate geographies are threaded together by a central focus on how the Hijaz functioned, much as it had in the sixteenth century, as a meeting point for Indian scholars and pilgrims from Sindh, northern India, and other regions of South Asia, as well as a

⁴⁶³ This argument should not be misread as positing continuity in terms of a dynamic combination of intellectual history, social history, and political economy, as in the work of Peter Gran for Egypt. Peter Gran, *Islamic Roots of Capitalism: Egypt, 1760-1840* (Syracuse: Syracuse University Press, 1998).

space where legal pluralism could be experienced and utilized in its more complete institutional and social complexity by Muslims of the Indian Ocean.

This chapter analyzes the transformation of legal practice across two major lines of Indian scholarship: a family of Sindhi scholars who represented Hāshim Thattwī's direct intellectual successors in the Indian Ocean, including Muḥammad 'Ābid al-Sindī (d.1257/1841); and the family of Shāh Walīullāh and their students in Delhi, including most notably Shāh 'Abd al-'Azīz al-Dihlawī (d.1239/1824). The Sindhi Hanafis have been completely neglected in English historiography, despite their massive scholarly output and centrality within multiple hadith networks. They were located at a distance from British colonial rule, largely in Yemen and the Hijaz, whereas the Delhi Hanafis were located at one of its most important centers. Yet, as we shall see, the two groups of scholars formed important connections with each other in the Indian Ocean and shared common intellectual projects, even with their regional differences. Together, they demonstrate how Indian Ocean scholarship engendered multiple approaches towards legal pluralism after the Hanafi critiques in the first half of the eighteenth century.

This chapter begins by following Rafī' al-Dīn's travelogue – a genre of writing quite distinct from the legal texts analyzed previously in this dissertation – to gain a glimpse of how this new regime of hadith-centered legal pluralism facilitated his journey and encounters. It then surveys the development of Sindhi hadith scholarship from the beginning of the Talpur dynasty, devoting special attention to 'Ābid al-Sindī (d.1257/1841). It examines 'Ābid al-Sindī's library of manuscripts alongside his *thabat* of transmitted texts, to understand in material terms the different factors which drove his encyclopedic intellectual projects in the hadith sciences. It surveys his connections with the Delhi line of scholars, forged both in Sindh and the Hijaz. From here, it moves to evaluate the hadith scholarship of Shāh 'Abd al-'Azīz, the successor of Shāh

Walīullāh, to see how he participated in such transregional Hanafi debates from the historic seat of the Mughal empire. Ultimately, it shows how hadith-based juristic reasoning continued to reach new levels of synthesis and legal fluidity, as an essential resource for jurists who sailed the Indian Ocean or participated in its debates from their local centers.

An Indian Ocean Ethnography of the Schools of Law

“Ever since I reached the age of knowledge, I longed to visit the Ḥaramayn and was overcome by the desire to see it.”⁴⁶⁴ So wrote Rafī‘ al-Dīn al-Murādābādī, as he set out towards the end of his life in 1201/1786 to fulfill his lifelong dream of pilgrimage at Mecca. As a learned scholar and an observant traveler, his travelogue provides an important and rare first-hand account of how the madhhab-system facilitated his travels in this period. In his travelogue, we can witness how the surge of hadith-based discourse across shifting imperial geographies of the Indian Ocean transformed his experiences of legal pluralism. This section demonstrates how the madhhab continued to serve as an enduring social marker of identity and even imperial authority, yet without the intense inter-madhhab critiques and debates of earlier periods. It also analyzes to what extent his observations were articulated in terms of Mughal decline and the corresponding growth of the East India Company and Maratha power in South Asia.

Rafī‘ al-Dīn’s journey to Mecca led him from Moradabad in north India to the port city of Surat, where he met Khayr al-Dīn al-Sūrātī (d.1206/1792) and Walīullāh al-Sūrātī, two renowned Gujarati hadith scholars who had both already performed the pilgrimage twice at Mecca. The senior Khayr al-Dīn al-Sūrātī, in fact, had received *ijāzas* from Ḥayāt al-Sindī, and had served as

⁴⁶⁴ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Ḥijāz,” 6; *al-Riḥla al-Hindiyya*, 9.

a teacher of Murtaḍā al-Zabīdī (d.1205/1790), another prominent Indian polymath and hadith scholar of the eighteenth century.⁴⁶⁵ Rafī‘ al-Dīn completed readings in hadith and obtained *ijāzas* from the two Gujarati shaykhs. In addition, he also heard stories of Gujarati scholarship and the pious charisma of earlier scholars such as ‘Alī al-Muttaqī and Muḥammad Ṭāhir Patnī (discussed in Chapter 1).⁴⁶⁶ Evidently, an oral tradition of their encounters with the sultans of Gujarat, the Sharifs of Mecca, and the Mughal emperors was very much alive within scholarly circles in Gujarat.

Besides relating stories of earlier scholarly voyages, the hadith scholar Khayr al-Dīn also arranged Rafī‘ al-Dīn’s passage across the Indian Ocean. The teacher-student relationship, in this instance, provided direct access to travel. Rafī‘ al-Dīn set off aboard the *Safīnat al-Rasūl*, a ship built earlier that year by Shaykh Maḥmūd, the elder son of Khayr al-Dīn, who became his host and captain in this maritime voyage. As a fellow ‘alim and seasoned traveler (and evidently, a shipbuilder), Shaykh Maḥmūd was quite an appropriate companion for Rafī‘ al-Dīn. Aboard the ship, they participated in an exchange of knowledge: Rafī‘ al-Dīn learned from Shaykh Maḥmūd the sciences of maritime navigation in exchange for teaching him *‘ilm-i ḥisāb* (arithmetic). Rafī‘ al-Dīn was also enthralled by others managing the ship. One of them, a French convert to Islam, ‘Abd al-Raḥman al-Faransī, entertained him with stories of his own world travels from Portugal to China. Rafī‘ al-Dīn commented that the “firangis” had become the most skilled at oceanic navigation, braving the fiercest of winds. He registered the increasing growth of European maritime power, without expression of hostility or threat. Indeed, on his return journey, Rafī‘ al-Dīn would pass through the ascendant, British-controlled port city of Bombay and marvel at the

⁴⁶⁵ al-Ḥasanī, *Nuzhat al-Khawātir*, 7:964 and 7:1109. Also see: Reichmuth, *The World of Murtada al-Zabidi*, 13.

⁴⁶⁶ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Hijāz,” 17-18; *al-Riḥla al-Hindiyya*, 28-29.

wonderful technologies (*ṣanā'ī-i 'ajība*) built therein by the British, including windmills and dams to repair ships in the harbor.⁴⁶⁷

Their ship passed within sight of the hills of Aden but stopped to rest at Mocha. Beyond the Indian subcontinent at last, Rafī' al-Dīn made his first observations of Yemeni society, describing them in terms of their madhhab affiliations, as mentioned at the beginning of the chapter. From Mocha, the ship continued to Hodeida, and from there to the largely abandoned island of Kamaran in the southern Red Sea to refill their water supplies. As Rafī' al-Dīn took in the island's unique setting, his captain Shaykh Maḥmūd told him about other great islands in the Indian Ocean, including the islands of Java, "where all the inhabitants are Shafī'i Muslims and greatly venerate pilgrims."⁴⁶⁸ Again, madhhab pluralism provided the means of describing the inhabitants of a distant and foreign land. Five or six individuals from Java had also joined their ship, and from one who spoke fledgling Arabic, Rafī' al-Dīn learned more about their societies.

From Kamaran, Rafī' al-Dīn continued north to Luhayya and then al-Qunfudha, a port city further north along the Red Sea (See Figure 1). By this time, the seasons had shifted and oceanic winds changed directions towards Surat; a maritime journey north to Jeddah became impossible and the ship's owner sought to sell his goods and leave immediately back to Surat. Rafī' al-Dīn disembarked and rented a house until arrangements for a land journey could be made. This period coincided with 'Eid al-Fiṭr, and Rafī' al-Dīn joined the local mosque to offer his prayers. He was received respectfully by the local imām (a Shafī'i, he noted) who invited him to the front of the congregation, and thereafter delivered an extremely eloquent and moving

⁴⁶⁷ al-Murādābādī, "Hindustān kā sab se pehlā Safarnāma-yi Hijāz," 89; *al-Riḥla al-Hindiyya*, 154-155.

⁴⁶⁸ al-Murādābādī, "Hindustān kā sab se pehlā Safarnāma-yi Hijāz," 34; *al-Riḥla al-Hindiyya*, 56.

sermon. Rafī‘ al-Dīn carefully described the Shafi‘i manner of performing the ‘Eid prayer, which likely was his first time experiencing such a congregation (even if he may have read about it in his legal texts). Through their shared legal framework of the madhhab-system, Rafī‘ al-Dīn was able to join with the local community, to match textual knowledge with personal encounters.

From here, Rafī‘ al-Dīn continued his journey on land, riding at night through the desert on a hired camel. After nine nights of arduous trekking, he arrived on a Monday morning at Mecca, where “the sight of the beauty of the Ka‘ba erased the distresses of [his] entire life.”⁴⁶⁹ Rafī‘ al-Dīn wrote in vivid detail of his cherished time in Mecca, sharing the vision he had of the Prophet Muhammad himself, though with much less theological undertones than his teacher Shāh Waliullāh had earlier in the century. In addition, he wrote of the multiple layers of patronage Mecca received from Muslim rulers. He praised the Sharifs of Mecca as well as the Ottoman sultan ‘Abd al-Ḥamīd Khān I (r.1773-1789), and admired the Ottoman empire, which even after 502 years of rule still did not exhibit any signs of weakness and continued to strive in jihad.⁴⁷⁰ (Clearly, the Ottoman management of the hajj was quite successful in conveying an appearance of power and strength, despite their recent setbacks against the Russians.) Rafī‘ al-Dīn wrote about the annual Ottoman *surre-i hümayun* grants at Mecca, describing the system of endowments stretching from Egypt and Syria to Istanbul, which supported local imams, judges, workers, and even Bedouins to ensure the safety of pilgrimage routes. He specifically mentioned that eighty-five Hanafi imams, fifteen Shafi‘i and Maliki imams each, and one or two Hanbali

⁴⁶⁹ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Hijāz,” 39; *al-Riḥla al-Hindiyya*, 64.

⁴⁷⁰ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Hijāz,” 46; *al-Riḥla al-Hindiyya*, 77.

imams were on the payroll of the Ottoman authorities in Mecca alone, revealing the disparities in Ottoman support of the madhhabs.

Yet, the Hijaz was not only the beneficiary of the Ottomans: Rafī‘ al-Dīn listed many other rulers who would support the Hijaz. That year, the king of Morocco (*shāh-i maghrib*) had sent a large amount of money to Mecca, and Rafī‘ al-Dīn had himself seen the Maghribi coins. In contrast, Rafī‘ al-Dīn lamented how the longstanding Mughal practice of providing annual gifts to the Haramayn had come to an end after the reign of the Mughal emperor Muḥammad Shāh (r.1719-1748). Indeed, Rafī‘ al-Dīn commented, Indian rulers were no longer remembered in the cities of Medina and Mecca. He remarked bitterly as to how contemporary Indian Muslim rulers who knew nothing of charity or the basics of grammar “collect rupees and hoard them, though eventually it is the English and Marathas who stand to gain the profit.”⁴⁷¹ Thus, for him, Mughal corruption manifested in a failure to compete with other Muslim polities in contributing annually to the Haramayn; he was quite far from articulating a vision of global Muslim decline vis-à-vis European power.

Indian migrants held a major presence in the Haramayn and in Rafī‘ al-Dīn’s travelogue, and they provide a glimpse of the diversity of this diasporic community. Rafī‘ al-Dīn discerned two types of Indian migrants: first were those who left their homelands and families solely out of love and longing for the sacred cities, and second were those who migrated due to financial or other kinds of hardship, trusting to find respite and sustenance in the sacred sanctuaries. Of the former kind was a family friend of Rafī‘ al-Dīn: this was the son of his father’s friend at Delhi, an Uzbek who migrated via Delhi to Medina during the reign of the Mughal vizier ‘Imād al-

⁴⁷¹ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Hijāz,” 46; *al-Riḥla al-Hindiyya*, 78.

Mulk (d.1215/1800) in the 1750's. In Medina, their friendship intensified through the memory of their own fathers' friendship, and they recited poetry to each other in Persian and Urdu, in which they were both fluent. Rafī 'al-Dīn also met other Indian scholars, including a Punjabi Mullā Mīr Dād, a scholar of hadith and the Quranic recitations. He befriended 'Ābid al-Sindī, a Medina-born nephew of Ḥayāt al-Sindī (from Chapter Two), and they also recited poetry to each other.⁴⁷² "He recited poetry to me in Arabic, and I recited to him in Persian and then explained the meanings in Arabic," described Rafī 'al-Dīn.⁴⁷³ Rafī 'al-Dīn did not comment on the lack of Persian fluency of his Sindhi friend; perhaps it did not come as a surprise given how he was born and raised in the Hijaz.

Other recent Indian migrants did write in Persian in the Hijaz. One was quite the rarity: Sayyid Muḥammad Ḥayāt from Delhi, son of a Mughal notable. This scholar belonged to the minority Hanbali madhhab and the Qadiri order, left Delhi in the face of upheaval, and traveled to the Hijaz, Najaf, Karbala, and Baghdad, returned to Delhi, and then moved to Medina and settled there. Sayyid Muḥammad Ḥayāt wrote a treatise in Persian on the jurisprudence of the four Sunni madhhabs, and upon further demand in Medina, translated it into Arabic. As a peripatetic scholar, he evidently succeeded in finding an audience in the Hijaz for his legal work despite his rare affiliation with the Hanbali madhhab.

Rafī 'al-Dīn also befriended Arabic-speaking scholars and gained *ijāzas* from some of them. A Moroccan Maliki scholar, from whom Rafī 'al-Dīn gained *ijāzas* in *Ḥizb al-Baḥr* and

⁴⁷² The Arabic translation has this 'Ābid al-Sindī as the son of Ḥayāt al-Sindī. Whether son or nephew, this is a different 'Ābid al-Sindī than the more famous one who will be discussed later in the chapter. See: al-Murādābādī, "Hindustān kā sab se pehlā Safarnāma-yi Ḥijāz," 72; *al-Riḥla al-Hindiyya*, 125.

⁴⁷³ Ibid.

other *dhikr* compilations, remarked that in his twenty years at Mecca, he never experienced such love and kindness for an Indian to the degree he had with Rafī‘ al-Dīn. Another, a local Shafī‘i, was amazed at his fluency in Arabic and could not believe it was his first pilgrimage. A Yemeni scholar, a former Zaydi who had become Sunni, assured him of how close the Zaydis were to the Sunnis, and particularly to the Hanafis in most subsidiary matters of jurisprudence. He thus affirmed some place for the Zaydi madhhab within Sunni legal pluralism, which Rafī‘ al-Dīn himself had witnessed at Mocha. Rafī‘ al-Dīn also attended other study circles, including that of Shaykh Ilyās, a Shafī‘i who had been the student of Abū al-Ḥasan al-Sindī (al-Ḥanafī, al-Ṣaghīr, from Chapter Two) and taught *Ṣaḥīḥ al-Bukhārī* as well as works of *taṣawwuf*. There were some linguistic limits: Rafī‘ al-Dīn found it difficult to understand the lectures of an Egyptian Hanafi scholar who taught in Egyptian Arabic.

Ultimately, Rafī‘ al-Dīn took a broad interest in what the scholarship of the Haram had to offer, regardless of the individual madhhab of each scholar. He mostly mentioned circles of hadith scholarship, *taṣawwuf*, and law, reflecting the importance of such fields of knowledge in this intellectual milieu, and he did so without favoring the scholarship of one legal school over another. Yet, he continued to identify the madhhabs of most of the scholars he encountered. His scheme of madhhab pluralism allowed for the creation of intersectional genealogies and intellectual exchanges across multiple disciplines within the framework of the madhhab-system, not without.

Rafī‘ al-Dīn did engage with Hijazi legal pluralism more directly in legal terms as he observed the system of separate congregational prayers at the Ḥaram. This subject fascinated Rafī‘ al-Dīn (like many visitors before him, as discussed in Chapter 1), and evidently provoked some unease within him. He provided a detailed account of the logistics:

“For ages, the people of Mecca have instituted the following arrangement: the Shafi‘i imam prays Fajr first, and after his *salām*, the Maliki imam, and after the Maliki, the Hanbali, and lastly the Hanafi. At Dhuhr, ‘Aṣr, and ‘Ishā’, the Maliki is first, and then is followed by the Shafi‘i, and then the Hanafi imām. At Maghrib, the Hanafi is first; and then the Shafi‘i.”⁴⁷⁴

Rafi‘ al-Dīn also provided an account of their relative sizes: the Hanafi congregation was the largest in all five prayers, and especially at Maghrib when their congregation was first. They were followed by the Shafi‘is at Maghrib, whereas the Malikis had big crowds at Dhuhr, and ‘Aṣr, and ‘Ishā’ (when they went first). The Hanbalis had the smallest congregation; they only had a separate congregation at Fajr, which did not exceed even twenty members.

Despite this intricately choreographed arrangement, Rafi‘ al-Dīn noted that “most worshippers are not beholden to praying behind the imam of their own madhhab; they pray behind whoever starts first.”⁴⁷⁵ Even scholars usually joined whichever congregation came first or was being offered at the time. Some did sit apart from the congregations, awaiting their own congregation, and Rafi‘ al-Dīn termed them pejoratively as partisan (*muta‘aṣṣib*). Perturbed by the need for such separate congregations, Rafi‘ al-Dīn asked the Maliki mufti of Mecca for clarity. The Maliki mufti claimed that it only emerged in ‘Abbasid times and declared it permissible without any conditions to pray behind an imam of a different madhhab, arguing that the differences between the schools were tertiary. This corresponded with Rafi‘ al-Dīn own independent review of a number of unnamed treatises on the subject. He ultimately concluded that the whole thing was a *bid‘a*, an innovation that had no precedent in the first generations of

⁴⁷⁴ al-Murādābādī, “Hindustān kā sab se pehlā Safarnāma-yi Hijāz,” 40; *al-Riḥla al-Hindiyya*, 66.

⁴⁷⁵ Ibid.

Islam in Mecca and came about due to the partisanship of later generations of jurists. This argument was made even in the sixteenth century by Mullā ‘Alī al-Qārī, as discussed in Chapter 1, but only to a certain extent; ‘Alī al-Qārī still considered it preferable to pray behind the imam of one’s own madhhab. In his account, Rafī‘ al-Dīn evidently inclined towards the position of ‘Alī al-Qārī’s student Ibn Mullā Farrūkh, the Meccan Hanafī jurist of the seventeenth century (discussed in Chapter 2), who claimed it was completely valid to pray behind a different madhhab’s congregation.

Yet, if the madhhab distinctions were largely disregarded by most congregants, they did so within the bounds of a shared legal framework. Rafī‘ al-Dīn noted that the imams of the four madhhabs would make sure to satisfy the conditions of all four madhhabs as far as their ritual purity was concerned, so that congregants from different schools could join in without fear of incurring dislike (*karāha*). As such, madhhab divisions were, in fact, kept alive but were designed to be inclusive of the broadest possible congregation and facilitate the highest level of legal fluidity.

Rafī‘ al-Dīn only spent about a year in the Hijaz, but his travelogue provides an important glimpse into the scholarly and legal milieu of the Indian Ocean in the late eighteenth century. There were no overarching narratives of Muslim decline and fragmentation, whether in political or cultural terms. Within this politically complex landscape, the madhhabs formed a substantial portion of the descriptions Rafī‘ al-Dīn provided. It served as a general ethnographic device, as a means of making sense of an unfamiliar land, its scholars, and its inhabitants. It provided the shared framework through which Rafī‘ al-Dīn and his interlocutors could engage each other, beyond the courtroom. Yet, Rafī‘ al-Dīn also exhibited skepticism at some manifestations of its legal structures, which was not surprising for a scholar visiting after the sustained critiques of

taqlīd made in the first half of the eighteenth century, including by his own teacher Shāh Walīullāh. The system of different prayers for each madhhab no longer fulfilled an essential legal function for Rafī‘ al-Dīn, and according to him, most others at Mecca; nonetheless, it continued, upheld and bankrolled by the political authorities.

Rafī‘ al-Dīn’s travelogue was also noteworthy in that it did not participate in broader scholarly polemics between madhhabs. Herein, the madhhab surfaced as an enduring marker of identity and authority, yet without the intense legal critiques or mutual competition of earlier periods. With his multi-lingual abilities, Rafī‘ al-Dīn associated freely with a wide range of scholars in the Hijaz. He took an interest in their hadith scholarship, their participation in Sufi tariqas, and their lessons of law, in addition to more personal exchanges of poetry in Arabic, Persian, and Urdu with friends new and old. This new context emerged in the aftermath of the Hanafī critiques earlier in the century and was representative of a Sunni legal politics that was less invested in establishing the normative superiority of an individual madhhab over another madhhab. Instead, it placed new emphasis on the study of hadith, the acquirement of *ijāzas*, the pursuit of independent investigations, and the expansion of legal fluidity between madhhabs.

Sindhi Hadith Scholarship in the Talpur Period

With this first-hand account of the legal and scholarly context of the Indian Ocean, we can proceed to sketch how Sindhi hadith scholarship emerged therein. In many ways, the Sindhi scholars examined below reflected continuities with Rafī‘ al-Dīn’s account, especially as it pertained to the expansive intersectional relationships they built with Yemeni Zaydis and other Maliki and Shafī‘i scholars, amongst others, as well as the centrality of hadith scholarship with

their networks. This section focuses on the fortunes of a single family of Sindhi scholars who were the most successful in producing the most ambitious works of hadith scholarship (as compared to earlier Sindhi generations) as well as in securing imperial patronage amidst the rapidly changing political geography of the Arabian Peninsula. As we shall see, their hadith and legal scholarship was intertwined: they transmitted both legal opinions and hadith *sanads* from Hāshim Thattwī from Sindh in the Hijaz. Their legal practice also was less centered around advancing the superiority of one madhhab or controlling legal fluidity between madhhabs, as it was with responding to perceived threats against the madhhab-system as a whole.

To begin with the larger context: The Kalhoras in Sindh were ultimately defeated in 1782 by their former vassals, the Sindhi Baloch Talpurs, who established their dynasty over most of Sindh for the next sixty years, until their defeat by the British in 1843.⁴⁷⁶ While still subordinate to their Afghan overlords, the Talpurs exercised local autonomy over many of their territories. During their reign, economic activity across Upper Sindh, including cities like Shikarpur, came to eclipse much of the older hubs of trade such as Thatta.⁴⁷⁷ However, Lower Sindh also saw new cities like Hyderabad and the port city of Karachi steadily emerge through Talpur support and participation in the Indian Ocean world of commerce.⁴⁷⁸

Some Sindhi scholars continued to travel across the ocean to perform pilgrimage during this period, including the Shikarpur-born ‘Abd al-Raḥman Sindhī Lakhnawī (d.1245/1830) who

⁴⁷⁶ N. A. Baloch, “The Foundations of Talpur Power in Sindh,” in *Sindh: Studies Historical* (Jamshoro: Pakistan Study Centre, University of Sindh, 2002), 309-352.

⁴⁷⁷ Iqbal Ahmed Memon, “Shikarpur: The Eighteenth Century Commercial Emporium of Asia,” in *Studies on Sind*, ed. M Yakub Mughul (Jamshoro: Pakistan Study Centre, University of Sind, 1988), 97-108.

⁴⁷⁸ Markovits, *The Global World of Indian Merchants*, 38.

spent several years after his pilgrimage in 1205/1790 in the Hijaz and traveled widely within South Asia, attracting controversy for his penetrating theological critiques.⁴⁷⁹ The Mujaddidi female *khalīfa* Ḥaḍrat Bībī Šāḥiba (d.1218/1803) performed pilgrimage from Kabul towards the end of her life, endowing shrines at Matiari (in Lower Sindh) and Hodeida with her large entourage of disciples and travel companions.⁴⁸⁰ Khwājā Muḥammad Zamān II (d.1247/1831) of Lowari in Lower Sindh performed pilgrimage first in 1228/1813, during which he was reportedly greeted by welcoming crowds at Mocha (which would not be surprising given the presence of many Sindhis at Mocha, as attested by Rafī‘ al-Dīn in 1786) and granted others *ijāzas* in the Naqshbandi tariqa. He performed another pilgrimage in 1238/1823 to overcome his grief at the death of one of his sons.⁴⁸¹ His son Khwājā Muḥammad Ḥasan (d.1298/1880) completed six pilgrimages from Lowari, and ultimately passed during his last hajj in Medina.⁴⁸²

While these are but a few examples, one family was the most prominent Sindhi family to participate in the scholarship of the Hijaz and write on hadith and Hanafī law. This was the family of the “shaykh al-Islām” Muḥammad Murād Anṣārī (d.1198/1784), whose immediate paternal lineage included several generations of Quran reciters and scholars in Sindh.⁴⁸³ Murād Anṣārī spent most of his life in Sindh, under the Kalhoras; he was a student of Makhdūm Hāshim

⁴⁷⁹ Ghulām Muṣṭafā Qāsmī, ed., *al-Raḥīm* (Hyderabad: Shāh Waliullāh Academy, Hyderabad Sindh, 1967), 66-7; al-Ḥasanī, *Nuzhat al-Khwāṭir*, 7:1007-8.

⁴⁸⁰ Waleed Ziad, “Traversing the Indus and the Oxus: Trans-regional Islamic Revival in the Age of Political Fragmentation and the ‘Great Game’ 1747-1880,” (PhD Diss., Yale University, 2017), 340-358.

⁴⁸¹ Qāsmī, ed., *al-Raḥīm*, 52-54; Wafā’ī, *Tadhkira Mashāhīr-i Sindh*, 2: 371-377.

⁴⁸² Qāsmī, ed., *al-Raḥīm*, 55-56;

⁴⁸³ The most detailed account on him is in: Sā’id Bakdash, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī* (Beirut: Dār al-Bashā’ir al-Islāmiyya, 1423/2002), 73-87. Also see Murādābādī’s reference to him in his travelogues (the Arabic and Urdu versions contain slightly different details): Farīdī, trans., “Hindustān kā sab se pehlā Safarnāma-yi Ḥijāz,” 54; Murādābādī, *al-Riḥla al-Hindiyya ilā al-Arāḍī al-Ḥijāziyya*, 90.

Thattwī, who also wrote on the sciences of Quranic recitation. A scholar of seven modes of Quranic recitation, a Hanafī author-jurist, and a Naqshbandī shaykh, Murād Anṣārī moved towards the very end of his life in 1194/1780 first to Mecca and then Jeddah.⁴⁸⁴ There are no explicit reasons given as to why Murād Anṣārī moved at that point in time. At Jeddah, we learn from Rafī‘ al-Dīn’s travelogue that a local vizier named Rayḥān appointed him as an imam of a mosque and granted him a house and a *ribāṭ*. Here, Murād Anṣārī wrote extensively on Hanafī law, and his largest work consisted of four thick volumes. The manuscript of this work (housed today in Medina’s al-Maktaba al-Maḥmūdiyya) even reportedly contains fatwas in Persian and Sindhi, a large map of Sindh, and other assorted miscellaneous treatises and letters.⁴⁸⁵ In all, it shows that Murād Anṣārī’s pedigree of scholarship from Sindh was actively recognized by local authorities and enabled him to assume a position of leadership in the city of Jeddah, as enabled by the underlying connective framework of madhhab pluralism.

Murād Anṣārī moved with his immediate family to Jeddah, including at least two sons and two grandsons (there is no mention of the women who must have accompanied them). He himself was the primary teacher of his two sons, who nonetheless also studied with or received *ijāzas* from scholars in the Hijaz. The two sons received *ijāzas* from ‘Abd al-Khāliq ibn ‘Alī al-Mizjājī (d.1201/1787) of the famous Yemeni Mizjājī family, which was rare amongst Yemenis for being largely both Hanafī and Naqshbandī.⁴⁸⁶ There are also chains of transmission that

⁴⁸⁴ See his treatise on the Naqshbandī tariqa: Muḥammad Murād Anṣārī, *Sharḥ Silsilāt al-Dhahab*, al-Maktaba al-Maḥmūdiyya MS 2809, Risāla 10.

⁴⁸⁵ This is mentioned by Bakdāsh. I was not granted access to this manuscript by the librarian at al-Maktaba al-Maḥmūdiyya, since it had not been digitized and the library was in the process of moving to a new location. Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 79-82.

⁴⁸⁶ On the Mizjājī family, see: John O. Voll, “Linking Groups in the Networks of the Eighteenth-Century Revivalist Scholars: The Mizjaji Family in Yemen,” in Nehemia Levtzion and John O. Voll, eds., *Eighteenth-Century Renewal*

extend from one of the sons through Abū al-Ḥasan al-Ṣaghīr, and in turn, Ḥayāt al-Sindī, though this is difficult to confirm since Abū al-Ḥasan passed away several years before the family moved to the Hijaz.⁴⁸⁷ Nevertheless, the *ijāzas* did not only flow in one direction; Murād Anṣarī also was a teacher of hadith, and was the main person to transmit his *sanad* from Hāshim Thattwī back to Arabia after Hāshim Thattwī’s return to Sindh. Yet he passed away not long after moving to Jeddah, after reporting to having received a farewell from the famous saint Khidr at one of Jeddah’s mosques.⁴⁸⁸ Four years later, his son Ghulām Rasūl (also known as Aḥmad ‘Alī) also passed away in 1202/1787.

Murād Anṣarī’s second son, Muḥammad Ḥusayn al-Sindī (d.1220/1805) left a deeper mark on the historical record than his brother Ghulām Rasūl both as a jurist-author and a transmitter of hadith.⁴⁸⁹ As a newcomer to Jeddah, Muḥammad Ḥusayn revived a debate on the legality of tobacco consumption after he witnessed “that most of the people of knowledge in this region were completely devoted to the consumption of tobacco and claimed its absolute permissibility obstinately and zealously... due to their ignorance regarding the principles and doctrine of their madhhab, heedless of any consultation with the books of the madhhab.”⁴⁹⁰ This

and Reform in Islam (Syracuse: Syracuse University Press, 1987), 69-92. ‘Ābid al-Sindī also wrote an entry on ‘Abd al-Khāliq: ‘Ābid al-Sindī, *Tarājim Mashāyikh ‘Ābid al-Sindī*, f. 66-69.

⁴⁸⁷ It may point to the possibility of an earlier trip to the Hijaz by that son, Muḥammad Ḥusayn. ‘Ābid al-Sindī, *Haṣr al-Shārid min Asānīd Muḥammad ‘Ābid*, ed. Khalīl ibn ‘Uthmān al-Sabī‘ī (Riyadh: Maktabat al-Rushd, 1424/2003), 51.

⁴⁸⁸ The Khidr account is mentioned in: Muḥsin ibn Yaḥyā al-Tirhafī, *al-Yāni’ al-Janiy fī Asānīd al-Shaykh ‘Abd al-Ghanī*, Suleymaniye Kütüphanesi, MS Hacı Mahmud Efendi 720, f. 99-100.

⁴⁸⁹ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1093.

⁴⁹⁰ “lammā ra’aytu akthar ahl al-‘ilm fī hādhih al-bilād ‘alā shurb al-dukkhān mukibbīn wa yad‘awn istiḥlālahu iṭlāqan mukābirīn wa muta‘ṣṣibīn... li-kawnihim ‘alā uṣūl madhhabihim wa furū‘ih jāhilīn wa ‘an murāja‘ati kutub al-madhhab ghāfilīn.” Muḥammad Ḥusayn, *al-Tibyān li-Zajār ‘an Shurb al-Dukhān*, Maktabat al-Malik ‘Abd al-‘Azīz, al-Maktaba al-Maḥmūdiyya, MS 2682, f 2.

permissive approach to tobacco Muḥammad Ḥusayn observed in Jeddah amongst the ‘ulamā’ is not surprising, considering tobacco had spread widely across Jeddah and the Ottoman Empire by the end of the eighteenth century in spite of several attempts – both by some scholars and state officials – to proscribe its consumption.⁴⁹¹

For all his complaints about the alleged ignorance of the people regarding the books of their madhhab, Muḥammad Ḥusayn himself could not consult the standard sources of his madhhab for explicit rulings on tobacco consumption, given its novelty as a phenomenon. He instead turned to a series of treatises collected by his father Murād Anṣārī on this issue. From them, he chose to translate a Persian treatise by Hāshim Thattwī into Arabic, since he found that al-‘Allāma al-Sindī (as he called Hāshim Thattwī) “treaded the path of fairness, and left the way of temptation and compulsion” (*mashā tarīq al-inṣāf wa taraka sabīl al-ghayy wa al-i’tisāf*).⁴⁹² Hāshim Thattwī’s treatise consisted of several chapters that argued for tobacco’s impermissibility on the basis of a deep engagement with late Hanafī texts and fatwas.⁴⁹³ Here, one can observe how the proliferation of legal opinions occurred alongside the spread of hadith networks, as Hāshim Thattwī’s *sanad* and fatwa both returned to the Hijaz from Sindh in the person of Muḥammad Ḥusayn. Thus, while not always the case, the spread of hadith networks could be a vehicle for the transfer of legal verdicts. In addition, it demonstrates that the direction

⁴⁹¹ James Grehan, “Smoking and ‘Early Modern’ Sociability: The Great Tobacco Debate in the Ottoman Middle East (Seventeenth to Eighteenth Centuries),” *The American Historical Review* 111, no. 5 (2006): 1352-1377.

⁴⁹² Muḥammad Ḥusayn, *al-Tibyān li-Zajar ‘an Shurb al-Dukhān*, f 2.

⁴⁹³ Hāshim Thattwī, *Tuhfat al-Ikhwān fī Man ‘i Shurb al-Dukhān*, Institute of Sindology, University of Sind, Jamshoro, MS 81225, f. 20-24.

of translation was not always from Arabic to Persian, but also the reverse; intellectual transmission in the Indian Ocean was not a one-way street.

In practice, Muḥammad Ḥusayn's translation did not follow a strict scheme of fidelity to Hāshim Thattwī's source-text. Rather, he composed lengthy annotations and included dozens of other fatwas from recent and contemporaneous scholars from all four Sunni schools proscribing the consumption of tobacco in the Hijaz, Yemen, Sindh, and the lands of the Ottoman empire. He sought to forge common ground with a transregional assortment of anti-tobacco juristic writings to achieve a critical mass of Sunni legal authority that could challenge the local scholarship of Jeddah. It is striking how madhhab authority was transmitted within the lists of jurists and fatwas Muḥammad Ḥusayn produced in his annotations. While the individual fatwas varied in length, from a whole folio to a brief line and signature, the madhhab's authority emerged within these fatwas not through an engagement with the main authoritative texts of each madhhab, but by virtue of a jurist's individual affiliation and status (if applicable) as the mufti of that particular madhhab in a given city. In other words, this inter-madhhab alliance conveyed each madhhab's authority mostly through individual identity and status within a legal bureaucracy, rather than a field of texts and canons. Although such a practice was not new to the eighteenth century, it reflected an emerging Sunni legal pluralism that was less concerned with the normative validity of an individual madhhab than with marshalling the madhhab-system at large. Ultimately, Muḥammad Ḥusayn's treatise was just one example of how these shifts in madhhab relationships and structures could be seen even at a smaller scale amongst transregional Sindhi scholars. As we will see in Chapters 4 and 5, the next century saw the rapid growth of such brief fatwa collections from contemporaneous jurists of the four madhhabs, composed in unity against perceived common threats.

The most important member of this Sindhi family, yet, and the one who was involved in the most diverse scholarly webs across different madhhabs was the famous polymath ‘Ābid al-Sindī (d.1257/1841), son of ‘Aḥmad ‘Alī, nephew of Muḥammad Ḥusayn, and grandson of Murād Anṣārī.⁴⁹⁴ Neglected in Anglophone historiography, ‘Ābid al-Sindī features prominently in Moroccan, Yemeni, Hijazi, and Indian biographical dictionaries, *thabats*, and *ijāzas* since the thirteenth Hijri century.⁴⁹⁵ The twentieth-century Moroccan scholar ‘Abd al-Ḥayy al-Kattānī lists 26 chains of transmission between him and ‘Ābid al-Sindī (through 26 different disciples).⁴⁹⁶ The biography by Bakdāsh lists the names of 18 teachers and 44 students hailing from West Africa, Anatolia, Yemen, Nejd, the Haramayn, and different parts of South Asia.⁴⁹⁷ A recent biographical account builds upon this research and lists the names and brief biographies of 69 students of ‘Ābid al-Sindī, including those who narrated from him with specific and general *ijāzas*.⁴⁹⁸ The relatively high number of chains of transmission and students highlights the central position ‘Ābid al-Sindī held within diffuse strands of scholarship emanating from the Hijaz and Yemen in the first half of the nineteenth century.

⁴⁹⁴ Al-Kattānī, *Fihris al-Fahāris*, 2:720-22, 1:363-71.

⁴⁹⁵ The most substantial discussion of him in English is by Saif ul Hadi, “Transnational Scholarly Networks in Early Modern Hijaz: The Case of Three Indian Hadith Teachers at the Holy Mosque in Medina,” Paper presented at South-South: Intellectual History across Middle East and South Asia, 1857-1948, Columbia University, October 2016.

⁴⁹⁶ Al-Kattānī, *Fihris al-Fahāris*, 1:363-71.

⁴⁹⁷ Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 501-5.

⁴⁹⁸ Aḥsan Aḥmad ‘Abd al-Shakūr, *Majmū‘ Ijāzāt wa Rasāi‘l al-Imām Muḥammad ‘Ābid al-Sindī*, 3 vols. (Beirut: Dār al-Ḥadīth al-Kattāniyya, 2014), 1:114-145.

After the deaths of his father and grandfather, ‘Ābid al-Sindī remained under the tutelage of his uncle, Muḥammad Ḥusayn. Together, they moved from Jeddah around 1208/1793 to the Red Sea port of Hodeida. Here, the Yemeni connection with this family grew substantially over the next generation. In fact, ‘Ābid al-Sindī spent the next three decades across various cities in Yemen. In his early years, Ābid al-Sindī studied with his uncle Muḥammad Ḥusayn, whose chain of transmission went through the grandfather Murād Anṣārī to Hāshim Thattwī, or alternatively through Abū al-Ḥasan al-Ṣaghīr and Ḥayāt al-Sindī, or through Yemeni scholars, such as the ‘Abd al-Khāliq al-Mizjājī mentioned earlier. Through his travels, ‘Ābid al-Sindī also had the opportunity to study with many prominent figures of the late eighteenth and early nineteenth century, including two scholars who later inspired the founders of the Ahl-i Hadith movement in South Asia: the Yemeni Imām Muḥammad al-Shawkānī (d.1250/1834) at Sanaa and the West African Ṣāliḥ al-Fullānī (d.1218/1803) at Medina.⁴⁹⁹ Ṣāliḥ al-Fullānī was a grand student of Ḥayāt al-Sindī and Abū al-Ḥasan al-Kabīr (discussed in Chapter Two), and according to one source, was buried next to the grave of Abū al-Ḥasan al-Kabīr at the Baqī’ cemetery.⁵⁰⁰ ‘Ābid al-Sindī also studied with the Moroccan Ḥusayn al-Maghribī (d.1228/1813), the Maliki mufti of Mecca, ‘Abd al-Raḥmān ibn Sulaymān al-Ahdal (d.1250/1835), the (Shafi‘i) mufti of Zabid, and Yūsuf ibn Muḥammad al-Mizjājī (d.1213/1798), a renowned member of the Hanafī

⁴⁹⁹ For their influence on the Ahl-i Hadith movement, see: Chanfī Ahmed, *West Africa ‘ulamā’ and Salafism in Mecca and Medina: Jawāb al-Ifriqī-The Response of the African* (Leiden and Boston: Brill, 2015), 92-98. For more detail on Ṣāliḥ al-Fullānī’s relationships with the Ahl-i Hadith, see: J. O. Hunwick, “Salih al-Fullani (1752/3-1803): The Career and Teachings of a West African ‘Alim in Medina,” in *In Quest of an Islamic Humanism: Arabic and Islamic Studies in Memory of Mohamed al-Nowaihi*, ed. A.H. Green (Cairo: The American University in Cairo Press, 1984), 139-154.

⁵⁰⁰ ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 1:702. Also see his reference to Ḥayāt al-Sindī in his own work on *taqlīd: Ṣāliḥ al-Fullānī, Iqāz Himam Ūlī al-Abṣār*, ed. Abū ‘Imād al-Sakhāwī (Sharjah: Dār al-Fath, 1997), 192.

al-Mizjājī family at Zabid. ‘Ābid al-Sindī’s scholarly genealogy thus included a well-rounded balance of teachers from multiple Sunni legal schools, as well the leading critics of the madhhab-system in his day. He epitomized the legal fluidity that characterized this broader context and the wide possibilities of social connections across different and even opposed legal politics. This unique assortment of teachers had enormous ramifications, as we shall see below, for ‘Ābid al-Sindī’s career and writings.

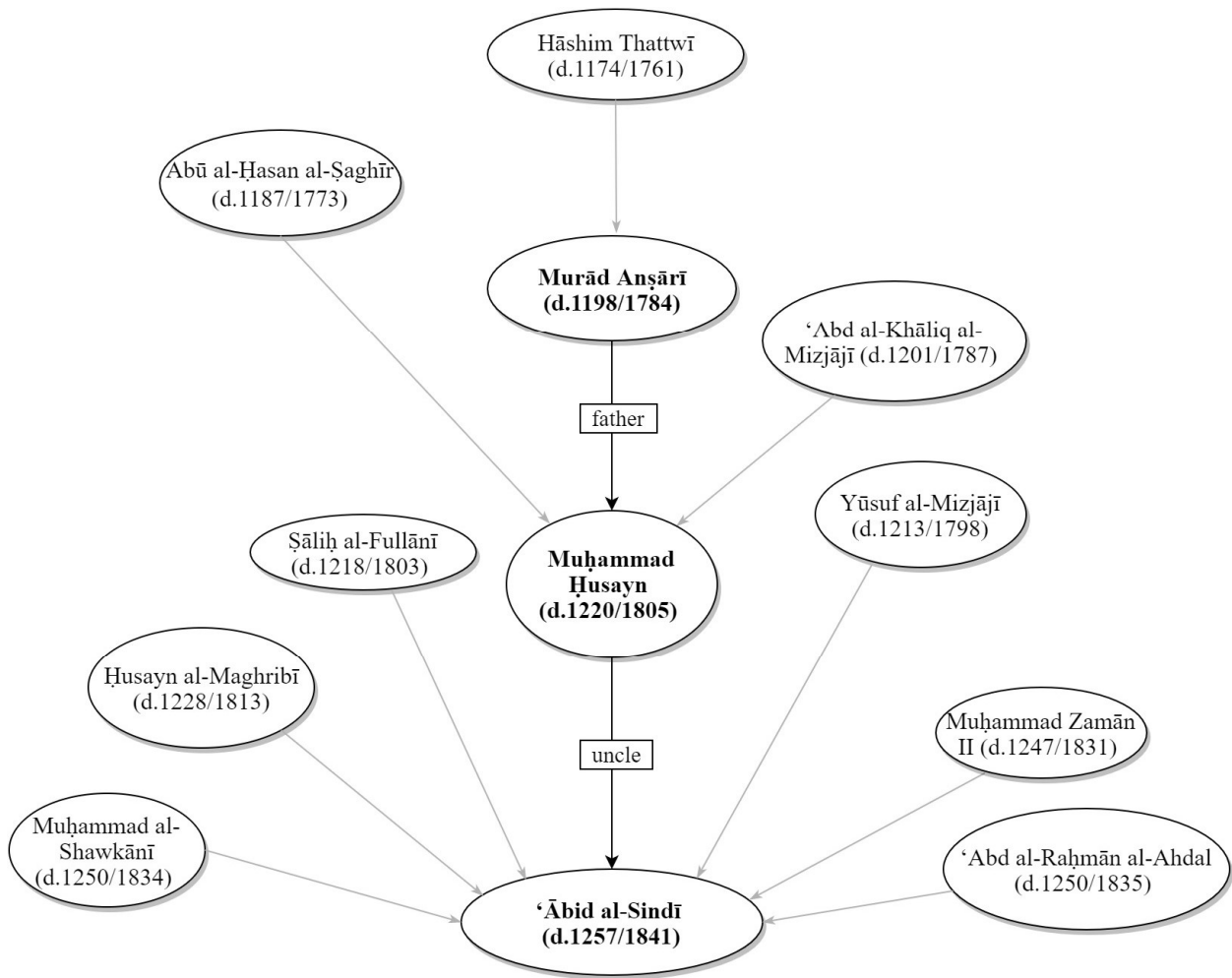


Figure 5: 'Ābid al-Sindī's Selected Genealogies

In many ways, this vast scholarly engagement was enabled by the very itinerant life ‘Ābid al-Sindī led and the imperial contacts he forged, as he moved at a dizzying pace between posts at Zabid, Sanaa, Hodeida, Mocha, Mecca, and Medina. He reportedly completed at least six pilgrimages to Mecca during his time at Sanaa alone. His peregrinations brought him into close contact with political authorities in these territories. ‘Ābid al-Sindī moved to Sanaa at the request of Qasimi Imām al-Manṣūr ‘Alī (r.1189-1224/1775-1809) to serve as his physician. He had learned the medical traditions from his uncle, but also from the elderly Yūsuf al-Mizjājī (through whom he transmitted texts on medicine such as Ibn Sīnā’s (d.1037) *Kitāb al-Shifā’* and *al-Qānūn fī al-Ṭibb*). Besides his role as a physician, ‘Ābid al-Sindī also served as a tutor for a son of the royal family.⁵⁰¹ In addition, thanks to Bakdāsh’s careful readings of ‘Ābid al-Sindī’s manuscripts, we know that ‘Ābid al-Sindī married a daughter of al-Manṣūr’s vizier, who was a governor of Mocha.⁵⁰² This marriage likely strengthened his relationships with the Qasimi elite over the next decades.

‘Ābid al-Sindī’s long career in Yemen was enabled by the close relationship between the Qasimi Zaydis and the four Sunni madhhabs in this context, mirroring the pluralism that Rafī‘ al-Dīn had witnessed during his own visit to Mocha. In a broader sense, ‘Ābid al-Sindī was fortunate to benefit from a concurrent shift in the Qasimi imamate under Imām al-Manṣūr and his successors who chose to side with hadith scholars and traditionists such as Imām al-Shawkānī (whom ‘Ābid al-Sindī visited and studied with at Sanaa) than the Zaydi-Hadawi scholars that

⁵⁰¹ Shawkānī, *al-Badr al-Ṭālī*, 2:40.

⁵⁰² Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 109-115.

previously had exercised more influence over the imamate.⁵⁰³ However, not all was always harmonious in the southern regions of the peninsula: ‘Ābid al-Sindī, along with “forty Hanafis in Hodeida,” were once imprisoned by the local Zaydi qadi for refusing to follow the wording of the Zaydi adhan.⁵⁰⁴ ‘Ābid al-Sindī, in his account, was singled out and beaten, banished from Hodeida, and declared liable to be executed and his wealth confiscated (*mubāḥ al-dam wa al-māl*) for his opposition to the qadi. This debate showed how tensions between Sunnis and Zaydis could still emerge.

Yet, the most explicit threat to Sunni madhhab structures came not from the Zaydis of Yemen but the emergent Wahhabi-Saudi movement further north in the Peninsula. An Ottoman report mentioned how the Saudis demolished the domes and stations of the four madhhabs at the Haram upon their first conquest of Mecca in 1803, in addition to the tombs of Mecca’s cemetery.⁵⁰⁵ A later account mentions how the Saudis abolished the system of separate congregational prayers and instead mandated that a Shafi’i imam lead the Fajr prayer, a Hanbali the Dhuhr, a Maliki ‘Aṣr, Hanafi the Maghrib prayers; the Friday prayers were led by the Hanafi mufti of Mecca, ‘Abd al-Malik al-Qala‘ī (d.1228/1813-1814).⁵⁰⁶ They thus affirmed some place for the four madhhabs, and even maintained the superior position of the Hanafi madhhab as

⁵⁰³ On this shift amongst the Qasimi imams, see Bernard Haykel, *Revival and Reform in Islam: The Legacy of Muhammad al-Shawkānī* (New York: Cambridge University Press, 2003).

⁵⁰⁴ Muḥammad ‘Ābid al-Sindī, *al-Mawāhib al-Laṭīfa Sharḥ Musnad al-Imām Abī Ḥanīfa*, ed., Taqī al-Dīn al-Nadwī (Amman: Dār al-Nawādir, 2013) v. 2, pg. 270.

⁵⁰⁵ BOA, HAT 93.3804 (1218 AH).

⁵⁰⁶ Sayyid Aḥmad Zaynī Daḥlān, *Khulāṣat al-Kalām fī Bayān Umarā’ al-Balad al-Ḥarām* (Maṭba‘at al-Khayriyya, 1305 AH), 278-79. On the Hanafi mufti, see: al-Dihlawī, *Fayḍ al-Malik*, 978 and 1092; al-Ghāzī, *Naẓm al-Durar*, 373-75.

instituted by the Ottomans, but evidently dissolved the separate congregational prayers and the institutional architecture of the madhhabs.

‘Ābid al-Sindī evidently was not in Mecca during the Saudi period, but he did not escape their larger remit of influence. The Saudis expanded further south over much of the Tihama region by granting authority to local Sharifs to govern in their name. They defeated the powerful Sharīf Ḥamūd (d.1818), who governed Zabid and Hodeida under the Qasimis, and forced him to switch his loyalty to the Saudis. At some point during this period, ‘Ābid al-Sindī was also serving as an imam and qadi in Zabid. He reportedly made contact or met with Shaykh ‘Abdullāh (d.1826), the son and successor of Muḥammad ibn ‘Abd al-Wahhāb and even transmitted a text from him on the rites of pilgrimage.⁵⁰⁷ However, ‘Ābid al-Sindī was not member to their political or ideological movement and remained loyal to the dynasty of his father-in-law and Qasimi patrons. Indeed, not long after the Egyptians defeated the Saudis at Mecca in 1812, the Qasimi Imām Maḥdī ‘Abdullāh (r.1231-51/1816-35) sent ‘Ābid al-Sindī on an official delegation bearing gifts for Muḥammad ‘Alī at Cairo in 1232/1816.

After this Cairo trip, and after the defeat of the Saudis by the Egyptians, ‘Ābid al-Sindī returned to Medina. He notably befriended and granted *ijāzas* to ‘Arif Hikmet Bey (d.1275/1859), the Turkish qadi of Medina, prolific poet, manuscript collector, and a future *ṣeyhülislam* of the Ottoman Empire.⁵⁰⁸ Yet, after facing controversy in Medina from other

⁵⁰⁷ This was *al-Qirā li-Qāsid Umm al-Qurā* by Muḥibb al-Dīn al-Ṭabarī (d.694). Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 200-1.

⁵⁰⁸ ‘Ābid al-Sindī’s *ijāza* to Arif Hikmet is quoted in: Shihāb al-Dīn Maḥmūd al-Ālūsī, *Shahiyy al-Nagham fī Tarjumat Shaykh al-Islām ‘Ārif al-Hikam*, ed. Muḥammad al-‘Īd al-Khaṭrāwī (Medina: Mu’assisa ‘Ulūm al-Qur’ān, 1983) 203-5. On Arif Hikmet, see: Mustafa L. Bilge, “Ārif Hikmet Bey, Ṣeyhülislām,” *TDV İslām Ansiklopedisi* (1991): 3:365-66; Bilal Kemikli, *Şair Ṣeyhülislām Ārif Hikmet Beyefendi: Hayâtı Eserleri Şiirleri* (Istanbul: Kitabevi, 2011).

scholars for his attempt to reform scholars, ‘Ābid al-Sindī returned to Yemen, from where he made a quick trip back home to Sindh, visiting Karachi and Hyderabad, meeting his Sufi shaykh Muḥammad Zamān, and granting *ijāzas* to local students.⁵⁰⁹ Eventually, towards the end of his life, ‘Ābid al-Sindī moved permanently to Medina from Mocha. Here, it seems the earlier controversy subsided, and on the contrary, ‘Ābid al-Sindī bore the fruit of the imperial contacts he had made with the Egyptians as an ambassador for the Qasimis. In 1243/1827, ‘Ābid al-Sindī was appointed by them as the *ra’īs al-‘ulamā’*, or the chief of the scholars, of Medina. As such, he taught *fiqh* in al-Masjid al-Nabawī and would answer legal questions not only from other general visitors but other visiting jurists as well, including Shafi‘i scholars; some of his treatises were written as detailed responses to other *‘alims*.⁵¹⁰ ‘Ābid al-Sindī continued in this prestigious capacity, as a scholar’s scholar, until his death in 1257/1841, just about a year after the Ottomans took back control of the Hijaz from the Egyptians.

With regards to Sindh, ‘Ābid al-Sindī’s physical presence therein was limited to his early childhood years and a brief trip towards the end of his life. However, it would be a mistake to discount the Sindhi dimension of his scholarship on this basis. As we shall see below, he owed much of his training in Hanafi law to the Hāshim Thattwī line of scholarship (based in Sindh), whom he tended to cite in his own writings. His training in the Naqshbandi tariqa also occurred under Khwājā Muḥammad Zamān, a resident of Lower Sindh. Moreover, several manuscripts of

⁵⁰⁹ al-Tirhatī, *al-Yāni’ al-Janiy fī Asānīd al-Shaykh ‘Abd al-Ghanī*, f. 100-1.

⁵¹⁰ For evidence of him teaching *fiqh*, see: Aḥmad al-‘Aṭṭār al-Makkī, *al-Nafḥ al-Miskī bi-Mu‘jam Shuyūkh al-Makkī*, State Central Library, Hyderabad, MS 4180, f. 15. I am grateful to Muhammad Rehab for providing me with a copy of this manuscript. Also see several treatises within the three-volume printed collection of ‘Ābid al-Sindī’s manuscripts, directed to other scholars. ‘Abd al-Shakūr, *Majmū‘ Ijāzāt wa Rasāi’l al-Imām Muḥammad ‘Ābid al-Sindī*.

his work reached Sindh; he even took some along as gifts when he visited briefly towards the latter part of his life. In addition, ‘Ābid al-Sindī chose to describe himself with the title al-Sindī. This was not simply a statement on origins (his genealogical title was actually al-Anṣārī) but held wider relevance in his social contexts: as mentioned above, ‘Ābid al-Sindī took positions of leadership amongst other Sindhis and Hanafis in Yemen. We know from Rafī‘ al-Dīn’s travelogue that cities such as Mocha, where ‘Ābid al-Sindī spent considerable time, contained local populations of Sindhi Hanafis. It is also not insignificant that ‘Ābid al-Sindī chose to visit Sindh towards the end of his life, as his last major trip before he retired in Medina permanently. During this trip, an account mentions that his pronunciation of the Sindhi language had become noticeably inflected with an Arab accent, which also serves to show that he did retain some level of Sindhi fluency through his long years in the Arabian Peninsula.⁵¹¹

As a man who served as a royal physician, Hanafi judge and imam, hadith scholar, official delegate of the Qasimis, and “chief of the scholars” in Medina over the course of his career, ‘Ābid al-Sindī had a fluid relationship with multiple political regimes and scholarly traditions in the Indian Ocean. In social terms, he epitomized the broad possibilities of legal pluralism in the Hijaz and Yemen; as we shall see below, ‘Ābid al-Sindī maintained a strong commitment to the Hanafi madhhab, even as he served his Zaydi imams and participated prominently in hadith networks amongst Shafi‘i, Malikis, Hanbalis, anti-taqlīd hadith scholars, and developed contacts with the shaykh of the Saudi state. One might speculate that his Hanafi affiliation may have been one reason why he was included in the official Qasimi delegation to Muḥammad ‘Alī, and why he was later appointed as Medina’s chief of scholars. Thus, even as he

⁵¹¹ Wafā’ī, *Tadhkira Mashāhūr-i Sindh*, 2:478.

crossed rapidly shifting political boundaries, ‘Ābid al-Sindī’s career found stability (and indeed, upward mobility) within the overarching complex of madhhab pluralism shared by all of these competing states. And, as a key participant within hadith networks, he contributed in major ways to the ensuing developments of hadith-based juristic discourse.

‘Ābid al-Sindī’s Transmitted Texts and Manuscripts

Having traced the social and political contours of ‘Ābid al-Sindī’s career, this section analyzes in depth the constitution of his scholarly genealogies, transmission of knowledge, and investment in manuscript collection. It examines his massive *thabat*, the index of genealogies and texts he transmitted, to trace in precise terms the geographical contours of his scholarship and his interactions with teachers from different madhhabs. It also measures this *thabat* against the personal manuscript library he later donated to Medina’s al-Maktaba al-Maḥmūdiyya, to corroborate his extensive lists of transmitted texts with the manuscripts he owned. By examining the claims of his self-authored *thabat* against the physical evidence of his library, it draws broader conclusions about his engagement with other madhhabs, the centrality of hadith in his intellectual world, and the underlying relationship between ‘Ābid al-Sindī, his texts, genealogies, and legal politics.

‘Ābid al-Sindī composed his *thabat* in 1240/1825 in Mocha, just three years before he concluded his travels and assumed the position of *ra’īs al-‘ulamā’* in Medina. This *thabat*, which reaches more than 700 pages in its two-volume printed edition today, was a detailed collection of

the chains of transmission ‘Ābid al-Sindī had collected over the course of his life.⁵¹² In total, he listed his chains of transmission for more than 1100 texts and pamphlets, across subjects ranging from hadith and law to grammar, theology, mathematics, medicine, and history. He arranged the main section of the *thabat* by book, in alphabetical order, rather than by subject or teacher.

Towards the end, he listed his various *musalsalāt* chains (of unique kinds of narrations) and showcased the impressive variety of geographical, legal, and other miscellaneous configurations he had achieved in the transmission of unique traditions. For instance, he listed separate chains that consisted mainly of Shafi‘i, Maliki, Hanafi and Hanbali jurists each across multiple generations, as well as those that were comprised primarily of Egyptians, Iraqis, Moroccans, Yemenis, as well as residents of Mecca, Medina, and Damascus. The very last section contained his chains for receiving *khirqas* (initiatory cloaks) from different Sufi orders, including the Naqshbandi, Qadiri, Suhrawardi, Rifa‘i, and other orders.⁵¹³

The *thabat* provides a window into the wider cultures of knowledge and learning ‘Ābid al-Sindī participated in and shaped. The decision to order the largest section on 1100-some texts in alphabetical order of the texts was itself quite remarkable, since it almost always had been arranged by teacher or by subject.⁵¹⁴ One possible source of inspiration may have been ‘Ābid al-Sindī’s own teacher, Muḥammad al-Shawkānī, who also deliberately compiled his smaller *thabat*

⁵¹² ‘Ābid al-Sindī, *Haṣr al-Shārid min Asānīd Muḥammad ‘Ābid*.

⁵¹³ This last section on Sufi chains has been left out of the printed Saudi edition but can be found in the original autographed manuscript of the *thabat*. ‘Ābid al-Sindī, *Haṣr al-Shārid min Asānīd Muḥammad ‘Ābid*, Maktabat al-Malik ‘Abd al-‘Azīz, al-Maktaba al-Maḥmūdiyya MS 365, f. 150-55.

⁵¹⁴ For instance, ‘Abd al-Ḥaqq al-Dihlawī, Ismā‘īl ‘Ajlūnī, and ‘Abdullāh ibn Sālim al-Baṣrī ordered theirs by teacher. Another common option was the way Ibrāhīm Kūranī did his, by following the books of hadith in order of their status, and then moving to miscellaneous texts and authors. Hashim Thattwī’s *thabat*, which was also of a size as ‘Ābid al-Sindī, was centered around his narrations through his Meccan teacher, by category and author.

(of less than 500 titles) by text in alphabetical order for the convenience of his students.⁵¹⁵ In this scheme, there was no hierarchy of knowledge posited within the frame of the *thabat*, no shaykh singled out for central assertions of authority, as would be the case where the *thabat* was ordered by hadith texts or by particular teachers. ‘Ābid al-Sindī mentioned that he ordered it alphabetically “so its review becomes easy for the researcher” (*li-yashul murāja ‘atuhu lil-bāḥith*), a statement which, as we shall see below, was repeated elsewhere in his oeuvre and reflected the rising expectations of such research. It arguably was reflective of the centrality of texts – and the independent engagement of their readers – even within the very document that traced authority through personal genealogies of teachers. It belied an assumption that a researcher (*bāḥith*) would thumb through the manuscript looking for titles rather than a particular teacher or a field of knowledge. He left it to the reader to untangle and disaggregate the politics of knowledge inherent in his presentation of texts and his intellectual genealogies.

Several major points emerge from a cursory overview of ‘Ābid al-Sindī’s *thabat* which help us understand his relationships with his teachers and the changes in madhhab structures. First, ‘Ābid al-Sindī transmitted most Hanafī compilations such as the *Hidāyā* of al-Marghinānī and its commentaries, the *Fatāwā Qādī Khān*, and commentaries on *Kanz al-Daqā’iq* from his uncle, then grandfather, and Hāshim Thattwī onwards. In fact, this is where Hāshim Thattwī’s chain was explicitly listed; Hāshim Thattwī was not listed in most of ‘Ābid al-Sindī’s chains for the major hadith compilations, besides the *Mishkāt al-Maṣābīḥ*. In addition, only a few other Hanafī works, such as the *Ashbāh wa al-Naḥa’ir* of Ibn Nujaym (d.969/1561), were transmitted from his Yemeni Hanafī teachers. Together, this indicates that ‘Ābid al-Sindī’s Hanafī education

⁵¹⁵ Muḥammad ibn ‘Alī al-Shawkānī, *Iṭḥaf al-Akābir bi-Isnād al-Dafātir* (Hyderabad: Maṭba‘a Majlis Dā’irat al-Ma‘ārif, 1328/1910), 2-3.

stemmed in major part from Hāshim Thattwī; ‘Ābid al-Sindī’s Hanafi credentials thus overlapped considerably with his immediate Sindhi genealogy. As discussed in the previous chapter, Hāshim Thattwī had staunchly defended the Hanafi madhhab in terms of its strong basis in hadith. This helps us understand ‘Ābid al-Sindī’s continuing fidelity to the Hanafi madhhab, despite his extended relationships with other teachers who critiqued legal conformity in very strong terms.

Second, ‘Ābid al-Sindī transmitted most of the major hadith texts through his own or his uncle’s teachers in the Hijaz and Yemen. The chain very rarely turned to Sindh or South Asia for these hadith compilations. This may have been because the chains through Hāshim Thattwī were longer and hence not as prestigious, but it also may have reflected their lack of transmission by Hāshim Thattwī back in Sindh (for after all, ‘Ābid al-Sindī did list one hadith text he transmitted from Hāshim Thattwī – the *Mishkāt al-Maṣābīh*). In any case, ‘Ābid al-Sindī’s senior Hanafi and Yemeni teacher Yūsuf al-Mizjājī, who passed shortly after they met, provided one of the most elevated chains. In addition, he transmitted the major hadith compilations from Ṣāliḥ al-Fullānī, the West African Maliki teacher who moved to Medina and embarked upon major critiques of *taqlīd*, and ‘Abd al-Raḥman al-Ahdal, the (Shafi‘i) mufti of Zabid. It becomes clear through their repeated mention and his immense praise in the *thabat* that both enjoyed a strong relationship with ‘Ābid al-Sindī and were not simply supplementary names he had collected. Through them and others, ‘Ābid al-Sindī also transmitted certain Shafi‘i legal texts such as the *Kitāb al-Umm*, *Mukhtaṣar al-Muzanī*, and the *al-Wajīz* and *al-Wasīṭ* of al-Ghazālī. While ‘Ābid al-Sindī’s Hanafi education owed in major part to his uncle, his scholarship in hadith advanced considerably with both Hanafi and non-Hanafi teachers in the Hijaz and Yemen.

Third, this was an overwhelmingly Arabic network; while I have not scanned every title, I have not seen a single Persian text listed in the *thabat*. This is a clear reflection of ‘Ābid al-Sindī’s own positioning in the southern Arabian Peninsula, unlike Hāshim Thattwī and Shāh Waliullāh a century before him who returned to South Asia and proceeded to write in Persian (Shāh Waliullāh had even written his *thabat* in Persian). As far as his interests in hadith and law were concerned, then, his exclusive reliance upon Arabic distinguished him from Indian counterparts as well as from contemporaneous Malay-Indonesian scholarship that had embarked upon writing and translating lengthy religious tomes into Malay from Arabic in the Hijaz.⁵¹⁶ However, ‘Ābid al-Sindī did read Persian: he translated a treatise on medicine from Persian to Arabic for a Yemeni audience, again demonstrating the flow of knowledge into Arabic.⁵¹⁷ He also copied and annotated a brief Persian treatise on *taṣawwuf* by his Sindhi contemporary and Naqshbandi shaykh, Khwājā Muḥammad Zamān, who visited him twice at Mocha, on his way to pilgrimage in the latter half of his life.⁵¹⁸ Furthermore, his reliance on Arabic texts for medical learning corresponded with an upsurge in Arabic medical learning in South Asia since the late eighteenth century that displaced Persian as the language of medical knowledge.⁵¹⁹ Thus, in this way, he was not completely removed from linguistic developments in the heartlands of post-Mughal South Asia.

⁵¹⁶ See the discussion on the Shafī‘i Shaykh Dā‘ūd al-Faṭanī (d.1263/1847)’s textual corpus and his numerous translations of Shafī‘i legal codes into Malay. Bradley, *Forging Islamic Power and Place*, Chapter 4.

⁵¹⁷ Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 474, 479.

⁵¹⁸ Muḥammad Zamān al-Sindī, *al-Kalimāt al-Qudsiyya*, Maktabat al-Malik ‘Abd al-‘Azīz, al-Maktaba al-Maḥmūdiyya, MS 2591, f. 345-356.

⁵¹⁹ Alavi, *Islam and Healing*, 44-55.

Fourth, Sufi networks were mentioned towards the very end in his *thabat* in a mere five folios and did not represent something central to ‘Ābid al-Sindī’s genealogies. He was apparently only initiated into the Naqshbandi tariqa, which he took as his primary affiliation, by Khwājā Muḥammad Zamān of Lowari, rather than local Naqshbandis in the Hijaz or Yemen.⁵²⁰ There is also no clear evidence that he initiated others into this tariqa; he thus does not seem to have been invested in contributing institutionally to networks of Sufi orders, which should again qualify the historiographical emphasis on Sufi networks in the Indian Ocean. However, this should not be confused for a lack of interest in the sciences of *taṣawwuf*. ‘Ābid al-Sindī studied many texts of *taṣawwuf* early on with his uncle, including the *Dalā’il al-Khayrāt* and the *Ḥilyat al-Awliyā’*. He also received *ijāzas* in such texts with the anti-*taqlīd* Ṣāliḥ al-Fullānī, including specifically the *Dalā’il al-Khayrāt* and other compositions. Furthermore, ‘Ābid al-Sindī wrote several treatises defending many Sufi practices such as visiting graves, engaging in intercession (*tawassul*), celebrating the *mawlid*, believing in miracles of saints, and so forth on the basis of hadith sources.⁵²¹ Many of these positions stood in stark contrast to those of his teacher Muḥammad al-Shawkānī and others, not to mention the Saudis in the Hijaz and Nejd. Thus, while ‘Ābid al-Sindī’s social networks might not have revolved around a series of zawiyas and Sufi lodges, he was not intellectually distant from Sufi practice and doctrine.

This bibliographical-genealogical portfolio is largely based on ‘Ābid al-Sindī’s own choices of self-ascription in the *thabat*, but we have access to other material sources that provide

⁵²⁰ For ‘Ābid al-Sindī’s listing of his chain, see, ‘Ābid al-Sindī, *Ḥaṣr al-Ṣhārid*, al-Maktaba al-Maḥmūdiyya, MS. 365 f. 150.

⁵²¹ ‘Ābid al-Sindī, *al-Tawassul wa Aḥkāmuh wa Anwā’uh*, ed. Abū ‘Ubaydullāh Jān ibn ‘Abdillāh al-Na‘īmī (Malir, Karachi: al-Maktaba al-Mujaddidiyya al-Na‘īmiyya, 2007); ‘Ābid al-Sindī, *al-Rasā’il al-Khams*, ed. Abū ‘Ubaydullāh Jān ibn ‘Abdillāh al-Na‘īmī (Cairo: Dār al-Ṣāliḥ, 2018).

documentary evidence of his intellectual horizons. ‘Ābid al-Sindī, not unlike others in his time, was quite an avid manuscript collector and amassed a large personal collection; his inscriptions of ownership are seen in many of the manuscripts that form the basis of this dissertation. A few years before ‘Ābid al-Sindī passed, he donated his personal collection as waqf for the library of the imperial al-Madrassa al-Maḥmūdiyya at Medina, established in his lifetime by the Ottoman sultan Mahmud (r.1808-1839).⁵²² This seems to have precipitated a trend in Medina; many years later, in 1853, ‘Ābid al-Sindī’s Turkish student and fellow manuscript collector, *Şeyhülislam* Arif Hikmet, established the largest library in Medina, containing at least four thousand manuscripts from his personal collection.⁵²³ ‘Ābid al-Sindī’s library was praised early in the twentieth century by an Indian Meccan scholar who noted that its plentiful holdings of rare and famous books was a “joy for the hearts of students and an attraction for the eyes of spectators.”⁵²⁴ His endowed collection forms a valuable source on his own investments in manuscript collection and his own biography. In fact, it is from ‘Ābid al-Sindī’s personal archive, from colophons and inscriptions of purchase information and other miscellaneous details written by him and others around him, that Bakdāsh painstakingly constructed his detailed and empirical biography of ‘Ābid al-Sindī.

⁵²² On the history of this library and madrasa complex, see the excellent study by Saḥar bint ‘Abd al-Raḥmān Muftī al-Şiddīqī, *Athar al-Waqf al-Islāmī fī al-Ḥayāt al-‘Ilmiyya bi al-Madīna al-Munawwara* (Medina: Markaz Buḥūth wa Dirāsāt al-Madīna al-Munawwara, 1424/2003), 153-159.

⁵²³ Saḥar bint ‘Abd al-Raḥmān, *Athar al-Waqf al-Islāmī*, 201-218. Also see: Saḥar bint ‘Abd al-Raḥmān Muftī al-Şiddīqī, “al-Maktabāt al-Waqfiyya bi al-Madīna al-Munawwara fī al-‘Ahd al-‘Uthmānī,” *Majalla Markaz Buḥūth wa Dirāsāt al-Madīna al-Munawwara* 4 (2003): 45-82; and Abbas Saleh Tashkandy, “A Descriptive Catalogue of the Historical Collection of the Scientific Manuscripts at the Library of ‘Arif Hikmat in Medina, Saudi Arabia,” (PhD Dissertation: University of Pittsburgh, 1974).

⁵²⁴ “*bahja li-qulūb al-ṭālibīn wa nuzha li-‘uyūn al-nāzirīn.*” ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 2: 1401.

A survey of the contents of ‘Ābid al-Sindī’s library, found today within the Maktabat al-Malik ‘Abd al-‘Azīz at Medina, yields several important insights into the making of his intellectual world, and helps corroborate the more textual lists of his *thabat*.⁵²⁵ The library totaled 767 volumes, consisting of 368 individual texts and 399 collections of treatises (*majmū‘āt al-rasā’il*). About 25 percent or 190 volumes consisted of texts on the science of hadith and its subfields, constituting the clear majority of his collection. The second largest category was Hanafi *fiqh*, which contained about 13 percent or 105 volumes of the collection. In contrast, he only carried a paltry seven volumes of Shafi‘i *fiqh* and five of Hanbali *fiqh* respectively (our source does not list anything for Maliki or Zaydi *fiqh*). The third largest category was the field of Quranic exegesis, containing 66 manuscripts or about 8 percent; the fourth largest was *taṣawwuf*, containing 47 manuscripts or about 6 percent of the collection. And, as a physician, he carried almost the same number of volumes on medicine or *ṭibb* (35 volumes) as he did theology or *‘āqīda* (33 volumes). Theology thus was not a central concern of ‘Ābid al-Sindī’s library.

‘Ābid al-Sindī’s greatest preoccupation was therefore with the hadith sciences, constituting about a quarter of his library. This accords well with the *thabat* and its special attention to chains of hadith texts, which after all gave birth to this very genre in the first place. Within this category of hadith, most manuscripts were commentaries or glosses on hadith compilations (55 volumes), but the actual hadith compilations also came a close second (45 volumes). Thereafter, 28 volumes consisted of smaller compositions of *musalsalāt* and partial collections of hadith; thirteen of *‘ilm al-rijāl* (on hadith transmitters), and twelve of *thabats* and

⁵²⁵ For the data referenced in this discussion, I rely on the following article: ‘Abd al-Raḥmān ibn Sulaymān al-Muzaynī, “Waqfiyyat al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī min al-Kutub al-Ḥadīthiyya ‘alā al-Maktaba al-Maḥmūdiyya bil-Madīna al-Nabawiyya,” *Dār Thaḳīf li al-Nashr wa al-Tawzī‘* 13, no. 2 (2008): 316-402.

ijāzas. Clearly, within the hadith sciences, the commentarial tradition had the most substantive presence. This is quite significant, because it is here that Shafi‘i scholarship dominated over the other schools, rather than in the category of jurisprudence. Within the hadith sciences, three of the most prolific Shafi‘is ‘Ābid al-Sindī carried were from late Mamluk and early Ottoman times: fifteen volumes of Ibn Ḥajar al-‘Asqalānī, eleven of Nūr al-Dīn al-Haythamī, and eight of al-Suyūṭī. In contrast, ‘Ābid al-Sindī only carried three volumes of the Hanafi Badr al-Dīn al-‘Aynī and one volume of ‘Abd al-Ḥaqq al-Dihlawī, whom we encountered in Chapter One. The most works by a Hanafi he carried were ten volumes of Mullā ‘Alī al-Qārī, followed by six volumes of his own writings. Thus, even though he only actually carried seven volumes of Shafi‘i jurisprudence, his collection of hadith commentaries and treatises were abundantly stocked with Shafi‘i scholarship. Of course, these hadith commentaries crossed over into legal matters; the two were not isolated fields of study.

The survey of ‘Ābid al-Sindī’s *thabat* and library collection – of bibliographic genealogies and material records – thus reveals important insights. ‘Ābid al-Sindī favored hadith commentaries as the most substantial category of texts within his manuscript collection. Within this field, the Shafi‘i commentarial tradition was supreme, outnumbering hadith commentaries produced by scholars from other schools. Yet, he owned few books on Shafi‘i law proper; in fact, he almost exclusively owned Hanafi books of law, thus displaying his continued investment in the Hanafi school despite his sustained education by a series of leading non-Hanafi scholars. This particular finding is indicative of a larger dynamic concerning Indian Hanafi scholars: in matters of law, Hanafis tended to rely and read mainly Hanafi legal texts (as would be expected), but engaged heavily with Shafi‘i scholarship in the field of hadith. It is not difficult then to see

how Shafi‘i standards of hadith criticism might have crept into the construction of Hanafi law, fueling the most intense debates on the place of hadith within Hanafi legal discourse.

‘Ābid al-Sindī was keenly aware of the debates that had emerged in Indian circles in the last centuries, including those analyzed in the previous chapters. He owned many manuscripts of Abū al-Ḥasan al-Kabīr’s texts (discussed in Chapter 2), and as we shall see below, would reference him both in critique and affirmation. In another text he composed on his teacher’s biographies, he made careful note of their individual approach to *taqlīd* and their tendencies to legislate outside the Hanafi madhhab based upon sound hadith.⁵²⁶ Such concerns regarding the place of hadith in legal discourse manifested in foundational ways within his oeuvre of work.

‘Ābid al-Sindī’s *thabat* and collection of manuscripts demonstrate that the impetus to root one’s scholarship in the hadith sciences was not simply a discursive phenomenon but it had also acquired deep bibliographic and genealogical dimensions in the early nineteenth century for scholars of the Indian Ocean. With his abiding commitment to the Hanafi madhhab, as evidenced by his near-exclusive collection of Hanafi legal texts, his substantial investment in Shafi‘i hadith commentaries, as well as his transmissions from a diverse array of teachers in the Hijaz, Yemen, and Sindh, ‘Ābid al-Sindī investigated the depths of legal pluralism from a broad perspective afforded to relatively few scholars. With such material and intellectual resources, he was well-equipped to pursue his encyclopedic projects that consolidated the vast corpus of law and hadith and facilitated the investigations of other jurists in the Indian Ocean.

Reconsolidating Hadith for the Jurists

⁵²⁶ ‘Ābid al-Sindī, *Tarājim Mashāyikh ‘Ābid al-Sindī*.

With this overview of the material profile of his genealogies and manuscript collection, we can now begin to analyze in some measure the intellectual output of ‘Ābid al-Sindī. Despite his frequent travels, ‘Ābid al-Sindī completed several voluminous works and smaller treatises over the course of his life; a full analysis of their contents would require several studies. This section surveys them briefly for what they reveal about ‘Ābid al-Sindī’s politics in relation to the authority of the madhhab and the legal dimensions of hadith scholarship. Despite ‘Ābid al-Sindī’s training in Hāshim Thattwī’s line of Hanafī scholarship (who defended the Hanafī madhhab), his deep exposure to critiques of *taqlīd* at the hands of his other teachers very well could have influenced him to continue the critiques against Hanafī authoritative doctrine that had emerged in the previous generations. Yet, as we shall see, he did not continue this in any straightforward manner. Rather, he was representative of a much larger development that enveloped both critics and supporters of the madhhab-system across the Indian Ocean: the emergence of hadith literature as the preeminent source and battleground of Islamic law, rather than legal scaffolding wherein legal authority was derived from the framework of the Hanafī madhhab. In his corpus of works, ‘Ābid al-Sindī thus worked to make hadith compilations more accessible to Hanafī jurists so they could partake and succeed in this discourse. He worked to fill a need for hadith literacy amongst Hanafīs that had reached a level never seen before. In doing so, ‘Ābid al-Sindī was less concerned about controlling legal fluidity – or crossing boundaries between schools – than in asserting the equal validity of the madhhabs.

The *Minḥat al-Bārī* was ‘Ābid al-Sindī largest work within the field of hadith.⁵²⁷ It was built around the *Ṣaḥīḥ al-Bukhārī* and involved a reinvention of a genre of hadith studies known

⁵²⁷ ‘Ābid al-Sindī, *Minḥat al-Bārī fī Jam‘i Riwāyāt Ṣaḥīḥ al-Bukhārī*, Maktabat al-Malik ‘Abd al-‘Azīz, al-Maktaba al-Maḥmūdiyya, MS 610. A doctoral dissertation has also been recently produced on this work, based on this

as *aṭrāf*. As discussed in the previous chapter, this genre had also interested Hāshim Thattwī, who had composed his own work on the *Ṣaḥīḥ al-Bukhārī*. To recap: this genre compiled all the various chains of transmission for traditions that were repeated and scattered in different chapters of the *Ṣaḥīḥ*. It only mentioned few keywords or prominent words (*ṭaraf*) of the actual text of the tradition itself; here, the central focus was on the chains of transmission and not on the texts (*matn*) of the traditions. ‘Ābid al-Sindī, however, shifted the focus from the chain of transmission to the actual text of the tradition. Since the original compilation of Bukhārī had the traditions with their various transmissions scattered in different parts with different wordings (*shattat ṭuruq al-ḥadīth al-wāḥid fī amkina muta‘addida bi-alfāz mukhtalifa*), and since the books of *aṭrāf* did not mention the full text of the traditions, he argued that it would be difficult to use narrations as evidence (*istidlāl*), to explore the subtleties of legal derivation (*daqā’iq al-istinbāṭ*).⁵²⁸ As he wrote, it would demand great difficulty and hardship (*mushaqqā ‘azīma wa miḥna jasīma*) to go through all the transmissions of a tradition to verify the original source (*ikhrāj*) of a hadith cited as evidence in a text (*fī mawqif al-istidlāl*).⁵²⁹ Instead, ‘Ābid al-Sindī set out to compile the complete texts of the traditions together, specifying any differences in wording that emerged in the various transmissions, and listing the original chapter they appeared in without listing the complete chains of transmission. He provided a detailed methodological section in his introduction, listing his approach towards addressing different scenarios.

manuscript: Maḥmūd al-Ḥasan al-Sindī, “Dirāsa wa Taḥqīq wa Ta‘līq wa Takhrīj Minḥat al-Bārī fī Jam‘i Riwayāt Ṣaḥīḥ al-Bukhārī” (PhD Diss., University of Karachi, 2011).

⁵²⁸ ‘Ābid al-Sindī, *Minḥat al-Bārī*, f. 1-2.

⁵²⁹ Ibid.

The *Minḥat al-Bārī* was aimed directly for the scholar and jurist, to help him source different versions of a complete hadith back to its original in the voluminous compilation of the *Ṣaḥīḥ*. ‘Ābid al-Sindī took it as a given that jurists would be working directly with hadith literature, sourcing and verifying hadith traditions. ‘Ābid al-Sindī himself was quite aware of the significance and the novelty of this work: he predicted confidently in his introduction that “my book will be praised by one whose knowledge of the science of hadith is excellent and has an agreeable temperament (*wa sayuḥmad kitābī hādihā man fāqat fī ‘ilm al-ḥadīth ma ‘rifatuh wa tābat sajiyyatuh*).⁵³⁰ Indeed, two endorsements (*taqrīz*) from contemporaneous scholars were written on the front folios of the original manuscript, filled with bountiful praise for the book, describing it as a kind of miracle in its field, unparalleled entirely, as something nobody earlier or currently had ever accomplished (*fī bābihi mu ‘jiza... laysa lahu fī bābihi mathīl... lam yunsaj fī al-qadīm wa al-ḥadīth ‘alā minwālih*).

Besides highlighting its innovative methodology, one endorsement by a Yemeni scholar also provided a detailed review regarding its special utility for the jurist. Since it listed all the narrations of a tradition together, the *Minḥat al-Bārī* allowed for many possibilities, such as “explaining some narrations by others, constricting its absolute applicability, explaining its ambiguity, specifying its generality, explaining its difficult problems, preferring one of its possibilities...and so forth, which will benefit the scholar by making easy the derivation of law, and relieve him of the burden of an intense search (*al-baḥth al-shadīd*).”⁵³¹ In other words, this

⁵³⁰ Ibid., f 3.

⁵³¹ “*tafsīr ba ‘d al-riwāyāt li-ba ‘d wa taqyīd muṭlaqihā wa tabyīn mujmalihā wa takhṣīs ‘āmmatihā wa tawḍīḥ mushkilihā wa tarjīḥ aḥad muhtamilātihā... mimmā yufīd al- ‘ālim suhūlat al-istinbāṭ takfīh mu ‘nat al-baḥth al-shadīd.*” Unnumbered folio at the beginning of ‘Ābid al-Sindī, *Minḥat al-Bārī fī Jam ‘i Riwāyāt Ṣaḥīḥ al-Bukhārī*.

was a text that opened many new possibilities of legal analysis and interpretation of hadith literature. The endorsement went on to characterize the *atrāf* genre as something useful only for the highest masters of hadith who memorize hundreds of thousands of traditions and chains of transmission, and ill-suited for jurists who simply intended to derive law from books of hadith. In an era where the hadith sciences were increasingly considered central to legal interpretation, this work allowed jurists without deep training in hadith to engage directly with the sources and arrive at their own comprehensive interpretations. Indeed, the larger appeal of this work would have been inconceivable a century ago within Hanafi circles, before the Hanafi critiques catapulted the hadith sciences to the center of juristic enterprise.

This work did not betray ‘Ābid al-Sindī’s own madhhab affiliations; we see more evidence of that in other places. One example is his lengthy work on the *Musnad* of Imām Abū Ḥanīfa, a smaller compendium of hadith compiled by various Hanafi scholars that purported to be a collection of traditions transmitted by the eponym of the Hanafi school. ‘Ābid al-Sindī embarked upon two projects with regards to the *Musnad*: first, he reordered all the traditions in the *Musnad* on the basis of legal issues (*tartīb ‘alā al-abwāb al-fiqhiyya*), rather than the narrator or shaykh, as had been done thus far.⁵³² It was, as he said, “difficult to derive hadith from it (*istikhrāj al-ḥadīth minhu*), especially for someone who is not aware of shaykh al-Imām’s [Abū Ḥanīfa] regarding that hadith; so I decided to order it on the basis of the chapters of

⁵³² ‘Ābid al-Sindī’s claim to have been the first to re-order the *Musnad* on the basis of legal issues requires further scrutiny, as there is at least one manuscript of an older treatise that also contains this ordering. However, ‘Ābid al-Sindī’s version was the only one to gain wider circulation in modern times. I am indebted to Dr. Abdul Shaheed Nomani in Karachi for sharing his research on the matter.

jurisprudence, to make searching within it easy (*li-yashul al-baḥth fīhi*).⁵³³ Here, again, was a statement about the need to make researching easier for the purpose of finding hadith to answer legal questions. Again, it carried an implicit assumption that jurists would be conducting their legal research directly from the books of hadith (and this collection in particular), rather than engaging the usual corpus of legal texts as entailed by legal scaffolding. This was yet another instantiation of his goal to make hadith literature more accessible to the jurist.

While the *Musnad* of Abū Ḥanīfa was a well-known hadith compilation, it was entirely a posthumous affair and consisted of multiple recensions that mostly emerged from the fourth century AH/ninth-tenth century CE onwards.⁵³⁴ Yet, it was quite important within the long-standing debates about the hadith credentials of Abū Ḥanīfa himself. ‘Ābid al-Sindī’s choice to focus on this particular compendium was reflective of his attempt to provide further depth and corroboration on the hadith scholarship of Abū Ḥanīfa, and an effort to move beyond the standard six compilations of hadith. It was reflective of an attempt to evaluate and square the Hanafi school and the presumed goals of its eponym with contemporary (and anachronistic) standards of hadith scholarship.

This historical vision was exactly the subject of ‘Ābid al-Sindī’s second project, which was a commentary on the *Musnad*. As ‘Ābid al-Sindī wrote in his introduction to this commentary, he strove to “explain its difficulties, to complete its *mursal* chains (*raf’i*

⁵³³ ‘Ābid al-Sindī, *Tarīḥ Musnad al-Imām Abī Ḥanīfa bi-Riwāyat al-Ḥaṣḥaḥ*, ed. Abū al-Barakāt Ḥaqq al-Nabīy al-Sindī al-Azharī (Cairo: Dār al-Iḥsān, 2016), 39.

⁵³⁴ For a survey of all the variant *musnads* and some commentaries, see: Muḥammad ‘Abd al-Shahīd al-Nu‘mānī, introduction to *Musnad al-Imām Abī Ḥanīfa li al-Imām Abī Na‘īm Aḥmad al-Aṣbahānī*, ed. Muḥammad ‘Abd al-Shahīd al-Nu‘mānī (Beirut: Dar al-Kotob al-Ilmiyah, 2015), 71-130. I am grateful to the author for gifting me with a copy.

mursalihā), connect the disconnected chains (*waṣl munqaṭi ihā*), and explain who [else] had narrated it from the famous imams with precision and exactness, such as the authors of the *ṣiḥā sitta...*⁵³⁵ This was so “none might suspect that the imām (Abū Ḥanīfa) was alone in narrating this hadith” (*hattā lā yutawahham bi-anna al-imām qad tafarrada bi-riwāyat hādhā al-ḥadīth*).⁵³⁶ In other words, he sought to establish that this hadith compilation was well-corroborated by other hadith collections and possessed credible chains as recognized by later hadith scholars. The larger goal of this restorative project was to provide a critical basis for the hadith narrations of the eponym of the Hanafī madhhab, and by extension, the school itself; to demonstrate that this school had deep roots in the hadith sciences even at its founding moment. Rather than uphold and defend Hanafī principles of legal derivation, he sought to establish Hanafī doctrine in more universal terms.

‘Ābid al-Sindī’s commentary on the *Musnad* was extremely detailed and encyclopedic for a relatively brief compendium of hadith. It was the largest commentary ever written on the *Musnad*, reaching seven volumes in a recent printed edition. It was aimed as a corrective to Mullā ‘Alī al-Qārī’s commentary written about two centuries earlier in Mecca, as discussed in Chapter 1 (incidentally, ‘Ābid al-Sindī also began writing this at Mecca). ‘Ābid al-Sindī stated that ‘Alī al-Qārī’s commentary contained many errors, due to his probable reliance on a manuscript with blatant errors (*nuskha ghayr sālima min al-ghalaṭ al-fāḍiḥ*), and his unsatisfactory interpretations (*al-ta’wīlāt al-ghayr al-marḍiyya*). Besides interrogating the chains of transmission and the transmitters of every tradition, and citing similar and corroborating

⁵³⁵ ‘Ābid al-Sindī, *al-Mawāhib al-Laṭīfa Sharḥ Musnad al-Imām Abī Ḥanīfa*, ed. Taqīy al-Dīn al-Nadwī (Dār al-Nawādir, 2013), 1: 4.

⁵³⁶ Ibid.

traditions from other compilations, ‘Ābid al-Sindī also delved deeply into legal interpretations of the traditions themselves.

Here, it is impossible to analyze every legal issue discussed in the seven volumes in this section (and neither is it necessary); we can suffice by mentioning a few salient characteristics of ‘Ābid al-Sindī’s legal interpretations that emerge from a survey of his chapter on prayer. ‘Ābid al-Sindī’s discussion was not focused on proving how the arguments of the Hanafi school were stronger than others. In fact, he did not always try to draw out comparisons with other schools; it depended on the nature of the legal issue itself. Often, the debates between the Hanafi authorities themselves, or even amongst hadith scholars, were so vast as to require a detailed explanation or intervention on his part. When ‘Ābid al-Sindī did mention other schools, his approach was usually disinvested in asserting Hanafi superiority over them; in many instances, he mentioned the positions of each school or imam, and explained their positioning and evidence without critiquing the non-Hanafi schools. In one case, he discussed how the *ẓāhir al-qawl* accommodated both the Hanafi and Shafi‘i positions, that both were normative and acceptable.⁵³⁷ In more controversial cases, such as *raf‘ al-yadayn*, he strove hard to argue for the traditions cited by Hanafis as acceptable evidence, but he also was not above agreeing that some of them were unreliable.⁵³⁸ In fact, whilst parsing some traditions cited by both schools within this debate, he took an ambiguous approach, arguing the traditions cited by both sides were authentic, “so let the *mujtahid* prefer what he prefers (*wal-yurajjih al-mujtahid mā yurajjih*).”⁵³⁹ In other

⁵³⁷ Ibid., 2:304.

⁵³⁸ Ibid., 2:326-31.

⁵³⁹ Ibid., 2:324.

words, he did not declare his own preference between the two schools on this matter, leaving it up to the jurist reading these pages. His commentary on the *Musnad* of Abū Ḥanīfa thus contained an expansive vision of legal fluidity.

Occasionally, ‘Ābid al-Sindī took a stronger position to discount the traditions used by other schools and explicitly mention that the Hanafis had stronger evidence. In one such instance, he still maintained a strict empirical methodology and refrained from making sweeping claims: “it has already passed that the *ṣaḥāba* [Companions] inclined towards [positions later adopted by] both of the madhhabs [the Hanafis and Shafi‘is], and the discussion [here] is only regarding the strength of their positions [of the madhhabs] with regards to the evidence; the Hanafī evidence based on what we have determined is stronger.”⁵⁴⁰ He thus maintained the larger framework of legal pluralism (or the equal validity of the madhhab), and qualified his conclusions regarding the superior strength of the Hanafī evidence as contingent upon the available evidence.

‘Ābid al-Sindī also defended Abū Ḥanīfa’s status as a hadīth narrator, as well as later Hanafī authorities such as Ibn al-Humām; he cited several endorsements from other scholars validating them.⁵⁴¹ In this, he echoed the previous approach of others such as Ḥayāt al-Sindī and Mu‘īn Thattwī who were careful not to criticize Abū Ḥanīfa. However, he differed from them in his defense of Ibn al-Humām, a later Hanafī authority who was subject to critique by them. ‘Ābid al-Sindī also repeatedly referenced Abū al-Ḥasan al-Kabīr’s positions and writings, at times in

⁵⁴⁰ Ibid., 2:385.

⁵⁴¹ Ibid., 2:372-73.

refutation but occasionally as supporting evidence for his case.⁵⁴² Within this work, then, a running Sindhi conversation also continued quietly.

‘Ābid al-Sindī’s strong empirical methodology, based on an encyclopedic engagement with hadith compilations as well as legal texts from the Sunni madhhab, forms an enduring contribution of his career. In fact, this helps us explain his interest in completing the very same project with the *Musnad* of Imām al-Shāfi‘ī, a compilation of the traditions al-Shāfi‘ī narrated that was not organized by narrator or chapter. ‘Ābid al-Sindī re-ordered this *Musnad* according to legal issues, again, because of how “it was difficult for the student to search in it, especially when he desired a tradition that was not in its place, or [if he desired] a repeated tradition in scattered places in this book.”⁵⁴³ He also began writing a commentary on this *Musnad*, though he only completed about half. This ability to traverse several schools of law and to maintain a deep commitment to evidence without excessive demonstrations of partisanship was a unique characteristic of ‘Ābid al-Sindī’s work.

In his commitment to evidence, ‘Ābid al-Sindī privileged the hadith sciences as one of the main sources of evidence. Thus, even as the collective weight of his vast oeuvre aimed to reinforce the Hanafi madhhab and madhhab-system at large, he himself was part of a process that increasingly saw legal scaffolding – the main operational methodology of Hanafi jurists for centuries – on its own as insufficient. One might argue that this may have been an indispensable condition of working with hadith collections, but we see this displayed even more explicitly in his commentary on the *Durr al-Mukhtār*, a popular legal compendium composed by the Hanafi

⁵⁴² For some examples, see: *Ibid.*, 2:131-32, 176-77, 259, 284, 304.

⁵⁴³ ‘Ābid al-Sindī, *Tartīb Musnad al-Imām Abī ‘Abdillāh Muḥammad ibn Idrīs al-Shāfi‘ī*, eds. al-Sayyid Yūsuf ‘Alī al-Zawāwī al-Ḥasanī and al-Sayyid ‘Izzat al-‘Attār al-Ḥusaynī (Beirut: Dār al-Kutub al-‘Ilmiyya, 1951), 1:11.

mufti of Damascus, ‘Alā’ al-Dīn al-Ḥaṣkafī (d.1088/1677). This commentary on a key work of law – not hadith – was ‘Ābid al-Sindī’s *magnum opus*, his most voluminous work: it spans some 9,500 folios in 16 bindings in a manuscript edition copied in the 1870’s in Cairo.⁵⁴⁴ In fact, only selected chapters (or portions thereof) have yet been printed, as part of doctoral dissertations.⁵⁴⁵

One of the main features of this commentary was unsurprisingly ‘Ābid al-Sindī’s heavy use of hadith sources to explain the evidences for Hanafī positions. For instance, he weighed into debates by previous Sindhi scholars regarding hand placement within prayer (discussed in Chapter Two), claiming that the tradition cited by the Hanafīs from the *Muṣannaf* of Ibn Abī Shayba was sound and had no need for further verification.⁵⁴⁶ A brief comparison shows that his usage of hadith in this commentary was much more extensive than his better-known contemporary, the Ottoman Syrian jurist Ibn ‘Ābidīn (d.1252/1836) who wrote a much more popular (and relatively shorter) gloss (*ḥāshiya*) on the very same *Durr al-Mukhtār*.⁵⁴⁷ Ibn ‘Ābidīn was well integrated within an Ottoman institutions of law in Syria, and did not have much investment in the Hijazi network of hadith scholars.⁵⁴⁸ Although he did broach the subject

⁵⁴⁴ For a detailed breakdown, see: Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 401-3.

⁵⁴⁵ Ibrāhīm ‘Abd al-Ghaffār al-Ṭāhirī, “Taḥqīq Kitāb Ṭawālī‘ al-Anwār fī Sharḥ al-Durr al-Mukhtār min Bidāyat Bāb al-Iqāla ilā Nihāyat Bāb al-Qarḍ,” (PhD Dissertation, University of Kuwait, 2017).

⁵⁴⁶ ‘Ābid al-Sindī, *Ṭawālī‘ al-Anwār fī Sharḥ al-Durr al-Mukhtār*, Maktabat Makka al-Mukarrama, MS 5 Fiqh Ḥanafī, vol. 1, f. 390.

⁵⁴⁷ See the comparison presented in: Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, 416-33.

⁵⁴⁸ To be sure, Ibn ‘Ābidīn received an *ijāza* from Ṣālih al-Fullānī by letter, in the hands of a friend; yet, this is hardly proof of a sustained intellectual engagement with the Hijaz or hadith scholarship. See: Muḥammad Amīn ibn ‘Umar Ibn ‘Ābidīn, *Thabat ibn ‘Ābidīn al-Musammā ‘Uqūd al-Ālī fī al-Asānīd al-‘Awālī*, ed. Muḥammad ibn Ibrāhīm al-Ḥusayn (Beirut: Dār al-Bashā’ir al-Islāmiyya, 2010), 573-76. His primary teacher Shākir ibn ‘Alī al-‘Aqqād received an *ijāza* from Abū al-Ḥasan al-Ṣaghīr and other Hijazi scholars, see: idem, *Thabat ibn ‘Ābidīn*, 154-56. Ibn ‘Ābidīn also performed hajj in 1235 AH/1820, though any scholarly engagement therein is not clear.

of reconciling a contradictory hadith with Hanafi doctrine, it formed a small section of his famous treatise on the norms of juristic reasoning, rather than his central project.⁵⁴⁹ Instead, he is said to have developed the concept of *urf* (custom) in ways that widened independent juristic discretion instead of mandating a closer adherence to scriptural sources.⁵⁵⁰ This disparity of hadith usage between two Hanafi contemporaries within their approaches to the very same legal text illustrates vividly how different social and intellectual networks produced vast differences of scholarship even within the same legal school.

In all its interventions and innovations, ‘Ābid al-Sindī’s enormous oeuvre of scholarship was thus only possible within the Indian Ocean world of hadith scholarship, as opposed to other geographies of Hanafism. It fulfilled the demands for hadith-based juristic reasoning created in the Indian Ocean after the initial waves of Hanafī critique in the previous century by his direct predecessors. He represented a significant departure from contemporaneous Hanafīs outside this context, such as the Ottoman Syrian Ibn ‘Ābidīn, who still worked heavily through legal scaffolding – within the context of the madhhab – with sources besides hadith to uphold the authority of the madhhab and drive legal innovation.

With his diverse legal education and deep commitments to hadith scholarship, ‘Ābid al-Sindī served as a synthesizing force, weaving together the disparate and often mutually contradictory tendencies in the aftermath of the internal Hanafī debates as well as the larger

There is also a report that Ibn ‘Ābidīn received an *ijāza* from the Hanafī mufti of Mecca, ‘Abd al-Malik al-Qala‘ī, see: al-Kattānī, *Fahras al-Fahāris*, 2:840.

⁵⁴⁹ Muḥammad Amīn ibn ‘Umar Ibn ‘Ābidīn, *Sharḥ ‘Uqūd Rasm al-Muftī*, ed. Ḥāmid ‘Alī al-‘Alīmī (Cairo: Dār al-Ihsān, 2018), 122-128.

⁵⁵⁰ Wael Hallaq, “A Prelude to Ottoman Reform: Ibn ‘Abidin on Custom and Legal Change,” in *Histories of the Modern Middle East*, eds. Israel Gershoni, Hakan Erdem and Ursula Wokoeck (London: Lynne Rienner Publishers, 2002), 37-61.

critiques of the madhhab system. In principle, he sought to uphold the existing madhhab-system with support from his encyclopedic grasp of hadith literature. He did this by producing massive reference works that would aid other jurists in their investigations; this reflected the increased demands and needs for jurists in the Indian Ocean to access hadith literature through their independent readings of hadith manuscripts. In addition, he scrutinized in encyclopedic depth the Hanafi evidences from the hadith tradition, but without engaging in polemics and critiques of other schools; his work thus reflected a massive expansion of legal fluidity in a regime that sought to uphold the equal validity of the madhhabs. He seems to have earned some recognition for this pursuit: his student al-Ḥasan ibn Aḥmad ‘Ākīsh al-Ḍamadī (d.1872) praised him in his biographical dictionary as someone who “would strive to follow the evidence” (*kāna mutaharriyyan li-tibā‘ al-dalīl*).⁵⁵¹ Indeed, ‘Ābid al-Sindī’s ability to work with diverse groups of scholars and bodies of legal texts reflected larger changes in the madhhab’s social and intellectual structures that saw a decrease in inter-madhhab rivalry and competition and instead placed greater emphasis on enabling more scholars to pursue scriptural evidence, verify the authenticity of sources, and engage in the deep reading of manuscripts and the transmission of texts.

‘Ābid al-Sindī between Sindh and Delhi, 1834

This section surveys how ‘Ābid al-Sindī was received by his contemporaries and students, and to what extent his ideas and texts circulated between the Hijaz, Sindh, and Delhi. Although ‘Ābid al-Sindī remained connected to Sindhi scholarship, certainly did grant *ijāzas* to Sindhi students, and made a trip to Lower Sindh towards the end of his life, his scholarship did

⁵⁵¹ al-Ḍamadī, ‘*Uqūd al-Durar*, f. 92.

not continue through a Sindhi line of students.⁵⁵² It was here, with ‘Ābid al-Sindī’s death in 1841 and the British conquest of Sindh in 1843, that the uninterrupted line of Sindhi scholars contributing to the Hijaz’s scholarship from the late seventeenth century with Abū al-Ḥasan al-Kabīr ended abruptly. Sindhis were found in the Hijaz in the late nineteenth century, but none acquired the positions they once had as senior figures with transregional acclaim in the Ḥaramayn.⁵⁵³ It was only around the 1920’s that the Sindhi historian Wafā’i wrote an entry on ‘Ābid al-Sindī within his biographical dictionary, introducing him for the first time to a Sindhi readership.

If ‘Ābid al-Sindī does not appear to have been succeeded by a Sindhi tradition of scholarship in the Hijaz, his texts do not appear to have found much success either. Manuscripts of ‘Ābid al-Sindī’s works, especially his smaller treatises, certainly did spread as far as Sindh, Cairo, and Istanbul, in addition to the Hijaz and Yemen, but they did not achieve widespread usage by Hanafi jurists in the latter half of the nineteenth century.⁵⁵⁴ With no designated successor to his scholarship, and no institutional legacy besides his endowed collection of manuscripts in Medina, ‘Ābid al-Sindī’s own writings were left behind by the Arabic print revolutions of the nineteenth century in British India as well as Egypt. Even his magnum opus, the still unpublished commentary on the *Durr al-Mukhtār*, was copied by hand in Cairo in the

⁵⁵² Wafā’i, *Tadhkira Mashāhīr-i Sindh*, 2:476-78.

⁵⁵³ See for instance “Ṣiddīq al-Sindī (d.1322/1905),” in al-Ghāzī, *Naẓm al-Durar*, 448 and ‘al-Dihlawī, *Fayḍ al-Malik*, 620. Also see the entry on “Shaykh Ḥāsan ‘Ārab al-Sindī (d.1316/1898),” who actually became an imam and a teacher at the Ḥaram in Mecca. ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik*, 392-93. Also see: “Muḥammad ibn Ismā‘īl al-Sindī,” al-Ḥasanī, *Nuzhat al-Khawāṭir*, 8:1338.

⁵⁵⁴ While his Hijazi manuscripts are well-documented, there is also evidence of a Yemeni archival trail. For instance, a copy of his *thabat* made in 1311 AH (1893-94) is found in a private collection in Sanaa: see Abdallah Muhammed al-Habshi, *Catalogue of Islamic Manuscripts of some Private Collections in Yemen* (London: Al-Furqan Islamic Heritage Foundation, 2011), 147.

1870s instead of being printed (though his commentary was cited extensively in Cairo by the Hanafī mufti ‘Abd al-Qādir ibn Muṣṭafā al-Rāfi‘ī (d.1323/1905)).⁵⁵⁵ In contrast, the gloss on the *Durr al-Mukhtār* by his contemporary, the Ottoman Syrian Ibn ‘Ābidīn, was printed in the 1850’s at the famous Bulāq Press in Egypt and was used widely by Hanafīs across the Middle East and South Asia in the next decades. Similarly, as we shall see below, the writings of his counterpart in Delhi, Shāh ‘Abd al-‘Azīz, achieved wide circulation in South Asia with the emergence of Indian vernacular presses in the early nineteenth century.

‘Ābid al-Sindī’s unique oeuvre of scholarship thus largely was left behind the printing presses of the nineteenth century, and was neglected by most Hanafī jurists of the next generations (the transition to print will be discussed in more depth in Chapters 4 and 5). However, not all was lost; his central position as a transmitter within hadith networks afforded him a certain level of prominence within the genealogical webs of hadith scholars. His legacy lived on within *thabats* and biographical dictionaries by non-Sindhi South Asian students and mainly Yemeni scholars. One biographical dictionary of Zabid reportedly listed him as one of their own.⁵⁵⁶ His teacher Muḥammad Shawkānī also wrote an entry on him, as did ‘Ābid al-Sindī’s student al-Ḍamadī in their respective biographical dictionaries.⁵⁵⁷ So too did the Bhopal-based hadith scholar Ṣiddīq Ḥasan Khān (d.1307/1890), who is discussed in Chapter 5. As one of the founders of the Indian Ahl-i Hadith school, which completely rejected legal conformity to the

⁵⁵⁵ Bakdāsh, *al-Imām al-Faqīh al-Muḥaddith al-Shaykh Muḥammad ‘Ābid al-Sindī al-Anṣārī*, al-396.

⁵⁵⁶ This is mentioned by al-Kattānī in his entry on ‘Ābid al-Sindī: al-Kattānī, *Fihris al-Fahāris*, 2:1023-24.

⁵⁵⁷ Al-Shawkānī, *al-Badr al-Ṭālī*, 2:227-28; al-Ḍamadī, *‘Uqūd al-Durar*, f. 92-3.

four madhhabs, Şiddīq Ḥasan marveled at how ‘Ābid al-Sindī was “inflexibly obstinate upon the Hanafī madhhab” despite having anti-*taqlīd* teachers of hadith such as Şāliḥ al-Fullānī.⁵⁵⁸

The most significant exchange in this regard was ‘Ābid al-Sindī’s brief encounter with the Walīullāh line of scholars, who slowly would supplant the high position Sindhis had occupied in the Hijaz since the late seventeenth century. As will be explored more fully in Chapter 4, the rise of Delhi-based scholarship in the Hijaz was an outcome of the growth of the Shāh Walīullāh line of scholars, and the transformation of the Hijaz as a place of exile and refuge for Indian scholars from British imperial authorities in north India. ‘Ābid al-Sindī was contemporaneous with the succeeding generations of Shāh Walīullāh’s family and students, and he was aware of some of their activities, including the emergent *ṭarīqa-i muḥammadiyya* movement of Sayyid Aḥmad Barelwī (d.1246/1831), the famous disciple of Shāh ‘Abd al-‘Azīz. During his trip to Sindh, ‘Ābid al-Sindī was apprised of the military aspirations of Sayyid Aḥmad, who had visited Sindh to recruit followers and gain support for his emergent *ṭarīqa-i muḥammadiyya* movement from the Talpurs.⁵⁵⁹ ‘Ābid al-Sindī, along with his teacher and friend Muḥammad Zamān, reportedly were lukewarm about Sayyid Aḥmad’s campaign, commenting cryptically that if God truly did command him to wage jihad, he would achieve victory, and if not, then martyrdom.⁵⁶⁰

Such military matters aside, ‘Ābid al-Sindī’s *sanad* figured prominently in the *thabats* and genealogies of many Indian students who visited him at various points on pilgrimage. In

⁵⁵⁸ (‘*aṣabiyya fī al-jumūd ‘alā al-madhhab al-ḥanafī*). Şiddīq Ḥasan, *Abjad al-‘Ulūm*, 1:665-66.

⁵⁵⁹ For an account of Sayyid Aḥmad’s trip to Sindh, see: Abū al-Ḥasan ‘Alī al-Nadwī, *Sīrat Sayyid Aḥmad Shahīd*, 9th Edition (Lucknow: Majlis-i Taḥqīqāt wa Nashriyāt- Islām, 2011), 450-66.

⁵⁶⁰ Wafā’ī, *Tadhkira Mashāhūr-i Sindh*, 2: 376, 478,

fact, the diverse legal politics of three of these students aptly mirror his own diverse intellectual portfolio. One was Faḍl al-Rasūl al-Badāyūnī (d.1289/1872), a scholar from the Farangi Mahal school at Lucknow who was fiercely opposed to the *ṭarīqa-i muḥammadiyya* of Sayyid Aḥmad, and was a staunch Hanafī.⁵⁶¹ Another student represented dramatically opposed politics: this was ‘Abd al-Ḥaqq al-Banārasī, who came for pilgrimage alongside Sayyid Aḥmad’s famous caravan in 1822. He was reportedly jailed in Medina for his rejection of the four madhhabs, but he thereafter received an *ijāza* from ‘Ābid al-Sindī (and Muḥammad al-Shawkānī) on his return journey at Sanaa.⁵⁶²

The third student visited ‘Ābid al-Sindī in the last decade of his life, in 1250/1834, when ‘Ābid al-Sindī was back in Medina, serving as the chief of the scholars. This was a young, fifteen year-old Shāḥ ‘Abd al-Ghanī al-Dihlawī al-Mujaddidī (d.1296/1878) alongside his father Abū Sa‘īd al-Dihlawī (d.1250/1835).⁵⁶³ In the ensuing encounter, ‘Ābid al-Sindī granted *ijāzas* to ‘Abd al-Ghanī in the books of hadith, a few *musalsalāt* narrations, and everything else he was authorized to transmit. It seems that ‘Ābid al-Sindī recognized the precocious talents of the teenage ‘Abd al-Ghanī, as he praised him heavily in his *ijāza*, as “the honorable youth, the distinguished man of learning, possessor of lofty rank and manifest honor, the learned scholar (*al-shāb al-jalīl al-fāḍil al-nabīl dhu al-qadr al-‘alī wa al-sharaf al-jalī al-‘āllama al-fahhāma*).”⁵⁶⁴ ‘Abd al-Ghanī, as discussed in Chapter 5, became one of the most prolific Hanafi

⁵⁶¹ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1024 and 7:1065.

⁵⁶² Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1000-3. For his *ijāzas* and account of his trip to Sanaa, see; ‘Abd al-Ḥaqq al-Banārasī, *Qiṣṣat al-Safar ilā al-Ṣan ‘ā’ wa al-Rujū’ ilā al-Hind*, King Faisal Center for Research and Islamic Studies, Riyadh, MS 207-قصص.

⁵⁶³ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:892.

⁵⁶⁴ al-Ḍamadī, *Uqūd al-Durar*, f. 74.

hadith narrators of the mid-nineteenth century, and was most responsible for the transregional spread of Shāh Walīullāh’s genealogy of scholarship. (And he too was known not to conform strictly to Hanafī doctrine.) It was this link that proved to be the most successful chain linking ‘Ābid al-Sindī to subsequent generations, as his *thabats* featured ‘Ābid al-Sindī’s name prominently alongside the chains that went through Shāh Walīullāh.⁵⁶⁵

Although such encounters may be dismissed as fleeting engagements rather than deep intellectual connection, it is important not to underestimate the exchange of ideas and manuscripts they could facilitate. As we shall see in Chapter 4, ‘Abd al-Ghanī’s own brother Shāh Aḥmad Sa‘īd Mujaddidī (d.1277/1860) – who was not present in the Hijaz during this encounter – cited ‘Ābid al-Sindī’s voluminous commentary on the *Durr al-Mukhtār* in his own writings on the validity of certain popular practices that had come under critique.⁵⁶⁶ As one of the few north Indian texts to cite ‘Ābid al-Sindī’s work in the mid-nineteenth century, it suggests that this encounter must have entailed more than a simple exchange of *ijāzās*. Furthermore, in 1288/1871, an Urdu translation of the *Durr al-Mukhtār* commissioned by the Nawab of Rampur did mention ‘Ābid al-Sindī’s commentary in its introductory section as part of its list of commentaries, pointing to some level of awareness of his work within Indian scholarship.⁵⁶⁷

In the larger scheme of things, ‘Ābid al-Sindī marked the spectacular end of a long tradition of Sindhi scholarship that encompassed the Hijaz, Yemen, and Sindh since the late

⁵⁶⁵ ‘Abd al-Sattār al-Dihlawī, *al-Mawrid al-Hanī fī Asānīd al-Shaykh ‘Abd al-Ghanī*, Maktabat al-Ḥaram al-Makkī, MS 809; Muḥsin ibn Yaḥyā al-Tirhaṭī, *al-Yānī’ al-Janiy fī Asānīd al-Shaykh ‘Abd al-Ghanī*, Suleymaniye Kütüphanesi, MS Hacı Mahmud Efendi 720.

⁵⁶⁶ Shāh Aḥmad Sa‘īd Mujaddidī, *Tahqīq al-Ḥaqq al-Mubīn fī Ajwibat Masā’il Arba’in* (Delhi: Maṭba‘ Muḥtabā-yi, n.d.).

⁵⁶⁷ Mawlānā Khurram ‘Alī and Muḥammad Aḥsan Şiddīqī Nanotwī, *Ghāyat al-Awṭar tarjuma-yi Urdū Durr al-Mukhtār* (Bareilly: 1288/1871-2).

seventeenth centuries. He was not succeeded by a prominent line of Sindhi scholars, and nor did his texts appear to have gained widespread circulation or attention by printing houses. Still, he appeared within the hadith genealogies of an array of early nineteenth-century Delhi-based Indian scholars. Between his three Indian students – a staunch Hanafī, a firm *taqlīd* rejector, and a loosely Hanafī hadith scholar – we glimpse some of the tensions and the expansive legal fluidity that characterized ‘Ābid al-Sindī’s own assortment of teachers from Sindh, Yemen, and the Hijaz. These also mirror the fault lines he navigated within his own work as he worked to synthesize Hanafī law and hadith scholarship in new ways. And, as we shall see below, these concerns overlapped considerably with new developments in Delhi that would prove highly significant for the history of the Hanafī madhhab and legal pluralism in the nineteenth century. Here, we turn to Delhi to understand contemporaneous developments in hadith and Hanafī scholarship.

The Pursuit of Hadith in Delhi

The remaining portion of this chapter interrogates the deeper transformations occurring in Delhi within circles of hadith and legal scholarship. It shows how the fundamental forces identified above within ‘Ābid al-Sindī’s Arabic corpus also drove juristic production and hadith scholarship in Persian by Shāh ‘Abd al-‘Azīz, the most prominent son and successor of Shāh Walīullāh. These included the need to make the hadith sciences more accessible to jurists, to broaden legal fluidity between madhhabs, and to manage competing claims of legal plurality. Instead of contextualizing Shāh ‘Abd al-‘Azīz simply in terms of the onset of colonial power in Delhi from 1803, this section locates him within the larger context of the Indian Ocean. It shows

how such Indian Ocean Hanafi discourse extended to Delhi, even in the absence of personal travel (as Shāh ‘Abd al-‘Azīz did not travel to the Hijaz). It also shows how such discourse came into conflict with Hanafis further inland in Central Asia, where Indian Ocean networks of hadith had not quite penetrated, much as they had not in the central Ottoman Empire. Furthermore, it highlights key legal differences between ‘Ābid al-Sindī and Shāh ‘Abd al-‘Azīz which undermine teleological interpretations of hadith scholarship and shed light on the vast array of possibilities available to scholars as they grappled with the surge of hadith-based Hanafi juristic discourse since the eighteenth century.

After Shāh Walīullāh traveled to the Hijaz in the 1730’s, some of his students, such as Rafī‘ al-Dīn al-Murādābādī, Murtaḍā al-Zabīdī, and Jārullāh ibn ‘Abd al-Raḥīm al-Lāhūrī also pursued their own journeys to the Hijaz.⁵⁶⁸ However, none of his sons, who constituted the central heirs and progenitors of his scholarly legacy at the Madrasa Rahimiyya, traveled to the Hijaz and performed the pilgrimage. None of them also matched their father’s prolific writings on the hadith sciences, even though they did extensively teach canonical hadith compilations to a generation of Indian students mainly through their father’s chain of transmission. His son Shāh ‘Abd al-Qādir’s (d.1230/1814) major work was a translation of the Quran into Urdu, just as his father had translated into Persian.⁵⁶⁹ Another son, Shāh Rafī‘ al-Dīn (d.1233/1818) also composed an Urdu translation of the Qur’an, in addition to several treatises on a variety of other subjects relating to law, logic, history, tafsir, and other fields. The projects of translation

⁵⁶⁸ On the lesser known Jārullāh al-Lāhūrī’s compilation of *ijāzas* from Shāh Walīullāh as well as other teachers in the Hijaz, see: Jārullāh ibn ‘Abd al-Raḥīm al-Lāhūrī, *Qiṭ‘a min Musalsalāt Shāh Walīullāh*, Maktabat al-Ḥaram al-Makkī, MS 754/14(963). I am thankful to Saif ul Hadi for sharing this source with me.

⁵⁶⁹ For a study of Shāh ‘Abd al-Qādir’s translation, see: Muḥammad Salīm Khālīd, *Shāh ‘Abd al-Qādir kay Urdū Tarjuma-yi Qur’ān kā Tahqīqī wa Lisānī Muṭāla‘a* (Karachi: Idāra-yi Yādgār-i Ghālib, 2016).

nonetheless reflected the increasing emphasis on scripture and the attempt to render it into vernacular forms accessible to a wider audience.

Such concerns were most prevalent in terms of hadith scholarship in the work of Shāh ‘Abd al-‘Azīz (d.1239/1824), and the rest of this section will be concerned primarily with his writings.⁵⁷⁰ Shāh ‘Abd al-‘Azīz was the most prominent successor of the head of the Madrasa Rahimiyya, having at least 44 or 45 students of his own, including his three younger brothers, several nephews and grandchildren, and an assortment of personalities across north India.⁵⁷¹ He also befriended and granted an *ijāza* to the famous Ottoman Shafī‘i scholar, Shaykh Ḍiyā’ al-Dīn Khālid (d.1242/1827), the disciple of Shāh ‘Abd al-‘Azīz’s contemporary, the Naqshbandi-Mujaddidi Shāh Ghulām ‘Alī (d.1824).⁵⁷² As someone who outlived his younger brothers, Shāh ‘Abd al-‘Azīz carried forth his father’s legacy as a teacher and transmitter of hadith, as a jurist and writer of fatwas and legal literature, a commentator on the Quran, and a Sufī shaykh who wrote on theology and the rational sciences.⁵⁷³ He wrote mainly in Persian and Arabic and displayed to some extent the grand flourishes of his father’s work, including mystical visions that

⁵⁷⁰ Al-Ḥasanī, *Nuzhat al-Khawātir*, 7:1014-1018; Nasīm Aḥmad Farīdī, *Tadhkira-yi Haḍrat Shāh ‘Abd al-‘Azīz Muḥaddith Dihlawī* (Lucknow: Al-Furqān Bukdipū, 1992).

⁵⁷¹ Farīdī, *Tadhkira-yi Haḍrat Shāh ‘Abd al-‘Azīz Muḥaddith Dihlawī*, 18-20. Nithār Aḥmad Fārūqī, introduction to *Nādir Maktūbāt Haḍrat Shāh Walīullāh Dihlawī*, ed. Nasīm Aḥmad Farīdī (Phulat: Haḍrat Shāh Walīullāh Akademī, 1998), 1:105-8.

⁵⁷² Butrus Abu-Manneh, “The Naqshbandiyya-Mujaddidiyya in the Ottoman Lands in the Early 19th Century,” *Die Welt des Islams* New Series 22, no. ¼ (1982): 1-36. Abu-Manneh does not discuss Shaykh Khālid’s relationship with Shāh ‘Abd al-‘Azīz. See two letters by Shaykh Khālid to Shāh ‘Abd al-‘Azīz wherein he mentions the latter’s brothers, as well as his nephew, the young Shāh Muḥammad Ismā‘īl: Shaykh Ḍiyā’ al-Dīn Khālid al-Sharazūrī, *Maktūbāt Mawlāna Khālid al-Naqshbandī*, ed. Muḥammad ‘Alī al-Qaradāghī (Istanbul: al-Maktaba al-Hāshimiyya, 2015), 183-185. Also see this chain in the *thabat* of ‘Ubaydullāh al-Sindī: ‘Ubaydullāh al-Sindī, *al-Tamhīd*, 5.

⁵⁷³ The main study of him in English is Saiyid Athar Abbas Rizvi, *Shāh ‘Abd al-‘Azīz: Puritanism, Sectarian, Polemics and Jihad* (Canberra, Australia: Ma’rifat Publishing House, 1982).

bore larger legal and theoretical insights, and historical surveys of the formation of the madhhabs and hadith compilations.

Shāh ‘Abd al-‘Azīz’s major work on hadith was the Persian *Bustān al-Muḥaddithīn*.⁵⁷⁴ This was written quite remarkably in the very same spirit of ‘Ābid al-Sindī’s works: to synthesize the oceans of hadith literature and make them more accessible and knowable to scholars less proficient in them. As Shāh ‘Abd al-‘Azīz wrote in his introduction, the main purpose was to “describe books of hadith which are predominantly quoted in treatises and texts, and because of a lack of awareness (‘*adm-i iṭṭilā’*’) about these books, the listener (*sāmi*’) is left confounded (*mutaḥayyir*).⁵⁷⁵ He then provided a historical survey of dozens of compilations of hadith formulated over the centuries, the biographies and virtues of the compilers, some discussion of their methodologies, as well as selected commentaries they had attracted over the centuries. He displayed some influences from his father: he began this book with a lengthy discussion of the *Muwatṭā’* of Mālik, echoing the great investment his own father had in this text (in fact, he wrote more on this work – and its multiple recensions – than any other work of hadith). In brief, Shāh ‘Abd al-‘Azīz opened up the world of hadith compilations to the novice scholar struggling to make sense of this increasingly prominent field of knowledge.

In another Persian treatise, Shāh ‘Abd al-‘Azīz provided a systematic introduction to the science of hadith (‘*ilm-i ḥadīth*’), including discussions on the rankings of hadith compilations, their individual merits and legal weight, and his own chains of transmission for each

⁵⁷⁴ Shāh ‘Abd al-‘Azīz al-Dihlawī, *Bustān al-Muḥaddithīn* (Lahore: Maṭba‘a Muḥammadī, n.d.)

⁵⁷⁵ *Ibid.*, 2.

compilation.⁵⁷⁶ In addition, he wrote a brief treatise on hadith that was specifically meant to be memorized by students of hadith.⁵⁷⁷ Though these works were not hadith commentaries as such, they still powerfully illustrate that the same impetus visible in the networks and writings of ‘Ābid al-Sindī in the Arabian Peninsula – the need to introduce jurists to the canons of hadith, based on the expectation that scholars would be working directly with hadith literature – was found concurrently here in Delhi, in Persian. The Persianate scholarly world of Delhi at the beginning of the nineteenth century was then also engulfed in the broader intellectual developments brought on by hadith networks in the Indian Ocean.

While Shāh ‘Abd al-‘Azīz engaged in similar hadith projects, he differed from ‘Ābid al-Sindī and other recent Hanafīs in many ways in his actual legal politics. Shāh ‘Abd al-‘Azīz did not compose a massive legal commentary, as did ‘Ābid al-Sindī; his preferred genre of legal writing seems to have been fatwas and short treatises, which were later compiled and printed together. Within this collection, it is evident that Shāh ‘Abd al-‘Azīz consistently confronted problems relating to madhhab pluralism, just as ‘Ābid al-Sindī and his own father Shāh Walīullāh did before him. Numerous fatwas and treatises in this collection explained the basics of madhhab pluralism, the scope of legal fluidity, and their basis in hadith in very condensed formats.

In one question, Shāh ‘Abd al-‘Azīz listed the epistemic sources of the four madhhabs as determined by their respective eponyms, ultimately affirming their equal validity whilst

⁵⁷⁶ Shāh ‘Abd al-‘Azīz al-Dihlawī, *al-‘Ujāla al-Nāfi‘a* (Delhi: Maṭba‘ Muṭtabā’i Dihlī, 1348 AH).

⁵⁷⁷ Shāh ‘Abd al-‘Azīz al-Dihlawī, *Risāla Mā Yajibū Ḥifẓuh lil-Nāzir* <https://www.alukah.net/sharia/0/7253/>. Accessed April 29, 2020.

upholding their distinctive methodology.⁵⁷⁸ He described how Imām Mālik adopted the (*'amal*) praxis of Medina as the basis of his legal approach, and every hadith that contradicted this praxis would thereafter be explained away (or reconciled) in multiple ways; Imām al-Shāfi'ī initially drew largely from scholarship in the Hijaz, but also developed a systematic way of synthesizing multiple hadith traditions; Imām Aḥmad favored acting upon the apparent (*ẓāhir*) meanings of the hadith. Lastly, Shāh 'Abd al-'Azīz mentioned that Hanafis divided the *sharī'a* into two categories (*ṣinfayn*): universal maxims (*qā'ida kulliyya*) and particular contingencies (*ḥawādith juz'iyya*) that were exceptional to the universals. It was obligatory (*wajaba*) for the independent jurist (*mujtahid*) to preserve the universals and leave everything besides them (*wa yatrūk mā warā'ahā*) because the *sharī'a* in reality was an explanation of the universals, and because the causes (*asbāb*) for the particulars could not be known. This necessitated leaving acting upon many hadith traditions (*wa lazima min hādihā tark al-'amal bi-aḥādīth kathīra*) that contradicted the universals. However, Shāh 'Abd al-'Azīz wrote that the Hanafis did not care to do so (*lā yubālūna bihā*) and rather engaged in *ijtihād* and worked to incorporate the particulars within the universals as much as possible (*darj al-juz'iyyāt fī tilk al-kulliyyāt mahmā amkana*).⁵⁷⁹ In essence, according to Shāh 'Abd al-'Azīz, the Hanafis still accommodated the particulars of hadith within their overarching legal apparatus; however, they began their legal inquiry from their universal maxims.

In this discussion, Shāh 'Abd al-'Azīz distilled the very basic epistemological foundations of each madhhab, upholding their respective methodological differences rather than

⁵⁷⁸ Shāh 'Abd al-'Azīz al-Dihlawī, *Fatāwā-yi 'Azīzī* (Delhi: Maṭba' Mujtabā'i Dihlī, 1322 AH), 1: 72-73.

⁵⁷⁹ Ibid.

requiring them to conform to a universal rubric of scriptural verification. Here, legal scaffolding stood dominant over scriptural verification; the madhhab preceded the hadith tradition, rather than the other way around. In this, he displayed a deliberate departure from his father Shāh Walīullāh who, as referenced in the previous chapter, critically interrogated the extent of *taqlīd*, decried such adherence to universal maxims, and often adopted legal positions of other schools over Hanafī positions based on their evidence from hadith.⁵⁸⁰ Shāh ‘Abd al-‘Azīz instead represented a distinctive turn back towards the principles (*uṣūl al-fiqh*) of the Hanafī madhhab, as formulated by classical and postclassical Hanafī scholarship.

In fact, Shāh ‘Abd al-‘Azīz composed another short tract on legal principles of the Hanafī madhhab.⁵⁸¹ These legal principles, he wrote, could be used to respond to those who claimed that Hanafī doctrine was contradicted by sound hadith traditions. Remarkably, some of these principles were actually previously criticized by his father as unreliable, unnecessary, and incorrectly attributed to Abū Ḥanīfa.⁵⁸² Yet, Shāh ‘Abd al-‘Azīz persisted in listing them. These included principles such as: a tradition will not be given preference due to a greater number of transmitters, but in consideration of the legal status of the narrator(s). Another principle held quite explicitly that if a position of Abū Ḥanīfa and his *ṣāhibāyn* (two companions, i.e. imams Muḥammad and Abū Yūsuf) was contradicted by a tradition which was determined as sound (*wa khālafahu ḥadīth yaḥkumūn bi-ṣiḥḥatih*), it would be obligatory to follow their position as

⁵⁸⁰ For further discussion on his difference from his father, see: Ḥakīm Sayyid Maḥmūd Barkātī, *Ḥayat-i Shāh Muḥammad Ishāq Muḥaddith Dihlawī* (Delhi: Shāh Abū al-Khayr Akādamī, 1992), 42-43.

⁵⁸¹ Shāh ‘Abd al-‘Azīz, *Fatāwā-yi ‘Azīzī*, 1: 62-65.

⁵⁸² Shāh Walīullāh, *al-Inṣāf fi Bayān*, 88-92.

opposed to the tradition (*wajaba ittibā' qawlihim dūn al-ḥadīth*).⁵⁸³ This made the hierarchy quite clear: Shāh 'Abd al-'Azīz used the principles of the Hanafī madhhab to structure his legal approach towards hadith, instead of the reverse.

As a teacher of hadith to an entire generation of students in Delhi, Shāh 'Abd al-'Azīz thus remained remarkably steadfast not only to Hanafī doctrine but also Hanafī principles of law, in conscious opposition to a praxis of sound hadith traditions. This set him apart from both his father Shāh Walīullāh and 'Ābid al-Sindī. The latter in particular had spent much of his career investigating the basis of Hanafī doctrine from hadith traditions through a deep analysis of their transmissions, transmitters, and so forth. Thus, with his clear theoretical framework, Shāh 'Abd al-'Azīz illustrated yet how varied and diverse such hadith-based Hanafī juristic discourse could be; his investment in hadith scholarship did not upend legal scaffolding.

Despite his deep fidelity to Hanafī norms, Shāh 'Abd al-'Azīz adopted a relatively open attitude, quite similar to 'Ābid al-Sindī and Shāh Walīullāh, in regards to legal fluidity, or crossing between schools. As such, he also distinguished himself from early integrationist efforts by 'Abd al-Ḥaqq al-Dihlawī in the seventeenth century. When questioned on the permissibility of praying behind an imam of another madhhab (which, as discussed in Chapter 1, also consumed Hanafī scholars in the Hijaz in the sixteenth century), Shāh 'Abd al-'Azīz ruled emphatically that it was perfectly valid, since the madhhabs contained no differences regarding the foundational principles of religion.⁵⁸⁴ Shāh 'Abd al-'Azīz in fact lamented how some Central Asian scholars (*mā warā' al-nahr*), due to their deficient understanding (*qaṣīr al-fahmī*) had

⁵⁸³ Shāh 'Abd al-'Azīz, *Fatāwā-yi 'Azīzī*, 1: 63.

⁵⁸⁴ Shāh 'Abd al-'Azīz, *Fatāwā-yi 'Azīzī*, 1:148-49.

become partisan (*ta'ṣṣub*) and extensively debated this question of inter-madhhab prayer; he declared that their position was rejected (*mardūd*), completely unacceptable and unreliable (*hargiz qābil-i samā'at-u-i'tibār nīst*), and not even practiced in the Ka'ba today. The gesture to Mecca, where the four madhhabs still maintained separate stations, was perhaps actually a reference to the popular practice of praying behind any of the imams, as Rafī' al-Dīn observed in his travelogue. Shāh 'Abd al-'Azīz's unhesitating insistence on the permissibility of inter-madhhab prayer provides a measure of how much legal fluidity had expanded in the Indian Ocean after the deep debates and arguments for the limited permissibility of inter-madhhab prayer in the sixteenth and early seventeenth centuries.

In addition, Shāh 'Abd al-'Azīz's criticism of Central Asian scholars illustrates the geographical limits of Indian Ocean Hanafi practice. While many scholars argue today that Central Asian Muslims were not isolated from transregional networks, there does not seem to be much evidence for a strong tradition of early modern Central Asian hadith scholarship or intellectual engagement with the Hijaz.⁵⁸⁵ Central Asian Muslims certainly performed hajj, but this does not seem to have facilitated hadith-based critiques of Hanafi law back in Central Asia itself during the eighteenth and nineteenth century. Even the critique of *taqlīd* by Abū Naṣr Qūrṣāwī (d.1812) did not have connections or resemblances to the Hijazi Hanafi critiques.⁵⁸⁶ As

⁵⁸⁵ This assessment is largely based off the works of: Alexandre Papas, Thomas Welsford, Thierry Zarcone, eds., *Central Asian Pilgrims: Hajj Routes and Pious Visits between Central Asia and the Hijaz* (Berlin: Klaus Schwarz Verlag, 2012); Thierry Zarcone, *Sufi Pilgrims from Central Asia and India in Jerusalem* (Kyoto: Center for Islamic Area Studies at Kyoto University, 2009); Robert D. Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge, M.A: Harvard University Press, 2006). It is also not an accident that a recent Arabic survey on Central Asian-Hijaz scholarly connections primarily covers the twentieth century: Manṣūr ibn 'Abd al-Bāqī al-Bukhārī, *'Ulamā' mā Warā' al-Nahr al-Muhājirīn lil-Ḥaramayn* (Medina: Dār al-Mīrāth al-Nabawī, 1434/2013).

⁵⁸⁶ Nathan Spannaus, *Preserving Islamic Tradition: Abū Naṣr Qūrṣāwī and the Beginnings of Modern Reformism* (New York: Oxford University Press, 2019), 208-211.

such, the Indian Ocean Hanafi emphasis on hadith-based juristic reasoning and expansive legal fluidity does not seem to have penetrated deeply amongst Central Asian Hanafis, who became subject to critique by several Indian Hanafi counterparts (as we will also see in Chapter 4). Shāh ‘Abd al-‘Azīz indeed was far more aligned in his legal politics with Hanafis in Mecca than Bukhara – despite having never having traveled far beyond Delhi.

In another fatwa solicited by the Shah of Bukhara himself, Shāh ‘Abd al-‘Azīz delineated three cases in which a Hanafi could adopt positions from the Shafi‘i school without blame.⁵⁸⁷ The first was if one adopted the Shafi‘i position because one gave preference (*tarjīh*) to the scriptural proofs (*dalā’il-i kitāb-u-sunnat*) of the Shafi‘i school over the Hanafi school in a given question. The second involved confronting conditions of great necessity or hardship; and third was a nod towards a more Sufi practice of engaging in great precautions (*ihtiyāṭ*) to take the most stringent position of all the madhhabs. These conditions were only valid so long as they did not result in *talfīq*: that is, as Shāh ‘Abd al-‘Azīz explained, a legal scenario wherein one combined the positions of two schools and produced an action that was not recognized by any of the schools.⁵⁸⁸ In other words, one had to maintain the distinctive positions of the schools, and not blend them together in a wholly new, unrecognizable format that went beyond the scope of the madhhabs. Legal fluidity thus had some limits, but Shāh ‘Abd al-‘Azīz still allowed for hadith-based contravention of Hanafi doctrine. Again, this was reflective of an Indian Ocean legal politics – seen from al-Murādābādī to ‘Ābid al-Sindī – that did not seek to assert the superiority of one madhhab over another but placed greater emphasis upon independent investigation.

⁵⁸⁷ Shāh ‘Abd al-‘Azīz, *Fatāwā-yi ‘Azīzī*, 1: 184-85.

⁵⁸⁸ *Ibid.*

Indeed, the central project for Shāh ‘Abd al-‘Azīz was not to defend the scriptural basis of the Hanafī madhhab, as it had been in many ways for ‘Abd al-Ḥaqq al-Dihlawī in the early seventeenth century, and continued to be so for ‘Ābid al-Sindī. If anything, his larger goal was to defend the validity of legal pluralism as instituted by the madhhabs. This is manifest in a contentious dream he narrated, wherein he was honored to engage in conversation with the early Islamic luminary and caliph, Imām ‘Alī, and pledge allegiance at his hands. When Shāh ‘Abd al-‘Azīz asked him for his preferred madhhab, he responded that he preferred none as they acted in extremes and excesses (*farmūdand ke hīch madhhab pasand-i mā nīst yā farmūde ke bi-ṭūr-i mā nīst ifrāṭ-u-tafrīt bi-‘amal āwardeand*).⁵⁸⁹ This message of the dream caused confusion and even doubts over its actual occurrence, and Shāh ‘Abd al-‘Azīz wrote a clarification. He argued that Imām ‘Alī’s lack of inclination towards the madhhabs was not a sign of their corruption (*bāṭil*) but simply a consequence of the fact that they appeared much after him and that they did not follow his own madhhab in full.⁵⁹⁰ The madhhabs had valid legal differences, and Imām ‘Alī’s disapproval was simply a reflection of his preeminent status – not a weakness in the core foundations of the madhhabs.

Ultimately, then, Shāh ‘Abd al-‘Azīz developed a unique vision of hadith-based juristic discourse: he sought to make the hadith sciences more accessible to other jurists and students; he upheld, to a certain degree, legal fluidity between madhhabs on the basis of hadith; and yet he insisted on the legal autonomy of the Hanafī madhhab in terms of its reliance upon specific universal maxims from within the madhhab, rather than sound hadiths per se. Together, this

⁵⁸⁹ Ibid., 1: 76.

⁵⁹⁰ Ibid., 1: 78-79.

served to contain his father's more destabilizing turn towards a scripture-oriented legal practice that encompassed several madhhabs. It reaffirmed a place for legal scaffolding within the internal bounds of the madhhab, even as it facilitated the growth of the hadith sciences and scriptural verification in Persian. It thus contained strong similarities with Hanafi discourse across the Arabian Sea, where 'Ābid al-Sindī had also produced several works of hadith for jurists and had maintained a strong fidelity to Hanafi doctrine without a binding mandate of legal conformity. Yet, it differed in his insistence upon the legitimacy of Hanafi methodology, in contrast to 'Ābid al-Sindī's attempts at reconciling Hanafi doctrine with contemporary, non-Hanafi standards of hadith scholarship. Together, these two scholars demonstrate how the competing forces of eighteenth-century Indian Ocean Hanafi hadith scholarship continued to animate their work and propel their unique projects of synthesizing law and scripture.

Conclusions

The eighteenth and nineteenth centuries have long marked an abrupt dividing point in the historiography of South Asian Islam. This reflects to a certain extent the broader historiography of Islamic studies, where as recently as 2018, Dallal declared that “the problems that informed the reform ideas of the eighteenth century bear no resemblance whatsoever to those that inspired and drove later reforms.”⁵⁹¹ This chapter rejects such a rupture by arguing for the accumulative and connected nature of Hanafi scholarship and hadith networks in South Asia and the Indian Ocean. Far from reflecting a radical difference from their teachers and predecessors earlier in the eighteenth century, the main actors in this chapter, Rafī‘ al-Dīn al-Murādābādī, 'Ābid al-Sindī,

⁵⁹¹ Dallal, *Islam without Europe*, 15.

and Shāh ‘Abd al-‘Azīz al-Dihlawī confronted and reinvented legal landscapes that had been shaped by earlier debates on law and scripture.

This chapter also has shed light on the broader social and material dimensions of legal pluralism as it enabled scholars to travel and find employment across multiple political regimes, even in regions like Yemen where the Hanafi madhhab was not dominant but contained (largely) migrant Hanafi populations. Rather than exclusively relying upon traditional legal texts, this chapter analyzes Rafī‘ al-Dīn’s insightful travelogue of 1786, which provides a rare eyewitness account of how the madhhab-system continued to flourish in the late eighteenth century. It demonstrates how the madhhab-system provided Muslims traversing these geographies with an identity and access to a shared legal framework that connected them with local regimes. It also reflected transformations propelled by the hadith-based critiques of *taqlīd* in the last century, including a decrease in inter-madhhab competition and a corresponding expansion of legal and social fluidity between madhhabs. It was not beset by an overwhelming sense of Muslim decline and fragmentation (as is often projected even upon his predecessor and teacher Shāh Walīullāh), but displayed the capacity to appreciate both the Ottoman administration of the Hijaz and the new technologies of the British in Bombay.

This travelogue provides a compelling account of the social and legal context of the Indian Ocean which made possible the accomplished career of ‘Ābid al-Sindī, whose social circles encompassed Shafi‘i, Hanafi, Maliki, Hanbali, Wahhabi, and Zaydi figures. As ‘Ābid al-Sindī worked in various capacities, as a physician, imam, judge, ambassador, student, and teacher across Yemen, Cairo, the Hijaz, and Sindh, he amassed a large personal library of manuscripts. This library reveals an overriding interest in hadith and legal scholarship. With his large collection of Hanafi manuscripts of law and Shafi‘i hadith commentaries, ‘Ābid al-Sindī

displayed a continued investment in reconciling Hanafi law with dominant norms of hadith scholarship, in a context where legal conformity was heavily challenged. By analyzing his large library collection, this chapter shows how ‘Ābid al-Sindī overcame the material constraints of intellectual investigation for early modern scholars, as discussed in previous chapters, and possessed a rare capacity to engage in grand encyclopedic projects.

Although completely neglected by Anglophone historiography, ‘Ābid al-Sindī represented the apex of Sindhi hadith scholarship; he was a scholar’s scholar. His work on the repeated traditions of the *Ṣaḥīḥ* of Bukhārī displayed a shift in emphasis from the chains of traditions to their texts (*matn*); from facilitating the investigations of hadith scholars to enabling the interpretations of hadith traditions by jurists. Likewise, his work on the *Musnad* of Abū Ḥanīfa accomplished two main goals: it made its hadith traditions more accessible to jurists by reordering them based upon *fiqh*, and it strove to reconcile Hanafi doctrine with contemporary standards of hadith scholarship without engaging in inter-school polemics. A similar hadith-based emphasis was also visible in his massive commentary on the Hanafi legal compendium, the *Durr al-Mukhtār*. ‘Ābid al-Sindī thus built upon preceding developments in the Indian Ocean that no longer relied exclusively upon legal scaffolding within the madhhab and now demanded greater accountability to scripture.

Such concerns were present across the Arabian Sea in Delhi. This chapter demonstrates again the crucial importance of an Indian Ocean framework that is attentive to multiple scales of analysis: it shows how such hadith-based discourse deepened in Delhi with the successors of Shāh Walīullāh and even came into tension with Central Asian Hanafis. It argues that ‘Ābid al-Sindī and Shāh ‘Abd al-‘Azīz worked to resolve common intellectual demands despite their separate locations and second-order connections with each other. In his Persian texts on hadith,

Shāh ‘Abd al-‘Azīz also sought to make the vast ocean of hadith sciences accessible to jurists, given its increasing prominence as a source of law. In his legal texts, he explained the mechanics of legal pluralism, argued for greater hadith-based legal fluidity between madhhabs, in opposition to Central Asian Hanafis, and yet upheld the legitimacy of Hanafi legal methodology against an all-encompassing scriptural rubric. In this way, he and his brothers provided legal support against the destabilizing possibilities of unfettered legal fluidity and hadith praxis.

Ultimately, this chapter challenges hard differentiations between the legal histories of the early modern and modern periods by arguing for the accumulative nature of Indian Hanafi scholarship. Several trends visible amongst Indian Hanafis in the first half of the eighteenth century strengthened in the late eighteenth and early nineteenth centuries. These included: the growing demands for hadith praxis, as opposed to working solely within madhhab precedent; the expansion of legal fluidity between madhhabs; the expectations that scholars would comb through manuscripts to conduct their own research (*baḥth*); and the composition of legal and hadith texts for broader audiences in Persian (and Urdu). In geographical terms, these trends did not find a lasting home within Sindh itself, as Sindhi hadith scholars moved to Yemen and the Hijaz, and ultimately declined in major part with the onset of British rule in Sindh. Instead, Indian hadith scholarship strengthened in Delhi, despite a much earlier British presence therein; here, these trends would achieve new heights and institutional depth in the next generations as their students and grand-students now learned to read these hadith texts on a much wider scale and encountered new political landscapes, tools of knowledge and mobility, and imperial legal developments. The critique against the madhhab-system and the resulting divisions amongst Indian scholars emerged much more forcefully in these next generations.

Chapter 4: Enjoining *Tahqīq* for the Public, 1822-1857

“Any Muslim brother who reads this treatise should know it is their obligation and duty... to recite this book to every Muslim man and woman of this era, and to read it to them gently with love.”⁵⁹² Mawlānā Khurram ‘Alī, 1238/1822-23 (d.1273/1856)

“We have no wealth, no treasury; we proceed trusting in God Most High... and wherever during this trip, we do not have the means to fulfill a necessity, we will stop and work and labor until we earn enough to proceed.”⁵⁹³ Thus wrote Sayyid Aḥmad Shahīd (d.1246/1831) in letters to dozens of disciples and contacts across north India, inviting them to join him on pilgrimage to Mecca in 1822. Sayyid Aḥmad was the rising leader of the famous movement known as the *ṭarīqa-i muḥammadiyya* and a young disciple of the elderly Shāh ‘Abd al-‘Azīz we encountered in the previous chapter. He began a tour to recruit pilgrims from his hometown of Rai Bareli in north India, accompanied by Mawlānā ‘Abd al-Ḥayy Badhonī (d.1243/1828), his right-hand associate, mufti, and the son-in-law of Shāh ‘Abd al-‘Azīz, as well as Shāh Muḥammad Ismā‘īl (d.1246/1831), a grandson of Shāh Walīullāh. Sayyid Aḥmad led the caravan along the Ganges to British Calcutta, making frequent stops, receiving allegiance (*bay‘a*) from all kinds of people into his Sufi tariqa, collecting donations, spending in charity, delivering speeches against heretical innovations (*bid‘a*), debating Shi‘i figures and critiquing Hindu practices, meeting with local nawabs and farmers, attending weddings, and performing miracles throughout the way. The close support of scholars such as ‘Abd al-Ḥayy Badhonī and Shāh Ismā‘īl helped counter the idea that hajj was not a binding legal obligation in Hindustan due to the dangers of the

⁵⁹² Mawlānā Khurram ‘Alī, *Naṣīhat al-Muslimīn* (Lucknow: Maṭba‘ Muḥammadī, 1260/1844), 28-29.

⁵⁹³ Nawāb Muḥammad Wazīr Khān, comp., *Waqā‘i ‘Aḥmadī*, ed. Sayyid Suḥbān Thāqīb Nadwī (Sayyid Aḥmad Shahīd Akadēmī, Rai Bareli and Maktabat al-Shabāb al-‘Ilmiyya, Lucknow, 2013), 1: 389-90.

journey.⁵⁹⁴ Eventually, by the time Sayyid Aḥmad set off for hajj from Calcutta, he had amassed a fully-funded caravan of around 750 men, women, and children, including about fifty destitute pilgrims (*masākīn*), in ten ships headed by Yemeni, Omani, Turkish, and Indian captains (*nākhudās*).⁵⁹⁵ Thus did the largest Indian pilgrimage caravan ever organized under the singular authority of a Sufi shaykh and his disciples set out from British Calcutta to the Ottoman Hijaz in 1822.

Sayyid Aḥmad's pilgrimage has mainly been evaluated in light of his alleged links with Wahhabi thought. As such, little attention has been given to the journey itself and the wider legal and social encounters, even though they shed significant light on the shifting politics of empire and legal pluralism in this period.⁵⁹⁶ The very spectacle of a north Indian Sufi shaykh pledging to travel and labor for pilgrimage, of raising a large caravan by preaching alongside his scholarly associates for its obligation, reflects the Mughal empire's loss of its prominent role in supporting imperial hajj caravans and sending gifts to the Hijaz, as mourned by Rafī' al-Dīn al-Murādābādī in 1786. In turn, Sayyid Aḥmad's direct appeals, public debates, and engagements with the larger populace heralded a public-centered approach that emerged in the next decades across many cities of British India. The shaykh's traveling tours and pronouncements contributed directly to an emerging public comprising audiences of scholars, merchants, nobles, landed elites, men and women, and literate and illiterate common people ('*awām* or the laity) alike in rural and urban

⁵⁹⁴ *Waqā'i' Aḥmadī*, 1:406. This view was not new; it was also deemed non-obligatory by a court scholar during the reign of Akbar. Farooqi, *Mughal-Ottoman Relations*, 148 and fn. 21.

⁵⁹⁵ *Waqā'i' Aḥmadī*, 1: 661-67.

⁵⁹⁶ For a brief overview of this journey in English, see: Mohiuddin Ahmad, *Saiyid Ahmad Shahid: His Life and Mission* (Lucknow: Academy of Islamic Research and Publications, 1975), 79-109; Rizvi, *Shāh 'Abd al-'Azīz*, 483-84.

settings. And as this chapter discusses below, Sayyid Aḥmad and his followers would be some of the earliest Indian Muslims to make extensive use of the new technology of lithographic printing to spread the writings of the *ṭarīqa-i muḥammadiyya*. The social transformations and their significance for the history of legal pluralism in the first half of the nineteenth century form the subject of this chapter.

This chapter builds upon the narrative sketched in the previous chapters on how the hadith sciences proliferated in scholarly networks and gained epistemological preeminence as a central field of legal study for several generations of Indian Hanafis in the Indian Ocean, thereby increasing legal and social fluidity between madhhab boundaries and undermining the Hanafi madhhab's position as the sole legal authority for these Hanafi jurists in the eighteenth and early nineteenth centuries. It then evaluates how the ascendancy of hadith and the weakened authority of the Hanafi madhhab converged with new socio-intellectual developments, including the rise of vernacular print and the emergence of new genres of legal and scriptural writings. It is here, in this context of convergence between manuscript and print culture, of internal Hanafi debate on *taqlīd* (legal conformity) and religious debates (with European missionaries or Shi'i interlocuters), of new and old forms of legal authority – of an emerging “public sphere” built amidst the early modern Indian Ocean “ecumene” – that it locates the prolific outburst of legal conflict and competition in the first half of the nineteenth century.⁵⁹⁷

The “public sphere” in South Asian history remains elusive as an empirical object, fraught with associations in its Habermasian conception to European categories of liberalism and

⁵⁹⁷ C. A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (Cambridge: Cambridge University Press, 1996), 180-212.

civil society.⁵⁹⁸ Still, a modern South Asian public sphere is said to have emerged in the nineteenth century through vernacular printing and newspapers, debates between competing religious and sectarian groups, and new communal and nationalist societies.⁵⁹⁹ Most scholarly attention has focused on the mid-nineteenth and the twentieth century, a time when “public” as a term was used by many colonial and Indian actors in service of different projects.⁶⁰⁰ This chapter sustains the close nexus of law, religion, and public that has emerged in recent work on how the public was “defined and regulated through juridical institutions,” but with reference to the first half of the nineteenth century.⁶⁰¹ In this chapter, the public appears both as an *arena* and *object* of religious disputation: *where* legal claims and conflicts were contested beyond the social circles of the ‘ulamā’ or scholars, and *how* the popular customs and legal burdens of the ‘*awām*’ (common people) became subject to increasing debate. In other words, it locates the public in large, open debates, in (often) printed rebuttals, fatwas, and disputations, in petitions and protests, in new institutions, and caravans of followers, as well as in the content of these discourses. As the contradictions of early modern madhhab-centered legal pluralism surfaced in the public sphere – in all its material and social formations – the speed and frequency of legal

⁵⁹⁸ Scott and Ingram, “What is a Public? Notes from South Asia,” 363. On the pre-colonial public sphere, see: Hasan, “Forms of Civility and Publicness in Pre-British India.”

⁵⁹⁹ For two early studies, see: See Sandra Freitag, *Collective Action and Community: Public Arenas and the Emergence of Communalism in North India* (Berkeley: University of California Press, 1989); Dietrich Reetz, *Islam in the Public Sphere: Religious Groups in India, 1900-1947* (New Delhi: Oxford University Press, 2003).

⁶⁰⁰ See the two special issues on the public sphere in South Asia: Sandra Freitag, ed., “Special issue on ‘Aspects of “the Public” in Colonial South Asia,” *South Asia: Journal of South Asian Studies* 14, no. 1 (1991) and Brannon D. Ingram, J. Barton Scott, and SherAli Tareen, eds., “Imagining the Public in Modern South Asia,” *South Asia: Journal of South Asian Studies* 38, no. 3 (2015).

⁶⁰¹ Scott and Ingram, “What is a Public?” 366.

conflict, the search for absolute scriptural legitimacy, and the urgency to refute competing normative legal claims, increased substantially, exceeding the bounds of the madhhab-system.

This chapter therefore argues that the debates on *taqlīd* and heretical innovations (*bid‘a*) represented a direct outgrowth of the longer processes of hadith scholarship emerging from the sixteenth century onwards in the Indian Ocean, as well as the more immediate context shaped by the spread of lithographic printing and the emergence of a public sphere. In particular, the teaching of the hadith sciences, the proliferation of printed hadith compilations, legal manuals (along with some Urdu translations), and Urdu legal treatises marked a major turning point when the hadith sciences and their accompanying contestations spilled over to the masses as part of a deliberate strategy of reform. With the expansion of the social sphere, the influx of all kinds of missionary activity and print entrepreneurs, and the growing access to Islamic scripture, the authority of Muslims jurists and the madhhab-system became subject to more expansive critiques and defenses than those launched in the previous century.⁶⁰² This chapter ultimately argues that madhhab-centered legal pluralism began to fragment as the critiques exceeded the internal Hanafī critiques of the previous century in terms of their scope and their social and legal stakes (of *takfīr* or excommunication), subjecting legal difference to the mercy (or lack thereof) of the public sphere rather than the familiar bounds of the madhhab-system.

This chapter begins with Sayyid Aḥmad’s pilgrimage journey, with an eye towards how his scholarly encounters and his newfound claims of authority were facilitated by the madhhab-

⁶⁰² On early Muslim-European debates, see: Avril Powell, *Muslims and Missionaries in Pre-Mutiny India* (Richmond, Surrey: Curzon Press, 1993). For a study of a nineteenth-century Deobandi attempt to articulate “a rational theology for the public sphere,” see Fuad S. Naeem, “Interreligious Debates, Rational Theology, and the ‘Ulama’ in the Public Sphere: Muḥammad Qāsim Nānautvī and the Making of Modern Islam in South Asia,” (PhD Dissertation, Georgetown University, 2015).

centered legal pluralism of the Indian Ocean, and yet saw the emergence of new threats. It then discusses the key texts of the *ṭarīqa-i muḥammadiyya*, including a lesser known but important treatise on madhhab authority via a case study of *rafʿ al-yadayn* (of raising hands at particular stages in ritual prayer), interrogating how it built and diverged from previous articulations of legal pluralism. The chapter then discusses the wider reception and critiques of the *ṭarīqa-i muḥammadiyya* by contemporary scholars in the public sphere, both amongst close associates of the *ṭarīqa-i muḥammadiyya* and opponents who traveled the Indian Ocean. It considers how opponents defended legal pluralism by obtaining Hijazi fatwas from different madhhabs and by rearticulating the madhhab-system in vernacular formats for public audiences. The chapter shows how scripture came to dominate both sides of the legal discourse, even as colonial and Indian presses began printing canonical hadith and legal compilations. As a result, it demonstrates how intense debates and divides between Indian Hanafis, often from the same networks, fragmented both the social and legal unity of Indian Hanafis, and with it, madhhab-centered legal pluralism in the Indian Ocean.

A Revolutionary Caravan of Indian Hajjis, 1822

This chapter opened with the proposition that Sayyid Aḥmad's pilgrimage was conducted not only in the context of a declining Mughal center, but that it also contributed to an expanding public sphere. This is reflected in the kinds of sources produced through this trip: hagiographies printed by some of his disciples for public readership, as well as travelogues by travelers around Sayyid Aḥmad. Some of the travelogues were collected together in the early nineteenth century as the *Waqā'i 'Aḥmadī* by the chronicler Nawāb Wazīr Khān of Tonk, and in them, we are given

detailed accounts of the itinerary, ticket prices, expenses for food and essentials, accommodations, miracles of Sayyid Aḥmad, and the strange wonders witnessed on this journey.⁶⁰³ In contrast, the intricacies of legal decisions and debate are not given the centrality they had just a few decades earlier in al-Murādābādī's travelogue discussed in Chapter Three. The *Waqā'i Aḥmadī* thus seems to have been composed as a guide for a common Urdu reader rather than the scholar, though it ultimately remained in manuscript form until the last decade. Together, these sources give us a rare glimpse of law in process and in motion, of how Sayyid Aḥmad's caravan interacted with local scholars, peoples, and authorities. In this way, we can see how madhhab-based legal pluralism fared amidst the changing contexts of this period, especially with the lingering memory of Saudi rule in the Hijaz.

With this, we can resume our journey alongside Sayyid Aḥmad's pilgrimage caravan. The hajj seems to have been a relatively unregulated affair (in terms of British control) in the first half of the nineteenth century, and the emergence of British power did not stop major Indian players from engaging in pilgrimage or charity in the Hijaz.⁶⁰⁴ To be sure, the British did exercise control over the pilgrimages of more politically entrenched figures, as when the Begum Shams al-Nisā', widow of the late Nawab Asaf al-Dawla (r.1775-1797) of Awadh, requested permission to go on pilgrimage in 1808, or when the pardoned Nawab Shams al-Dawla of Benares requested to go on pilgrimage to Mecca and Karbala in 1828 (and was "dissuaded" from

⁶⁰³ Nawāb Muḥammad Wazīr Khān, comp., *Waqā'i Aḥmadī*, ed. Sayyid Suḥbān Thāqīb Nadwī (Sayyid Aḥmad Shahīd Akadēmī, Rai Bareli and Maktabat al-Shabāb al-'Ilmiyya, Lucknow, 2013).

⁶⁰⁴ For instance, see the British report on the distribution of charity at Mecca in 1829 on behalf of the Nawab of the Carnatic, paid from his one-fifth share of the Carnatic revenues: IOR/F/4/1242/40881.

doing so).⁶⁰⁵ However, Sayyid Aḥmad's pilgrimage seems to have proceeded apace without intervention on their part.

From Calcutta, Sayyid Aḥmad's ten ships headed at separate paces along the Indian coastline, making stops at smaller ports along the Karnatak, Sri Lanka, and at Calicut, to restock on provisions. Sayyid Aḥmad consulted with his associate mufti 'Abd al-Ḥayy Badhonī about the permissibility of combining prayers during the journey and opted for the non-Hanafī position (embraced by other madhhabs) to combine the prayers. Out in the sea, exclusive adherence to the Hanafī position was left behind, but madhhab-centered legal pluralism remained paramount, adjudicated by the mufti. Eventually, Sayyid Aḥmad's ship, which was the last to embark from Calcutta, stopped at an undeveloped Aden, where the passengers were confronted with the challenges of procuring shade against a blistering sun and disembarking all the men and women in time for Friday prayers. The sight of an unknown ship in the distance stoked fears of pirates, but the travelers managed to visit the tomb of Aden's shaykh Sayyid 'Aydarūs.⁶⁰⁶ For all the reformist reputation of the *ṭarīqa-i muḥammadiyya*, the familiar elements of early modern legal pluralism and travel – the madhhab-system, Sufi shrines, even the authority of an onboard mufti – remained visible within this journey.

From Aden, the caravan left for the more prosperous city of Mocha, where Sayyid Aḥmad and his fellow passengers spent an entire month. Here, Sayyid Aḥmad made his presence

⁶⁰⁵ IOR/F/4/296/6834 and IOR/F/4/480/11547.

⁶⁰⁶ Sayyid Aḥmad Barelwī, *Maktūbāt-i Sayyid Aḥmad Shahīd aur Kalā Pānī*, comp. Mawlānā Muḥammad Ja'far Thanestrī, trans. Sakhāwat Mirzā (Karachi: Nafīs Akademī, 1969), letter 1, pg. 9. Sayyid Aḥmad, for whatever reason, omitted the mention of visiting the saint 'Aydarūs in his letter, but it was mentioned by two disciples: Muḥammad Ja'far Thanestrī, *Tawārīkh-i 'Ajība mawsūm be Sawāniḥ-i Aḥmadī* (Delhi: Maṭba' Fārūqī, 1301/1884), 76; Sayyid Muḥammad 'Alī, *Makhzan-i Aḥmadī* (Agra: Maṭba' Mufid 'Ām Agra, 1299/1882), 88.

known in the city and accepted *bay‘a* (allegiance into his tariqa) from many locals. He also reached out to Yemeni scholars. At the request of fellow traveler ‘Abd al-Ḥaqq al-Banārasī (d.1276/1860), who had studied hadith with the sons of Shāh Walīullāh, Sayyid Aḥmad penned a letter in Arabic to the renowned Muḥammad al-Shawkānī of Sanaa (whom we encountered in Chapter Three) to request a copy of his work on fabricated hadith (most likely his *al-Fawā‘id al-Majmū‘a fī al-Aḥādīth al-Mawḍū‘a*). In this letter, Sayyid Aḥmad reportedly described the achievements and virtues of Shāh Walīullāh and his sons, and introduced himself as a humble student of Shāh ‘Abd al-‘Azīz, mentioning some of his own miracles. Sayyid Aḥmad then read out the three pages of his letter to the local qadī at Mocha, who was impressed by its contents and promised to forward the letter to al-Shawkānī at Sanaa. The qadī also agreed to hold the desired text for him once they visited Mocha again on their return journey.⁶⁰⁷

It is difficult to establish what actually came of this letter: a later account does mention that al-Shawkānī did send ‘Abd al-Ḥayy Badhonī (as opposed to Sayyid Aḥmad) some of his writings along with a general *ijāza*.⁶⁰⁸ Nevertheless, the choice of the book sought – on fabricated hadith – underscores the investment in hadith by members in this caravan. Their interest in al-Shawkānī is indicative of the large sway al-Shawkānī would continue to have over many Indian scholars in the next generations. The description of each generation of Walīullāhi scholarship in Sayyid Aḥmad’s letter highlights the importance of intellectual genealogy in connecting multiple strands of scholarship across different regions. The facilitating role of the qadī highlights the entanglements of judges with these networks of hadith. As seen in previous

⁶⁰⁷ *Waqā‘i‘ Aḥmadī*, 2: 73-74.

⁶⁰⁸ al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1005.

chapters, legal pluralism and connectivity in the Indian Ocean was enabled by many such tools and institutions.

Such tools combined to enable high levels of legal cooperation, even against strong cultural differences. Encouraged by his new relationship with the local qadi, Sayyid Aḥmad took initiative to act against a local custom that had shocked him: how all the (male) inhabitants of the city, including its most learned scholars and elites, bathed completely naked at the pools (*ḥawḍ*) of the mosque. He declared to the qadi: “it is a strange thing that though the religion spread from Arabia to Hindustan, and if there is ever a debate on an issue, we [Hindustanis] take the Arab sources that the Arabs practice such a custom [to argue for their normativity], it is of great astonishment that people here practice such shamelessness (*bey-ḥayā’ī*).”⁶⁰⁹ The qadi responded that his attempts to stop this practice had failed; Sayyid Aḥmad sought permission to appoint a few burly travelers at the pools to enforce this law. The qadi assented, and eventually, through their strict watch and beatings, “if someone saw us Hindustanis [at the pools], he would refrain from bathing.”⁶¹⁰ The impetus of this caravan to stamp out practices perceived as anti-Islamic thus continued outside South Asia, overcoming even racial and geographical hierarchies of Islamic normativity. The legal differences between the travelers and the locals reproduced cultural differences between Hindustani and Arab. Yet the grounds for legal exchange enabled by madhhab pluralism enabled Sayyid Aḥmad to request and then receive permission from the qadi to enforce his ruling. In essence, this episode demonstrated the potential for both cultural conflict and cooperation through shared legal frameworks.

⁶⁰⁹ *Waqāi’ Aḥmadī*, 2: 75.

⁶¹⁰ *Waqāi’ Aḥmadī*, 2: 75.

In 1822, at the very end of Sha‘bān of 1237, Sayyid Aḥmad finally arrived at Mecca. “An amazing state (*hālatī ‘ajīb*) overcame me, one that I cannot explain, and that everyone present felt,” he later wrote to Shāh ‘Abd al-‘Azīz in a letter.⁶¹¹ A prayer spontaneously emerged from his lips: “a lowly group of sinners have come from distant lands to visit Your Ḥaram, and I have brought them...”⁶¹² In that moment, he recalled, “marvelous and astonishing glad tidings became manifest... and I remember these words as well; that We have pardoned everyone from Hind to Bukhara...”⁶¹³ Sayyid Aḥmad’s mystical visions, as described in his letter, echoed the more theologically sophisticated visions Shāh Walīullāh had described during his pilgrimage in the 1730’s. These visions explicitly served to channel spiritual authority through him, and now referenced a geography emerging from Sayyid Aḥmad’s own conception of his jurisdiction.

Sayyid Aḥmad’s nephew had already arranged accommodations at Mecca for the next few months. This nephew also described the prayer arrangements for each madhhab at the Haram, though his account was much different from how al-Murādābādī had described it a few decades earlier: that the Hanafis led all the prayers first, with the exception of the Fajr prayer which the Shafī‘is initiated.⁶¹⁴ There was also no critique or discussion of its legality as al-Murādābādī had provided, no intricate legal discussions for scholarly consumption. Instead, the arrangements of the madhhab system were described in the same tone as the logistics of its muezzins, domes, and lamps, as part of the grand spectacle of this sanctuary, that might be

⁶¹¹ Sayyid Aḥmad, *Maktūbāt-i Sayyid Aḥmad Shahīd*, letter 1, pg. 10-11.

⁶¹² Ibid.

⁶¹³ Ibid.

⁶¹⁴ *Waqāi‘ Aḥmadī*, 2: 92.

appreciated by a wider audience. During *tarāwīḥ* prayers in Ramadan, a dizzying cacophony of prayers and voices rose across the courtyard of the Haram as worshippers formed their own congregations. Sayyid Aḥmad, after conferring with ‘Abd al-Ḥayy Badhonī and Shāh Ismā‘īl, opted to perform *tarāwīḥ* later at night after the large crowds had subsided. He then would pray Fajr prayer with the earlier congregation, at the Shafī‘i station.⁶¹⁵ The decision to regularly pray behind the Shafī‘i station was noted without raised eyebrows by his biographer, writing in the 1890’s. It was as if the debates covered in the previous chapters on inter-madhab prayer were now long over and forgotten. The madhab-system’s structural divisions (in the prayer stations) were at this instance visible and yet easily crossable.

That ‘Eid Sayyid Aḥmad met ‘Umar ibn ‘Abd al-Karīm (d.1247/1831), the most senior Hanafī hadith scholar in Mecca, as well as a prominent Sufi, who was later portrayed in Indian accounts as a fierce opponent of the Saudis during their conquest of the Hijaz.⁶¹⁶ Sayyid Aḥmad gave him a gift of five riyals, which he accepted after some hesitation, much to the surprise of local elites. This was reported to have been seen as a sign of Sayyid Aḥmad’s special status, given that ‘Umar ibn ‘Abd al-Karīm had refused the offerings of senior Ottoman representatives.⁶¹⁷ What was left unmentioned, however, was that ‘Umar ibn ‘Abd al-Karīm was likely already familiar with Shāh Walīullāh, given that he transmitted hadith (through a teacher)

⁶¹⁵ Thanestrī, *Tawārīkh-i ‘Ajība*, 77.

⁶¹⁶ ‘Umar ibn ‘Abd al-Karīm is listed as a Shafī‘i in al-Kattānī, *Fahras al-Fahāris*, 2:796-97, but that is incorrect. He is listed as a Hanafī in most other sources, including the *Waqā‘i ‘Aḥmadī*, 2:96-97 and ‘Abdullāh al-Ghāzī, *Naẓm al-Durar*, 481-83. He is also listed as a Hanafī in his stamp within a manuscript: *Risāla fī Qirā‘at Dalā‘il al-Khayrāt*, British Library, Delhi Persian 160a. For his anti-Wahhabi encounters, see: Faḍl-i Rasūl Badāyūnī, *al-Bawāriq al-Muḥammadiyya li Rajm al-Shayāṭīn al-Najdiyya* (Delhi: Maṭba‘ Siwīl Milīṭarī, 1265/1848-49), 11. On his biography, see: Abū Bakr al-Zur‘a, *Manāqib ‘Umar ibn ‘Abd al-Karīm*, Maktabat al-Ḥaram al-Makkī, MS 2890.

⁶¹⁷ *Waqā‘i ‘Aḥmadī*, 2:96-97.

from the Indian-born Murtaḍā al-Zabīdī, an early student of Shāh Walīullāh. Nevertheless, the importance given by the sources towards Sayyid Aḥmad’s productive meeting with this senior Hanafi scholar demonstrated how mutual Hanafi identity continued to connect scholars from different regions.

‘Umar ibn ‘Abd al-Karīm was not the only scholar Sayyid Aḥmad met. The sources mention how Sayyid Aḥmad connected with dozens of other religious personalities, including local Hanafi imams as well as the Shafi‘i imams of the Haram, some of whom are mentioned by name.⁶¹⁸ According to a versified account, Sayyid Aḥmad even received allegiance (*bay‘a*) from a Hanafi shaykh who had arrived at the head of a caravan from Bulghar, and who conversed with Sayyid Aḥmad in Persian.⁶¹⁹ Sayyid Aḥmad also received allegiance from a caravan of Shafi‘is from Java, and others from Morocco.⁶²⁰ The sources thus portray Sayyid Aḥmad as having a position of leadership in the Hijaz; the respect he enjoyed from his Indian disciples was easily recognized and intelligible to a diverse array of people in the Hijaz. In fact, people reportedly marveled at how Sayyid Aḥmad was able to charismatically attract so much attention from rich and poor alike, to distinguish himself in such fashion from the thousands of pilgrims present. During hajj, a few months later, Sayyid Aḥmad accepted *bay‘a* from new and old disciples alike on the sacred day of ‘Arafa – the climax of hajj – and drew crowds as the news of allegiance-pledging spread amongst male and female pilgrims.

⁶¹⁸ Nadwī, *Sīrat Sayyid Aḥmad Shahīd*, 1:355.

⁶¹⁹ For the poetry, see: ‘Alī, *Makhzan-i Aḥmadī*, 94-95. Also see: Thanasrī, *Tawārīkh-i ‘Ajība*, 77.

⁶²⁰ Nadwī, *Sīrat Sayyid Aḥmad Shahīd*, 1:356; *Waqāi‘ Aḥmadī*, 2:112-13.

After hajj, Sayyid Aḥmad directed Shāh Ismā‘īl and ‘Abd al-Ḥayy Badhonī to produce an Arabic translation of the Persian *Širāt al-Mustaqīm*, the central work which laid out in detail the principles of his tariqa and his critiques of popular beliefs and innovations, and to which we will return in the next section. Presumably this reflected some demand for such a work, and again reflected an instance of Persian-to-Arabic translation. Sayyid Aḥmad also directed Shāh Ismā‘īl and ‘Abd al-Ḥayy Badhonī to hold lessons of the *Hujjatullāh al-Bāligha* of Shāh Walīullāh and the hadith compendium *Mishkāt al-Maṣābīḥ* respectively, and their “gatherings grew in size and people had the opportunity to benefit generally” (*bara majma‘ honay lagā aur logon ko ‘ām istifāday kā mawqa‘ milā*).⁶²¹ Such lessons reflected the public aspirations of this movement and their success in finding an audience in the Hijaz.

Shāh Ismā‘īl’s presence in particular contributed to the gradual transregional spread of Shāh Waliūllāh’s line of scholarship in the Hijaz. After all, this trip marked the first time a direct male descendant of Shāh Waliūllāh returned to Mecca since Shāh Waliūllāh’s own famous trip in 1731. A biographer later claimed that his trip had been predicted by Shāh Waliūllāh himself.⁶²² Shāh Ismā‘īl taught and granted an *ijāza* to a local Hanafi Meccan student, ‘Abdullāh Sirāj al-Makkī (d.1264/1848), who later became the chief of the scholars (*ra’īs al-‘ulamā’*) of Mecca and whose fatwas, as we will see below, would reach South Asia.⁶²³ Moreover, this is also the first report of the Shāh Waliūllāh’s magnum opus, the *Hujjatullāh al-Bāligha*, being taught at Mecca; it most likely was only taught again about half a century later at the Madrasa Ṣawlatiyya

⁶²¹ *Waqāi‘ Aḥmadī*, 2:136.

⁶²² Muḥammad ‘Abd al-Raḥīm Ḍiyā’, *Maqālāt-i Tarīqat* (Hyderabad: Maṭba‘ Matīn Kartān, 1292/1874-75), 12.

⁶²³ al-Ghāzī, *Naẓm al-Durar*, 365-66.

(discussed in Chapter 5). Crucially, in all these descriptions, the imperial state was largely invisible (with minimal reference to the Ottomans, the Egyptians, or the Sharifs), and the activities of the Indian scholars were seemingly facilitated by the legal pluralism of other jurists who recognized their scholarly profile and genealogy and a public that crowded after them. This was madhhab-centered legal pluralism at its social best, connecting scholars and pilgrims from different parts of the world and of different legal schools, without the mediating hand of an assertive state.

The local Hijazi authorities appear in the context of the only instance of legal conflict that disrupted their otherwise harmonious visit. This incident also reveals the underlying centrality of the madhhab-system to their entire set of interactions. The recent period of Nejd-Saudi occupation was still fresh in the minds of the local authorities, as the Saudis had overcome in many ways the legal pluralism of the Hijaz (as discussed in Chapter Three). Indeed, anti-Wahhabi sentiments were strong amongst scholars who celebrated the Hijaz's reconquest at the hands of Ibrāhīm Paşa.⁶²⁴ Perhaps for this reason, Sayyid Aḥmad did not make large demands upon the local authorities as he had at Mocha: for instance, during his time at Medina, Sayyid Aḥmad pointedly excused himself from an invitation to participate in the *mawlid* (celebrating the birth of the Prophet), which he deemed a heretical innovation (*bid'a*), but did not try to prevent it from occurring.⁶²⁵ However, this approach was not shared by all in his caravan. In Medina, 'Abd

⁶²⁴ For an early refutation of the Wahhabis, see the Arabic treatise penned in 1218/1803 in Istanbul, containing a point-by-point refutation of 'Abd al-'Azīz ibn Muḥammad ibn Sa'ūd (d.1803): Muḥammad 'Aṭāullāh al-Naqīb, *Sharḥ Risāla Radd al-Wahhābiyya lil-Marḥum 'Alizāda*, Süleymaniye Kütüphanesi, Bağdatlı Vehbi 2054, ff. 2-19. For an undated celebratory account of the Egyptian conquest of the Hijaz over the Saudis: see *Tārīkh Muḥammad 'Alī Bāshā al-Musammā bil-Washya wa al-Ṭirāz fī Fath al-Hijāz*, Princeton University, Islamic Manuscripts, Garret no. 36L.

⁶²⁵ *Waqāi' Aḥmadī*, 2:132.

al-Ḥaqq al-Banārasī (who had requested Shawkānī's book on fabricated hadith at Mocha) was reportedly vocally critical of certain popular Sufi practices and the four madhhabs.⁶²⁶ Without more details, it is difficult to know exactly what 'Abd al-Ḥaqq al-Banarasī critiqued but it likely was the first time an attack on the madhhab-system in toto was made by an Indian in the Hijaz.⁶²⁷ The local authorities declared 'Abd al-Ḥaqq a Wahhabi and imprisoned him, and 'Abd al-Ḥayy Badhonī eventually stepped in to negotiate his release.⁶²⁸ After being released, 'Abd al-Ḥaqq al-Banarasī made his way to Sanaa, where he met Muḥammad al-Shawkānī and 'Ābid al-Sindī (who was, as we saw in Chapter Three, strongly supportive of many Sufi practices presumably opposed by al-Banarasī), amongst others, and received *ijāzas* from them before he returned to South Asia.⁶²⁹

In this episode, the category of Wahhabi lost its regional specificity towards Nejd and stood for perceived threats to the madhhab-system in the Hijaz. Yet, al-Banārasī's request for an *ijāza* from 'Ābid al-Sindī suggested a more complex politics that recognized the authority of hadith scholars still favorably inclined towards the Hanafī school and Sufi practices. Nevertheless, the swift censorship and the accusations 'Abd al-Ḥaqq faced of being a Wahhabi portended the later accusations Ottoman authorities, British officials, and Indian rivals later made against a whole array of Indian figures, each for different reasons, as will be explored in Chapter 5.

⁶²⁶ al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1000-3.

⁶²⁷ He wrote a *risāla* on this question, which I have yet been unable to obtain. al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1000-3.

⁶²⁸ *Waqā'i' Aḥmadī*, 2:129-31.

⁶²⁹ See chapter 3. Also: 'Abdullāh al-Ghāzī, *Naẓm al-Durar*, 518.

Sayyid Aḥmad eventually returned home in Ramadan of 1239/1824, and immediately launched preparations for the jihad movement. The hajj thus served as a transitioning point for a burst of new campaigning for jihad and migration. The spiritual visions Sayyid Aḥmad received during this trip were cited to highlight the credibility of his political mission, and the crowds he attracted were cited as proof of his overwhelming spiritual authority. In one letter, Sayyid Aḥmad wrote to the Shah of Bukhara informing him as to how he was blessed to lead about 700 sincere Muslims to the Ḥaramayn, where he received glad tidings of victory for “raising the word of the God of the worlds and reviving the *sunna* of the Leader of the Messengers,” and for “defeating the enemies of the religion.”⁶³⁰ He claimed how “thousands upon thousands, rather innumerable people” (*hazārān-i hazār balki khalā’iq bī-’adad*) from “all the communities of Islam and the famous personalities of the elites and the common people” (*jamāhīr-i ahl-i islām wa mashāhīr-i khawāṣ-u-’āwām*) had pledged allegiance to him.⁶³¹ In a letter exhorting another royal personality to jihad, Sayyid Aḥmad wrote how “the famous scholars of religion and all the Muslim warriors,” (*mashāhīr-i ’ulamā’-i dīn wa jamāhīr-i mu’minīn-i mujāhidīn*) had already pledged allegiance to his imamate (*imāmat*).⁶³² The references to *jamāhīr-i mu’minīn* or *jamāhīr-i ahl-i islām*, indicating meanings ranging from “all” to “communities” of Muslims (and after the emergence of nation-states, “republics” and “states”) arguably represented an early articulation of a transregional Muslim political consciousness that drew upon a working notion of the public,

⁶³⁰ Sayyid Aḥmad, *Maktūbāt-i Sayyid Aḥmad Shahīd*, letter 14, pg. 79.

⁶³¹ Ibid. 78.

⁶³² Ibid., letter 8, pg. 54.

about sixty years before Indian pan-Islamism is said to have emerged.⁶³³ The hajj and its encounters, as well as the public mobilizations therein, were thus recast in explicitly political terms.

While this journey was not so much a pursuit of knowledge or law as it was of pilgrimage and political mobilization, it was facilitated by madhhab-based legal pluralism. This was true on the ship, at stops along the journey, in the Hijaz itself; Sayyid Aḥmad and members of his caravan flourished within a context that gave them the intellectual space to substantially engage members of different legal traditions from diverse regions. At Mocha, this occurred to such an extent that Sayyid Aḥmad brazenly enforced what the local qadi had failed. Although our sources do not give detailed accounts of intellectual and legal debates or discussions, given their more public orientation, their references to the legal affiliations of Sayyid Aḥmad's interlocutors demonstrate that their standing within the madhhab-system formed a foundational basis of mutual dialogue and recognition. What was unique about this pilgrimage was a publicly-oriented campaign leading up to and during the hajj, the acceptance of mass *bay'as* from crowds of pilgrims, the politicization of the pilgrimage's performance as a means of building political capital, and the heightened awareness of the threat to the madhhab-system in the aftermath of Saudi rule. In sum, it was the entry of legal authority and practice into the public – with all the instability of this uncharted social and political territory – that distinguished this particular hajj.

⁶³³ Sayyid Aḥmad's transregional political consciousness has not been studied in depth. He uses the phrases *jamāhīr*, *jumhūr-i mu'minīn*, *ahl-i islām*, frequently in his campaigns and letters. While he does not claim support from a central caliph, he claims to draw authority from a broad category of Muslims. Cf: Cemil Aydin, *The Idea of the Muslim World: A Global Intellectual History* (Cambridge: Harvard University Press, 2017).

Yet this pilgrimage has mainly been evaluated by historiography in terms of the possibilities of Arabian Wahhabi influence on Sayyid Aḥmad.⁶³⁴ This is a wider problem, and also holds true for the study of the contemporaneous Ḥājjī Sharī‘atullāh (d.1840) of Bengal, another Indian scholar who spent almost two decades in the Hijaz from 1799 to 1818, and launched the reformist Faraizi movement upon his return to Bengal. The thesis of Wahhabi influence was critiqued forcefully in an obscure Oxford dissertation written in the mid-1950’s on the basis of a comparative analysis of the social, political, and intellectual components of the Wahhabi movement, the Faraizi movement of Ḥājjī Sharī‘atullāh, and the *ṭarīqa-i muḥammadiyya* of Sayyid Aḥmad.⁶³⁵ The Faraizis did not engage in jihad in Bengal or resort to *takfīr* of other Muslims, unlike the Wahhabis; the *ṭarīqa-i muḥammadiyya* was heavily steeped in Sufi thought and was largely conceived before the hajj of 1822, after the Wahhabis had been defeated for almost a decade. Even Ḥājjī Sharī‘atullāh, who must have witnessed Saudi rule in the Hijaz, appears to have studied at Mecca with Muḥammad Tāhir ibn Muḥammad Sa‘īd Sunbul (d.1218/1803), a prominent Hanafī hadith scholar who also was a teacher of ‘Ābid al-Sindī, and

⁶³⁴ See for instance: Qeyamuddin Ahmad, *The Wahhabi Movement in India*, Second edition (New Delhi: Manohar Publishers, 1994); Jamal Malik, *Islam in South Asia: A Short History* (Leiden, Boston: Brill, 2008), 256-58; Farhan Ahmad Nizami, “Madrasahs, Scholars and Saints: Muslim Response to the British Presence in Delhi and the Upper Doab, 1803-1857” (PhD Dissertation: University of Oxford, 1983), 243-46; Ahmad, *Saiyid Ahmad Shahid*; notoriously, Charles Allen, *God’s Terrorists: The Wahhabi Cult and the Hidden Roots of Modern Jihad* (Da Capo Press, 2006); Marc Gaborieau, “A Nineteenth-Century Indian ‘Wahhabi’ Tract Against the Cult of Muslim Saints: *Al-Balagh al-Mubin*,” in *Muslim Shrines in India: Their Character, History and Significance*, ed. Christian W. Troll (New Delhi: Oxford University Press, 1989), 231-32; Marc Gaborieau, “Sufism in the First Indian Wahhabi Manifesto: *Ṣirātu’l mustaqīm* by Ismā‘īl Shahīd and ‘Abdu’l Ḥayy,” in *The Making of Indo-Persian Culture: Indian and French Studies*, edited by Muzaffar Alam, et. al (New Delhi: Manohar, Centre de Sciences Humaines, 2000), 149-166; in his recent work, however, Gaborieau distances himself from this idea and suggests al-Shawkānī’s influence as more likely: Marc Gaborieau, *Le Mahdi incompris: Sayyid Ahmad Bareilwi (1786-1831) et le millénarisme en Inde* (Paris: CNRS Éditions, 2010), 113-14.

⁶³⁵ I am grateful to Moin Nizami for bringing it to my attention. Muhammad Abdul Bari, “A Comparative Study of the Early Wahhābi Doctrines and Contemporary Reform Movements in Indian Islām,” (PhD Dissertation: University of Oxford, Faculty of Oriental Studies, 1953/1954).

a signatory to a petition of Meccan scholars denouncing the Wahhabis as early as 1793.⁶³⁶ The Faraizi movement and the *ṭarīqa-i muḥammadiyya* also differed vastly in their social constitution: while the Faraizi movement was primarily local to Bengal and claimed followers from lower socio-economic backgrounds (and was opposed by zamindars or landholders), the *ṭarīqa-i muḥammadiyya* of Sayyid Aḥmad gained support from nawabs to agricultural laborers and had a much broader geographical reach from Bengal to the frontier provinces.

Ultimately, the persistent tendency of historiography to consider Wahhabi influence betrays a lack of awareness of developments in networks of Hanafi and hadith scholars in the Indian Ocean, as if the Wahhabis represented the only major legal and theological development in an otherwise stagnant region. It obscures the active, entrenched system of madhhab-centered legal pluralism that formed the basis of so many of Sayyid Aḥmad's encounters during this trip, and more generally, of the enduring history of Indian participation in Hijazi scholarship. It also ignores the more fundamental shifts and obscures the actual dynamics of law and authority in a world in which there were many ways to be a member of the madhhab-system and to engage legal differences. And finally, it obscures the changing relationships between jurists, their own madhhabs, fellow Hanafis from different geographies, and the wider public as they were slowly thrust into the public domain. The rest of this chapter delves deeper into the legal politics of the *ṭarīqa-i muḥammadiyya* through an analysis of its major texts and the ensuing conflicts and debates it engendered amongst scholars in the public.

⁶³⁶ On Ḥājjī Shari'atullāh, see: Abdul Bari, "A Comparative Study of the Early Wahhābi Doctrines," 122-29; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:986-88. For the Ottoman petition of his teacher, composed in Shawwāl 1207 AH, see: BOA, HAT 95.3855.B.1.

The *Taqīd* of the *Ṭarīqa-i Muḥammadiyya*

This section moves beyond the social dimensions of legal pluralism and turns to a more textual analysis of the *ṭarīqa-i muḥammadiyya*'s written corpus, which was written for local Indians as well as neighboring Hanafis in Central Asia and Afghanistan. Perhaps the most famous and controversial text that launched the ideological platform of the *ṭarīqa-i muḥammadiyya* was Shāh Ismā'īl's *Taqwiyat al-Īmān* in Urdu. As is well documented, this treatise sought to shape Muslim practices in accordance with a close reading of the Qur'an and hadith, to advance *tawḥīd* (translated loosely as the belief in God's oneness) and prophetic normativity, to denounce and avoid *shirk* (associating partners with God) and *bid'a* (heretical innovation), and to emphasize Sunni practice over Shi'a, Hindu, and other religious groups. Shāh Ismā'īl included abundant quotations from the Qur'an and hadith in Arabic, translated into Urdu, and followed by lucid and direct commentary. The exegetical and commentarial traditions were swept aside in favor of a direct explication of meaning; this was a deliberate choice meant to convey the centrality of unmediated scripture to Islamic normativity and to make for a popular reading unencumbered by more advanced discussions. Written as early as 1818, and printed soon within the next decade as one of the earliest printed prose texts in Urdu, it succeeded in attracting considerable attention and circulation by the time of Shāh Ismā'īl's death in 1831.⁶³⁷ Yet, it would be a mistake to exaggerate the powers of print, as opposed to that of manuscript; as book historians tell us, the two often worked hand-in-hand in this period.⁶³⁸ For instance, even a

⁶³⁷ Accounts indicate he released copies of this text before Hajj, after receiving support from a group of scholars; see, Mawlānā Ashraf 'Alī Thānawī, *Arwāḥ-i Thalātha ya 'nī Hikāyāt-i Awliyā'* (Karachi: Matkaba 'Umar Farūq, 2009), 67-68. Also see: Gaborieau, *Le Mahdi incompris*, 98.

⁶³⁸ Anindita Ghosh, "An Uncertain 'Coming of the Book': Early Print Cultures in Colonial India," *Book History* 6, (2003): 23-55.

handwritten manuscript of the *Taqwiyat al-Īmān* from the nineteenth century exhibited features designed for more accessible consumption: large script size (about an inch long) for easy reading of its text (only eight lines per folio), with Arabic quotations of the Qur'an and hadith vowelized.⁶³⁹ This text was thus both written and produced for the public consumption of a mass Urdu readership.

The *Taqwiyat al-Īmān* has already received much attention in scholarly literature for its critique of a wide variety of popular practices of birth, marriage, celebration, death, tomb-rituals, and other theological issues, and its early contribution to Urdu prose in its efforts to achieve a public, non-specialist readership.⁶⁴⁰ Some, as mentioned in the previous section, have analyzed the ideas of *shirk* and *bid'a* in terms of their proximity (or lack thereof) to Wahhabi writings, or the degrees of their Sufi-ness. Others have focused on the political and military aspirations of this movement, debating to what extent the loss of Muslim power and the rise of British rule can explain the calls for jihad and migration.⁶⁴¹ While these are important lines of inquiry, scholarship has not yet taken seriously its legal relationship with the Hanafi school of law and the madhhab-system as a whole. It has been recognized that the *ṭarīqa-i muḥammadiyya* generally critiqued *taqlīd* and contributed to the rise of the Indian Ahl-i Hadith (who, as we will

⁶³⁹ Shāh Muḥammad Ismā'īl, *Taqwiyat al-Īmān*, Princeton University Library, Rare Books and Special Collections, Islamic Manuscripts, Garrett no. 114W.

⁶⁴⁰ On Urdu in particular, see: Khwājā Aḥmad Farūqī, *Urdū main Wahhābī Adab* (Delhi: Yūnyin Printing Pres, 1969); Qeyamuddin Ahmad, "The Missionary Literature of the Wahhabis: Its Historical Significance," in *Islam in India: Studies and Commentaries*, edited by Christian W. Troll (New Delhi: Vikas Publishing House Pvt Ltd, 1982), 51-63; Marc Gaborieau, "Late Persian, Early Urdu: The Case of 'Wahhabi' Literature (1818-1857)," in *Confluence of Cultures: French Contributions to Indo-Persian Studies* (New Delhi: Manohar, 1994), 105-134.

⁶⁴¹ Muhammad Hedayatullah, *Sayyid Ahmad: A Study of the Religious Reform Movement of Sayyid Aḥmad of Rā'e Bareilī* (Lahore: Sh. Muhammad Ashraf, 1970); Jalal, *Partisans of Allah*, 78-84; Harlan O. Pearson, *Islamic Reform and Revival in Nineteenth-century India: The Tarīqah-i Muḥammadiyyah* (New Delhi: Yoda Press, 2008).

see in Chapter 5, rejected the madhhab-system), but there has been no attempt to track and evaluate this development in legal and historical terms, to evaluate the usage of hadith within their legal debates and conceptions of juristic authority within the longer historical context of the last century. The question of the legal status of *taqlīd* is essential for helping us understand what the *ṭarīqa-i muḥammadiyya* signified for madhhab-based legal pluralism.

This section focuses on one of the most important critiques made by Shāh Ismā‘īl in the *Taqwiyat al-Īmān* and in his other writings: to declare *taqlīd* (more specifically, *taqlīd-i shakhsī*, or *taqlīd* of one individual) itself as a *bid‘a* (heretical innovation). This critique challenged the obligation of the common person to adhere exclusively to juristic authority. Shāh Ismā‘īl dedicated a chapter in refutation of the heretical innovation of *taqlīd*, tucked within the second and longer section of his *Taqwiyat al-Īmān*. Here, Shāh Ismā‘īl launched a direct attack on the regnant structures of legal authority: “most people accept the sayings and practice of maulvis and dervishes... and even if that speech or action is against God or God’s messenger, i.e. against the Quran and Hadith, they recognize those maulvis and dervishes as the judges of sharia (*ḥākim-i shar‘*) and the law-givers (*shāri‘*).⁶⁴² For Shāh Ismā‘īl, only God was the absolute judge (*ḥākim-i muṭlaq*), and to obey the Messenger was to obey God. A “mujtahid, ‘ālim, faqīh, maulwī, muftī, qāḍī, mullā, ṭālib-i ‘ilm, ghawth, quṭb, walī, pīr, shahīd, pīrzāday, khādim, mujāwir, [or] whichever category [one] belongs to” could never be the legislator or judge of the *sharī‘a* (*ḥākim-i sharī‘at*); they at best could be used to supplement one’s own ignorance of Divine law. The correct procedure of discovering the law was to find it in the Qur‘an, and if not there, then the hadith; then *ijmā‘* (consensus), then *qiyās* (legal analogy) performed by a *mujtahid*; and if

⁶⁴² Shāh Muḥammad Ismā‘īl, *Taqwiyat al-Īmān ma‘a Tadhkīr al-Ikhwān* (Lahore: Shama‘ Buk Aigensī, n.d.), 274.

still not resolved, to consult a *mujtahid* whose authority was recognized by most ‘ulamā’. Here, Shāh Ismā‘īl listed the eponyms of the four madhabs as examples of such mujtahids, but he did not list the madhhab per se as a source of legal authority.

As far as the principles of Islamic law were concerned, Shāh Ismā‘īl did not mention anything radically new or different here. The clear distinction between human efforts at arriving at legal knowledge and the divine law it claimed to represent was a foundational part of the Sunni legal tradition, as was the four-element system of Qur’an, *sunna*, consensus, and analogy. Where it departed to some extent in the north Indian context was Shāh Ismā‘īl’s approach toward the masses (or laity), arming them with a greater sense of responsibility and power based on the centrality of scriptural evidence: “the meaning of *taqlīd* is to accept someone’s judgement without ascertaining its evidence (*beḡhayr dalīl kay daryāft kiyay*).”⁶⁴³ For ordinary people to uncritically accept the verdicts of local maulwis and dervishes without investigating them (*taḥqīq*), was considered by Shāh Ismā‘īl as contradicting the theological authority of God as the law-giver, as susceptible to *shirk* or associating partners with God’s oneness. The common person could no longer rest content to accept the verdicts of their men of religion, but had to actively evaluate them, to perform *taḥqīq*, on the basis of scriptural evidence and reasoning. The need to examine the scriptural evidence behind the law, in Shāh Ismā‘īl’s formulation, had now reached the public.

The idea of the common person’s duty to scriptural adherence and legal knowledge was also not new: as we have seen in previous chapters, the responsibility of the ‘*awām* to understand evidence before accepting legal verdicts was discussed in the Indian Ocean by Ḥayāt al-Sindī,

⁶⁴³ Shāh Ismā‘īl, *Taqwiyat al-Īmān*, 276.

Mu‘īn Thattwī, and others in the previous century.⁶⁴⁴ Yet, unlike them, Shāh Ismā‘īl did not frame his discussion within the framework of legal conformity to the madhhab per se. He was more focused at the grassroots level, on the relationship between the common person (‘*ām ādmī*) and the religious authority figure across cities and villages, rather than with madhhab doctrine. His was not a call for *ijtihād*, but for *tahqīq*; not for new legal rulings against the strictures of the madhhab, but for the rigorous verification of local norms based on scriptural evidence. As such, Shāh Ismā‘īl left his relationships to the madhhabs as rather ambiguous, open to claims by followers or detractors as being either pro- or anti-madhhab.

A more explicit approach towards the madhhabs can be found in the main text of Sayyid Aḥmad’s teachings, the Persian *Şirāt-i Mustaqīm*, which was compiled and written by Shāh Ismā‘īl in cooperation with ‘Abd al-Ḥayy Badhonī. It presented the teachings and ideas of the *tarīqa-i muḥammadiyya* in a very systematic format, proceeding topically through discussions of divine and prophetic love, sainthood and prophethood, virtuous character, and critiques of *bid‘a* and *shirk*. A brief and explicit discussion on the madhhabs was also inserted deep in this text, within a larger discussion on the cultivation of refined character and imperial justice.⁶⁴⁵

Following the four madhhabs which are prevalent (*rā‘ij*) amongst the people of Islam (*ahl-i Islām*) is better and good (*behtar-u-khūb*), it declared, but the knowledge of the Prophet is not contained by only one of the four imams. Rather, prophetic knowledge (*‘ilm-i nabawī*) spread across the horizons, and after the books of hadith were written, became manifest to all; thus, for every question that an explicit, sound, and unabrogated hadith (*şarīḥ şaḥīḥ ghayr mansūkh*) is

⁶⁴⁴ On al-Shawkānī’s views of *ijtihād*, see Dallal, *Islam without Europe*, 77-93.

⁶⁴⁵ Shāh Muḥammad Ismā‘īl, *Şirāt-i Mustaqīm* (Delhi: Maṭba‘ Mujtabā-yi Dilhī, 1322/1904), 69.

found, one should not follow the *mujtahids* and instead recognize the scholars of hadith as one's leader (*ittibā' hīch mujtahid dar ān nakunad wa ahl-i ḥadīth rā muqtaḍā-yi khūd shināsad*).⁶⁴⁶ It described the madhhab as a contingent institution – something that merely happened to now be *rā'ij* (prevalent) – and supported it only as far as traditions of specified strengths were not found. It specified a clear limitation on the authority of the jurists and the madhhabs, and highlighted where the authority of hadith scholars took precedence. It also, in the remaining passage, exhorted one to respect and love the scholars of hadith (*ahl-i ḥadīth*) as the carriers of Prophetic knowledge; this reflected an attempt to bolster the wider social standing of the scholars of hadith.⁶⁴⁷ Here, we can detect the familiar prominence of hadith-based juristic discourse, which still retained some legal space for the madhhabs.

We get a more concrete and practical sense of such debates in Shāh Ismā'īl's famous treatise on the question of *raf' al-yadayn*, of raising one's hand at particular junctures in prayer. This question, as referenced in previous chapters, was a recurring source of debate amongst the four schools of law, especially amongst the Hanafis who did not condone it (except for some Hanafī members of the Naqshbandi Mujaddidi tariqa). Shāh Ismā'īl wrote this treatise in Arabic for a more scholarly audience, unlike the previous texts; as a result, he articulated a much more complex understanding of legal pluralism. He ultimately deemed the practice of *raf' al-yadayn*

⁶⁴⁶ Ibid.

⁶⁴⁷ This text did not categorize *taqlīd* as a *bid'a*, as Shāh Ismā'īl had in his *Taqwiyat al-Īmān*. Perhaps this reflected its less polemical and controversial approach. However, an (undated) Urdu translation (by an unspecified person) of the *Ṣirāt-i Mustaqīm* offered some more commentary on this text: *taqlīd* of the four madhhabs was per se *mustahab* (recommended, not obligatory or forbidden), just like engaging in practices like reciting *fātiha* or transmitting blessings (*īṣāl-i thawab*). Yet, when people began to rebuke those who did not adopt it, and made obligatory what was not obligatory, it became corrupted. It argued that in an era where those who did not practice *taqlīd* are greatly condemned (*nihāyat maṭ'ūn hay*), it is good to leave *taqlīd*. This commentary thus applied the familiar argument against many nominally recommended practices that became *bid'as* as a result of a social context that deemed them as obligatory. In other words, it treated *taqlīd* as a *bid'a*. *Nuskha-yi Ṣirāt al-Mustaqīm Hindī* (Maṭba' Quddūsī), 228.

as a non-obligatory but normative practice (“*sunna ghayr mu’akkada*”), where its practitioner would be rewarded, and its leaver would not be blamed even if one left it for the entirety of their life.⁶⁴⁸ Yet, Shāh Ismā‘īl singled out one category exclusively for critique: the scholar who completely rejected this practice despite being aware of the hadith traditions supporting it. This critique was, as Shāh Ismā‘īl mentioned near his conclusion, directed against those Central Asian Hanafis who obstinately rejected any basis for this practice. By rejecting it in toto, Shāh Ismā‘īl argued, they were denying the legitimacy of the clear traditions supporting this practice. Shāh Ismā‘īl thus expressed a strong preference for hadith-based judgements rather than madhhab-based affiliations.

In this Arabic treatise, which comprised 48 pages in an 1873 edition printed at Delhi with Urdu interlinear translation and marginalia, Shāh Ismā‘īl set out to advance a series of sequential arguments over the course of nine sections. In the first half of the treatise, he split through a long maze of hadith traditions and evaluated them on the strength of their chains of transmissions, the credibility of their narrators, and the practices of the Companions and succeeding generations upon these traditions. Shāh Ismā‘īl’s primary source of evidence in this discussion were hadith compilations themselves, including the *Muwatta* of Mālik and a series of other collections. Here, he argued that the traditions indicating support for *raf’ al-yadayn* had wide credibility amongst early hadith scholars and were widely practiced by succeeding generations and jurists. His skills at directly interrogating the raw material of legal evidence – of engaging in hadith investigation – were on full display. The verdicts of classical and postclassical Hanafi scholarship, the standard source of legal scaffolding, did not yet figure here.

⁶⁴⁸ Shāh Muḥammad Ismā‘īl, *Tanwīr al-‘Aynayn fī Ithbāt Raf’ al-Yadayn* (Delhi: Maṭba‘ Fārūqī, 1873) 1-2.

Shāh Ismā‘īl began to reference Hanafi positions as he discussed the Hanafi counterarguments to his position. In other words, he viewed them as interlocuters rather than simply as references of legal authority, as demanded by legal conformity. These Hanafis claimed that the practice of *raf‘ al-yadayn* was abrogated (*mansūkh*) and hence not binding. In contrast, Shāh Ismā‘īl claimed that the abrogation (*naskh*) of *raf‘ al-yadayn* was untenable given the evidence in his previous section, which demonstrated that the Companions and Successors continued to enact this practice long after its alleged abrogation. Yet, Shāh Ismā‘īl conceded that the presence of contradictory traditions indicated, on the whole, that *raf‘ al-yadayn* was not practiced consistently or uniformly and hence was not obligatory. As such, he argued, those who did not practice it would not be sinful. Here was a remarkable effort to find a middle ground between those who argued for its obligation and those who rejected it out of hand. Shāh Ismā‘īl weaved a fine balance, judiciously taking into account the claims of the Hanafis and the contradictory evidences manifest in the hadith compilations. Far from rejecting the Hanafi school in toto (or preferring another madhhab in its stead as the default), Shāh Ismā‘īl took the Hanafis to task based on a thorough investigation of the evidences from hadith. He practiced, in other words, what he preached in his writings on *taqlīd*, though with reference to the texts of the madhhab and not an individual maulwi.

Still, the fluidity of such legal pluralism, or the prospect of transgressing the Hanafi school whilst following it in most other matters, formed a controversial idea for an audience comprised almost entirely of Hanafis. Shāh Ismā‘īl addressed the practice and theory of *taqlīd* – and effectively, of legal pluralism – in what was his last and most powerful section, the summit of the entire treatise. Here, Shāh Ismā‘īl addressed critiques made specifically against those who raised their hands despite being Hanafis in most other matters. These critiques were double-

pronged and ran as such: if a Hanafi mujtahid chose not to practice the Hanafi position in a certain matter but still did in others, he could invent a new madhhab unrecognized by the four schools of law. This argument implicitly invoked fears of *talfiq*, of combining madhhabs in novel ways, of disturbing the balance of legal pluralism, which was considered forbidden by many Hanafis, as seen in the fatwa of his uncle Shāh ‘Abd al-‘Azīz discussed in Chapter Three. Furthermore, the critique continued, a *mujtahid* (who could claim such legal prowess) in this era was rarer than red sulfur, the legendary elixir of alchemy; anyone claiming to be one was a manifest liar. A second critique was that the Hanafi *muqallid* (follower), as opposed to the *mujtahid* (independent jurist), was simply not allowed by consensus (*ijmā‘*) to retract their following of an imam in an action after they had practiced it. As such, the common Hanafi had no basis to switch to *raf‘ al-yadayn*.

Shāh Ismā‘īl rejected all of these positions. The critique of creating another madhhab (by combining them with *talfiq*) was unfounded, Shāh Ismā‘īl argued, as it did not apply collectively to separate legal issues which had been permitted by the four madhhabs; it only applied when it produced a combination which went against all the four madhhabs and the consensus of the jurists in toto. Furthermore, he argued that many early Hanafi *mujtahids* such as al-Ṭahāwī and al-Jaṣṣāṣ were considered Hanafis despite practicing independent reasoning “more manifest than the sun.” Hence, a *mujtahid* could remain Hanafi even as they practiced their independent reasoning. The idea that a *mujtahid* was rarer than red sulfur was only true for absolute jurists such as the eponyms of the four schools; the *mujtahid* of a particular question who had linguistic command over the source texts related to that question, however, was found abundantly in most

eras and held sufficient authority to abandon the *taqlīd* of the madhhab in that question.⁶⁴⁹

Hence, it was permissible for a *mujtahid* to adopt his evidence-based conclusions that contradicted the madhhab, without losing their membership or disturbing the operations of legal pluralism.

Second, Shāh Ismā‘īl refuted the idea that a follower (*muqallid*) was forbidden by consensus to leave their imam after having followed them. Most people had exaggerated *taqlīd* and grown partisan in sticking to one specific imam; it was not obligatory to persist (*istimrār*) with an imam in every issue even after one had already chosen him as their imam (*iltizām*). Moreover, Shāh Ismā‘īl argued that the Hanafī madhhab was not the verdict of Abū Ḥanīfa alone but a composite of different verdicts that included his several senior students; its legal unity was thus an arbitrary legal fiction (*waḥdat hādha al-madhhab ikhtiyāriyya*). In the same way, Shāh Ismā‘īl extended the argument, one could argue for the fictional unity of all the four madhhabs as one composite madhhab, and hence choose from opinions of all four (since the four would be combined as one putative madhhab).⁶⁵⁰ Madhhab divisions, in Shāh Ismā‘īl’s argument, were arbitrary legal constructions, stripped of their institutional and social bearings. Shāh Ismā‘īl’s legal pluralism thus demanded collapsing madhhab boundaries in pursuit of the most scripturally sound position.

The treatise proceeded to advance more arguments, each logically building upon the other gradually, in very systematic and rigorous fashion. Shāh Ismā‘īl ultimately argued that sticking with one madhhab in the face of contradictory scriptural evidence contained a trace of

⁶⁴⁹ Ibid., 34.

⁶⁵⁰ Ibid., 37-38.

shirk, of undermining the Divine prerogative to legislate. Yet, he also specified that he did not mean that every individual common person had to conduct their own *ijtihād*; his was not a critique of *taqlīd* categorically (*muṭlaqan*). More immediately, this treatise seems to have been aimed against Central Asian scholars (*‘ulamā’ mā warā al-nahr*) who, as Shāh Ismā‘īl described, had zealously opposed *raf‘ al-yadayn* through incessant argumentation and obstinacy. Like his uncle Shāh ‘Abd al-‘Azīz before him, Shāh Ismā‘īl critiqued Central Asian Hanafis specifically on the perceived extreme partisanship of their Hanafism. This, he remarked, reflected their lack of preoccupation with the books of hadith (*‘admi tawaghhulihim bi-kutub al-aḥādīth min al-ṣiḥāḥ wa ghayrihā*).⁶⁵¹ Shāh Ismā‘īl thus explicitly argued that their lack of hadith scholarship contributed to their partisan Hanafism; the contrast between a hadith-based practice of Hanafi law emerging in the Indian Ocean sphere and a *fiqh*-based practice of Hanafi law deep inland could not have been made clearer. In fact, one biography reported that “hundreds” of maulwis and ‘alims from Kabul, Qandahar, Samarqand, and Central Asia gathered to debate Shāh Ismā‘īl on *taqlīd*; after one week of discussion, all of them were rendered “speechless” (*lā jawāb*) by him and convinced of the lack of obligation to commit *taqlīd* to one imam (*‘adm-i wujūb-i taqlīd-i shakhsī*).⁶⁵² Regardless of whether this story can be substantiated, it shows that the contrast between Hanafi practice in different geographies was visible in both legal and hagiographical texts.

Shāh Ismā‘īl also claimed that the Central Asian Hanafi partisanship was caused by their lack of obedience to what Abū Ḥanīfa and his companions had brought about (*‘admi idh ‘ānihim*

⁶⁵¹ Ibid., 41.

⁶⁵² Thānesrī, *Tawārīkh-i ‘Ajība*, 194.

bimā jā'a min abī ḥanīfa wa aṣḥābih). This claim reflected a prioritization of formative Hanafī scholarship rather than late Hanafī scholarship, flipping the order usually demanded by legal scaffolding (as the Central Asian Hanafīs ostensibly practiced). The diminished importance given to the scholarship of late Hanafīs was a necessary part of the attempt to overcome legal scaffolding, to achieve proximity to initial legal sources. To be sure, Shāh Ismā'īl did make several references to late Hanafī authorities – most notably, *Musallam al-Thubūt* by Muḥibullāh Bihārī (d.1707) – but these references concerned less their verdicts on *raf' al-yadayn* than their theories of *taqlīd*. As such, through their references Shāh Ismā'īl invoked a different set of debates over the construction of madhhab boundaries, and not the permissibility of *raf' al-yadayn*.

Ultimately, the issue of *raf' al-yadayn* served as a case study for a deeper argument regarding the legitimacy of independent reasoning and fidelity to madhhab authority. This Arabic treatise thus reflected a much more sophisticated legal approach than the one Shāh Ismā'īl projected in his popular Urdu *Taqwiyat al-Īmān*. Collectively, the two works referenced two different loci of legal authority. For the masses, it resided with the individual maulwi or dervish, and for the scholars, it did with the madhhab itself. This difference reflected the intermediary role jurists played in mediating the madhhab for the *'awām*. Yet, both scholars and commoners, Shāh Ismā'īl ultimately argued, were mandated to hold these legal authorities accountable to a scripture-based evaluation, as both scholar and commoner held not only the right but the duty to trespass them if they contradicted scripture. Therefore, commoners had the right to bypass and challenge their jurists but also the actual madhhab itself. In doing so, both commoners and scholars would not be guilty of violating the injunctions of *taqlīd* to the madhhab, of violating the boundaries of legal pluralism, which only functioned to maintain legal authority in the

absence of clear scriptural direction. In this way, Shāh Ismā‘īl sought to reassure critics that he did not advocate for a complete rejection of *taqlīd* to the madhhab (*muṭlaq*), but rather of what he deemed as its excesses. In effect, Shāh Ismā‘īl embraced a hadith-based juristic praxis that blurred the boundaries between different schools according to scriptural evidence, but still maintained some legal space for each school.

In this critique of *taqlīd*, Shāh Ismā‘īl had much more in common with the earlier Hanafi critique than the proponents of the *Ahl-i Hadith* that we will see in Chapter Five, who rejected the madhhab-system in toto and often later claimed Shāh Ismā‘īl as one of their own. Indeed, Shāh Ismā‘īl’s arguments emerged directly out of the preceding century of Hanafi engagement with hadith scholarship; it both reflected a greater social base invested in the hadith sciences, and growing opportunities to diverge from established legal structures. Less than a century after Shāh Waliūllāh’s pilgrimage in 1731, scholars at the Madrasa Rahimiyya and other institutions around Delhi had managed to create such a context for the steady rise of the hadith sciences through a sustained engagement in hadith teaching and transmission, as well as the writing of new works on hadith. Thus, this context differed quite significantly from and ran into tension with other Hanafis, such as in Central Asia, where, as the previous chapter demonstrated, the reach of hadith networks were not as entrenched.

This approach also ran into conflict with Indian scholars at home who did not necessarily reject the validity of his arguments but feared the consequences of a large-scale social upheaval of the madhhab brought about by such scripture-centered legal pluralism. In fact, when Shāh Ismā‘īl began practicing *raf‘ al-yadayn*, he was discouraged by a group of close scholars, including his aging uncle Shāh ‘Abd al-‘Azīz (who, according to another source, had been quite

pleased with the treatise itself).⁶⁵³ They argued that adopting this practice would cause commotion (*shorish*) and corruption (*fitna*) in the *'awām*, who were not accustomed to seeing such practices in prayer. Shāh Ismā'īl was not convinced, arguing that it was a great virtue to revive a *sunna* in a context where it had been lost.⁶⁵⁴ Any commotion would feed his larger ambitions to spread hadith-based normativity amongst the Hindustani masses.

In the end, it appears that Shāh Ismā'īl had to cease practicing *raf' al-yadayn*, per the instructions of Sayyid Aḥmad.⁶⁵⁵ Sayyid Aḥmad almost certainly did not advise him as such because he thought *raf' al-yadayn* impermissible, but because this action was divisive enough to hurt the political aspirations of the *ṭarīqa-i muḥammadiyya*. In a very telling moment, Sayyid Aḥmad is quoted to have instructed Shāh Ismā'īl that “this is not the moment for leaving *taqlīd*; now, we have to wage jihad against the disbelievers (*kuffār*). Raising the dispute of *taqlīd* will increase divisions amongst us...”⁶⁵⁶ Sayyid Aḥmad’s movement, after all, demanded allegiance from its followers and sought alliances with the Hanafis in Central Asia, Afghanistan, and the frontier regions that had a lesser density of hadith scholarship. The critique of *taqlīd*, viewed from this angle, threatened not only madhhab norms but also potential political relationships with power holders such as the Shah of Bukhara, whom Sayyid Aḥmad had written letters requesting support. Participating within the madhhab-system thus held direct implications for the construction of political authority.

⁶⁵³ Thānawī, *Arwāḥ-i Thalātha*, 78-79. For the note of Shāh ‘Abd al-‘Azīz’s approval, see: Thānesrī, *Tawārīkh-i ‘Ajība*, 195.

⁶⁵⁴ Thānawī, *Arwāḥ-i Thalātha*, 78-79.

⁶⁵⁵ This is reported by Karāmat ‘Alī Jawnpūrī, a staunch Hanafī, as will be discussed below. Karāmat ‘Alī Jawnpūrī, *Maqāmi ‘al-Mubtadi‘īn mashhūr bi-Radd al-Bid‘a* (Calcutta: 1281/1864), 22.

⁶⁵⁶ Thanestrī, *Tawārīkh-i ‘Ajība*, 194.

This insight also shows how the generally cited political context – the near collapse of the Mughal Empire (often rendered as Islamic/Muslim power) and the emergence of British (and Sikh) power – cannot directly explain the critique of *taqlīd* made by the *ṭarīqa-i muḥammadiyya*. The critique did not constitute useful and necessary political capital. Rather, it owed much more to the proliferation of hadith sciences by Walīullāhī scholarship that predated the establishment of British control over Delhi and northern India in 1803 and 1817. Yet, here too, it was not an inevitable outcome but one among many competing strands; it was opposed in practice by the senior Shāh ‘Abd al-‘Azīz and apparently curtailed by Sayyid Aḥmad. Ultimately, it heralded the strengthening of scripture-centered approaches to law, of destabilizing the authority of the Hanafī madhhab in the public sphere. As we shall see in the next section, even hadith scholars and muftis closely associated with the *ṭarīqa-i muḥammadiyya* exhibited major differences in their approach to questions of legal pluralism.

New Explications of *Taqlīd* for the Public

This section moves beyond the core texts of the *ṭarīqa-i muḥammadiyya* and analyzes the writings of some of its associated scholars, including Shāh Muḥammad Ishāq (d.1262/1846) in Delhi and Karāmat ‘Alī Jawnpūrī (d.1290/1873) in Bengal, amongst others. As we will see, both adopted much more madhhab-centered approaches than Shāh Ismā‘īl whilst embracing the language of scripture, but differed in their individual approaches. This section foregrounds differences and discrepancies in their conceptions of the madhhab-system, showing how they struggled to present the madhhab in a public that questioned a wide array of popular practices and legal institutions (including the madhhab itself) as heretical innovations (*bid‘a*). In this account, the public surfaces both in the deluge of questions and confusions they faced regarding

popular practices of society, and the overlapping manuscript and print cultures that housed such debates. In tracing this context, this section also demonstrates how the Hijaz continued to function as an important anchor of legal pluralism and contestations over *taqlīd* in the decades before the mutiny of 1857.



Figure 6: Selected Genealogies, Walīullāhī Successors

In 1240/1824-5, only one year after Sayyid Aḥmad’s pilgrimage, Shāh Muḥammad Ishāq, son of ‘Āisha, daughter of Shāh ‘Abd al-‘Azīz, traveled from Delhi to perform the hajj.⁶⁵⁷ By this point, Shāh Ishāq had already completed his studies with his grandfather Shāh ‘Abd al-‘Azīz and other sons of Shāh Walīullāh in Delhi, in addition to ‘Abd al-Ḥayy Badhonī and others. In the process, he became very close to Shāh ‘Abd al-‘Azīz, especially towards the end of the latter’s life. He likely had not joined the earlier caravan for hajj in order to remain with Shāh ‘Abd ‘Azīz in his final days, and only left for pilgrimage a few months after his death.⁶⁵⁸ There is not much information on how he traveled to the Hijaz, but one source mentions that he set out on a ship arranged by his student Karāmat ‘Alī Dihlawī (d.1277/1860).⁶⁵⁹ He also was reportedly joined in this trip by Sakhāwat ‘Alī Jawnpūrī (d.1274/1858), another prominent disciple of Sayyid Aḥmad who later moved to the Hijaz.⁶⁶⁰ Shāh Ishāq most likely traveled as part of a caravan, as he wrote a brief hajj guide in Persian for the benefit of his fellow travelers, in addition to compiling a collection of forty hadiths on the virtues of pilgrimage.⁶⁶¹ The hajj guide

⁶⁵⁷ On Shāh Ishāq, see: al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:911-12; al-‘Aṭṭār, *al-Naḥḥ al-Miskī*, f. 134; al-Tirhatī, *al-Yāni’ al-Janiy*, f. 86; Muḥammad ‘Abd al-Raḥīm, *Maqālāt-i Ṭarīqat*, 235-39; Sayyid Aḥmad Khān, *Āthār al-Ṣanādīd* (Lucknow: Naval Kishore Press, 1292/1876) 2:59; ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 120-123. For a comprehensive biography, see: Barakātī, *Ḥayāt Shāh Muḥammad Ishāq*.

⁶⁵⁸ Barakātī, *Ḥayāt Shāh Muḥammad Ishāq*, 48.

⁶⁵⁹ On the claim, see: al-‘Aṭṭār al-Makkī, *al-Naḥḥ al-Miskī*, f. 134 and ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 1:120. On Karāmat ‘Alī (not to be confused with the more famous Karāmat ‘Alī Jawnpūrī), a Shafī’i scholar of Delhi who later became a judge at Hyderabad, see: al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1073.

⁶⁶⁰ This is mentioned in ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 655. However, al-Ḥasanī states that Sakhāwat ‘Alī went for Hajj in 1264/1847 in his entry: *Nuzhat al-Khawāṭir*, 7:979.

⁶⁶¹ This was translated into Urdu and published within a larger collection of Hajj related treatises in 1273/1856. This included the 40 hadith collection, which was actually a joint effort by Shāh Ishāq and his student ‘Abd al-Qayyūm, son of ‘Abd al-Ḥayy Badhonī: Shāh Muḥammad Ishāq al-Dihlawī, *Risāla Ādāb al-Manāsik* (Maṭba‘ Iskandarī, 1273/1856).

was an emerging genre of this period; another prolific disciple of Sayyid Aḥmad, Mawlānā Khurram ‘Alī, also wrote a brief, thirteen-page hajj guide in Urdu, in 1249/1834.⁶⁶² In this way, figures associated with the *ṭarīqa-i muḥammadiyya* were able to facilitate hajj trips and contribute to the production of knowledge about its rituals in the years after the 1822 pilgrimage.

At Mecca, Shāh Ishāq received *ijāzas* from the same Hanafi scholar Sayyid Aḥmad had gifted five riyals for Eid, ‘Umar ibn ‘Abd al-Karīm. This hajj season, on the twelfth of Dhū al-Ḥijja 1241 (1826), ‘Umar ibn ‘Abd al-Karīm licensed “the learned, pleasant-mannered, distinguished scholar” Shāh Ishāq in the *sūras* of al-Fātiḥa and al-Ṣaff in particular. In addition, he transmitted the entire Qur‘an, a few *musalsalat* narrations, particular supplications, and everything else which he was permitted to license in this *ijāza*.⁶⁶³ Shāh Ishāq eventually transmitted it to his student Quṭb al-Dīn al-Dihlawī (d.1289/1872), another Indian who moved to Mecca in the mid-1830’s.⁶⁶⁴ Quṭb al-Dīn al-Dihlawī passed it on to another Indian migrant to the Hijaz, Muḥammad ‘Abd al-Ḥaqq al-Ilāhābādī (d.1333/1915).⁶⁶⁵ All of these *ijāzas* were written in the same manuscript by the same hand, reflective of an attempt to single out and preserve this particular chain of narration through ‘Abd al-Ḥaqq al-Ilāhābādī to Quṭb al-Dīn, Shāh Ishāq, and to ‘Umar ibn ‘Abd al-Karīm. In other *ijāzas* from ‘Umar ibn ‘Abd al-Karīm, Shāh Ishāq also recited portions from *Ṣaḥīḥs* of Bukhārī, Muslim, and other hadith compilations.⁶⁶⁶ That Shāh

⁶⁶² Mawlānā Khurram ‘Alī, *Ādāb al-Ḥaramayn* (Lucknow: Maṭba‘ Muḥammadī, 1257/1841).

⁶⁶³ *Majmū‘at Ijāzāt*, King Saud University Manuscript Collections, Riyadh, MS 1615|1.

⁶⁶⁴ ‘Abdullāh al-Ghāzī, *Naẓm al-Durar*, 519; al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1069-70.

⁶⁶⁵ Al-Dihlawī, *Fayḍ al-Malik*, 1098-1099.

⁶⁶⁶ See the reproduced versions in al-‘Atṭār al-Makkī, *al-Naḥḥ al-Miskī*, f. 134 and Barakātī, *Ḥayāt Shāh Muḥammad Ishāq*, 48-58.

Ishāq studied with the leading Hanafi scholar of Mecca again points to the strength of their madhhab identity. Yet, compared to the more prominent visit of Sayyid Aḥmad a year earlier, Shāh Ishāq did not quite attract the same public profile as Sayyid Aḥmad had in the Hijaz. His seems to have been a more solitary trip in pursuit of pilgrimage and knowledge; at this point, in the 1820's, the pedigree of Walīullāhī scholarship had not spread beyond the Indian community of the Hijaz in a consistent manner.

When Shāh Ishāq returned to Delhi the next year, his career and profile expanded visibly in a manner often seen amongst Indian scholars returning from the hajj. Moreover, the completion of his hajj occurred after the passing of his grandfather and teacher Shāh 'Abd al-'Azīz, whose death opened new positions of leadership for senior students. In a meeting of the shaykhs, Shāh Ishāq was appointed as the head of the Madrasa Raḥīmiyya, and Sayyid Aḥmad of the jihad.⁶⁶⁷ Shāh Ishāq cooperated with the jihad in raising and channeling funds for their activities.⁶⁶⁸ He also maintained relationships with the Mughal elite, reportedly visiting the Mughal emperor during the ninth of Muharram every year for delivering the *wa'z* (lament) of martyrdom.⁶⁶⁹ The Mughal emperor Akbar Shah II (r. 1806-1837) sought his support in naming his heir to the throne in 1835 and apparently vouched for Shāh Ishāq's judgement in a letter to the British governor-general.⁶⁷⁰ However, Shāh Ishāq's main preoccupation was teaching: the next dozen years between 1826 and 1842 were the period when he made his mark as teacher of

⁶⁶⁷ Thānawī, *Arwāḥ-i Thalātha*, 89.

⁶⁶⁸ Sayyid Aḥmad even wrote crypted letters to Shāh Ishāq with instructions on payments: see, Ghulām Rasūl Mehr, *Jamā'at-i Mujāhidīn* (Lahore: Shaykh Niyāz Aḥmad, n.d.), 53-54.

⁶⁶⁹ Muḥammad 'Abd al-Raḥīm, *Maqālāt-i Tarīqat*, 238.

⁶⁷⁰ Nizami, "Madrasahs, Scholars and Saints," 154.

hadith to about 40 recorded students across north India.⁶⁷¹ In 1258/1842, he abruptly returned to Mecca with his family and brother, and taught there until he passed away in 1846.

While Shāh Ishāq did not write any substantial, voluminous treatises on hadith or law, he did contribute to an emerging discourse on popular customs relating to birth, death, marriage, and a host of other rituals. In many ways, this emerging discourse was fueled both materially and politically by the rise of lithographic printing and competing missionary activities. The next few decades witnessed the opening of an array of Indian presses in cities such as Calcutta, Agra, Lucknow, and Delhi.⁶⁷² The emerging commercialization of print largely favored vernaculars such as Urdu over more bureaucratic languages such as Persian.⁶⁷³ However, the shift was not quite as abrupt and unilateral as it might seem: print culture did not completely replace or overhaul the circulation of manuscripts and the contexts in which fatwas and legal treatises were often solicited and written. Nor did it spell the end of Persian as a language of law and hadith.

Two main works are attributed to Shāh Ishāq, both written first in Persian: the *Mi'at Masā'il* written in 1245/1829 at the request of a few unnamed Mughal princes (who originally handed him a list of 90 questions), and the *Masā'il Arba'īn* in 1255/1839, at the request of a zamindar (a landed elite).⁶⁷⁴ The treatises, which were actually compilations of fatwas, revealed how such fatwas continued to be produced within a familiar context of courtly and elite contact with scholarly families. Both collections covered similar questions relating to popular customs

⁶⁷¹ Muḥammad 'Abd al-Raḥīm, *Maqālāt-i Ṭarīqat*, 238.

⁶⁷² Ulrike Stark, *An Empire of Books: The Naval Kishore Press and the Diffusion of the Printed Word in Colonial India* (New Delhi: Permanent Black, 2007).

⁶⁷³ On changing linguistic markets, see: Nile Green, introduction to idem., *The Persianate World: The Frontiers of a Eurasian Lingua Franca* (Oakland: University of California Press, 2019), 42-50.

⁶⁷⁴ Muḥammad 'Abd al-Raḥīm, *Maqālāt-i Ṭarīqat*, 238.

and practices, but also contained some differences. The *Mi'at Masā'il* seems to have been composed by Shāh Ishāq's student Aḥmadullāh Anāmī in his name, whereas the *Masā'il Arba'in* was likely a more accurate reflection of Shāh Ishāq's actual opinions.⁶⁷⁵ Regardless of the question of authorship, both works provide an intimate account of the legal questions that concerned elite members of political society in these decades. It also alludes to the strong relationship that Shāh Ishāq and his coterie of scholars had with some members of the royal family. And most fundamentally, it reveals the rising extent of newfound confusion and controversy over what was sanctioned by Islamic law in a context of the *ṭarīqa-i muḥammadiyya*'s campaign of hadith-based reform. Their critiques of legal authorities, in other words, created a whole series of new questions and concerns amongst elite society.

In the *Masā'il Arba'in*, which was apparently a more accurate depiction of Shāh Ishāq's opinions, the questions were often organized in the following format: "in Hindustan, [such-and-such] custom (*rasm*) is prevalent... is it permissible or not?" The geographic qualification and the quasi-ethnographic description of a custom was thus repeatedly juxtaposed against a universalizing law of religion. In his responses, Shāh Ishāq furnished the scriptural and legal basis of these customs (or lack thereof) from the Qur'an and hadith, complete with Arabic quotations and references to hadith compilations. In this regard, the treatise exhibited continuity with the *Taqwiyat al-Īmān* written earlier by Shāh Ismā'īl. However, it was conceived as a series of fatwas; as a result, it differed in Shāh Ishāq's willingness to provide some legal depth to this discussion, to engage the larger legal tradition and hadith commentaries, and to sometimes admit

⁶⁷⁵ Thānawī, *Arwāḥ-i Thalātha*, 96. According to al-Ḥasanī, the *Mi'at Masā'il* was composed by his student Aḥmadullāh Anāmī. Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:909. This is supported by the introduction of the *Mi'at Masā'il* itself.

that the *shari‘a* had no basis to legislate either for or against certain customs. Unlike Shāh Ismā‘īl, Shāh Ishāq often cited from authoritative Hanafī texts, such as *Durr al-Mukhtār*, *al-Baḥr al-Rā‘iq*, and *Niṣāb al-Ihtisāb* of ‘Umar ibn Muhammad al-Sunnāmī, and many others. He thus demonstrated an explicit engagement with the texts of the Hanafī school. In situations of legal difference, he also specified the verdict of the Hanafī school. He quoted from Mullā ‘Alī al-Qārī and ‘Abd al-Ḥaqq al-Dihlawī’s respective commentaries of the hadith collection *Mishkāt*, which we have seen in chapter one geared towards bolstering the Hanafī school. The sixteenth-century Hanafī integrationist approach towards hadith thus resurfaced in a genre of more popular writing, as copies of the *Masā‘il Arbā‘īn* were printed at Delhi by the Muḥammadī Press in 1261/1845.⁶⁷⁶ Now, however, the focus was less on defending the Hanafī madhhab against Shafi‘ī critiques, and more on elucidating a hadith-based legal understanding of a series of popular practices.

This level of engagement with late Hanafī scholarship was also seen in the *Mi‘at Masā‘il* (1245/1829), which as noted above, was composed by Shāh Ishāq’s student in his name (and presumably under his direction).⁶⁷⁷ The questions, which began with foundational issues, such as “what is the meaning of shirk” and “what is the meaning of worship,” were replete with quotations from later sources of Hanafī law and theology (even, for example, the *Fatāwa ‘Ālamgīriyya* discussed in Chapter One), and hadith commentaries. This collection of fatwas also delved much more explicitly into questions of *taqlīd* and the legitimacy of the madhhab. In

⁶⁷⁶ Shāh Muḥammad Ishāq al-Dihlawī, *Masā‘il Arbā‘īn fī Bayān Sunnat Sayyid al-Mursalīn* (Delhi: Maṭba‘ Muḥammadī, 1261/1845). Also see another early, undated copy published by Maṭba‘ Dihlī Urdū Akhbār. Both of these are located at the M.A. Library of Aligarh Muslim University, digitized by the Digital Library of India.

⁶⁷⁷ Shāh Muḥammad Ishāq al-Dihlawī, *Fatāwā Shāh Muḥammad Ishāq Dihlawī al-ma‘rūf bi Mi‘at Masā‘il* (hereafter *Mi‘at Masā‘il*), trans. and ed. Muftī Ḍiyā‘ al-Raḥmān Dhākir (Karachi: Al-Manhal Publishers, n.d.). Also see a Persian manuscript, copied in 1253/1837: Shāh Muḥammad Ishāq al-Dihlawī, *Mi‘at al-Masā‘il fī Taḥṣīl al-Faḍā‘il*, Punjab University Library, Oriental Manuscripts Collection, MS 8302. This manuscript contains marginalia throughout the text by another author who often provides dissenting remarks.

response to the question on whether the four madhhabs were a licit or heretic innovation (*bid'at-i ḥasana* or *sayyi'a*), the answer given was that it was neither.⁶⁷⁸ In fact, to follow a madhab was a *sunna* (a prophetic normative practice), because the differences amongst the madhhabs stemmed from the differences amongst the companions of the Prophet, or from applications of *qiyās*, and both were established as normative by the *sunna*. Thus, a *muqallid* of a madhhab was not in any way an innovator (*bid'atī*), and yes, one could pray behind a *muqallid*.⁶⁷⁹ Similarly, in a question on whether the field of *fiqh* was an innovation, the answer given was that *fiqh* was based on hadith, and thus not an innovation of any kind. However, the process of codifying *fiqh* (*tadwīn*) could be considered a *bid'at-i ḥasana*.⁶⁸⁰

The prevalence of these questions in 1245/1829 on the legitimacy of the madhhab-system thus indicates that the critiques articulated by Shāh Ismā'īl – and other more explicitly anti-madhhab scholars – had succeeded in attracting controversy in the Mughal court and beyond. The sheer scope of the questions, from the legitimacy of using *tasbīḥs* or kissing the graves of one's parents, to embracing on the day of 'Eid or questioning the basis for the legal typologies of *farḍ* and *wājib*, admit to the vast extent of confusion over what was rooted in a certifiable level of epistemological certainty as knowable by scriptural sources. Not much could be taken for granted anymore, whether it was an old practice or a category of law. Whether one agreed or disagreed with the critiques of *taqlīd*, they had to first be established as normative. Shāh Isḥāq's approach (as alleged by these treatises) then was more visibly Hanafī than Shāh Ismā'īl (in both

⁶⁷⁸ Shāh Isḥāq, *Mi'at Masā'il*, 336-38.

⁶⁷⁹ *Ibid.*, 339.

⁶⁸⁰ *Ibid.*, 343-44.

his *Taqwiyat al-Īmān* and the treatise on *raf‘ al-yadayn*) in its willingness to engage standard Hanafī authorities and endorse the institution of the madhhab without qualification. Yet, even as Shāh Ishāq upheld the madhhab-system, he did so in the language of scripture.

Another contrast can also be seen in the *fatāwā* of ‘Abd al-Ḥayy Badhonī, Shāh Ismā‘īl’s close associate in the jihad movement. ‘Abd al-Ḥayy Badhonī’s fatwa collection was composed in Persian, and dealt overwhelmingly with questions relating to birth, death, celebration, as well as the legitimacy of various Shi‘a creeds, ideas of *waḥdat al-wujūd*, and engagement with Hindus and colonial authorities.⁶⁸¹ In articulating these politics of difference, ‘Abd al-Ḥayy’s fatwas occasionally did cite Hanafī authorities and opinions held by other schools. He also reproduced many *fatāwā* of Shāh ‘Abd al-‘Azīz, his father-in-law. Other times, he chose not to cite any evidence and simply declared the verdict based off vague gestures towards a majority. In these instances, the authority of the fatwa drew not from a set of canonical sources, but the person of ‘Abd al-Ḥayy as a mufti to interpret the Hanafī madhhab. It differed quite explicitly from both Shāh Ismā‘īl and Shāh Ishāq and reflected a more bureaucratic approach in service of this project. Thus, it did not quite center on scripture to the degree that either of them had, despite ‘Abd al-Ḥayy’s close association with them.

The most comprehensive effort to explicate *taqlīd* and the Hanafī madhhab for a larger public was by the prolific Karāmat ‘Alī Jawnpūrī (d.1290/1873), a prominent disciple of Sayyid Aḥmad. Karāmat ‘Alī also studied some books of hadith with Aḥmadullāh Anāmī, a close student of Shāh Ishāq, and traveled to the Hijaz at an undated point, where he studied the sciences of Qur‘anic recitation. As someone who had dedicated himself for “*da‘wa*” or preaching

⁶⁸¹ ‘Abd al-Ḥayy Badhonī, *Fatāwā ‘Abd al-Ḥayy Badhonī*, Punjabi University Library, Oriental Manuscripts Collections, A-88.

as opposed to military jihad, he was actively involved in writing, preaching, reciting the Qur'an in public gatherings across Bengal, in both rural areas where reformist Muslim thought had not taken root, and in urban spaces, where the centers of Indian printing emerged in these decades.⁶⁸² Karāmat 'Alī Jawnpūrī was thus witness to different publics and their shifting relationships with the *ṭarīqa-i muḥammadiyya* and the Fara'izi movement, which were both active in Bengal. In his body of printed works, he navigated the divides between popular practice, hadith-based reformism, and madhhab and juristic authority.

In one of his early works, the *Quwwat al-Īmān*, printed in 1253 AH (1837) at Calcutta, Karāmat 'Alī set out to explain the meaning of the Islamic declaration of faith (*kalima ṭayyiba*), investigate the truth of the madhhabs (*ḥaqq-i madhhab kī taḥqīq*), and explain how to practice upon the Qur'an, hadith, and *fiqh*. These sets of questions sent him on quite a lengthy excursion, reaching 348 pages. Karāmat 'Alī wrote in "Hindi" (Urdu script), and the publisher felt the need to post on the title page that this choice of language "should not make senior people (*buzurg log*) consider it insignificant; its contents are of great benefit."⁶⁸³ Unsurprisingly, the book was written in Hindi because it was geared towards the *'awām*, his Muslim brothers who had started to "turn away from the company of *'ālims* and run from their preaching and advice" (*'ālimon ki suḥbat say kināra kartay lagay aur unki wa'z aur naṣīhat say bhāgnay lagay*) because the *'ālims* critiqued the practices of their forefathers as heretical innovations (*bid'a*).⁶⁸⁴ Now, Karāmat 'Alī

⁶⁸² Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:1073.

⁶⁸³ Karāmat 'Alī Jawnpūrī, *Quwwat al-Īmān* (Calcutta: Maṭba' Qādrī, 1253/1837), 1.

⁶⁸⁴ *Ibid.*, 3.

sought to write a text that they would accept with all their heart (*jān-o-dil say isko qubūl karaingay*).⁶⁸⁵

If in the last generation Shāh ‘Abd al-‘Azīz and ‘Ābid al-Sindī had endeavored to make the hadith sciences accessible to jurists and scholars (as argued in the previous chapter), Karāmat ‘Alī now sought to produce a guide for the ‘*awām* (who, as he described, still were of those who professed faith “*kalima-gū*”) on how to practice the Qur‘an, hadith, and *taqlīd* itself. The intellectual goals thus moved visibly in tandem with the changing social context, reflecting the increasingly public contestation of reformist thought. As such, it formed the ideological and rhetorical counterpart to Shāh Ismā‘īl’s *Taqwiyat al-Īmān* discussed in the previous sections.

This approach differed from primers and didactic poems written in earlier centuries that were also catered towards the ‘*awām* because it was written in the prose of a vernacular language, directly presented evidences from scripture, and did not take the madhhab-system and its accompanying constructions of legal authority for granted. This was not a primer on basic theology or the fundamentals of prayer, but a guide on how and why to practice *taqlīd* of the Sunni madhhabs. Moreover, as Karāmat ‘Alī wrote in defense of the madhhab, he could not keep from veering into complex territory that was aimed at learned critics rather than unsuspecting, lay Hanafis. As such, it combined both basic, introductory elements and protracted discussions of increasing sophistication; the text reflected an increasingly critical and diverse readership in which members of the laity and some scholars had come to challenge legal authority in their own ways.

⁶⁸⁵ Ibid.

Several features emerge from a brief survey of this book. First, Karāmat ‘Alī presented one of the earliest systematic introductions to the madhhab, Indian or otherwise, for a larger public. He began his discussion with a justification of legal pluralism: namely, that scholarly difference (*ikhtilāf*) was exactly what God and the Prophet had desired, to ensure “latitude (*kushādagī*) in the issues of religion, [so that Muslims] can reach the destination with whichever path they desire, because the travelers of this path in this *umma* are plentiful and uncountable.”⁶⁸⁶ The social realities of an uncontrollable *umma* (here, an invocation of a transregional Muslim collectivity with an emphasis on the masses rather than its scholarly elites) was thus incorporated within a divine framework of legal pluralism. Karāmat ‘Alī referred to latitude (*kushādagī*) and mercy (*rahma*) many times in his treatise; it was a familiar claim rooted in a famous hadith regarding the wisdom and normativity behind scholarly difference. It was meant here to reassure those who questioned “why there are differences in one *dīn-i muḥammadī*.”⁶⁸⁷ This latitude, Karāmat ‘Alī further argued, manifested itself in the diversity of the Companions and jurists after them, and thereby directly led to the emergence of the madhhabs. The reason why only four madhhabs emerged, Karāmat ‘Alī stated, was that they together encompassed all the questions that emerged from the Qur’an and hadith; there was thus no need for a fifth madhhab. Even now, if a *mujtahid* were to practice *ijtihād* in an issue, it would conform to one of the four madhhabs and be considered part of it.⁶⁸⁸ He then presented brief biographies of the four eponyms, introducing these figures to the larger public for the first time in such a coherent format. For each

⁶⁸⁶ Ibid., 64.

⁶⁸⁷ Ibid., 100.

⁶⁸⁸ Ibid., 82.

of them, Karāmat ‘Alī listed their teachers and students, learning in hadith, and other indications of piety and sagacity. He also listed that the Hanafis were prevalent in Central Asia, Anatolia, and Hind, and the Malikis in the Maghrib. This discussion thus presented a very quick overview of the madhhab-system, its origins, eponyms, and located it firmly within scripture. In essence, it distilled madhhab-centered legal pluralism for a broad readership.

Second, Karāmat ‘Alī presented an overview of how authority and followership operated within the madhhabs. It is the agreement (*ittifāq*) of the community of Muslims, he wrote, that whoever is not capable of *ijtihād* should follow an imam and travel the path by his light.⁶⁸⁹ Karāmat ‘Alī reproduced the famous arguments from ‘Abd al-Ḥaqq Dihlawī, which we encountered in Chapter One, essentially arguing that the skills and expertise required to exercise *ijtihād* could only be found in scholars of the highest caliber – scholars who existed during the formative periods of Islamic law.⁶⁹⁰ The act of *taqlīd*, Karāmat ‘Alī reassured his readers, was perfectly normative and sound, and not even a licit innovation (*bid‘a ḥasana*). He quoted at length from the *Mi‘at Masā’il* his teacher Aḥmadullāh Anāmī had composed, in association with his own teacher Shāh Ishāq Dihlawī (and all the scholars have favored it, Karāmat ‘Alī noted), that declared that following a madhhab was a *sunna* and not a *bid‘a*, as the madhhabs were based on the practice of the Companions.⁶⁹¹ Therefore, in finding an imam for *taqlīd*, one had to be careful about who they chose to follow, and determine whether the person was God-fearing and knowledgeable about hadith, lest they are misled to practice upon a fabricated or unsound hadith.

⁶⁸⁹ Ibid., 68.

⁶⁹⁰ Ibid., 92.

⁶⁹¹ Ibid., 96.

Thus, in contrast to Shāh Ismā‘īl, the duty of the common person was not to evaluate legal verdicts of their imam on the basis of scriptural evidence (through *taḥqīq*), but simply to find reliable scholars who maintained the proper practice of religion (which accorded with scripture). In this way, the institution of *taqlīd* was kept alive alongside a notion of the responsibility of the individual to discern and discriminate between reliable authority figures of religion.

Third, Karāmat ‘Alī critiqued lay folks who claimed that they would only practice what they found in the Qur’an and hadith, without reference to the texts of *fiqh*. That there was such a critique testifies to the reach of such scripture-based reformism, and more importantly that there were common people who claimed to read and interpret scripture on their own. Karāmat ‘Alī argued that these people had not “even studied with one teacher, or even reviewed in a cursory way, the reliable books of hadith... to the extent that they did not study half or quarter of the *Mishkāt*, which is available (*muyassar*) in this country – in fact, they do not even have a copy of the *Mishkāt* with them.”⁶⁹² Even Hindi translations of the Qur’an – and here, Karāmat ‘Alī pointed to ‘Abd al-Qādir’s (son of Shāh Walīullāh) famous Urdu translation – could not be understood without glosses and marginalia on the commentary.⁶⁹³ If such were the case, Karāmat ‘Alī argued, performing *ijtihād* was an even more distant proposition for common people. Thus, Karāmat ‘Alī’s defense of *taqlīd* entailed not only the legitimacy of the madhhab system but the authority of individual Indian jurists and lay readers to act as its interpreters. His concern encompassed the high structures of Islamic law and history, the local relationship between a

⁶⁹² Ibid., 110.

⁶⁹³ Ibid., 137.

jurist and his constituents, and the relationship between a book of scripture and a common reader.

Fourth, there was a deep engagement with the corpus of early modern Indian scholarship on matters of *taqlīd*, including ‘Abd al-Ḥaqq al-Dihlawī in the early seventeenth century, Shāh Walīullāh in the eighteenth century, and Shāh ‘Abd al-‘Azīz and his brothers, as well as Shāh Ishāq and others, in the present day. Karāmat ‘Alī’s work was peppered with references and quotations of their arguments whether in the form of hadith commentaries, tafsir, legal treatises, hagiographies, fatwas, or other sources: this line of hadith-learned Delhi-based scholarship formed the main scholarly authority, as opposed to medieval, Sindhi-based, or other strands of Hanafī or Shafī‘i scholarship. As such, it bore testament to how the Delhi-based cluster of scholars indeed did form a cohesive tradition, in how Karāmat ‘Alī drew from them to construct the bulk of legal and scriptural authority in this work. And in this sense, we can see clearly how Karāmat ‘Alī represented a direct outgrowth of the intellectual forces driving the Delhi-based tradition over the long durée. It also distinguished this text from Shāh Ismā‘īl’s *Taqwiyat al-Īmān*, which had omitted mention of this tradition.

In the long view, Karāmat ‘Alī’s treatise was the direct outcome of a process spanning three centuries of Hanafī hadith scholarship in north India: from the sixteenth-century renaissance of hadith studies in Delhi through Hijazi and Hanafī hadith networks, to the centering of hadith in legal discourse via new critiques of legal scaffolding in the eighteenth century, the ensuing attempts to increase hadith literacy amongst jurists through teaching and writing in the early nineteenth century, and finally the campaigns to spread hadith-centered law in an age of print and British rule. In the short view, it represented an attempt to manage crises of

scholarly authority created by rising public investment in scripture and religious reform, as opposed to conformity to local religious authority figures.

Ultimately, one cannot collapse the writings, legal methodologies, and politics of *taqlīd* of the different members (and associates) of the *ṭarīqa-i muḥammadiyya* into one homogenous entity, into one “Arabicist,” print-driven, hadith-centered movement transplanted from the Hijaz. Scholars from Shāh Ismā‘īl and Shāh Ishāq to ‘Abd al-Ḥayy and Karāmat ‘Alī used varied genres and conveyed different ideas of law, scripture, and legal pluralism. While many texts were printed, some only circulated as manuscripts; others were originally written for courtly audiences, and only later printed for public consumption; and none engaged with scripture and Hanafi law in the same way. The critique of *bid‘a* did not necessitate the same critique of *taqlīd*, or vice-versa. Moreover, the writing and printing occurred alongside preaching, touring, and other kinds of social interactions in rural and urban settings. The *ṭarīqa-i muḥammadiyya* and other associates faced a deluge of questions from both courtly elites and the larger public about the scriptural basis of a wide array of popular practices and beliefs, and endeavored to explain their ideas on the basic procedures of Islamic law in a context fraught with competing religious and political claims. What united these works was less their political and ideological unity or even compositional uniformity than their overlapping and connected genealogies of teachers. More fundamentally, they all confronted (and embraced or opposed, to different degrees) the emerging reality that *taqlīd* was now being contested not only by scholars, but by elements within the *‘awām*. As such, legal pluralism was entering altogether uncharted social territory.

In this uncharted territory, the texts discussed in this section acted to re-affirm and establish madhhab-centered legal pluralism; that is, to explain and validate different orders of

law, and to define and clarify the role of the individual lay person vis-à-vis the legal structures of the madhhab. These texts both responded to the earlier hadith-based critiques against *taqlīd* by the *ṭarīqa-i muḥammadiyya*, and in doing so, directly wrote for (or were subsequently adapted by their printing) a social segment of common people previously not privy to the debates and discussions on legal pluralism and popular customs. Shāh Ishāq, with his training as a hadith scholar, largely invoked integrationist sixteenth-century Hanafī texts of hadith, the late Hanafī canon, as well as scripture directly, within the traditional, authoritative genre of fatwa literature. Karāmat ‘Alī composed a more coherent and systematic account of legal pluralism, displaying greater authorial ambition, but supported his individual voice with references to the local Delhi-based scholars that readers might recognize. However, even as these texts collectively sought to contain the scope of legal critiques against the madhhab-system, they could not stem the tide of legal conflict that had emerged in the public sphere.

Contesting *Bid‘a* and *Taqlīd* at Delhi and the Indian Ocean

With their prolific contributions to the emerging public sphere of the early nineteenth century in Calcutta and Delhi, Shāh Ismā‘īl and the *ṭarīqa-i muḥammadiyya* faced scrutiny and critique from a variety of directions, including scholars, colonial officials, and pockets of the *‘awām*. This section surveys some of the most prominent critiques that emerged in the public sphere. It maps several layers of critique: one was “internal,” from within the Walīullāhi family and its senior disciples. Another layer emerged single-handedly from the massive personality of Faḍl-i Ḥaqq Khayrābādī (d.1278/1861), a master of the rationalist sciences who studied hadith with ‘Abd al-Qādir ibn Walīullāh, wrote treatises in refutation of Shāh Ismā‘īl, and even had the

police chief of Delhi forbid Shāh Ismā‘īl from speaking at the Jami Masjid.⁶⁹⁴ This critique continued with some of his students and associates – though not all of them – and largely covered more theological questions. And lastly a source of critique emerged from scholarship that was more directly connected with the Hijaz and the wider Indian Ocean world. This surfaced in a flurry of fatwas requested from muftis in the Hijaz to seek clarity on “Wahhabi” thought, to regain the balance of madhhab-centered legal pluralism. This layer included prolific critiques by individuals such as Faḍl-i Rasūl Badāyūnī (d.1289/1872) who studied at Farangi Mahal, and the prominent hadith scholar and Sufi shaykh Aḥmad Sa‘īd Mujaddidī (d.1277/1860).⁶⁹⁵ Such figures were also connected with the scholarship of Faḍl-i Ḥaqq Khayrābādī; these layers were not exclusively separate, but deserve special attention due to their distinctive geographies.

This section evaluates the first and the third sources of critique – the “internal” and the “oceanic” critiques – to demonstrate how both were facilitated by madhhab-based legal pluralism.⁶⁹⁶ As we will see, both critiques capitalized upon fluidity between madhhabs to produce all-madhhab arguments, whether by crossing legal boundaries and quoting from the texts of non-Hanafī madhhabs or by seeking fatwas from official muftis in the Hijaz. The weighing of different madhhabs for maximal legal import displayed madhhab-centered legal pluralism at its most powerful and yet vulnerable against hadith-based legal discourse; it was reflective of an epistemic battle for its existential legitimacy.

⁶⁹⁴ al-Ḥasanī, *Nuzhat al-Khwāṭir*, 7:1063; Metcalf, *Islamic Revival in British India*, 65-66.

⁶⁹⁵ al-Ḥasanī, *Nuzhat al-Khwāṭir*, 7:906-7.

⁶⁹⁶ The second layer, the corpus of Faḍl-i Ḥaqq Khairābādī, is not discussed here because of its concentration on theological disputes of a separate order.

The increasing fluidity between madhhab boundaries also manifested in the flurry of debates about *bid'a*. This connection has been lost on most scholarship, which has usually treated *taqlīd* and *bid'a* as concurrent but separate debates. Yet, the debates below reveal how scholars were willing to cross madhhab boundaries and cite Shafi'i sources of hadith commentary and law to establish what was normative and what was an innovation. The oceanic critique, in addition, underscores how Indian scholars continued to turn towards the Ottoman Hijaz for hadith scholarship, both as an alternative to the Indian Walīullāhi tradition at the Madrasa Rahimiyya and for legal endorsements from different schools – for both *ijāzas* in hadith and fatwas on Indian rivals. It also reveals how Indians themselves began to deploy the category of “Wahhabi” or “Nejdi” before it transformed in the British imagination to an anti-government conspiracy stretching from Bengal to the Punjab in the post-1857 period.⁶⁹⁷ Here, the specter of “Wahhabism” was no longer an isolated disturbance, as we saw at the beginning of the chapter with one of Sayyid Aḥmad's travelers at Medina, but a subject of Indian intellectual discourse on madhhab pluralism and a useful accusation against rivals.

The Internal Debates

To begin with the internal layer: as we have seen throughout this chapter, differences of opinion existed between virtually every other member of the Walīullāhī line of scholars. This level of diversity partly stemmed from the fact that the critique of *bid'a*, as we also saw earlier,

⁶⁹⁷ Julia Stephens, “The Phantom Wahhabi: Liberalism and the Muslim Fanatic in Mid-Victorian India,” *Modern Asian Studies* 47, no. 1 (2013): 28. I am grateful to Mohsin Ali for his insights on this matter. Mohsin Ali, “Imagined Wahhabis: Disentangling British and Indian Representations of Wahhabism in Colonial India,” Talk at UCLA, Near Eastern Languages & Cultures, October 23, 2018.

did not necessitate a critique of *taqlīd*, or the very same critique of *taqlīd* for that matter. For instance, Shāh Ishāq, who supported the madhhabs and *taqlīd*, critiqued his grandfather Shāh ‘Abd al-‘Azīz, who also supported *taqlīd*, for building a mosque at the gravesite of Shāh Walīullāh and avoided praying there.⁶⁹⁸ Similarly, his close brother and ally Shāh Ya‘qūb critiqued Shāh Ismā‘īl for engaging in the non-Hanafi practice of *raf‘ al-yadayn*.⁶⁹⁹ However, a more enduring divide seems to have appeared with Shāh Makhṣūṣullāh (d.1271/1855) and Shāh Muḥammad Mūsa, two relatively lesser-known grandsons of Shāh Walīullāh (and cousins of Shāh Ismā‘īl), as well as Rashīd al-Dīn Khān (d.1243/1827), a senior disciple of Shāh ‘Abd al-‘Azīz and his brothers, and the first Arabic instructor at the Delhi College (est. 1825).⁷⁰⁰ These figures do not occupy major space in hagiographical literature, and they (or at least Shāh Makhṣūṣullāh) are depicted as being aloof from the mass efforts to reform the public.⁷⁰¹

A transcript of a public debate (*mubāḥatha*) held between ‘Abd al-Ḥayy Badhonī, on one hand, and Shāh Makhṣūṣullāh and Rashīd al-Dīn Khān on the other, reveals the scope of such internal difference between these factions of the Walīullāhī successors.⁷⁰² This debate was most

⁶⁹⁸ Thānawī, *Arwāḥ-i Thalātha*, 95.

⁶⁹⁹ Thānawī, *Arwāḥ-i Thalātha*, 78-79.

⁷⁰⁰ For an overview of such a divide, see Barakātī, *Hayāt Shāh Muḥammad Ishāq*, 61-70. However, given Barakātī’s own strong anti-Shāh Ismā‘īl orientation, it should be read with a grain of salt. On Shāh Makhṣūṣullāh and Rashīd al-Dīn Khān, see al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7: 1108 and 7:971-72, 1006 respectively. Also see: Sayyid Aḥmad Khān, *Āthār al-Ṣanādīd*, 2:54 and 51. For further on Rashīd al-Dīn Khān, see: Nūr al-Ḥasan Rāshid Kāndhlawī, *Ustādh al-Kull Ḥaḍrat Mawlāna Mamlūk ‘Alī* (Kandhla, Muzaffarnagar: Ḥaḍrat Muftī Ilāhī Baksh Akādēmī, 2009), 118-130.

⁷⁰¹ al-Tirhatī, *al-Yāni’ al-Janiy*, f. 86.

⁷⁰² *Mubāḥatha-yi Maulwī Makhṣūṣullāh bā Maulwī ‘Abd al-Ḥayy*, Punjab University Library, Oriental Manuscripts Collections, MS 1178.

likely held sometime in 1824, upon ‘Abd al-Ḥayy’s return from hajj.⁷⁰³ It was initiated by Rashīd al-Dīn Khān and Shāh Makhṣūṣullāh, who, as they explained to ‘Abd al-Ḥayy, brought together an audience of the *‘awām* so they could hear ‘Abd al-Ḥayy clarify from his own tongue his positions on matters of dispute. The larger public ramifications of such discussions – and the need for a public audience to follow along – were thus evidently clear for all the participants and observers. These differences were no longer restricted to the scholar’s pen but had become a public spectacle.

Although the manuscript of the debate’s transcript is pierced with wormholes, it is possible to make out the general contours. The debate was centered on *bid‘a*: ‘Abd al-Ḥayy Badhonī began by stating that *bid‘a* was of two categories: licit and heretic (*ḥasana* and *sayyi‘a*), but also that the origin (*aṣl*) of every *bid‘a* was corrupt (*ḍalāla*) and hence that most *bid‘as* were heretic (*sayyi‘a*). Rashīd al-Dīn Khān responded by quoting several traditions indicating that *bid‘as* were not corrupt at their origin (*aṣl*), and could vary in status from being prohibited to obligatory. The debate grew deeper, with Shāh Makhṣūṣullāh asking ‘Abd al-Ḥayy Badhonī the subtle difference between a *bid‘a* and a *mubāḥ* (permissible) action, and the discussion turned to more methodological questions of whether and how one could engage in the exercise of specifying universals (*takhṣīṣ-i ‘umūmāt*), such as the prophetic tradition that “every *bid‘a* is a misguidance.”

⁷⁰³ This manuscript makes no mention of location or time. However, another source mentions that Rashīd al-Dīn Khān, Shāh Makhṣūṣullāh, and others gathered to debate Shāh Ismā‘īl in the Jami Maṣjid of Delhi in 1240 AH (1824), in front of an audience of commoners and elites, defeating him thoroughly. This description, however, stems from a fiercely anti-Shāh Ismā‘īl treatise and makes no mention of ‘Abd al-Ḥayy. Faḍl-i Rasūl Badāyūnī, *al-Bawāriq al-Muḥammadiyya*, 20.

After providing hadith traditions as evidences for both positions (namely, that every *bid'a* is corrupt at its *aṣl* or not), the debate reached a deadlock. To overcome this, the participants turned to other authorities (beyond hadith), and here, matters grew very significant in terms of inter-madhhab sources of authority. ‘Abd al-Ḥayy claimed that “as for what I said about the dislikedness of every *bid'a* (*iṣābat-i qubḥ dar har bid'at*), I am sticking in this regard, with the madhhab of Imām al-Nawawī.”⁷⁰⁴ Here was a clear overture towards a well-known thirteenth-century Shafi‘i scholar to advance this argument, and the choice of the word “madhhab” to describe Imām al-Nawawī’s position (rather than say, *qawl*) was likely a deliberate attempt to convey Imām al-Nawawī’s standing as a senior *mujtahid* and attach greater authority to his verdict. Yet, the Shafi‘i school was far from monolithic on this issue: the opposing side brought a copy of Ibn Ḥajar al-Haytamī’s commentary on Imām al-Nawawī’s famous collection of forty hadiths, and Rashīd al-Dīn Khān read aloud in Arabic the section on *bid'a*, where Ibn Ḥajar argued for the existence of *bid'at-i ḥasana* and expressed his support for practices such as the *mawlid*.

With the Shafi‘i school inconclusive on this matter, the debate then turned towards other matters, such as reciting the *ādhān* and performing a ritual known as *talqīn* upon the burial of a deceased person. ‘Abd al-Ḥayy made another legal twist in the question of *talqīn*, declaring, “I am a *muqallid* of the Hanafi madhhab and in this madhhab, *talqīn* after burial is not permissible.”⁷⁰⁵ In response, Rashīd al-Dīn Khān and Shāh Makḥṣūṣullāh argued that it was permissible in the Shafi‘i madhhab, and since all the four madhhabs were rooted in the *sunna*, it

⁷⁰⁴ *Mubāḥatha-yi Maulwī Makḥṣūṣullāh bā Maulwī ‘Abd al-Ḥayy*, f. 4.

⁷⁰⁵ *Ibid.*, f. 6.

would not be proper to term this action as a *bid'a*. 'Abd al-Ḥayy eventually conceded that he considered it a heretical innovation but would not stop anyone from practicing it.

This showed how quickly madhhab lines could be crossed and re-crossed for the purposes of furnishing evidence and authority for one's argument. This ability to cross and re-cross boundaries were rooted in the idea that the madhhabs were based on scripture, which was critical to any debate about *bid'a*. And since these particular issues were not demarcated as matters of school identity (as other issues such as *raf' al-yadayn*), scholars from the Shafi'i school – with their weighty reputation in hadith – could be cited for both condoning or proscribing contested practices. At the same time, their citation did not overstep or replace the authority of the Hanafi madhhab, which remained a viable source of legitimacy. In this way, these scholars exploited the theoretically equal normative standings of the madhhabs to weave and craft their own set of arguments.

At its core, then, this set of exchanges demonstrates a clear link between the debates on heretical innovation and the fluid boundaries between the schools of law. As seen in previous chapters, the overriding importance placed upon scripture expanded legal fluidity is-à-vis madhhab boundaries. The debates on *bid'a* were nourished by an open willingness to cross madhhab lines in matters of legal argument, without facing censure for leaving the madhhab. Now, scholars were increasingly willing to question and cross madhhab lines, whether for the sake of legal argument or as actual lived practice.

Critiques in the Indian Ocean

A similar dynamic of expanding legal fluidity can be seen in the Indian Ocean inflected critiques made against Shāh Ismā‘īl and Shāh Ishāq. Here, we turn first to Shāh Aḥmad Sa‘īd Mujaddidī, second to a trail of fatwas that were sought by Indians from Hijazi muftis on a series of related questions, and lastly to Faḍl-i Rasūl Badayūnī. These works demonstrate how multiple schools of law were cited across madhhab lines, and how the Indian Ocean continued to be a space for madhhab-centered legal pluralism.

Aḥmad Sa‘īd was a senior Hanafī hadith scholar and Sufī shaykh who had studied with the sons of Shāh Walīullāh and the Naqshbandī Mujaddidī shaykh Shāh Ghulām ‘Alī.⁷⁰⁶ Aḥmad Sa‘īd’s brother Shāh ‘Abd al-Ghanī and father completed their pilgrimage in 1834, as discussed in the previous chapter, and it might have been through them that Aḥmad Sa‘īd gained wind of texts and fatwas from the Hijaz even before he himself moved there after the 1857 mutiny. He wrote several works that exhibited the larger impulse to ground many practices of Sufism within the hadith sciences and the four madhhabs.

In one treatise on the permissibility of the *mawlid*, Aḥmad Sa‘īd’s set of evidences from the senior scholars of times past (*al-‘ulamā’ al-kibār*) comprised almost exclusively of Shafī‘ī figures such as al-Suyūṭī, Ibn Ḥajar, and others.⁷⁰⁷ He also composed sections that proceeded to discuss the writings of Aḥmad Sirhindī and contemporaneous muftis of the four madhhabs at Mecca. The fatwas from the Meccan muftis appeared in the treatise with extremely brief statements in favor of the ritual of *qiyām* (of “standing” during the *mawlid*, based on beliefs regarding the Prophet’s presence and/or respect). The legal establishment at Mecca was thus

⁷⁰⁶ On Aḥmad Sa‘īd, see: al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 116-119.

⁷⁰⁷ *Mubāḥatha-yi Maulwī Makhṣūṣullāh bā Mawlwī ‘Abd al-Hayy*, f.13-18.

marshalled to build a contemporary all-madhhab consensus against perceived threats of the madhhab-system. The combination of all these elements from past and present served to portray a historical united front, a consensus of sorts, of the four madhhabs and the Mujaddidi tariqa on this issue. At stake here was not the validity of the Hanafi or Shafi'i position alone, but the madhhab-system in general. The tools of legal pluralism (of its capacious legal schools) were being rallied to defend the underlying system.

Aḥmad Sa'īd also wrote a refutation of the *Masā'il Arba'in* by Shāh Ishāq, where he defended the madhhab-system and demanded that his Hanafi interlocutor (Shāh Ishāq) remain properly faithful to the Hanafi madhhab.⁷⁰⁸ Here we see an attempt at managing the scope and procedure of legal pluralism, for Aḥmad Sa'īd did not intend to exhibit Hanafi partisanship but rather to uphold the madhhab-system by correcting Shāh Ishāq's practice of the Hanafi school. In this treatise, Aḥmad Sa'īd systematically went through and responded to each of the forty answers Shāh Ishāq had composed. His verdicts were generally in the contrary direction: where Shāh Ishāq had deemed something as baseless or forbidden, Aḥmad Sa'īd generally argued they were acceptable or even recommended. To substantiate his arguments, Aḥmad Sa'īd used a variety of methods, including challenging Shāh Ishāq's interpretation of cited traditions or legal authorities, with many references to the *Mishkāt* commentaries of 'Abd al-Ḥaqq Dihlawī and Mullā 'Alī al-Qārī. Aḥmad Sa'īd additionally quoted from the *Durr al-Mukhtār*, the famous Hanafi compendium of the seventeenth century to strategically root his arguments in the Hanafi madhhab. Where Shāh Ishāq once suggested staying on the side of prohibitive caution (*iḥtiyāṭ*),

⁷⁰⁸ Shāh Aḥmad Sa'īd Mujaddidī, *Tahqīq al-Ḥaqq al-Mubīn fī Ajwibat Masā'il Arba'in* (Delhi: Maṭba' Mujtabā-yi, n.d.). There is also an undated manuscript copy in the original Persian, though the first several folios are damaged. Shāh Aḥmad Sa'īd Mujaddidī, *Tahqīq al-Ḥaqq al-Mubīn fī Ajwibat Masā'il Arba'in*, Punjab University Library, Oriental Manuscripts Collection, MS. F 48 Acc. N. 8340.

Aḥmad Sa‘īd retorted that it was only necessary to adhere to practiced fatwas, including texts such as *Durr al-Mukhtār* which were considered reliable (*mu‘tabar*) by Hanafi scholars.⁷⁰⁹

Aḥmad Sa‘īd also made a larger methodological argument: he challenged Shāh Ishāq’s contention that a hadith had to be from the six canonical collections and with a sound, continuous chain to the Prophet (*ṣāḥīḥ marfū‘ muttaṣil al-isnād*) to be considered as legally applicable. Sound traditions are not exclusively contained within the six collections, Aḥmad Sa‘īd stated, and are found elsewhere, including the *Musnad* of Abū Ḥanīfa.⁷¹⁰ Moreover, it is not befitting that a Hanafi write in opposition to his own imam (Abū Ḥanīfa); the requirement of a sound, continuous chain to the Prophet contravened the Hanafi madhhab, which accepted *mursal* (detached) traditions as legally admissible.⁷¹¹ Aḥmad Sa‘īd did not stop here. He then cited from ‘Abd al-Ḥaqq al-Dihlawī to argue that even other madhhabs, such as the Shafi‘is, accepted *mursal* traditions within certain parameters. “Shame, a thousand times shame,” he lamented, “when [Shāh Ishāq’s] followers hear such statements in contradiction to the four madhhabs, which *muqallids* will want to adhere to the madhhab, and how impudent will they become?”⁷¹² This remarkable argument made clear that such a stipulation was not only against the Hanafi madhhab but the four madhhabs. By contradicting the Hanafi madhhab with this unilateral criterion of sound hadiths, such scholars were overriding its internal autonomy, and with it, the autonomous operations of madhhab pluralism.

⁷⁰⁹ Aḥmad Sa‘īd, *Taḥqīq al-Ḥaqq al-Mubīn*, 13.

⁷¹⁰ *Ibid.*, 17.

⁷¹¹ *Ibid.*

⁷¹² *Ibid.*

To further reinforce his opinions, Aḥmad Sa‘īd also cited several times from the commentary on the *Durr al-Mukhtār* written by ‘Ābid al-Sindī.⁷¹³ This forms quite a remarkable instance of legal influence across the Sindh-Delhi networks. After all, as discussed in the previous chapter, ‘Ābid al-Sindī’s commentary on the *Durr al-Mukhtār* had not received widespread popularity. Yet, it was Aḥmad Sa‘īd’s brother and father who had gained ijāzas from ‘Ābid al-Sindī at Medina in 1834; and here the citation of ‘Ābid al-Sindī’s commentary by Aḥmad Sa‘īd indicates that his brother’s encounter in Medina was more than a transmission of *ijazas* and must have led to the exchange of legal texts and ideas as well. This encounter shows the continuing importance of Indian Ocean scholarship and the turn towards the latest Hanafi scholarship on such matters.

Finally, the larger presence of Indian Ocean scholarship is noticeable not only through the citation of Hijazi authorities in legal texts, but also direct requests for fatwas and personal encounters with Hijazi scholarship. Sometimes requests were mainly made from Hanafi scholars. A question from Shahjahanabad on the permissibility of reciting the *Dalā’il al-Khayrāt* was answered by a group of Hanafi Meccan scholars, including ‘Umar ibn ‘Abd al-Karīm.⁷¹⁴ One of the most succinct set of fatwas came from the Hijaz in 1271/1854 through Quṭb al-Dīn al-Dihlawī, who as noted earlier, was a student of Shāh Ishāq. Quṭb al-Dīn wrote in his Urdu introduction: “there were differences amongst the ‘ulamā’ here in Delhi regarding some questions, so when this mendicant reached Makka Mu‘azzama – may God increase its nobility –

⁷¹³ Aḥmad Sa‘īd, *Tahqīq al-Ḥaqq al-Mubīn*, 18, 24, 34

⁷¹⁴ *Risāla fī Qirā’at Dalā’il al-Khayrāt*, British Library, Delhi Persian 160A.

I asked around for the utmost truth-telling scholar (*khūb ḥaqq gū*).”⁷¹⁵ Quṭb al-Dīn was referred to the Hanafī mufti of Mecca, ‘Abdullāh ibn Muḥammad Mīrghanī (d.1273/1856), who Quṭb al-Dīn remarked, “actually was unbiased, disinterested, and truth-telling (*bī gharaḍ bī ṭama ‘ ḥaqq gū*).”⁷¹⁶ Quṭb al-Dīn posed several questions to him, ranging from performing the adhān after the burial of a deceased person, to kissing the graves of one’s parents, taking large portions of the page to articulate these questions. In response, ‘Abdullāh ibn Muḥammad Mīrghanī offered responses no more than a few lines at most, mostly declaring his verdict with vague gestures towards a majority (such as, *kamā fī ‘āmmat al-kutub*), affixed with a seal. In these fatwas, what mattered most was ‘Abdullāh ibn Muḥammad Mīrghanī’s standing as an official, unbiased Hanafī mufti of Mecca, rather than an extended legal argument based on a range of cited Hanafī sources or hadiths. His responses were quoted in Arabic, translated into Urdu, printed for wider consumption, and stood at a complete contrast to the next series of fatwas Quṭb al-Dīn reproduced from Indian scholars, where the answers were much lengthier and more substantive in content.

Most, though not all, of Hijazi fatwas on Indian questions in the decades between the 1820’s and 1860’s concerned the question of Wahhabi thought and practice. Shaykh Jamāl ibn ‘Abdallāh ‘Umar al-Makkī (d.1284/1867), the Hanafī head of teachers (*ra ‘īṣ al-mudarrisīn*) at Mecca, wrote a refutation of the Wahhabis in an undated, detailed response to more than a dozen questions from the land of Hind (*arḍ al-Hind*), with references to Shafī‘is such as al-Suyūṭī and

⁷¹⁵ Quṭb al-Dīn al-Dihlawī, *Hadiyat al-Makka* (Delhi: Maṭba‘a Muṣṭafā-yi Dilhī, 1271/1854), 1.

⁷¹⁶ On the mufti, see: al-Dihlawī, *Fayḍ al-Bārī*, 970.

more recent Hanafis such as the Ottoman Syrian Ibn ‘Ābidīn.⁷¹⁷ There also seems to have been confusion on how the Indian Wahhabis actually measured up to the Nejdī Wahhabis: a question answered by a Hanafī mufti in Medina concerned whether the *Taqwiyat al-Īmān* of Shāh Ismā‘īl and *Masā’il Arba’īn* of Shāh Ishāq could be considered espousing the same ideas as that of Muḥammad ibn ‘Abd al-Wahhāb.⁷¹⁸ Following a lengthy refutation of many of their claims, the mufti concluded that yes, these Indian texts contained Wahhabi Nejdī ideas. In addition, there was discussion about the fate of Shāh Ismā‘īl and Sayyid Aḥmad’s followers in the Hijaz, whether they had been accepted or banished as Wahhabis by local authorities. In 1278/1861, Karāmat ‘Alī dispelled rumors of their banishment and argued that Sayyid Aḥmad had many Hijazi followers and was well-respected therein; it was only the anti-madhhab Indians who were considered as Wahhabi.⁷¹⁹ The turn towards the Hijaz on to negotiate discussions on *bid‘a* reflected an attempt to search for higher authority and justification in the face of a deluge of competing claims in the public sphere, as well as the increasing salience of the category of Wahhabi within a larger Indian-Hijazi discourse.

The most prolific and enduring set of arguments against Shāh Ismā‘īl in this period were produced by Faḍl al-Rasūl Badāyūnī, a younger scholar from Lucknow. Like Shāh Ismā‘īl’s Central Asian interlocutors, he was a master of the *ma’qulat* sciences, which he studied at Farangi Mahal with the eminent Mawlānā Nūr al-Ḥaqq al-Lakhnawī (d.1238/1822). He also

⁷¹⁷ Jamāl ibn ‘Abdillāh Shaykh ‘Umar, *Rasā’il Dar Radd-i ‘Abd al-Wahhāb Najdī*, Rampur Raza Library, 8083M. I am grateful to Michael O’Sullivan for obtaining this source for me.

⁷¹⁸ “Istiftā’ Mawlānā Sayyid Abū al-Sa‘ūd Muftī Madīna Munawwara,” in *Rasā’il Dar Radd-i Wahhābiyya*, Punjab University Library, Oriental Manuscripts Collections, Rotograph 237, treatise 1. On the Hanafī mufti, Sayyid Abū al-Sa‘ūd (d.1286/1869), see: ‘Abd al-Sattār al-Dihlawī, *Fayḍ al-Malik*, 3:2023.

⁷¹⁹ Karāmat ‘Alī Jawnpūrī, *Maqāmi’ al-Mubtadi’īn*, 20-23.

received training in the hadith sciences and participated in the larger Hijazi scholarly world; he traveled the Hijaz, Baghdad, and other cities. He also received an *ijāza* from ‘Ābid al-Sindī at Medina and ‘Abdullāh Sirāj al-Makkī (d.1264/1848). Later, his son ‘Abd al-Qādir Badāyūnī (d.1319/1901) also traveled to the Hijaz and received a *sanad* from the Hanafi Jamāl ‘Umar al-Makkī; another disciple from his hometown of Badayun also did so; and his grandson ‘Abd al-Muqtadir (d.1334/1915) made a trip to the Hijaz and reportedly engaged with its scholarship.⁷²⁰ This family thus carried a successive engagement with Hijazi scholarship to a large extent independent of Walīullāhī circles.

In a Persian polemic published at Delhi in 1848, Faḍl al-Rasūl explicitly categorized Shāh Ismā‘īl and his followers as Nejdīs, drawing parallels between the writings of Shāh Ismā‘īl and Muḥammad ibn ‘Abd al-Wahhāb.⁷²¹ In this treatise, he provided a brief overview of the Saudi conquest of the Hijaz in the first decade of the nineteenth century, their defeat by the Egyptians, and their roots in medieval Zahiri and Mu‘tazili doctrine. He was able to do so based on his wide reading and his travels through the region; for example, he could comment on the spread of Nejdīs in littoral regions of the Arabian Peninsula, including Muscat. As his critiques were more theological and epistemological, covering the nature of divinity, *shirk*, the status of the Prophet, and related questions, he determined their creed to constitute *kufir* (disbelief).

⁷²⁰ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 8:1287 and 8:1303.

⁷²¹ Faḍl-i Rasūl Badāyūnī, *al-Bawāriq al-Muḥammadiyya*.

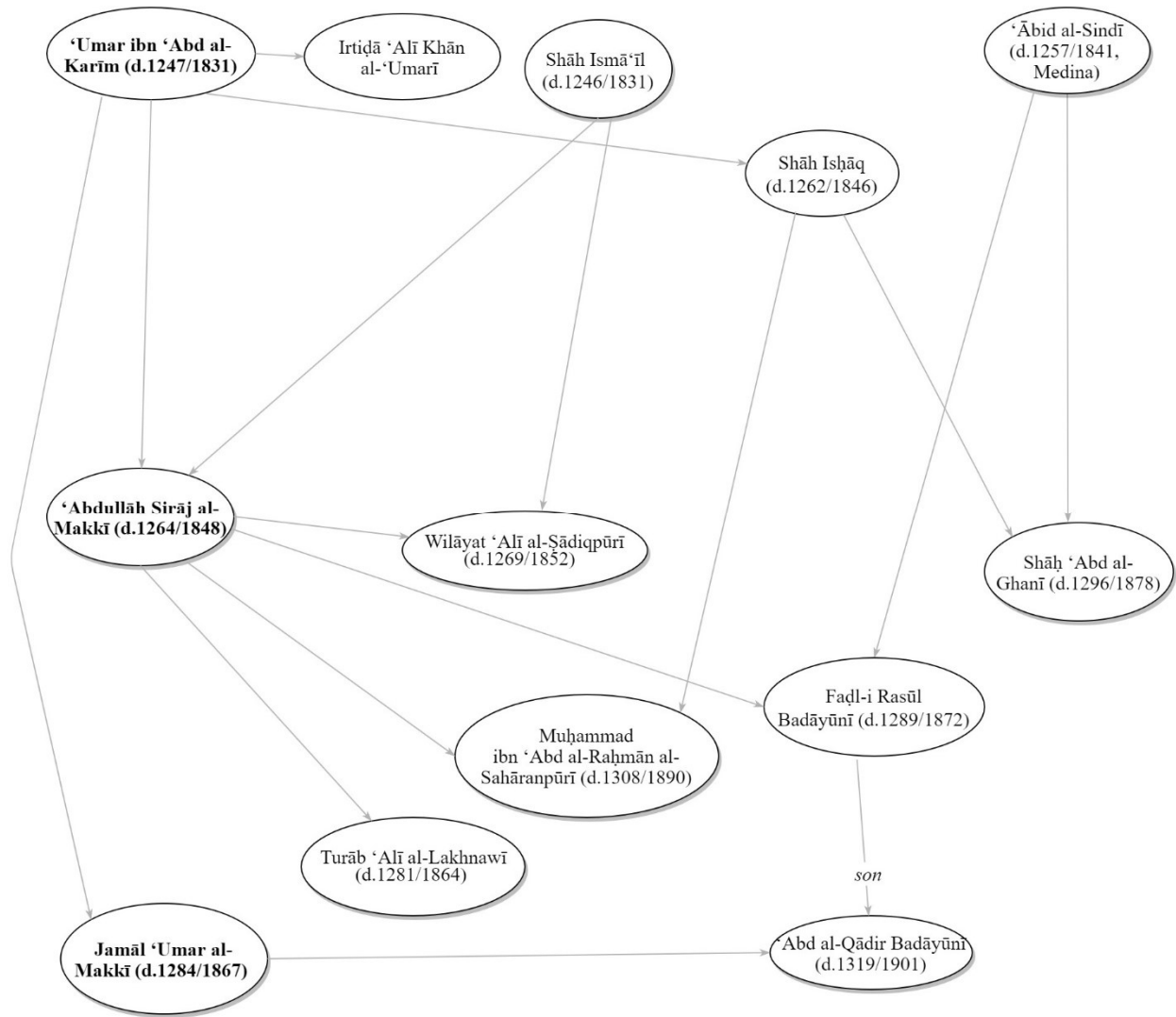


Figure 7: Three Hanafī Meccan Teachers (In Bold) and Their Indian Students

Together, the internal and oceanic critiques show how criticisms of Shāh Ismā'īl and his followers emerged in a context characterized by more fluid madhhab boundaries of legal pluralism. The fluidity of madhhab boundaries, the act of citing references beyond one's stated school, however, could be used to both defend and challenge the madhhab-system: by drawing upon non-Hanafī sources of authority, some scholars were able to demonstrate that the object of contention could not be termed as a *bid'a* but was as normative as the madhhab-system.

Similarly, by advocating for the correct practice of the Hanafi madhhab, they aimed to uphold the madhhab system as a whole. By soliciting fatwas from contemporary legal authorities in the Hijaz, and often from all four schools at once, scholars were able to produce a kind of all-school consensus on controversies at home. Yet, the act of crossing boundary lines could also reflect a challenge to the validity of an individual madhhab based on a scriptural analysis; as such, legal differences would not be regarded as equally valid. Here, scripture-centered legal pluralism entailed crossing madhhab lines from question to question, less so for the purposes of producing consensus than arriving at one definitive verdict.

Through this process, the Hijaz continued to function in the nineteenth century in its familiar role as a center for the study of hadith and the transmission of hadith texts through *ijāzas*. The growth of hadith studies in Delhi at the Madrasa Rahimiyya did not end the Hijaz's position in this regard, even though Indians no longer had to travel to the Hijaz to obtain this education. Yet, some continued to do so, more for the purposes of building their index of *ijāzas* or in pursuit of particular teachers; others bypassed the Walīullāhī tradition at Delhi to pursue hadith directly in the Hijaz. In addition, the Hijaz took upon an increasingly prominent role as source of defending madhhab-centered legal pluralism in Indian debates from Calcutta and Madras to Surat and Shahjahanabad. It hosted Indian supporters of the madhhabs and contributed to the discourse on defining and refuting Wahhabi thought. The fatwas and stamps of Meccan and Medinan muftis began to find wider circulation in manuscripts and in Indian printed works. As we will see in Chapter Five, this process expanded considerably in the second half of the nineteenth century.

Printing Canons of Hadith and Hanafi Law

The discussion thus far has analyzed how Indian scholars debated and discussed legal conformity in novel and prescriptive ways for multiple audiences; this section examines the material production of knowledge on hadith and law that would enable such legal conformity or scriptural verification. It surveys how local commercial presses in Bengal and north India printed Arabic and Persian canonical compilations of hadith and Hanafi law in the first half of the nineteenth century. This section will demonstrate that colonial presses and their closely affiliated vernacular competitors mostly printed legal texts for judges and muftis. In contrast, vernacular presses associated with Walīullāhi scholarship, including most notably Shāh Ishāq and Aḥmad ‘Alī Sahāranpūrī (d.1287/1870), focused more on printed hadith collections. Others produced Urdu translations for the consumption of a larger public. Ultimately, in collective terms, these vernacular and colonial presses supported the possibilities of multiple forms of legal knowledge, complicating the centrality of English translation and colonial codification within literature.⁷²²

We begin by examining Shāh Ishāq’s pioneering role in bolstering the printing of hadith compilations. During his time in Delhi, Shāh Ishāq developed an interest in printing, and facilitated the printing of the hadith collection *Sunan al-Nasā’ī* in 1252/1842.⁷²³ Furthermore, he encouraged his students to partake in such projects, even after he abruptly moved to Mecca in 1842 with his family, where was followed by several Indian students.⁷²⁴ One such student was Aḥmad ‘Alī Sahāranpūrī (d.1287/1870), who produced some of the most widely-used printed

⁷²² Scott Kugle, “Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia,” *Modern Asian Studies* 35, no. 2 (2001): 257-313.

⁷²³ Nūr al-Ḥasan Kāndhalwī, *Ustādh al-Kull Mawlānā Mamlūk ‘Alī Nānotwī*, 238.

⁷²⁴ See for instance: al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 204, 764, 846, 1302, 1881.

editions of hadith back in Delhi. During his time at Mecca, Aḥmad ‘Alī copied by hand a manuscript of *Ṣaḥīḥ al-Bukhārī* owned by Shāh Ishāq, which once belonged to the eighteenth-century hadith scholar ‘Abdullāh ibn Sālim al-Baṣrī (whom we encountered in Chapter Two).⁷²⁵ After copying the manuscript and receiving his *ijāzas* from Shāh Ishāq, Aḥmad ‘Alī returned to Delhi.

With the support of other colleagues, he eventually produced the first printed editions of the *Ṣaḥīḥ al-Bukhārī*, specifically mentioning Shāh Ishāq’s encouragement in his concluding section of the book.⁷²⁶ He printed the *Ṣaḥīḥ al-Bukhārī* between 1267-1270 (1851-1854), much earlier than the Egyptian editions printed at the Bulāq press in Cairo and the Ottoman Hamidian editions printed in 1893-1895.⁷²⁷ In addition, he also published several other hadith compilations such as the *Sunan Abī Dāwūd* in 1855.⁷²⁸ These printed works emerged out of the familiar context of Indo-Hijaz networks of individual teacher-student transmission of knowledge and the deep reading of manuscripts since the early modern period. They fulfilled a need for accessible hadith texts in a context where such compilations were becoming ever more central and publicly significant for legal and educational purposes. They demonstrate that vernacular printing did not

⁷²⁵ al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 204. Taqīy al-Dīn al-Nadwī, introduction to *al-Jāmi‘ al-Ṣaḥīḥ lil-imām al-ḥāfiẓ Abī ‘Abdillāh Muḥammad ibn Ismā‘īl al-Bukhārī* (Muzaffarpur, Azamgarh: Sheikh Abul Hasan Nadwi Center for Research and Islamic Studies, 2015), 11, 13.

⁷²⁶ See: Kāndhalwī, *Ustādh al-Kull Mawlānā Mamlūk ‘Alī Nānotwī*, 231, 238-240.

⁷²⁷ Aḥmad ‘Alī Sahāranpūrī, ed., *al-Jāmi‘ al-Ṣaḥīḥ*, 2 vols. (Delhi: Maṭba‘ Sayyid al-Akhbār, 1267/1851 and 1270/1854). For an excellent analysis, see: Muntasir Zaman, “Ḥadīth Scholarship in the Indian Subcontinent: Mawlānā Aḥmad ‘Alī al-Sahāranpūrī and the First Print of Ṣaḥīḥ al-Bukhārī,” <https://ahadithnotes.com/archives/1371> (accessed September 27, 2019). For a comparison of the Indian and Ottoman editions, see: Mehmet Özşenel, “Ṣaḥīh-i Buhārī Neşirleri: Sehārenpūrī Neşri ile II. Abdülhamid Neşrinin Karşılaştırılması,” *Türkiye Araştırmaları Literatür Dergisi* 11 no. 21 (2013): 457-484.

⁷²⁸ Aḥmad ‘Alī Sahāranpūrī, et al., ed., *Sunan Abī Dāwūd*, 2 vols. (Delhi: Maṭba‘at al-Qādrī, 1271/1855 and 1272/1856).

replace the processes of collation (*muqābala*) of manuscript culture and oral instruction that we have encountered in previous chapters. And despite the centrality of print emporiums in British India, the Hijaz did not initially cease to play its historical part in facilitating the flow of manuscripts that were to be collated and printed.

Aḥmad ‘Alī contributed to a burgeoning trend of hadith printing beyond Delhi. In Bombay, the more widespread hadith compilation *Mishkāt al-Maṣābīḥ* was printed in its original Arabic at the Maṭba‘ Muḥammadī in 1854, under the supervision of a local shaykh.⁷²⁹ There is also evidence that ‘Abd al-Ḥaqq al-Dihlawī’s Persian commentary on the *Mishkāt* was published earlier at Calcutta in 1842, in addition to several other smaller hadith collections, though the circumstances of their printing are not clear.⁷³⁰ Karāmat ‘Alī, whom we saw was a staunch pro-madhhab advocate, printed the hadith collection *Shamā’il-i Tirmidhī* and wrote an accompanying Urdu translation and commentary in 1251/1836 at Calcutta.⁷³¹ As he wrote in his introduction, “most people study all the sciences, but do not even mention hadith.” As a result, they neglected the knowledge of the Prophet’s appearance and mannerisms: “they have forgotten the pleasure of this sweetness, and the tales of worldly love have consumed them.... Thus I decided to give the brothers a taste of hadith in the cup (*pyāla*) of the Hindi language.”⁷³² He chose the *Shamā’il-i Tirmidhī* after much contemplation because it included the description of the appearance and life

⁷²⁹ *Mishkāt al-Maṣābīḥ* (Bombay: Maṭba‘ Muḥammadī, 1270/1854).

⁷³⁰ The other collections listed are: the *Muntakhab-i Bulūgh al-Marām* at Calcutta, with interlinear Urdu translation, as well as *Lubāb al-Akhhār* in 1837. See William H. Morley, *The Administration of Justice in British India, Its Past History and Present State. Comprising an Account of the Laws Peculiar to India* (London: Williams and Norgate, 1856), 278-79.

⁷³¹ Karāmat ‘Alī Jawnpūrī, *Anwār-i Muḥammadī Sharḥ Shamā’il-i Tirmidhī* (Calcutta: Ṭab‘khāna-yi Khādīm al-Dīn Irādatullāh, 1252/1836-7).

⁷³² *Ibid.*, G.

of the Prophet. Both reading and listening to these hadith, Karāmat ‘Alī wrote, give happiness to the heart through the scent of *‘ishq-i muḥammadī* (the love of the Prophet). His translation was intended to be simple and straightforward, and he exerted great effort in investigating its usage of words (*lughat kī taḥqīq*); he even used idiomatic proverbs in Hindi to make the meaning clear. This translation was thus meant for both the common folk and the scholars; the action of listening and reading was deemed an act of worship, encompassing both the literate and those who listened. This was hadith produced and made accessible for a large public. Reflecting Karāmat ‘Alī’s own pro-madhhab positions, it was produced more for devotional purposes than legal projects of verifying madhhab doctrine.

There is less evidence of printing projects of legal texts in Walīullāhī circles in these decades. Khurram ‘Alī (d.1273/1856), a prolific disciple of Sayyid Aḥmad, worked from 1258 to 1271 (1842-1854) on a multi-volume Urdu translation of *Durr al-Mukhtār*, the premier seventeenth-century Hanafi work that had acquired canonical status amongst Hanafīs from the Ottoman Empire to South Asia.⁷³³ However, it was only completed in 1288/1871 by a second scholar who wrote in his introduction about the text’s importance to the Hanafi school and the commentaries it had attracted. (Here, he also listed ‘Ābid al-Sindī’s commentary, providing us with important evidence that ‘Ābid al-Sindī’s lesser-known commentary had reached them.) Yet, like its colonial counterparts, this work was commissioned by the Nawab of Rampur, betraying its institutional connections. It also included a copyright notice towards the end of the text, as

⁷³³ Mawlānā Khurram ‘Alī and Muḥammad Aḥsan Ṣiddīqī Nanotwī, *Ghāyat al-Awṭar tarjuma-yi Urdū Durr al-Mukhtār* (Bareilly: 1288/1871-2).

established by the Indian copyright law of 1847.⁷³⁴ This seventeenth-century Ottoman manual of Hanafi law was now enshrined in the commercial printing politics of Urdu translation, courtly sponsorship, and Indian copyright law as upheld by British authorities.

In contrast, the colonial presses and their closely affiliated vernacular presses were much more active in printing legal texts through both letter-block printing and lithography. The most prominent text to be printed was the *Hidāyā* of al-Marghīnānī: its Persian translation was printed in 1807, original Arabic in 1818, and an Arabic commentary (namely *al-Kifāya*) in 1834.⁷³⁵ The circumstances of their printing is not clear, except for the Arabic commentary which was published in letter-block printing under the authority of the Committee of Public Instruction at the “Hukeem Abdul Majeed’s Medical Press,” and was supervised by Hakim Abdul Majeed himself and a team of other maulwis including the chief judge (*qāḍī al-quḍāt*) himself in Calcutta.⁷³⁶

The Asiatic Lithographic Company (est. 1823), the first major commercial press of Calcutta, produced several voluminous legal compendia in Arabic, including the *Fatāwā Hammādiyya* in 1825 and another text by al-Marghīnānī in 1827.⁷³⁷ It also printed the more famous *Durr al-Mukhtār* of al-Ḥaṣkafī in 1827, in what was likely the very first printed edition

⁷³⁴ The 1847 copyright law conferred Indian copyrights on books first published in India. See: Lionel Bently, “Copyright, Translations, and Relations between Britain and India in the Nineteenth and Early Twentieth Centuries,” *Chicago-Kent Law Review* 82, no. 3 (2007): 1181-1240.

⁷³⁵ Morley, *The Administration of Justice*, 290.

⁷³⁶ *Al-Hidāya ma’a Sharḥihā al-Kifāya*, 4 vols. (Calcutta: Hukeem Abdul Majeed’s Medical Press, 1834).

⁷³⁷ For more on the Asiatic Lithographic Company, see in Graham Shaw, “Calcutta: Birthplace of the Indian Lithographed Book,” in *The History of the Book in South Asia*, ed. Francesca Orsini (Surrey: Ashgate, 2013), 172-175. Maulwi Ghulām Makhḍūm, ed., *Fatāwā Hammādiyya*, 2 vols. (Calcutta: Asiatic Lithographic Company, 1825); *Fatāwā Fuṣūl al-Iḥkām fī Uṣūl al-Aḥkām al-Ma’rūf bi-Fuṣūl ‘Imādī*, 2 vols. (Calcutta: Asiatic Lithographic Company, 1827).

of the text anywhere in the world.⁷³⁸ The Company's output was matched by the Munshi Hidāyatullāh Press (also known as the Mirzapore Press) at Calcutta, which published the 600 page *al-Fatāwā al-Sirājiyya* in Arabic letter-block printing in 1827.⁷³⁹ This particular press was Muslim-owned but its staff were intimately connected with British circles in Calcutta.⁷⁴⁰ It published the key Hanafi legal text *al-Ashbāh wa al-Nazā'ir* in 1826 under the supervision of the mufti of the courts himself, Ghulām Subhān, another editor involved with the Asiatic Lithographic Company, Maulwī Ghulām Makhdūm, and the assistant librarian of the Asiatic Society, Munshi Ramadhana Sen.⁷⁴¹ The introduction to this work began with effusive praises and prayers for the governor-general William Amherst (r.1823-1828), displaying its close connections to the colonial context.⁷⁴²

The printing of Arabic legal texts by commercial presses at Calcutta in the early nineteenth century has not attracted much attention by historians of Anglo-Muhammadan law, who have focused more on the production of English translations of Islamic law, and used them to build arguments regarding the codification of Anglo-Mohammedan law.⁷⁴³ Yet, these Arabic texts arguably fulfilled a demand from local muftis employed in British courts, in the larger

⁷³⁸ 'Alā' al-Dīn al-Ḥaṣkafī, *Durr al-Mukhtār fī Sharḥ Tanwīr al-Abṣār* (Calcutta: Asiatic Lithographic Company, 1827).

⁷³⁹ *Al-Fatāwā al-Sirājiyya* (Calcutta: Maṭba' Hidāyatullāh, 1827).

⁷⁴⁰ For a larger context of vernacular presses around Calcutta, see: Anindita Ghosh, "The Battala Book Market," in *The History of the Book in South Asia*, 345-353.

⁷⁴¹ *al-Ashbāh wa al-Nazā'ir* (Calcutta: Maṭba' Hidāyatullāh, 1826).

⁷⁴² *Ibid.*, 1.

⁷⁴³ Scott Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia," *Modern Asian Studies* 35, no. 2 (2001): 269-75.

context of the famous Regulating Act of 1772 which expanded East India Company's jurisdiction to native inhabitants and invoked the usage of native law in certain domains, and the Regulating Act of 1793, which called for the creation of uniform legal code.⁷⁴⁴ The production of these Arabic texts by commercial presses in close proximity to British circles in the 1820's point at the very minimum to a greater textual sphere shared by maulwis and muftis employed in British courts, before their power was gradually curtailed over the course of the next decades.

In contrast to legal texts, the only colonial hadith project in India during this period appears to have been an English translation of the *Mishkāt*, published in four volumes in 1809 by a lone English captain who possibly converted to Islam.⁷⁴⁵ In addition, Hakim Abdul Majeed's Press, which operated under the authority of the Committee for Public Instruction at Calcutta, printed in 1834 the hadith collection *Taysīr al-Wuṣūl ilā Jāmi' al-Wuṣūl* by an early modern Yemeni Shafi'i scholar.⁷⁴⁶ However, these examples pale in comparison to the printing projects of the Walīullāhī scholars discussed above.

The early history of printing, in sum, was subject to a complex set of intellectual and social forces that merged older patterns of manuscript culture with newer developments, such as copying manuscripts of hadith at Mecca and printing them in Delhi. Such insights may be

⁷⁴⁴ Morley, *The Administration of Justice*, 177-97.

⁷⁴⁵ Ibid. This was Captain Arnold Nesbit Matthews (d.1820), who is rumored to have accepted Islam. See: Clinton Bennett, "Chronology," in *The Bloomsbury Companion to Islamic Studies*, edited by Clinton Bennett (London and New York: Bloomsbury, 2015), 291. Although it is difficult to source extant copies of this text, excerpts from it were later edited and reprinted in Lahore: see: Capt A. N. Matthews, trans. *Mishkat-ul-Masabeeh: Being a Collection of the Most Authentic Speeches of the Founder of Islam and Reports Concerning his Person, his Public and Domestic Life, his Practice in Religion, Social and State Affairs in Peace and War and his Teachings on Civil and Military Policy, selected from the Most Reliable Collections of Hadees Literature*, F. K. Khan Durrani, ed. (Lahore: Tabligh Literature Company, n.d.).

⁷⁴⁶ 'Abd al-Rahmān al-Shaybānī, *Taysīr al-Wuṣūl ilā Jāmi' al-Wuṣūl* (Calcutta: Abdul Majeed Press, 1252/1836).

familiar in general terms to book historians but are not integrated by legal historians who rely upon a source-data of translated legal texts to push a narrative of the colonial codification of Islamic law. Yet, colonial and vernacular presses at Calcutta printed texts in Arabic and Persian; and presses associated with Walīullāhī scholars produced hadith texts. In addition, some Walīullāhī scholars produced Urdu translations of both legal and hadith texts. Collectively, this reinforces the chapter's argument about how the early nineteenth century public sphere facilitated a varied range of legal politics, encompassing legal conformity to madhhab doctrine as well as scriptural verification based on hadith. These printed canonical texts proliferated alongside deeper discussion on the nature of legal authority and the limits of the madhhab, as analyzed in the previous sections. The material histories of legal knowledge thus reveal a far more complex story than the emergence of Anglo-Muhammadan law at the hands of colonial officials and their native assistants.

Conclusions

The processes described in the previous chapter – namely, the pursuit of evidence, the composition of new genres that facilitated scholarly access to hadith literature, and the expansion of legal fluidity between madhhabs – led to a surge of hadith scholarship amongst students associated with Shāh Waliūllāh's madrasa in North India in the first half of the nineteenth century. With this surge of hadith scholarship, the scope of debates on legal authority and scripture expanded immensely, reaching new levels of disputation. Through speeches, written polemics, translations, print projects, and public recruitment of followers, the generation of scholars after Shāh 'Abd al-'Azīz actively contributed to public discourse on correct normative

legal practice, heretical innovations, the legal responsibility of the *'awām*, and even Wahhabi thought. As scholarly output entered a larger public sphere, the social and theological stakes also increased, reaching in some instances accusations of *takfīr* (or disbelief) even amongst scholars who shared teachers and friends.

Two key developments enabled historical change in Islamic legal authority: first was the articulation of legal critiques for an expanding public sphere, in direct engagement with the *'awām* beyond juristic circles. Yet, the public sphere was not disruptive to the madhhab-system because of a so-called democratization of knowledge, the end of manuscript culture, or even an exclusive emphasis on texts of scripture, as held by historiography; but because it marked the integration of legal questions pertaining to the common person within an expanding vernacular public, thereby transforming the social and legal terrain of the entire discussion. As he toured north India to recruit followers for his campaigns, Shāh Ismā'īl emphasized the individual duty of the common person to challenge local religious figures and an unprecedented range of widespread practices in terms of scripture. In contrast, the preacher Karāmat 'Alī (also a disciple of Sayyid Aḥmad) sought to contain scriptural critiques made by common people by explaining (and in the process, defending) the procedures and histories of madhhab pluralism and legal conformity for the first time in Urdu prose in his *Quwwat al-Īmān*. Similarly, many collections of fatwas originally composed within courtly contexts, such as those solicited by Mughal princes in Persian from Shāh Isḥāq, were rapidly proliferated through their printing. Collectively, such discussions transformed what were once exclusive and limited debates on legal conformity and scriptural verification to a far-reaching and at times polemical discourse which sought to construct legal authority by directly mobilizing the *'awām*.

Second, the expansion of legal fluidity across the madhhabs over the course of the previous century in north India directly contributed to increasing contestation on a wide array of “heretical innovations.” The debates on legal conformity and heretical innovations were intimately connected in ways that have not been recognized by historiography, which has treated them largely as analytically distinct, if coeval, debates. Shāh Ismā‘īl upheld a scripture-centered practice of legal pluralism with great fluidity between madhhabs, as evidenced in his treatise on defending *raf‘ al-yadayn* as a Hanafi; yet, he was opposed by those who argued that the madhhabs were equally rooted in scripture and therefore sought to restrict legal fluidity. This contestation over the equal scriptural validity of the madhhabs (or lack thereof) had important ramifications for the debate on “heretical innovation.” As the debate between ‘Abd al-Ḥayy Badhonī and Shāh Makhṣūṣullāh demonstrated, scholars could cross madhhab lines multiple times to defend certain “innovations” as licit or heretic, based upon conflicting notions of the madhhab’s underlying scriptural strengths. Furthermore, this process also expanded their legal outreach towards the Hijaz, where muftis from the four madhhabs were requested to endorse and validate certain positions as licit or heretic. In this expanded and uncharted arena of legal fluidity, madhhab-centered pluralism faced immense challenges from a scriptural approach that potentially flattened madhhab boundaries.

In geographical terms, this arena did not just consist of local Indian projects forged in reaction to British rule and Muslim decline in the first half of the nineteenth century, but encompassed legal and material developments across the Indian Ocean. Indian scholars merged older processes of manuscript circulation with the new technologies of print. Furthermore, the move of leading Walīullāhī hadith scholars to the Hijaz (such as Shāh Ishāq) in the aftermath of Saudi occupation of the Hijaz and British rule in Delhi, the engagement with local scholarship

(and especially Hanafi hadith scholarship), the soliciting of fatwas from muftis of the four madhhabs in Mecca and Medina helped the Hijaz slowly become a center for madhhab-centered legal pluralism and for defending many “innovations,” such as the *mawlid*, as we saw in the writings of Aḥmad Sa‘īd Mujaddidī and Faḍl-i Rasūl Badayūnī. This remarkably contradicts the Wahhabi influence it is generally claimed by secondary literature to have had for Indian scholarship; on the contrary, it fueled and enabled anti-Wahhabi criticism amongst Indians. At the same time, the Indian engagement with al-Shawkānī in Yemen led in an opposite direction towards critiques of *taqlīd*, revealing an Indian Ocean intellectual space fraught with contradictory waves of legal scholarship.

Ultimately, the minimal attention given in scholarly literature to the actual legal discourse and hadith scholarship by figures like Shāh Ismā‘īl and Shāh Ishāq – as opposed to their political thought and theology – is reflective of a pervasive assumption regarding the teleology of hadith sciences: that hadith scholarship leads inevitably to a critique of legal (and political) institutions. It also reflects the overlying tendency to favor the study of colonial projects of law – such as the colonial English translations of Islamic legal texts – as the more important sources of legal change in this period. Yet, this chapter has demonstrated not only how critiques of *taqlīd* varied in scope, but how *taqlīd* could also be defended tooth-and-nail in the language of hadith, such as by Karāmat ‘Alī or Aḥmad Sa‘īd Mujaddidī, amongst many others. Differences manifested at the individual level from scholar to scholar, even amongst those who shared the same teachers or belonged to the same family. What was critical, then, was not simply any engagement with hadith, but more fundamentally its gradual displacement of the madhhab canon in establishing legal normativity. All the actors examined in this chapter were deeply concerned with such a public displacement in their writings, perhaps even more so than they were with the

displacement of Islamic law within British colonial courts. Herein lay the conditions that made possible the madhhab-system's fragmentation as the central basis of Sunni legal pluralism in the second half of the nineteenth century.

Chapter 5:

Provincializing the Madhhabs, 1857-1926

“Yes, we [in Hindustan] seek the fatwa of the scholars of Mecca the exalted, so the debate between both parties can be resolved, one verdict is verified (*mutahaqqiq*), and so no one may speak any further.”⁷⁴⁷

In the direct aftermath of the Indian rebellion of 1857, a stream of leading Indian Muslim scholars migrated to the Ottoman Hijaz. In so doing, they chose a familiar destination: the Hijaz had beckoned to Indian political exiles for centuries. More immediately, the decades preceding the rebellion had also seen Indian migrations of a political kind. Shāh Ishāq’s move to the Hijaz with his entire family in 1842 was seen by contemporaries as a migration or *hijra*, as the “symbols of Islam weakened and the customs of disbelief and *bid‘at* (innovation) strengthened” in British-occupied Delhi.⁷⁴⁸ And in Mecca, Shāh Ishāq joined a sprawling community of well-settled Indian migrants who owned several properties.⁷⁴⁹ In the next decades, he was followed by Indian scholars and pilgrims who navigated increasing European pilgrimage regulations and surveillance of the Hijaz, Ottoman projects to establish centralized authority vis-à-vis the Sharifs and foreign consulates in the peninsula, as well as unprecedented floods of fellow pilgrims from across the world unleashed by steam travel and the opening of the Suez Canal in 1869.⁷⁵⁰ Amidst

⁷⁴⁷ *Hadiyyat al-Ḥaramayn* (Lucknow: Naval Kishore Press, 1874), 1.

⁷⁴⁸ Sayyid Aḥmad Khān, *Āthār al-Ṣanādīd*, 2:59.

⁷⁴⁹ For instance, he found company and friendship in the person of Ghulām Nabī ibn Khudā Yār (d.1284/1867), who was born in Delhi, moved to Mecca after 1245/1829, bought several houses and established *ribāṭs* there, and was joined by his brother in 1250/1834. These two were the same age as Shāh Ishāq and became close to him when he moved to Mecca. They were also uncle and father to the prominent Indian-Meccan historian of the late nineteenth and early twentieth centuries, ‘Abd al-Sattār al-Dihlawī. See: al-Dihlawī, *Fayḍ al-Malik al-Wahhāb*, 1274.

⁷⁵⁰ See: Lale Can, *Spiritual Subjects: Central Asian Pilgrims and the Ottoman Hajj at the End of Empire* (Stanford: Stanford University Press, 2020); Eileen Kane, *Russian Hajj: Empire and the Pilgrimage to Mecca* (Cornell: Cornell University Press, 2015); Michael Christopher Low, “Unfurling the Flag of Extraterritoriality: Autonomy, Foreign

this deluge of pilgrims and imperial politics, Indians in the Hijaz contributed to foundational changes at the very heart of Sunni legal pluralism in the modern period.

This chapter covers the history of Sunni legal pluralism from the 1857 rebellion till the emergence of Saudi rule in the Hijaz in the mid 1920's. It argues that the Ottoman Hijaz upheld the madhhab-system against threats and critiques emerging from several areas of the Indian Ocean and the wider Arab and North African regions.⁷⁵¹ Under the Ottomans, the Hijaz stood positioned against a persistent Yemeni channel of scholarship (emerging from Imām al-Shawkānī) that animated the new Indian Ahl-i Hadith movement, which as we shall see, was severely opposed to *taqlīd* and the Hanafī madhhab. The Ottoman Hijaz also contrasted sharply with an explosively polemical Indian discourse regarding *taqlīd* in a legal context where official British policy of “religious noninterference” remained mercurial and yet exerted great pressure on the management of Islamic law and the production of Muslim scholarship.⁷⁵² Thus, while individual madhhabs continued to be studied and practiced in large swathes of the Indian Ocean, and facilitated transregional scholarly and legal connections, they no longer constituted the central basis of Sunni legal pluralism. Indian Sunnis now coalesced around new identities and

Muslims, and the Capitulations in the Ottoman Hijaz,” *Journal of the Ottoman and Turkish Studies Association* 3, no. 2 (2016): 299-323; Saurabh Mishra, *Pilgrimage, Politics, and Pestilence: The Haj from the Indian Subcontinent, 1860-1920* (New Delhi: Oxford University Press, 2011); William Ochsenwald, *Religion, Society, and the State in Arabia: The Hijaz Under Ottoman Control, 1840-1908* (Columbus: Ohio State University Press, 1984); John Slight, *The British Empire and the Hajj, 1865-1956* (Cambridge Mass.: Harvard University Press, 2015).

⁷⁵¹ Chanfi Ahmed, *West African “Ulama” and Salafism in Mecca and Medina: Jawab Al-Ifriqi - The Response of the African* (Leiden: Brill, 2015); Hamadi Redissi, “The Refutation of Wahhabism in Arabic Sources, 1745–1932,” in *Kingdom without Borders: Saudi Arabia’s Political, Religious and Media Frontiers*, ed. Madawi Al-Rasheed (New York: Columbia University Press, 2008); Itzhak Weismann, “Genealogies of Fundamentalism: Salafi Discourse in Nineteenth-Century Baghdad,” *British Journal of Middle Eastern Studies* 36, no. 2 (2009): 267-80; Hala Fattah, “‘Wahhabi’ Influences, Salafi Responses: Shaikh Mahmud Shukri And The Iraqi Salafi Movement, 1745–1930,” *Journal of Islamic Studies* 14, no. 2 (2003): 127-48.

⁷⁵² On British attitudes towards *taqlīd* /*ijtihād* and its repercussions for Indians, see Julia Anne Stephens, *Governing Islam: Law, Empire, and Secularism in South Asia* (Cambridge: Cambridge University Press, 2018), chapter four.

orientations (*maslak*) set around specific scholarly genealogies or educational institutions, situated either within or outside the madhhab-system.⁷⁵³ Critiqued as illegitimate by the emerging Indian Ahl-i Hadith movement, and fractured from within by competing Hanafi factions, the madhhab-system no longer furnished the universal basis of legal pluralism amongst Sunni Indian scholars and their interlocutors in the Indian Ocean. The madhhab may have survived and even thrived in certain contexts, but madhhab-centered legal pluralism did not.

The period covered by this chapter represents one of the most prolific periods of Muslim intellectual and legal history in South Asia. The Indian rebellion of 1857 is usually recognized as a “watershed,” a cataclysmic event that marked the end of Mughal rule and the East India Company, and the beginning of Crown rule with all its economic, political, and epistemological powers. For historians of Islam, it heralds the birth of Islamic modernism and reformism in South Asia, as well as the production of a Muslim subject (or minority) fraught with quietist, anti-colonial, separatist, and nationalist politics.⁷⁵⁴ Such political questions long dominated intellectual and social histories of this period, but scholarship has begun to turn to new directions, including reconstructing the discourses and social worlds of Muslim ‘ulamā’, Sufis, and other Indian religious actors more broadly in South Asia and the Indian Ocean.⁷⁵⁵ Studies of

⁷⁵³ On the *maslak*, see Brannon Ingram’s descriptions of the *maslak* as “the world of shared sensibilities” cultivated “through the interplay of books and bodies,” extending beyond the madrasa into larger publics. Ingram, *Revival from Below*, 22-23. Also see: Tareen, *Defending Muhammad in Modernity*, 173-74, where he describes *maslak* as a “distinct normative orientation” connected to questions of knowledge, hermeneutics, and practice. He describes the Deobandi-Barelwi debate as being primarily about hermeneutics and practice, but not of knowledge, as they “agreed on the sanctity and indispensability of a converging if not common canon.” Yet, this description, as we will see below in the chapter, misses foundational disagreements between Deobandis and Barelwis on the constitution of canons and legal sources and its significance for their disagreements of hermeneutics and practice.

⁷⁵⁴ The histories of this are quite extensive; for an analysis, see: Ilyse R. Morgenstein Fuerst, *Muslim Minorities and the 1857 Rebellion: Religion, Rebels, and Jihad* (London and New York: I.B. Tauris, 2017).

⁷⁵⁵ For a few examples see: Green, *Bombay Islam*, Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (New York: Cambridge University Press, 2012); Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press, 2002);

the Sunni ‘ulamā’ in particular have brought into critical relief the agency of “traditional” scholars in modernity, the historicity of their discourses, problematic binaries between Sufism and reformism, among other things. Yet, there has been little work on the madhhab as such.⁷⁵⁶ Legal historians too have contributed in important ways to our understanding of Anglo-Muhammadan law and the agency of its Indian judges and litigants, but have paid little attention to vernacular sources of Islamic law.⁷⁵⁷ Similarly, the legal histories of the modern hajj have largely focused on inter-imperial competition over legal sovereignty, rather than the substantive production of Islamic law and contestations over madhhab-pluralism.⁷⁵⁸

This chapter brings to focus the madhhab’s changing fortunes as a transregional and trans-imperial legal formation. It does not view the fragmentation of madhhab-centered legal pluralism as an inevitable development, whether of Indian hadith scholarship or British colonization. It instead historicizes scholarly discourse on madhhabs within the very same framework this dissertation has pursued since the early modern period: that is, within scholarly circles stretching across imperial boundaries in the fraught intellectual terrain of the Indian Ocean. It argues that the fragmentation of the madhhab-system was achieved not by the sheer fact of its rejection by certain individuals, groups, or states, but because of foundational shifts in how legal difference came to be contested amongst Indian scholars in the Indian Ocean. In doing

Ingram, *Revival from Below*; Tareen, *Defending Muhammad*; Sugata Bose, *A Hundred Horizons: The Indian Ocean in the Age of Global Empire* (Cambridge, Mass.: Harvard University Press, 2006); Usha Sanyal, *Devotional Islam and Politics in British India: Ahmad Riza Khan Barelwi and His Movement, 1870-1920* (Delhi: Oxford University Press, 1996).

⁷⁵⁶ For a discussion of *taqlīd* in modern South Asia, see: Zaman, *Modern Islamic Thought in a Radical Age*, chapter two.

⁷⁵⁷ Stephens, *Governing Islam*; Sohaira Siddiqui, “Navigating Colonial Power: Challenging Precedents and the Limitation of Local Elites,” *Islamic Law and Society* (2018): 1-41.

⁷⁵⁸ See the works on hajj cited at the beginning of this chapter.

so, it gives agency to the unfolding processes of Sunni legal pluralism and all its contradictory forces, such as legal conformity and legal fluidity, to drive historical transformations in this period.

This chapter examines the legal politics of both members and critics of the madhhab-system. Amongst members, it examines the division of Hanafis into rival *maslaks*, such as Deobandi and Barelwi, through increasing contestation over securing legal endorsements (*taqrīz*) from the Hijaz and elsewhere in South Asia that sought to build a unified consensus and even at times establish disbelief rather than accommodate legal plurality. Amongst critics, it examines how the Indian Ahl-i Hadith transformed their critiques of *taqlīd* by embedding their critiques and new categories such as “*ghayr muqallid*” (nonconformists) within extensive layers of legal treatises, commentaries, historical visions of scholarly genealogies and hagiographies, which effectively emulated and yet rivaled madhhab structures and authorities. It argues that far from being pure scripturalists, as held by historiography, the Ahl-i Hadith were deeply invested in constructing legal authority through legal theory, procuring endorsements, composing public fatwas, and constructing scholarly genealogies intimately connected with the Indian Ocean. It is through these tools and resources of legal authority that they successfully came into being as a separate Sunni faction in opposition to the Sunni madhhab-system.

For all the discussion of Muslim intellectual decline and rupture in colonial modernity, the late colonial period produced the most prolific amount of Indian Muslim scholarship thus far on a range of subjects including law, tafsir, hadith, mysticism, and theology across an array of South Asian languages, including Arabic and other vernaculars. The chapter thus chooses selectively and deliberately: it aims not to provide a total history or to retrace ground already covered by other historians, but to sharpen our analytical focus and understanding of the

madhhab in the Indian Ocean. It begins with a birds-eye view of the madhhab-system in the Hijaz, bringing to light the crucial interplay of Ottoman authorities, Hijazi muftis, and Indian Sufis and hadith scholars, in defending the madhhab-system against perceived “Wahhabi” threats from both Indian and Arab sources. It then analyzes how Hijazi scholarship animated Indian debates on heretical innovations and theological controversies, through the dramatic rise of legal endorsements that effectively transformed internal debates between rival Hanafis to questions regarding the very boundaries of the madhhab-system. The last section turns to the Yemeni counter current of anti-madhhab critiques through Imām al-Shawkānī’s successors in British India, as well as the Delhi-based critiques from Sayyid Nadhir Ḥusayn Dihlawī. Ultimately, this chapter shows how such contestation over legal authority effectively fragmented and provincialized the madhhab-system from its early modern position as the central axis of Sunni legal pluralism.

The Ottoman Hijaz after 1857

This section argues that the Ottoman Hijaz served as a center of madhhab-centered legal pluralism until the rise of Saudi rule in the 1920’s. This was achieved through Ottoman censorship of anti-madhhab activity regarded as Wahhabi (with the threat of deportation); the cultivation of Indian Hanafi relationships with local Shafi‘is and Ottoman officials; the proliferation of Indian Sufi networks such as the Naqshbandi-Mujaddidis and Chishti-Sabiris that actively defended the madhhabs even as they debated various *bid‘as*; and the pursuit of hadith scholarship that enabled scriptural interpretations of Islamic law in line with madhhab doctrine. As a series of Indian scholars escaped to Mecca and Medina (mostly through Punjab and Sindh

and then via Karachi or Bombay across the Arabian Sea), they helped construct a regime where conformity to the madhhab-system was enforced as the official order of the day. By examining the Ottoman and British archives in conversation with hagiographies and *fiqh* texts produced by these Indian scholars, this section highlights how state and non-state actors across imperial boundaries struggled to uphold the madhhab-system against a series of new threats.

This context of madhhab pluralism has been neglected by recent studies which have focused more on inter-imperial competition in the late Ottoman Hijaz, as animated by Muslim pilgrims of colonial empires who represented the “unlikely agents of expanding European jurisdiction.”⁷⁵⁹ They have shown how the extraterritorial rights of foreign Muslim pilgrims – as subjects of European empires – formed a deep source of anxiety for Ottoman authorities who sought to limit European legal power in the Hijaz.⁷⁶⁰ According to this line of argument, the subsequent Ottoman attempts to assert and tighten their jurisdiction, such as through the 1869 Ottoman Law of Citizenship (which, along with previous legislation, sidelined religious bases of subjecthood and instead operated on a key distinction between Ottoman nationals and foreign subjects) not only contradicted the rising rhetoric of pan-Islamism, but overturned the right to claim Ottoman subjecthood through one’s confessional status as a Sunni Muslim.⁷⁶¹

This line of argument holds key insights regarding the politics of imperial subjecthood, but it conceals how Sunni legal pluralism continued to connect Muslims from different empires in the Indian Ocean. With its emphasis on geopolitical ideology and subjecthood, whether

⁷⁵⁹ Can, *Spiritual Subjects*, 16.

⁷⁶⁰ Low, “Unfurling the Flag of Extraterritoriality,” 300.

⁷⁶¹ Ibid., 308; Will Hanley, “What Ottoman Nationality Was and Was Not,” *Journal of the Ottoman and Turkish Studies Association* 3, no. 2 (2016): 277-298.

articulated by an imperial official or a pilgrim, it obscures the Hijaz's entrenched role in facilitating madhhab pluralism and animating the production of Islamic law more generally through both state and non-state channels. As we shall see below, Hijazi madhhab pluralism continued to play a prominent role in influencing the legal and religious choices of Sunni Muslims in the Indian Ocean, just as it had in the previous centuries. Yet, unlike the earlier periods, scholarly migrants, local Hijazis, and the Ottoman administration now actively defended the madhhab-system as a legitimate Sunni institution against the specter of Wahhabi threats made by various rivals and actors in the Indian Ocean and the Ottoman Empire. As such, multiple layers of legal authority from the state to the independent author-jurist and Sufi converged to define the parameters of Sunni Islamic law across imperial boundaries.

As described in previous chapters, the Ottomans upheld the madhhab-system since the sixteenth century by supporting separate qadi positions, madrasas, and the imams of the four madhhabs in the Hijaz. The funds were disbursed annually through the *surre-i humayun* with the official caravan from the Sublime Port. After regaining power over the Hijaz from the Saudis and Egyptians in the first half of the nineteenth century, however, the Ottomans began to actively censor any opposition to the madhhabs as Wahhabi. By the end of the century, the Ottomans began to monitor and censor books imported from India for Wahhabi content, including those written by Salafis of Iraq.⁷⁶² In 1319/1901, even a few books on the proceedings of the Nadwat al-'Ulamā', the famous seminary founded at Lucknow in 1891, were inspected and banned for

⁷⁶² Even the books of the reformist Maḥmūd Shukrī Ālūsī (d.1924), which as the Ottomans described, were published in both Egypt and Hindustan and contained problematic Wahhabi content, were censored. See: BOA DH.MKT.918.15. Also, there were calls to monitor books from Egypt, Tunis, and Hind that were arriving in the Hijaz, by four muftis, until a proper official could be appointed by the Maarif Nezareti (Ministry of Education). BOA DH.MKT.1465.96.

their inappropriate content (*gayr-ı salim*).⁷⁶³ This was likely a consequence of the fierce campaign Aḥmad Riḍā Khān, the founder of the Barelwi movement (and a subject of British India, it should be noted) led against them in 1889 amongst Hijazi scholars, because of the seminary’s stated aims to unite different groups, including Shi‘is, modernists, and nonconformists (*ghayr muqallid*).⁷⁶⁴

Alongside books, the Ottomans also deported those individuals accused of denying the validity of the four madhhabs in the Hijaz – in other words, of being “Wahhabi.” In the previous chapter, we saw how a member of Sayyid Aḥmad’s hajj caravan was imprisoned and banished from Medina in 1823 for this very reason. Similarly, in 1265/1849, a group of Indian teachers in Mecca who taught in the “Hindi” language and rejected the four madhhabs were ordered deported to Bombay.⁷⁶⁵ A further case illustrates just how deeply invested Ottoman authorities were in maintaining the authority of the madhhab-system in the Hijaz. There is a detailed report from 1290/1873 in the Ottoman archives regarding a group of Indian migrants at Mecca who rejected the four madhhabs and claimed to perform *ijtihād* as self-proclaimed Wahhabis.⁷⁶⁶ At the request of rival Indian and Khurāsānī (*Hurāsānī*) Hanafis, this group was summoned by the Ottoman administration to a special assembly (*meclis-i hususu*) at Mecca to explain their stances in front of a panel of scholars. Though they were not very successful in defending their anti-madhhab positions in terms of Islamic legal arguments, according to the Ottoman accounts, they

⁷⁶³ BOA MF.MKT.702.16.

⁷⁶⁴ Aḥmad Riḍā Khān, *Fatwā al-Ḥaramayn barjaff Nadwat al-Mayn* (Bombay: Maṭba‘ Gulzār Ḥasanī, 1317/1899).

⁷⁶⁵ BOA I.MVL.154.4373.2

⁷⁶⁶ BOA A.MKT.MHM.458.46.

could not be persuaded to follow a madhhab. The majlis then arrived at the following verdict: “If you do not accept the validity of the four madhhabs and follow one of them, it will not be suitable for you to reside in Makka al-Mukarrama (*in lam ta ‘tarifū bi-ṣiḥḥat al-madhāhib al-arba‘a wa tuqallidū wāḥidan minhum lā yalīqu iqāmatukum bi-makka al-mukarrama*).⁷⁶⁷ Acceptance of the madhhab-system was thus recognized as a requirement for residence in the Hijaz.

As the report further described, some of the impetus behind this requirement emerged from the constant disputes and disagreements between clashing pro-madhhab and anti-madhhab groups at Mecca. The removal of the anti-madhhab group of Indians was seen as necessary to prevent them from gaining a foothold and disturbing the peace in the Hijaz. Indeed, the same majlis (*meclis*) subsequently questioned a shaykh ‘Abd al-Laṭīf al-Hindī who had been accused of holding anti-madhhab views. When asked to testify regarding his legal allegiances, ‘Abd al-Laṭīf claimed he was “a Hanafi who does not read except the books of jurisprudence from the Hanafi madhhab.”⁷⁶⁸ Yet, the earlier group of convicted Indians protested and claimed him as their own; the court ultimately decided to restrict his reading of legal texts in the Ḥaram (and not his house or any other place), where he could be closely supervised by two guarantors (*kafīlayn*) who could ensure he would not contravene these stipulations. The same ruling was then extended to the rest of the group: whoever was a *muqallid* and had the ability to teach, would only read legal texts in the Ḥaram (and not in his or anyone else’s house), could produce guarantors who ensured he did not contravene these stipulations, would be allowed to stay in Mecca and teach in

⁷⁶⁷ Ibid.

⁷⁶⁸ Ibid.

the Haram. Those who refused would be sent to the British consulate in Jeddah and deported. Threats against the madhhab-system, thus, were considered as threats against Ottoman administration in the Hijaz.

While it is important to recognize the key role of the Ottoman authorities in upholding the madhhab-system, it would also be a mistake to consider it an exclusively state-imposed project. The previous verdict was signed by an array of leading Meccan scholars, including the Shafi‘i Aḥmad ibn Zaynī Daḥlān (d.1304/1886), and the Indian Hanafīs Raḥmatullāh Kairānwī (d.1308/1891) and Muḥammad Ḥusayn (the shaykh of Indian pilgrims), in addition to Ottoman and Sherifian officials.⁷⁶⁹ Furthermore, there is evidence indicating that some Indians petitioned the Ottoman authorities to deport their “Wahhabi” opponents. One month after this case, a petition was written by a group of about fifteen Indian residents (including many Memons) pleading with Ottoman authorities to “purify the sanctuary of God from the evil” of three Indian Wahhabi leaders and their followers who had avoided being deported by “concealing themselves as Hanafīs by dissimulation” (*mutasattirīn bi-madhab al-imām abī ḥanīfa taqiyyatan*).⁷⁷⁰ This entire saga, and the mention of *taqiyya* (dissimulation), is corroborated by a similar account (with some discrepancies) from the Indian side by Abū al-Kalām Āzād (d.1377/1958), whose father Mawlānā Khayr al-Dīn was actively involved in the pro-*taqlīd* party.⁷⁷¹ These pro-*taqlīd*

⁷⁶⁹ We will discuss the first two figures further below. Muḥammad Ḥusayn was the shaykh of the pilgrims from Hind and Sindh, known as the *muṭawwif*, representing an interface between Ottoman authorities and Indian pilgrims. His death and the appointment of his successor was made public by a large and ornate Persian-Arabic announcement in 1315 (1897). BOA BEO.1004.75240.4.

⁷⁷⁰ BOA A.MKT.MHM.460.83.

⁷⁷¹ According to Abū al-Kalām, the entire party except for three leaders had recanted their anti-Hanafī stance by *taqiyya* – and the remaining three Indian leaders were not deported but lashed 39 times. ‘Abd al-Razzāq Malīḥābādī, comp., *Āzād kī Kahānī khud Āzād ki Zabānī* (Delhi: Ḥālī Publishing Hāws, 1958), 87-88.

Indians sought to rally Ottoman support for the madhhab-system against rival Wahhabis, just as other Indians attempted such legal maneuvers in British colonial courts of India.

What complicated Ottoman efforts in censoring Wahhabi thought in the Hijaz was their lack of accurate understanding of their Indian residents and visitors. In the 1880's, the Ottoman writer and admiral Eyüp Sabri Paşa (d.1308/1890) described a group of Indian Wahhabis who arrived in the Hijaz and claimed Imām Ja'far al-Şādiq as their only legitimate imam, which would hardly represent an accurate descriptor of most Indian Wahhabis.⁷⁷² Furthermore, the term Wahhabi was used differently by imperial regimes: British perceptions and surveillance of the Indian Wahhabis did not always correspond (but sometimes did) with Ottoman perception of Indian Wahhabis. This is demonstrated in the person of Şiddīq Ḥasan Khān (d.1307/1890), one of the founders of the Ahl-i Hadith movement in South Asia, to whom we shall return to in this chapter. Towards the end of his career, Şiddīq Ḥasan was accused by British officials of being a Wahhabi and commandeering a secret group of Wahhabi agents in the Hijaz, Yemen, and Sudan; the British consulate at Jeddah in the 1880s closely surveilled pilgrimage traffic for the circulation of books and men associated with him.⁷⁷³ Yet, Şiddīq Ḥasan sent the Ottoman sultan 'Abd al-Ḥāmīd his four-volume tafsir as a gift for his imperial library in 1877, and thereafter was awarded the *mecidi nişanı* (the Mecidi Order) for this accomplishment.⁷⁷⁴ Şiddīq Ḥasan also

⁷⁷² Eyüp Sabri Paşa, *Tarih-i Vehhabiyan* (Istanbul: Kırk Anbar Matbaası, 1296), 269-274.

⁷⁷³ IOR R/1/1/39; R/1/1/40; and R/1/1/98; all containing secret surveillance reports produced by the Foreign Department regarding matters along the lines of "Agents of Sadik Hassan, Ex-Nawab of Bhopal deputed to Mecca and the Soudan with Seditious Communications." On Şiddīq Ḥasan's Cairo and Sudan connections, see: Seema Alavi, "Siddiq Hasan Khan (1832-90) and the Creation of a Muslim Cosmopolitanism in the 19th century," *Journal of the Economic and Social History of the Orient* 54 (2011): 16-30.

⁷⁷⁴ For his Arabic letter presenting his book to the Ottoman sultan, see: Şiddīq Ḥasan Khān, *Dhukhr al-Muḥtī min Ādāb al-Muḥtī*, ed. Abū 'Abd al-Raḥmān ibn 'Īsā (Beirut: Dār ibn Ḥazm, 2000), 208-211. For his letter of gratitude

contributed 25,000 rupees in 1297/1880 to repair the aqueduct of Zubeida in Mecca.⁷⁷⁵

Accusations of being Wahhabi thus did not travel well across imperial regimes, and could be exploited by actors. As such, the Hijaz was permeable by anti-madhhab Indians who knew how to position themselves politically.

In their anti-Wahhabi efforts, the Ottomans found common cause with large segments of Hijazi scholarship, including the local Shafi‘is, their erstwhile rivals in the Hijaz. Aḥmad Zaynī Daḥlān, who previously appeared on the panel that judged the Indian Wahhabis, serves as a key example. A prolific writer who composed works on Arabic grammar, histories of the Hijaz, legal treatises, and anti-Wahhabi polemics, Aḥmad Daḥlān was the premier Shafi‘i mufti of the Haram at Mecca, and chief of its teachers.⁷⁷⁶ He managed to achieve a high position of authority for most of his career despite not being a Hanafi.⁷⁷⁷ His influence on Shafi‘i pilgrims from Southeast Asia and East Africa has already been recognized and is demonstrative of another major instance of madhhab-based scholarly exchange in the Indian Ocean.⁷⁷⁸ Less known, however, are his

(*teşekkürname*) upon receiving the Mecidi award (translated into Ottoman Turkish), dated Rajab 1296 (1879) see: BOA HR.TO.387.90 and HR.TO.387.92.

⁷⁷⁵ His contribution is dated 6 Jumād al-Ākhira 1297 (1880). BOA DH.EO.28.150.

⁷⁷⁶ On his two main refutations of Wahhabi thought, see: Aḥmad ibn Zaynī Daḥlān, *Kitāb al-Durar al-sanīyah fī al-radd ‘alā al-Wahhābiyah* (Cairo: al-Maṭba‘ah al-Bahīyah, 1882); *Fitnat al-Wahhābiyya* (Istanbul: Işık Kitabevi, 1978).

⁷⁷⁷ According to Abū al-Kalām Azād, Aḥmad Daḥlān became a Hanafi in order to rise in the Ottoman bureaucracy. There is no evidence for this (that I have seen), but it does point to a level of awareness and recognition of tension between Ottoman Hanafis and Shafi‘is. In fact, Abū al-Kalām mentioned that his father then wrote a treatise arguing how it was forbidden to switch madhhabs in the pursuit of worldly gain. Malīḥābādī, comp., *Āzād kī Kahānī*, 92-93.

⁷⁷⁸ On his relationships with Southeast Asian pilgrims, see: Laffan, *Islamic Nationhood and Colonial Indonesia*, 62-63. On his connections with Alawis in Hadramawt, see: Anne K. Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa, 1860-1925* (London and New York: RoutledgeCurzon, 2003), 57-76. On East African links: see Bang, *Islamic Sufi Networks in the Western Indian*, 27, 32, 114. For a collection of Aḥmad Daḥlān’s fatwas (and others) for Jawi pilgrims, see: Nico Kaptein, ed., *The Muhimmat al-Nafa’is: A Bilingual Meccan Fatwa Collection for Indonesian Muslims from the end of the Nineteenth Century* (Jakarta: Indonesian-Netherlands Cooperation in Islamic Studies, 1997). I am grateful to Dr. Kaptein for gifting me a copy.

interactions with Indian Hanafi scholarship. Aḥmad Daḥlān not only befriended local Indian scholars such as Ḥajjī Imdādullāh (d.1317/1899) and Raḥmatullāh Kairānwī at Mecca, but also transmitted hadith and legal texts to Indian pilgrims. At least seventeen Indian scholars are mentioned as having traveled to Mecca and gained *ijāzās* from Aḥmad Daḥlān in al-Ḥasanī’s biographical dictionary.⁷⁷⁹ As an example, during the hajj of 1297/1862, he authorized the famous Indian Hanafi scholar ‘Abd al-Ḥayy al-Lakhnawī (d.1304/1886) in the *Hidāya* of al-Marghīnānī, the widely-used Hanafi manual of jurisprudence; ‘Abd al-Ḥayy reproduced his chain, complete with Aḥmad Daḥlān’s designation as a Shafi‘i, in his introduction to the *Hidāya* that he printed in 1872 as his sole chain of transmission.⁷⁸⁰ This formed a quite unusual case where the primary transmission of a Hanafi legal text was referenced through a Shafi‘i scholar; and yet it shows how fluid madhhab boundaries could be within the Hijaz.

There is also evidence that Aḥmad Daḥlān’s work was read and that his legal opinions were solicited in British India itself. The most famous example is the fatwa he composed on the question of British India’s status as an “abode of Islam,” which was reproduced by the colonial official William Hunter in his famous work on the Indian Muslims.⁷⁸¹ In this work, Aḥmad Daḥlān’s fatwa appeared alongside that of the Hanafi and Maliki muftis of Mecca, representing a kind of Sunni consensus on the question, rather than appealing to a particular Shafi‘i population.

⁷⁷⁹ al-Ḥasanī, *Nuzhat al-Khawāṭir*, 7:956, 1004, 1012, 1126, 8:1164, 1181, 1223, 1225, 1268, 1279, 1291, 1306, 1331, 1345, 1357, 1375, 1394.

⁷⁸⁰ ‘Abd al-Ḥayy al-Lakhnawī, introduction to *Hidāya Sharḥ Bidāya* (Kanpur: Maṭba‘ Muṣṭafāy, 1289/1872), 23. Also see: al-Ḥasanī, *Nuzhat al-Khawāṭir*, 8:1268.

⁷⁸¹ William Wilson Hunter, *The Indian Musalmans: Are They Bound in Conscience to Rebel Against the Queen?* (London: Trubner and Company, 1872), Appendix I, “Decision of the Mecca Law Doctors.” Also see his discussion on pages 214-228. For Sayyid Aḥmad’s response to these fatwas (in both Urdu and English), see: Syed Ahmad Bahadoor, *On Dr. Hunter’s “Our Indian Musalmans – Are They Bound in Conscience to Rebel Against the Queen?”* (London: Henry S. King & Co., 1872), SOAS Archive & Special Collections, MS ER1904/4269, 78-79.

It demonstrated how madhhab-based legal pluralism could amplify the voices of an individual mufti.

Aḥmad Daḥlān’s Wahhabi critiques also formed another basis of his interaction with Indians. One of his manuscripts in India comprised a defense against Wahhabi critiques on the etiquettes and legality of traveling to visit the Prophet’s tomb in Medina.⁷⁸² Furthermore, Aḥmad Daḥlān’s work was cited by Aḥmad Riḍā Khān in his work against Wahhabis, as we shall see in the following section. Another Indian scholar of the Ahl-i Hadith held a debate with Aḥmad Daḥlān during his pilgrimage, then returned to India and wrote a fiery 500 page refutation of Aḥmad Daḥlān’s refutation of the Wahhabis.⁷⁸³ As such, Aḥmad Daḥlān represented one example of a joint Shafi‘i-Hanafī defense of the madhhab-system and of Sufi practices that were under attack in different parts of the Indian Ocean.

Despite this regime of joint-madhhab unity, there is evidence that inter-madhhab debates and competition nonetheless continued to some extent, especially amongst recent migrants and visitors. One such debate occurred between Aḥmad Daḥlān and a recently arrived Central Asian Hanafī scholar on the question of determining the timing for ‘Aṣr prayers, a perennial source of disagreement amongst Hanafis and Shafi‘is.⁷⁸⁴ In addition, from the perspective of the pilgrims, there is also evidence that legal pluralism in the sense of “forum shopping” between madhhabs

⁷⁸² Aḥmad ibn Zaynī Daḥlān, *Risāla fī Ziyārat al-Nabī*, Rampur Raza Library, ACCN NO 13582 D. I am grateful to Michael O’Sullivan for obtaining a copy.

⁷⁸³ This refutation found its way back to Egypt, where the famous intellectual Rashīd Riḍā (d.1935) wrote an enthusiastic introduction in 1933 to the second printing of this work. Muḥammad Bashīr al-Sahawānī, *Ṣiyānat al-Insān ‘an Waswasat al-Shaykh al-Daḥlān*, Fifth Edition (1975).

⁷⁸⁴ Dāmlā Akhūnd Jān al-Marghīnānī al-Madanī, *Risalat al-Mithl wa al-Mithlayn*, ed. Maṣṣūr ‘Abd al-Bāqī (Medina: Dār al-Maymana, 1438/2017). I am grateful to the editor for gifting me a copy. For biographical information on Shaykh Dāmlā, see: al-Dihlawī, *Fayḍ al-Malik*, 1:285-6.

continued to animate and expand their legal possibilities. For instance, the Meccan Hanafi mufti ‘Abdullāh ibn Sirāj composed fatwas for Shafi‘i Jawi pilgrims on the permissibility of changing from the Shafi‘i to the Hanafi madhhab for the purposes of satisfying more lax conditions of guardianship in child marriage practices common amongst the Jawi migrants.⁷⁸⁵ Thus, inter-madhhab competition and fluidity continued to some extent amidst the more pressing and urgent joint-madhhab defenses against nonconformists. Ultimately, for both scholars and pilgrims, the Hijaz’s active regime of madhhab-centered legal pluralism organized and connected its culturally diverse inhabitants and visitors. It was upheld by local scholars, recent migrants, and the Ottoman state, and positioned self-consciously against “Wahhabi” critiques developed in other geographies.

Indian Scholars in the Ottoman Hijaz

It is this carefully constructed world of madhhab-centered legal pluralism that Indian scholars entered and helped create in the Hijaz in the aftermath of the 1857 mutiny. As the population of the Hijaz doubled over the course of the nineteenth century, in Oschenwald’s estimate from 75,000 to 150,000, Indian scholars did not remain segregated but established deep relationships with an array of scholars, pilgrims, and officials through the lingua francas of Arabic and Persian (which proved especially useful with the Ottomans and Central Asians).⁷⁸⁶ The following section brings to light some of the scholarly connections developed within the

⁷⁸⁵ Nico Kaptein, introduction to *The Muhimmat al-Nafa’is: A Bilingual Meccan Fatwa Collection*, 12.

⁷⁸⁶ Oschenwald, *Religion, Society, and the State in Arabia*, 17.

Hijaz, in terms of hadith scholarship and Sufi tariqas.⁷⁸⁷ It ultimately argues that the anti-*taqlīd* Indian scholars of the Ahl-i Hadith found little traction in the Ottoman Hijaz, and actually faced threats of deportation through the incessant opposition of Indian Hanafis who petitioned the Ottoman authorities against them, much as they did in the instance discussed in the previous section. The Indian scholarship of the Ottoman Hijaz actively collaborated with Ottoman administration to uphold madhhab pluralism.

The most prominent example of the success Indian migrants achieved in organizing and connecting multiple scholarly streams within Hijazi society is the Madrasa Şawlatiyya, established in 1872.⁷⁸⁸ This was founded by the Indian Hanafī migrant Raḥmatullāh Kairānwī, who had become familiar to Ottoman circles when he was famously commissioned by Sultan ‘Abd al-‘Azīz (r.1861-1876) to compose a refutation of Christianity.⁷⁸⁹ As a result, Kairānwī made several trips to Istanbul from Mecca, and was even granted the *mecidi nişanı* (the Mecidi Order) and a stipend.⁷⁹⁰ Kairānwī, however, found himself quite dissatisfied with the

⁷⁸⁷ For two broad overviews of Deobandi scholars in the Hijaz see the two books listed below. However, the scholars listed in these books do not exclusively contain Deobandi teachers and graduates, but also many other Indian figures that are presented as being Deobandi. Abū Muḥammad Thanā’ullāh Sa’d Shujā’ābādī, *Jannat al-Mu’alla main Madfūn ‘Ulamā-yi Diyoband* (Lahore: Dār al-Kitāb, 2006); Abū Muḥammad Thanā’ullāh Sa’d Shujā’ābādī, *Jannat al-Baqī’ main Madfūn ‘Ulamā-yi Diyoband* (Lahore: Dār al-Kitāb, 2009).

⁷⁸⁸ Aḥmad Ḥijāzī Aḥmad Saqqā, *Al-Madrasa Al-Şawlatiyya allatī Ansha’ahā Al-Shaykh Raḥmat Allāh, Mu’allif Izhār Al-Ḥaqq, Fī Makka Al-Mukarrama Sanat 1292 H* (Cairo: Dār al-Anşār, 1978); ‘Abd al-‘Azīz Sulaymān al-Faqīh, “al-Madrasa al-Şawlatiyya bi-Makka al-Mukarrama (Dirāsa Tārīkhiyya Waşfiya), 1292-1412 Hijrī,” (PhD Dissertation: Umm al-Qurā University, Mecca, 1994).

⁷⁸⁹ Umar Ryad, *Islamic Reformism and Christianity: A Critical Reading of the Works of Muḥammad Rashīd Riḍā and His Associates (1898-1935)* (Leiden and Boston: Brill, 2009), 23; Alavī, *Muslim Cosmopolitanism*, chapter three; Avril A. Powell, *Muslims and Missionaries in Pre-Mutiny India* (Richmond: Curzon Press, 1993), chapter 7; Khwājā Aḥmad Fārūqī, ed., “Special Issue on Raḥmatullāh Kairānwī,” *Dhikr-o-Fikr: Khāṣṣ Shumāra bayādgār Haḍrat Mawlānā Raḥmatullāh Kairānwī* 4, no. 5-6 (1988); Asīr Adrāwī, *Mujāhid-i Islām: Mawlānā Raḥmatullāh Kairānwī* (Delhi: Farid Books, 2004).

⁷⁹⁰ See his award for the third rank of the *mecidi nişanı* in Shawwāl 1301 (1884): BOA İ.DH..925.73318. On his stipends, see: İ.DH..990.78203; İ.MVL.579.26006; and MVL.524.49.

educational resources of the Hijaz and set about founding his own madrasa. He received a major boost when Şawlat al-Nisā' Begum (d.1910), a wealthy widow from Calcutta, agreed to sponsor the madrasa when she was visiting on pilgrimage; Kairānwī then named the madrasa after her.⁷⁹¹ This madrasa was the first modern educational institution in Mecca and was remarkably founded only a few years after the more famous seminary in Deoband (est. 1867). After a rocky beginning, it ultimately gained support from Ottoman officials who are reported to have visited it periodically and even established a waqf the year Kairānwī passed away (1308/1891).⁷⁹² However, it seems to have largely subsisted on public donations from visiting pilgrims, especially after the end of Ottoman rule.⁷⁹³ It also raised the suspicions of British officials for supporting “seditious” activities; the British monitored some of their “Wahhabi” teachers who returned to India to visit their families in 1885 – again pointing to divergences in British and Ottoman understandings of Wahhabism.⁷⁹⁴ Later, during the Silk Letters Conspiracy in 1916, many of its teachers cooperated with and hosted Indian members arriving to take part in this

⁷⁹¹ On Şawlat al-Nisā', see: Imdād Şābrī, *Tadhkira Muḥsina-yi Zamān Zubayda-yi Waqt Muḥtarma Şawlat al-Nisā' Begum* (Mecca: Maṭbū'āt-i Madrasa Şawlatiyya, 1982). I am grateful to the principal of the school, Shaykh Mājīd Raḥmatullāh, for gifting me a copy.

⁷⁹² For an account of Ottoman support of the madrasa, see: Abdur Ruzzack, “Sanitary Report of Mecca Pilgrims, 1879,” British Library, India Office Records, V/27/844/1, pg. 19. For the documents and expenses of the Ottoman waqf, see: BOA Y.EE.57.6 and Y.EE.5.33.

⁷⁹³ A list of Indian waqfs and properties in the Hijaz composed in 1920 indicates that it was entirely dependent on donations. UK National Archives, FO 686/12 “No.M.8. Intelligence Report by Captain Ajab Khan; Mecca.”

⁷⁹⁴ As Abdur Ruzzack, the British vice-consul at Jeddah, wrote in a telegram in 1885: “There is no doubt that there are many disaffected people from India, relics of 1857 and of the later Wahabi movement, residing in Mecca who are in constant correspondence with their friends in India; and if some sort of secret surveillance were to be kept over these people at Mecca, it would perhaps lead to many important discoveries.” The Commissioner of Police at Bombay shared the names of several Bengalis associated with the madrasa that they were monitoring on their trip back to India in 1885, including Hafiz Abdur Rahman, Maulvi Muhammad Akbar, Kari Ibrahim bin Panah Miyan. IOR/R/1/1/40, no. 30 and 33.

plot.⁷⁹⁵ In the 1920s, as the Khilafat movement grew in British India, British agents at the Jeddah consulate are stated to have paid the madrasa 7,779 rupees in exchange for their abstention from joining the movement.⁷⁹⁶

The Madrasa Ṣawlatiyya was a landmark and unprecedented institution in the Hijaz because of how it connected different streams of Sunni scholarship from Egypt to India and integrated the madhhab-system within the infrastructure of a modern institution. Much like the madrasa at Deoband, it was ordered by years (and not books or teachers or madhhab) and annual examinations, held weekly literary assemblies, taught canonical books as well as primers authored by its own faculty, and included the study of Qur’anic recitation, history, debate, astronomy, traditional medicine, and Arabic literature in its curriculum.⁷⁹⁷ In terms of law, it primarily catered to the two largest madhhabs in the Hijaz, the Hanafi and Shafi‘i schools. In addition, it integrated the study of the six collections of Hadith, especially in the final years of the seminary. With Arabic as its language of instruction, the madrasa attracted about 150 to 200 students in Kairānwī’s own lifetime, including not only the children of Indian migrants, but also Meccan, Jawi, Yemeni, Afghan, Egyptian, and Moroccan students, as well as others.⁷⁹⁸ In 1885, the British agent at Jeddah Abdur Razzack mentioned that the madrasa was “more patronized

⁷⁹⁵ See the riveting testimony of one Indian participant who was eventually arrested: “Statement of Saiyid Hadi Hasan, son of Mehdi Hasan of Khan Jahanpur, district Muzaffarnager, age about 34 years,” Cambridge University, Centre for South Asian Studies Archive, Papers of John Court Curry, Box 4, September 1916, esp. pages 3-4.

⁷⁹⁶ UK National Archives, FO 686/12, “No.167 C/3, Letter to the British Agent, Jeddah.”

⁷⁹⁷ Barbara Metcalf, “The Madrasa at Deoband: A Model for Religious Education in Modern India,” *Modern Asian Studies* 12, no. 1 (1978): 117-24.

⁷⁹⁸ Sulaymān al-Faqīh, *al-Madrasa al-Ṣawlatiyya bi-Makka al-Mukarrama*, 298.

and largely attended than any other similar establishment in the whole of Mecca or the Hedjaz.”⁷⁹⁹

The madrasa did not have secure sources of funding and the numbers of its students fluctuated over the years. This may explain why the Dutch Orientalist Christiaan Snouck Hurgronje (d.1936) did not mention the madrasa in his account of Mecca from the mid-1880s.⁸⁰⁰ It might also account for why the intellectual genealogies of Jawi scholars Hurgronje copied did not intersect with Indians.⁸⁰¹ However, despite its unstable funding, the madrasa managed to survive and even grow in the first decades of the twentieth century. Around the year 1325/1907, the madrasa had 182 students, which abruptly increased to 518 students in 1331/1913, just before the Sherif’s revolt.⁸⁰² That year, in 1913, its students comprised 186 Meccans, 156 Jawis, 108 Indians, as well as dozens of Afghans, Central Asians, Moroccans, and others.⁸⁰³ The graduates found employment as founders and teachers of other schools and as judges in the Hijaz, even during the Saudi period which witnessed a special focus on Hanbali *fiqh*.⁸⁰⁴ As its graduates began to pour in to Hijazi society, in the words of one twentieth-century scholar, the number of

⁷⁹⁹ Abdur Ruzzack, “Report on Educational Establishments in the Hedjaz, 1885” UK National Archives, F.O. 195/1514, pgs. 346-47.

⁸⁰⁰ However, he did mention that Kairānwī received pupils in his own house. C Snouck Hurgronje, *Mekka in the latter part of the 19th century; daily life, customs and learning of the Moslems of the East-Indian-archipelago*, trans. James Henry Monahan (Leiden: Brill, 2007), 188.

⁸⁰¹ *Tarājim ‘Ulamā’ al-Jāwā*, Leiden University, Special Collections, Cod. Or. 7111.

⁸⁰² Sulaymān al-Faqīh, *al-Madrasa al-Ṣawlatiyya bi-Makka al-Mukarrama*, 298.

⁸⁰³ Ibid.

⁸⁰⁴ For an overview of the spurt of schools founded in Mecca and Jeddah in the 1870s onwards, often with Indian funding, see: Dohaish, *History of Education in the Hijaz upto 1925*, 129-56. For an overview of Medina’s madrasas,, including a Kashmiri madrasa founded in 1883 specifically for Kashmiri students, see: Tahānī Jamīl Salīm al-Ḥarbī, *al-Ḥayāt al-‘Ilmiyya fī al-Madīna al-Munawwara (1143-1337 H) (1730-1919 M)* (Medina: Markaz Buḥūth wa Dirāsāt al-Madīna al-Munawwara, 1438/2016), 1:341-402, and 390-93.

study circles (*ḥalaqa*) also increased manifold at the Ḥaram.⁸⁰⁵ One of its students was none other than the Sharīf Ḥusayn himself, who would later revolt against the Ottomans.⁸⁰⁶ For all the British fears of its Wahhabi orientation, the madrasa thus represented one of the most successful educational institutions to incorporate a diverse array of international and local students of the Hanafī and Shafī‘i madhhabs.

Outside the madrasa, Indian Hanafis also built deep connections with other communities through Sufi tariqas. The Ottomans in Medina were quite supportive of a family of Indian Naqshbandi-Mujaddidi shaykhs who were the descendants of Imām Rabbānī (*Imam-i Rabbani evladından*). The Ottomans had already become familiar with Aḥmad Sirhindī and even Shāh Ghulām ‘Alī, chiefly through the Kurdish Shaykh Khālīd (d.1242/1827) earlier in the century.⁸⁰⁷ The pilgrimage of Abū Sa‘īd Dihlawī, a direct descendant of Ahmad Sirhindī, in 1834 may have also played a role in cultivating their local profile in Medina, as several copies of Abū Sa‘īd’s introductory manual on the tariqa were translated from Persian to Arabic at the time.⁸⁰⁸ Another Sufi treatise by Abū Sa‘īd was also reportedly translated into both Arabic and Turkish.⁸⁰⁹ Thus,

⁸⁰⁵ ‘Umar ‘Abd al-Jabbār, *Durūs min māḍī al-ta‘līm wa-ḥāḍirihi bil-Masjid al-Ḥarām* (Cairo: Dār Mamfīs, 1379/1959), 12.

⁸⁰⁶ This is mentioned in several sources: for one example, see: ‘Umar ‘Abd al-Jabbār, *Siyar wa Tarājim ba‘d ‘Ulamā’inā fi al-Qarn al-Rābi‘ ‘Ashar lil-Hijra* (Jeddah: Tihāma, 1982), 110.

⁸⁰⁷ Abu-Manneh, “The Naqshbandiyya-Mujaddidiyya in the Ottoman Lands in the Early 19th Century.”

⁸⁰⁸ For details on this pilgrimage, see: al-Dihlawī, *Fayḍ al-Malik*, 3:2031-2034. For the texts, see the multiple copies listed below: Abū Sa‘īd al-Dihlawī, *Risāla fi al-tarīqa al-‘alīya al-Naqshbandīya*, Princeton University Library, Islamic Manuscripts, Garrett no. 3378Y; Dār al-Kutub al-Qawmiyya, Cairo, MS 252; and al-Maktaba al-Maḥmūdiyya MS 2612.

⁸⁰⁹ Abū Sa‘īd al-Dihlawī, *Hidāyat al-Ṭālibīn*, Maktabat al-Malik ‘Abd al-‘Azīz, Medina, Maktaba Maḥmūdiyya MS 2696; Punjab University Library, Oriental Manuscripts Collections, M.S. T 53 Acc. No 8223. An early twentieth century Turkish scholar reports that it was translated into Turkish and Arabic: Hüseyin Vassaf, *Sefine-i Evliya*, eds. Mehmet Akkuş and Ali Yılmaz (Istanbul: Kitabevi, 2006), 2:53. For an Urdu translation, see: Abū Sa‘īd al-Dihlawī, *Hidāyat al-Ṭālibīn*, trans. Ghulām Muṣṭafā Khān (Karachi: Idāra-yi Mujaddidiyya, 1965).

in 1276/1859, when Abū Sa‘īd’s son Aḥmad Sa‘īd Mujaddidī (discussed in Chapter 4) migrated to Medina, Aḥmad Sa‘īd was recognized as a senior *khalīfa* of Shāh Ghulām ‘Alī and granted a monthly stipend and living quarters.⁸¹⁰ The swiftness of imperial recognition was unusual for most Indian scholars and reflected his high status as a Naqshbandī.⁸¹¹ It also reflected a certain continuity in legal politics; we have already seen in the previous chapter how Aḥmad Sa‘īd vigorously defended the *mawlid* by citing the fatwas of contemporary muftis from the four madhhabs in the Haram. The Sufī tariqa thus became a critical anchor of the madhhab-system in the Hijaz in this period.

Aḥmad Sa‘īd died only a few years after moving to Medina, but his descendants continued to play an active role in Medina’s intellectual life, receiving support from the Ottomans.⁸¹² In 1873, his son Shāh Maḥzar Mujaddidī (d.1301/1883) established a full-fledged three-story *ribāṭ* near the Prophet’s mosque.⁸¹³ According to one source, it was the largest *ribāṭ* in Medina and also contained a library in service of Indian and Central Asian visitors.⁸¹⁴ A petition in 1895 to renew its funding after Shāh Maḥzar’s death mentioned that the library

⁸¹⁰ BOA MVL.755.22; A_}MKT_MHM.250.63; A_}MKT_MHM_249.8; A_}MKT_MVL.119.71; A_}MKT_UM.433.40. Ottoman sources also refer to him as Shaykh Ma‘ṣūm Aḥmad Sa‘īd, and in some places as just Shaykh Ma‘ṣūm. However, it should not be confused for his grandson Shaykh Ma‘ṣūm Mujaddidī who came later. Shāh Ghulām ‘Alī appears as Shaykh ‘Abdullāh in Ottoman records.

⁸¹¹ This account is confirmed by the Indian sources, as they report that the provincial governor of Medina, Khalid Paşa, welcomed him on his arrival to Medina with humility and sincerity, and handed him keys to a home near the Haram. Shāh Muḥammad Maḥzar Mujaddidī, *Manāqib-i Aḥmadiyya wa Maqāmāt-i Sa‘īdiyya* (Delhi: Akmal al-Maṭābi‘, n.d.), 201.

⁸¹² For an overview of the family, see: al-‘Aṭṭār al-Makkī, *al-Naḥḥ al-Miskī*, f. 19-20. On Ottoman support for his son ‘Abd al-Rashīd and his family, see: BOA A_}MKT_MHM.454.28.

⁸¹³ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 8:1372.

⁸¹⁴ This is cited in Salīm al-Ḥarbī, *al-Ḥayāt al-‘Ilmiyya fī al-Madīna al-Munawwara*, 1:475.

contained 5,000 volumes, which would indeed make it one of the largest libraries in Medina.⁸¹⁵ Shāh Maẓhar also composed a hagiography of his father in Persian, including both biographical matter as well as didactic discussions of their tariqa.⁸¹⁶ His students included Salahuddin İbn-i Mevlana Siracüddin, a Kyrgyz scholar who eventually transmitted the tariqa in Istanbul to Süleyman Hilmi Tunahan (d.1959), the founder of the vast and staunchly Hanafī movement known as the Süleymancılar in modern Turkey, which still traces its institutional genealogy through Shāh Maẓhar.⁸¹⁷ In the next generation, Aḥmad Sa‘īd’s grandson, Ma‘ṣum Dihlawī (d.1341/1923) was described by a Turkish contemporary as having “millions of murids and connections” (*milyonlara varan müridan ve mensubanı*) in Medina, Istanbul, Bukhara, and India, having published extensively in Arabic, Persian, and Urdu.⁸¹⁸ Though not literal, the high number testifies to his prominent place within a mostly Hanafī and Mujaddidi geography. And, eventually, his own son ‘Abd al-Qādir Mujaddidī (d.1363/1944) also continued to transmit *ijāzas* from Mecca.⁸¹⁹

Other Indian Sufis were not so fortunate to gain imperial support without Mujaddidi genealogy, but they still managed to play an important role in the intellectual life of the Hijaz. Most prominent was the towering Ḥājjī Imdādullāh in Mecca, who had gained Ottoman

⁸¹⁵ BOA BEO.755.56612. For a helpful chart comparing libraries in Medina, see: Salīm al-Ḥarbī, *al-Ḥayāt al-‘Ilmiyya fī al-Madīna al-Munawwara*, 2:827-30.

⁸¹⁶ Shāh Maẓhar, *Manāqib-i Aḥmadiyya wa Maqāmāt-i Sa‘īdiyya*.

⁸¹⁷ Raşat Öngören, “TUNAHAN, Süleyman Hilmi,” *TDV İslām Ansiklopedisi* vol. 41 (2012): 375-377.

⁸¹⁸ Vassaf, *Sefine-i Evliya*, 2:53.

⁸¹⁹ See for instance an *ijāza* he granted to his cousin in 1356/1937 at Mecca: “Ijāzāt barāyi Ḥaḍrat Zayd Abī al-Ḥasan Fārūqī” in *Rasā’il Radd-i Wahhābiyya*, Punjab University Library, Oriental Manuscripts Collections, Rotograph 238, pages 137-39.

nationality (*tab‘iyya*) (which was stamped with the seal of the Ottoman governor of the Hijaz, Osman Nuri Paşa (r.1882-1886)), and established three endowments at Mecca in 1292, 1293, and 1298 AH (between 1875 and 1881) for the benefit of Hindustani pilgrims.⁸²⁰ Even though Imdādullāh’s particular Sufi order, the Chishti-Sabiriyya, did not find institutional support in Istanbul as did the Mujaddidis, many of his key treatises were translated into Ottoman Turkish from Persian, and his commentary on the *Mathnawī* of Rūmī was read by Turkish commentators.⁸²¹ Indeed, his lessons on the *Mathnawī* attracted the interest of Mevlevi from Istanbul.⁸²² And, as we will see in the next section, Imdādullāh played a key role in mediating legal and theological disputes between opposed Indian factions. Part of the unique profile of Hajji Imdādullāh, as listed in his hagiographies, included the ability to persuade non-legal conformists and soften their extreme opposition (“*tashaddud awr inkār*”) to *taqlīd*.⁸²³ Collectively, these Sufi tariqas – both the Mujaddidis and the Chishti-Sabris – were intimately involved in defending the madhhab-system, critiquing Wahhabi thought, and of maintaining distinctions between laity and the learned.

Amidst these Indian Sufi tariqas, the pursuit of hadith studies was also a prominent feature of scholarly life in the Hijaz. Here, Aḥmad Sa‘īd’s younger brother, Shāh ‘Abd al-Ghanī

⁸²⁰ These waqfs are still in operation today. I am indebted to Mr. Sultan Akbar, a descendant of Hajji Imdādullāh’s nephew Aḥmad Ḥusayn, for generously sharing information regarding his family endowments. Personal conversation with Sultan Akbar, 7 October 2017. Imdādullāh’s nationality is mentioned in the deed of Imdādullāh’s third endowment - I am grateful to Mr. Sultan Akbar for providing me with a copy.

⁸²¹ For translations, see: Ahmed Avni Konuk, *Risale-i Vahdet-i Vücut Tercümesi*, Konya Mevlana Müzesi Kütüphanesi., no. 3849; Istanbul Belediyesi Atatürk Kitaplığı, Osman Ergin 31; Süleymaniye Kütüphanesi, Tahir Ağa Tekke 772; and Imdadullah Tehanevi, *Kalplerin Işığı: Ziyau'l-Kulub Tercümesi*, trans. Mehmet Esad Dede (Istanbul: İnsan Yayınları, 2007). On reference to his *Mathnawī*, see: Ahmed Avni Konuk, *Mesnevi-i Şerif Şerhi* (Istanbul: Kitabevi, 2005), vol 1., 39.

⁸²² Vassaf, *Sefine-i Evliya*, 2:230.

⁸²³ Ashraf ‘Ali Thānawī, *Kamālāt-i Imdādiyya* (Lahore: Maktabat al-Burhān, n.d), 21.

Mujaddidī, held arguably the most prestigious position amongst Indian scholars. We first encountered Shāh ‘Abd al-Ghanī in Chapter Three, where he appeared as a young, fifteen-year old student of ‘Ābid al-Sindī during his visit to Medina with his father in 1834. Upon his return to Delhi, Shāh ‘Abd al-Ghanī continued his scholarship, teaching prominent Indians such as Rashīd Aḥmad Gangohī and Muḥammad Nanawtwī, who later became the founders of the seminary at Deoband. Shāh ‘Abd al-Ghanī also played his part in the hadith printing projects of the 1850’s surveyed in the previous chapter. He wrote a gloss on the hadith compilation *Sunan ibn Māja* because, as he wrote, “to my knowledge, no one from the scholars of Hind has undertaken a commentary on this book.”⁸²⁴ This was printed at Delhi in 1273/1856 by the press of Muḥammad Ḥusayn, the leader of Indian pilgrims. When he migrated to Medina permanently after 1857, Shāh ‘Abd al-Ghanī’s brief forays in printing seem to have ended.

In Medina, ‘Abd al-Ghanī’s status skyrocketed because of his prestigious scholarly genealogy, and in particular, his lessons and transmission of hadith. ‘Abd al-Ghanī primarily narrated books of hadith through his father Abū Sa‘īd (himself a student of Shāh ‘Abd al-‘Azīz), Shāh Ishāq (the great-grandson of Shāh Walīullāh), even Shāh Makhṣūṣullāh (a grandson of Shāh Walīullāh), amongst others; all of their respective chains linked to Shāh ‘Abd al-‘Azīz and then Shāh Walīullāh. As we saw in the previous chapter, these three figures were removed from the *ṭarīqa-i muḥammadiyya*’s critiques of *taqlīd*, as made by the likes of Shāh Ismā‘īl. Furthermore, ‘Abd al-Ghanī’s secondary chain went through ‘Ābid al-Sindī, who we have also seen was largely committed to the madhhab-system in Chapter 3. In addition, Shāh ‘Abd al-

⁸²⁴ In the eighteenth century, Abū al-Ḥasan al-Sindī al-Kabīr (discussed in Chapter 2) had written a gloss on this same text, but this manuscript was likely not available in Delhi (and Abū al-Ḥasan may as well have not been regarded as being part of “the scholars of Hind” by ‘Abd al-Ghanī). ‘Abd al-Ghanī al-Dihlawī, *Injāh al-Ḥāja fi Sharḥ Sunan Māja* (Delhi: ‘Umdat al-Maṭābi‘ Ḥājjī al-Ḥaramayn al-Sharīfayn Muḥammad Ḥusayn, 1273/1856), 2.

Ghanī received *ijāzas* from the Hanafī mufti of Mecca, Sayyid ‘Abdullāh Mirghanī, and a Turkish scholar, Ismā‘īl ibn Idrīs al-Rūmī, amongst others. Together, his chains of collection marked an impressive pedigree of scholarship; they were hence compiled in multiple *thabats*.⁸²⁵ And in many ways, they were situated at a relative distance from the more far-reaching critiques of *taqlīd* and *bid‘a* in Indian circles, and hence more suitable in the Hijaz.

Over the next two decades, Shāh ‘Abd al-Ghanī amassed a wide array of students from South Asia, the Hijaz, and Morocco. He thus played the most active role in directly transmitting the Walīullāhi genealogy to a non-Indian audience, reaching a level not seen before with Shāh Ishāq, Shāh ‘Abd al-‘Azīz, and even Murtaḍā al-Zabīdī (who did not prioritize his narrations from Shāh Walīullāh). His known students included dozens from Morocco, North Africa, India, and local Hijazis.⁸²⁶ His gloss on *Sunan ibn Māja*, which we have seen published at Delhi in 1856, even found its way to Istanbul, where the Ottoman hadith scholar İsmail Sadık Kemal Paşa (d.1310/1892) added it to his library in 1284/1867.⁸²⁷ The extensive geographic profile of his scholarship may have had to do with his longer tenure in the Hijaz. It may also reflect rising pilgrimage traffic in these decades due to steam travel, but there is little evidence to suggest Shāh ‘Abd al-Ghanī wrote letters or engaged in print projects in Medina, as did some of his contemporaries. His success attests to the vitality of Hijazi hadith networks that could thrive even without an active public campaign. Later, his young, Medina-born daughter Amatullāh

⁸²⁵ ‘Abd al-Sattār al-Dihlawī, *al-Mawrid al-Hanī fī Asānīd al-Shaykh ‘Abd al-Ghanī*, Maktabat al-Ḥaram al-Makkī, MS 809; Muḥsin ibn Yaḥyā al-Tirhaṭī, *al-Yānī ‘al-Janiy fī Asānīd al-Shaykh ‘Abd al-Ghanī*, Süleymaniye Kütüphanesi, Hacı Mahmud Efendi MS 720. The former is a handwritten manuscript, whereas the latter was actually printed by a Maṭba‘ Şiddīqī, which may be referring to the press of Şiddīq Ḥasan Khān.

⁸²⁶ Al-Kattānī, *Fahras al-Fahāris*, 2:758-63.

⁸²⁷ ‘Abd al-Ghanī al-Dihlawī, *Injāh al-Ḥāja fī Sharḥ Sunan Māja*, Süleymaniye Kütüphanesi, Düğümlü Baba 43.

(d.1357/1938) also became known in her own right as a hadith transmitter, even though she left an even smaller written record, apart from a few *ijāzas*.⁸²⁸ Amatullāh's descendants are large, well-established families today in Medina; the family was thus quite successful in establishing long-term roots in Medina.⁸²⁹

Among Shāh 'Abd al-Ghanī's list of Indian students, one then finds family members such as his daughter Amatullāh, and nephews and grand-nephews from his brother Aḥmad Sā'īd. Beyond the family, his students include visitors such as Khalīl Aḥmad Sahāranpūrī (d.1927), 'Abd al-Ḥayy al-Lakhnawī of Farangi Mahal, amongst dozens of others. Between his disciples, there was considerable diversity in terms of attitudes towards Sufi practices, but only to a certain degree: the Indian figures of the Ahl-i Hadith do not appear as his students. To some extent, this reflected some of Shāh 'Abd al-Ghanī's own politics; while he was a loose Hanafī and preferred to act according to his own interpretation in some instances (such as practicing *raf' al-yadayn* in voluntary *nafl* prayers), he was also a committed member of the Mujaddidi tariqa.⁸³⁰ And although he was overshadowed in the tariqa by his brother Aḥmad Sa'īd, he wrote a treatise in Medina on the prophetic traditions cited in the famous *Maktūbāt* of Aḥmad Sirhindī.⁸³¹ He thus sought to ground these letters within hadith, much as jurists would do for Hanafī law. As such,

⁸²⁸ For an example, see her *ijāza* to 'Abd al-Sattār al-Dihlawī, "Ijāzat Amatullāh bint 'Abd al-Ghanī," in MS 754, Maktabat al-Ḥaram al-Makkī, f. 75.

⁸²⁹ I am grateful to Shaykh Maṣṣūr 'Abd al-Bāqī for information on their descendants. Also see his introduction to: Dāmlā Akhūnd Jān, *Risālat al-Mithl wa al-Mithlayn*, 15, footnote 12.

⁸³⁰ Though his practice of hadith did too draw some criticism by other Indian Hanafis: see al-'Atṭār al-Makkī, *al-Nafḥ al-Miskī*, f. 48.

⁸³¹ 'Abd al-Ghanī al-Dihlawī, *Tabrīz al-Maknūnāt fī Takhrīj Aḥādīth al-Maktūbāt*, Maktabat al-Malik 'Abd al-'Azīz, Medina, al-Maktaba al-Maḥmūdiyya MS 622. This manuscript was handwritten in 1353 AH by a scribe from Khoqand, consisting of 48 folios.

on the whole, even the hadith scholarship of the Hijaz did not quite provide a hospitable environment for Indian members of the Ahl-i Hadith.

This argument can further be substantiated by a quick survey of the Hijazi connections established by the two recognized pioneers of the Ahl-i Hadith in India, Şiddīq Ḥasan Khān (d.1307/1890) and Sayyid Muḥammad Nadhīr Ḥusayn Dihlawī (d.1320/1902). Despite being a prolific historian and polymath with a deep investment in the hadith sciences, Şiddīq Ḥasan did not betray much interest in Hijazi scholarship during his pilgrimage of 1868 (as per his travelogue). In fact, the most important intellectual encounters for him happened not in the Hijaz, but in Hodeida, where he was a guest at the home of his Yemeni shaykhs from Bhopal, “reviewing books of hadith and copying them by hand as much as I could, such that I could not attend the mosques except for the five prayers [despite it being Ramadan].”⁸³² On ‘Eid, he gifted a copy of his book on hadith *al-Ḥiṭṭa* to local scholars, who praised it and prayed for him. Back on the ship, as he awaited the lifting of the ship’s anchor, he spent three days with a Yemeni shaykh “discussing knowledge, its people, its sources, and its places.”⁸³³ About the Hijaz, in contrast, Şiddīq Ḥasan’s scholarly interest was largely bibliographical; he wrote about the books he purchased but did not mention any scholarly encounters in his travelogue. He did meet Shāh ‘Abd al-Ghanī (who was a peer of sorts, as both were grand-students of Shāh ‘Abd al-‘Azīz) in Medina during this trip, but he mentioned this in his biographical entry on Shāh ‘Abd al-Ghanī, not in his hajj travelogue.⁸³⁴ He did also request an *ijāza* at Mecca from an Indian shaykh, who

⁸³² Şiddīq Ḥasan Khān, *Riḥlat al-Şiddīq ilā al-Bayt al-‘Atīq* (Lucknow: Mātba‘ al-‘Alawī li-Muḥammad ‘Alī Baksh Khān, 1289/1872), 88-89.

⁸³³ Ibid. This also formed the subject of one of his voluminous books: Şiddīq Ḥasan, *Abjad al-‘Ulūm*.

⁸³⁴ Şiddīq Ḥasan, *Abjad al-‘Ulūm*, 3:260.

was a student of al-Shawkānī, other Yemeni scholars, and the sons of Shāh Walīullāh – but this account too surfaces in other sources.⁸³⁵ In his travelogue, he instead criticized Hijazi scholarship: “And I saw in them [Hijazi imams] extravagance that is forbidden in the length of their robes and its trails... I even saw [them wearing] turbans like towers... and uncountable, immeasurable innovations.”⁸³⁶ Indeed, “may God have mercy on the person who avoids and protects himself from that.”⁸³⁷ As such, Şiddīq Ḥasan displayed little interest in meeting and engaging living Hijazi scholarship that did not extend beyond his Delhi and Yemeni network.

The hostility towards the Ahl-i Hadith in the Hijaz is explicit in the case of Sayyid Nadhīr Ḥusayn al-Dihlawī, who performed his pilgrimage under precarious conditions in 1300/1882. Despite being a successor of Shāh Ishāq in Delhi, as will see later in this chapter, Sayyid Nadhīr Ḥusayn was controversial for his strong views against *taqlīd* and the Hanafi school. With a large public profile (much more than Şiddīq Ḥasan at the time of his pilgrimage), it was difficult for him to pass incognito in the Hijaz. Before he left, he thus obtained a letter from the British commissioner at Delhi testifying to his loyalty to the Crown and endorsing his need for British protection abroad.⁸³⁸ Accompanied by a few students, Sayyid Nadhīr Ḥusayn made his way to Bombay, but was accosted by Hanafī opponents to the extent that they even boarded his steamship and continued to harass him on his journey. In Jeddah, the news of Sayyid

⁸³⁵ This was from Abū al-Faḍl ‘Abd al-Ḥaqq ibn Faḍlillāh See his *thabat*: Şiddīq Ḥasan Khān, *Silsilat al-‘Asjad fī Dhikr Mashāyikh al-Sanad*, trans. Layth Muḥammad al-Makkī (Bahrain: Maktabat Nizām Ya‘qūbī al-Khāṣṣa, 2014), 209-11. Another *ijāza* Şiddīq Ḥasan received (though in writing) from Mecca was from Shāh Ya‘qūb (brother of Shāh Ishāq). This also included an *ijāza* for the Naqshbandi order. *Ibid.*, 201-2.

⁸³⁶ Şiddīq Ḥasan, *Rihlat al-Şiddīq*, 92.

⁸³⁷ *Ibid.*

⁸³⁸ Faḍl Ḥusayn, *al-Ḥayāt ba‘d al-Mamāt Sawānih Ḥayāt Haḍrat al-Imām Sayyid Muḥammad Nadhīr Ḥusayn Şāhib Marḥūm Muḥaddith Dihlawī* (al-Maktaba al-Athariyya, n.d.), 83.

Nadhīr Ḥusayn’s arrival was met, according to one hagiography, with the formation of an Indian “committee,” allegedly headed by Raḥmatullāh Kairānwī and Ḥājī Imdādullāh, amongst others, who deliberated on whether to orchestrate his execution or imprisonment.⁸³⁹ Sayyid Nadhīr showed his letter from the British commissioner to the local British consular official, Abdur Razzak, who ensured him that he would be protected. As this committee of local Indians deliberated, Sayyid Nadhīr Ḥusayn performed the pilgrimage and yet still kept a defiantly public profile, preaching to pilgrims in Arabic, Persian, and Urdu. At the end of hajj, the Indian “committee” sent a list of grievances to the Ottoman governor Osman Nuri (and in another account, the Sharif), accusing Nadhīr Ḥusayn of being a Wahhabi, rejecting the Hanafī madhhab, and holding other sorts of blasphemous opinions.

Osman Nuri thereupon detained Nadhīr Ḥusayn and his companions for questioning.⁸⁴⁰ At this point, the local British agent, Abdur Razzak sent an Indian lawyer to Osman Nuri, arguing that the Ottomans had no jurisdiction to detain a British Indian subject (who enjoyed extraterritorial rights). Osman Nuri released him but apparently detained him soon again, just before he could leave for Medina. Henceforth, Nadhīr Ḥusayn was subject to an interrogation, of which there are different accounts. In one account, in response to the question “what are your views on the Hanafī madhhab,” Sayyid Nadhīr challenged his questioner to ask him to explain any portion of the Hanafī text *Hidāyā* and compare his explanation with local Hanafī scholarship. This answer, which testified to his knowledge of the Hanafī madhhab but stopped

⁸³⁹ The other two were ‘Abd al-Qādir Badāyūnī, the son of Faḍl-i Rasūl Badāyūnī (from Chapter Four, a staunch opponent of Shāh Ismā‘īl), and Khayr al-Dīn (father of Abū al-Kalām Āzād). Muḥammad Mubārak, *Ḥayāt al-Shaykh Sayyid Miyyān Nadhīr Ḥusayn Muḥaddith Dihlawī* (Karachi: Ahl-i Ḥadīth Trust, n.d.), 51.

⁸⁴⁰ Malīḥābādī, comp., *Āzād kī Kahānī khud Āzād kī Zabānī*, 102-6.

short of a commitment, apparently satisfied his interrogators.⁸⁴¹ Another account suggests that Nadhīr Ḥusayn felt compelled to finally declare himself a committed Hanafī in exchange for his release.⁸⁴² In the end, their group was released and Osman Nuri wrote a letter to the Ottoman vali in Medina vouching for Nadhīr Ḥusayn’s credentials as a non-Wahhabi.⁸⁴³

Later, one of his disciples made a lengthy speech at Mecca condemning the harassment they had faced by comparing it with British rule: “Hindustan currently has an English government where every person of religion (*har madhhab wālā*) has the right to freely practice with the symbols of their religion...And here, in this Islamic land (*islāmī sarzamīn*), under the rule of Muslims, we are prevented from performing *tawāf* around the Ka‘ba and performing the Friday prayers and congregational prayers.”⁸⁴⁴ The limits of Ottoman madhhab-based legal pluralism (as well as the extraterritorial rights of British Indian pilgrims therein) were thus made astonishingly clear. As such, Nadhīr Ḥusayn’s trip was constantly overshadowed by threats from local Indians, and hostile encounters with Ottoman authorities caught in the middle. He therefore could not produce a substantial engagement with Hijazi scholarship, in the capacity of a teacher, colleague, or student. As a prominent critic of the madhhab-system, he only managed to perform his pilgrimage unscathed due to his status as a loyal British subject and his recantations of explicit anti-Hanafī critiques.

⁸⁴¹ Faḍl Ḥusayn, *al-Ḥayāt ba‘d al-Mamāt*, 92.

⁸⁴² ‘Malīḥābādī, comp., *Āzād kī Kahānī khud Āzād ki Zabānī*, 106.

⁸⁴³ This letter is reproduced in its original Ottoman Turkish (!) alongside an Urdu translation in the biography. Faḍl Ḥusayn, *al-Ḥayāt ba‘d al-Mamāt*, 94-95.

⁸⁴⁴ Muḥammad Mubārak, *Ḥayāt al-Shaykh Sayyid Miyān Nadhīr Ḥusayn*, 93.

To wrap up, this section has sketched a broad overview of the Hijaz in the second half of the nineteenth century from the perspective of its Ottoman administration and its major Indian players. There were the Ottoman officials and Shafi‘i locals who carefully opposed the specter of Wahhabi thought; the Indian institution builders such as Kairānwī who built the largest educational institution for the Hijaz’s international community of Hanafis and Shafi‘is; the Sufi shaykhs such as Aḥmad Sa‘īd in Medina and Imdādullāh in Mecca who penetrated Turkish circles and defended the madhhabs; and the hadith scholars such as Shāh ‘Abd al-Ghanī who kept alive the Hijaz’s tradition of hadith studies. Ultimately, it was the Indians Sufis and Hanafis who had the most successful careers and prominent positions in the Hijaz, as compared to the Indians who actively opposed *taqlīd*. In quite an ironical turn of events, the Ahl-i Hadīth figures in India, including Ṣiddīq Ḥasan and Nadhīr Ḥusayn, were to large extent excluded (in the latter case, with the threat of imprisonment or deportation) from the famed ranks of Hijazi hadith scholarship in the latter half of the nineteenth century, and pursued other geographies of scholarship in Yemen and India until emergence of Saudi rule in 1926. Before we turn to the Ahl-i Hadīth, however, we will briefly examine how exactly the Hijaz’s madhhab-centered legal pluralism animated legal debates amongst Indian Hanafis.

Fracturing a Madhhab: Competing for Hijazi Legal Endorsements

Having established a case for the centrality of the madhhab-system to the Ottoman Hijaz in last decades of its rule, this section analyzes how exactly the madhhab-system functioned in practice. It turns to Indian solicitations of fatwas and legal endorsements (*taqrīz*) from Hijazi authorities to resolve and adjudicate internal conflicts. Although this practice far predated the

latter half of the nineteenth century, it increased dramatically in the last decades of the century and the beginning of the twentieth century. This was not simply a straightforward consequence of the increasing numbers of Indian pilgrims landing ashore at Jeddah or Yanbu in this period, or the Hijaz's preeminent status as a sacred sanctuary. It reflected the Hijaz's unique capacity to enable madhhab-based legal pluralism given the rarity of finding official muftis of the four madhhabs in one Indian Ocean city. This was even more important in a context where the members of the same madhhab were critically divided, and where the madhhab-system as such was under attack.

The ultimate significance of these legal endorsements, this section argues, reflected as much a failure of madhhab-centered legal pluralism as its success. For legal endorsements invoked multiple legal orders to build a consensus; hence, this attempt at consensus-forging sought to flatten legal and theological divisions rather than create the space to accommodate differences. As members of the same madhhab competed for endorsements, they became divided into rival *maslaks* and factions that developed into full-fledged identities and social markers of difference. With the rising speed of communication and increased pace of the debates, the madhhab-system in the Ottoman Hijaz helped catalyze the fragmentation of Indian Hanafi scholarship.

The Paradox of the Taqrīz

We have seen plenty of fatwas in the previous chapters that were sought from Hijazi scholars and invoked in Indian debates. A fatwa by itself, however, did not necessarily represent an exercise in legal pluralism. It only did so once it was combined and compiled together with fatwas from different authorities, and where the individual fatwas were projected as equally

normative and valid with all their nuances and differences. However, this process could be complicated when all the fatwas were designed to portray the very same conclusion, when the diversity of authorities was not meant to furnish a diversity of legal opinions but a consensus. Herein, legal pluralism manifested in the opposite direction, as an attempt to individually close all the avenues that may legitimately sustain legal difference. For by invoking fatwas from multiple authorities, it recognized the different authorities at the heart of legal pluralism. Yet, in producing a common conclusion, it closed legal difference, banishing it altogether from the realm of legal pluralism to another plane, often theological. Herein lay the paradox of the *taqrīz*, the endorsement.

The *taqrīz* as a genre emerged in the medieval period and was often used as a blurb on a manuscript that endorsed its contents (as we saw one of ‘Ābid al-Sindī’s writings blurbed by Yemeni scholars in Chapter Three).⁸⁴⁵ In the cases below, it mostly acted as an endorsement of another fatwa or set of claims and blurred the line between blurb and fatwa. For instance, in the mid-nineteenth century, a group of Gujaratis sought clarification from Meccan scholars regarding the status of the ‘Umayyad caliph Mu‘āwiya (r.661-680), as a result of their debates with a group of “Wahhabi” Gujaratis who had recently begun to curse him.⁸⁴⁶ This group included a brief text they had written on this matter, and asked the Meccan scholars to examine its contents: “if it contains that which is true and sound, then stamp it with your stamps and send it to us, so that God may make your stamps, fatwas, and agreement (*ittifāqikum*) regarding its

⁸⁴⁵ See Franz Rosenthal, “‘Blurbs’ (taqrīz) from Fourteenth-Century Egypt,” *Oriens* 27/28 (1981): 177-196; Nico J.G. Kaptein, “A Taqrīz for a Nineteenth Century Indonesian Manuscript,” *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 4, no. 1 (2015): 1-12.

⁸⁴⁶ *Taqārīz Radd al-Wahhābiyya*, Rampur Raza Library, 16093D. I am grateful to Michael O’Sullivan for obtaining this.

soundness (*ṣihhātihā*) a means of humiliating these innovators.”⁸⁴⁷ Similarly, 1282/1865, an intense dispute in Bombay over the explication of the Islamic *shahāda* (testimony) printed by a visiting ‘Alawi shaykh in Arabic and translated into Urdu and Sindhi, sent a Sindhi scholar to Mecca, where he obtained fatwas from the muftis of the four madhhabs verifying its soundness.⁸⁴⁸ The *taqrīzs* included both stamps and fatwas from a series of Meccan scholars who articulated their reasons for endorsement at various lengths. In this way, it produced a consensus with the combined powers of their authorities, banishing differences from the acceptable realm of madhhab-centered legal pluralism.

The *taqrīz* as a genre reached new proportions of contestation in the last decades of the nineteenth century, as it was incorporated into printed material and polemics in the volatile public sphere. In the 1880’s, a series of debates rocked north Indian Hanafi scholars regarding the legitimacy of many practices, including celebrating the Prophet’s birth (*milād*, *mawlid*, *mawlūd*) and engaging in the *Fātiḥa*, a practice usually held in remembrance of a deceased person. Later, in the 1900s, a second round of debates broke out on these and a host of other questions, even reaching verdicts of excommunication, of *takfīr* altogether. What distinguished these debates from previous iterations in the first half of the nineteenth century was the heavy usage of legal endorsements and fatwas from scholars in South Asia, the Hijaz, and beyond. This section will not rehearse the full debates, as they have already begun to receive attention in scholarly literature.⁸⁴⁹ Instead it will engage more substantially with the legal endorsements,

⁸⁴⁷ *Taqārīz Radd al-Wahhābiyya*, f. 2.

⁸⁴⁸ Quoted in ‘Abd al-Fattāḥ al-Ḥusaynī al-Qādrī Gulshanābādī, *Jāmi‘ al-Fatāwā* (Bombay: Maṭba‘ Fatḥ al-Karīm, 1303/1885), 180-192.

⁸⁴⁹ Tareen has an important and lengthy discussion of these and related texts, but in his effort to elucidate the competing normativities of these debates, he pays little attention to how madhhab authorities and sources are cited

which have been neglected by scholarship. It analyzes them in terms of two separate but intertwined questions: first, the ways in which the contours of the debates and madhhab authority were transformed in the processes of cross-oceanic endorsement, and second, the management of differences and disagreements through madhhab pluralism. Collectively, it shows how the rising legal and theological stakes of the debate merged with unprecedented speed of connection between the Hijaz and South Asia to deepen divisions in the vast publics of the Indian Ocean. As such, it nullified their common legal memberships and their attention to hadith literature, and it heralded the creation of different *maslaks* altogether.

Round 1

To begin with the first round: the opening salvo was the unceremoniously titled *Fatāwā Milād Sharīf ya ‘nī Mawlūd ma ‘a dīgar Fatāwā* (“Fatwas on the Blessed Milād i.e Mawlūd and other fatwas”), printed in 1302/1884 at Meerut by the Maṭb‘a Hāshimī.⁸⁵⁰ It was only around 24 pages long and consisted of multiple fatwas, including of Aḥmad ‘Alī Sahāranpūrī, the famous hadith scholar we have seen printing hadith compilations such as the *Ṣaḥīḥ Bukhārī* in Chapter Four. His Persian fatwa was reproduced alongside an Urdu translation and endorsed by three other scholars based at Deoband. Another fatwa was by Rashīd Aḥmad Gangohī (d.1323/1905), one of the founders of Deoband (and a *khalīfa* of Ḥājī Imdādullāh). Both arrived at similar

and mobilized. He also pays hardly any attention to their legal endorsements and their implications for the debate. See Tareen, *Defending Muḥammad*, 244-331. For instances of his treatment, see: pages 270, 274-82.

⁸⁵⁰ The first edition is supposed to have been 4 pages, but it was followed by another edition of 24 pages. On details: see Nafīs Aḥmad Miṣbāhī, introduction to *Anwār-i Sāt‘ia dar Bayān Mawlūd wa Fātiḥa*, ‘Abd al-Samī‘ Rāmpūrī (Lahore: 2012), 15. For this section, however, I rely on the following edition from 1914: *Fatāwā Milād Sharīf wa ghayra* (Lucknow: Aṣaḥḥ al-Maṭāb‘i, 1332/1914).

conclusions (though Rashīd Aḥmad's was more restrictive): the *mawlid* was permissible (or acceptable) only if it met certain conditions; for instance, if there was no fixed yearly date, elaborate decorations and distributions of sweets, mixing of women, men, young boys; engagement in the practice of *qiyām* (or standing), and so forth. All of these conditions, they argued, were not met in Indian *mawlids*, which were hence guilty of committing *shirk* (violating God's oneness) and enacting *bid'as* (heretical innovations). This fatwa was also followed by another from Deoband, which was signed by more than a dozen teachers and affiliates. Other questions were also slipped in towards the end, such as on whether Shāh Ismā'īl, the grandson of Shāh Walīullāh (discussed in Chapter 4), was a disbeliever, apostate, or even a sound Hanafi; the answers firmly defended his faith, for whoever declared Shāh Ismā'īl a *kāfir* (a nonbeliever) was himself a *kāfir*. At this point, none of the several dozen names that were listed throughout the compilation were from the Hijaz or even outside South Asia. Though Rashīd Aḥmad and Aḥmad 'Alī had both traveled outside South Asia, this fatwa collection was largely a North Indian composition.

The same year in 1302/1884, 'Abd al-Samī' Rāmpūrī (d.1318/1900), another *khalīfa* of Ḥājjī Imdādullāh and a student of Kairānwī, wrote a lengthy response to this set of fatwas, entitled as the *Anwār-i Sāṭi'a*.⁸⁵¹ He took the debate to unprecedented heights, in terms of both the scope of its arguments and the sets of evidence he gathered. First, 'Abd al-Samī' defended the legitimacy of a *bid'at-i ḥasana* (the licit innovation, as a category itself, which had been rejected by his opponents) and critiqued the proposition that only evidence pertaining to the time of the Prophet and the first three generations could be marshalled to legitimize rituals and

⁸⁵¹ 'Abd al-Samī' Rāmpūrī, *Anwār-i Sāṭi'ia dar Bayān Mawlūd wa Fātiḥa* (Lahore: 2012).

actions. For ‘Abd al-Samī‘, the later generations too could provide such a basis. As an example, he referred to the institutions of *taqlīd* and the madhhab, which as he quoted Shāh Walīullāh, only emerged in the fourth Islamic century.⁸⁵² Such claims to madhhab authorities, which were presumably acceptable to his opponents, abounded in his text.⁸⁵³ ‘Abd al-Samī‘ repeatedly quoted prominent jurists from different madhhabs (including even Imām Aḥmad ibn Ḥanbal), as well as Delhi and Hijazi Hanafi scholars, showing how they had embraced or accepted practices of *bid‘at-i ḥasana* without scriptural precedent from the first generations of Islam. A full reproduction of his claims and citations is not possible here, but suffice to say that he ultimately reinforced the mutual relationship between madhhabs and *bid‘a* that we have also seen in the previous chapter. In such manner, the normativity of the madhhab and its attendant authorities was used to defend the legitimacy of certain ritual practices deemed by critics as heretical innovation. The two debates were firmly inextricable and the copious references to non-Hanafi scholars showed just how the legal pluralism of the madhhab could be marshalled in such debates that struck at the very core of legal and theological authority.

Alongside producing scriptural evidence and quotations from various legal authorities in support of his arguments, ‘Abd al-Samī‘ reproduced contemporary fatwas from a seemingly endless series of muftis in the Hijaz and elsewhere. On the question of directly invoking the Prophet, he copied fatwas and endorsements of those fatwas from the muftis of the Hanafi,

⁸⁵² Ibid., 84-87.

⁸⁵³ This disagreement over the legal normativity of the period after the first three generations of Islam shows how the Barelvi and Deobandi debate also encompassed the sources of law, in contrast to Tareen’s description of their debate. Tareen, *Defending Muḥammad*, 173.

Shafi‘i, and Maliki madhhabs of Mecca and Medina approving this act.⁸⁵⁴ The most extensive citations appeared in his section on the permissibility of the *mawlid*, where he attempted to argue that its permissibility was accepted by the agreement (*ittifāq*) of Sunni scholars. To do so, he first produced a list of 70 “jurists and hadith scholars” from medieval and early modern times of the four madhhabs that had in his view had either declared the *mawlid* to be permissible or participated in it without objecting. He did not share quotations or sources, and in this way, the major historical names of the madhhabs were compiled to resemble a petition.⁸⁵⁵ In addition, ‘Abd al-Samī‘ copied the Hijazi fatwas and stamps from the treatise of Aḥmad Sa‘īd Mujaddidī discussed in the previous chapter.⁸⁵⁶ He also copied fatwas from a whole series of jurists, complete with their names stamped in charts, from Mecca (42 names), Medina (30 names), Jeddah (10 names), and even Hodeidah (12 names), which was originally printed in 1871 by a certain Mawlānā ‘Abd al-Raḥīm Dihlawī.⁸⁵⁷ As if that was not enough, he cited 12 more fatwas from various teachers, imams, and muftis of Mecca and Medina who approved of the *mawlid* and *qiyām*. He also turned to Baghdad, citing a fatwas from a mufti and several endorsements from his peers.⁸⁵⁸ And finally, he also included evidence from India, including a fatwa solicited by the last Mughal emperor Bahādur Shāh Zāfar (r.1837-1857) from Shāh Makhṣūṣullāh, the great-grandson of Shāh Walīullāh, on this question, copied from a work printed in 1271/1855. This

⁸⁵⁴ I.e saying “*yā rasūlallāh.*” Ibid., 322-26.

⁸⁵⁵ Ibid., 347-350.

⁸⁵⁶ Ibid., 351-53.

⁸⁵⁷ Ibid., 353-56.

⁸⁵⁸ Ibid., 364-68.

fatwa included a chart of 67 Indian scholars from Delhi who approved the *mawlid*.⁸⁵⁹ And, to wrap it all up, the second edition of the *Anwār-i Sāṭi ‘a* also included endorsements (*taqrīz*) of the text itself by 24 scholars from Kasur to Hyderabad to Aligarh, including the gushing praise of Aḥmad Rīdā Khān’s colorful pen.

The reproduction, compilation, and soliciting of fatwas or endorsements from hundreds of scholars, both historic and contemporary, in South Asia and the Hijaz was unprecedented in scope and number. It represented a massive attempt to establish an all-madhhab consensus on this question, an attempt to stake out the contours of *ijmā‘* and to decisively cast his opponents as a minor aberration. This was ultimately an attempt to establish in numerical terms the contours of the madhhab-system. Here, the reproduction of Hijazi fatwas was of particular importance, even more so than the Indian ones (even if they were not solicited for his text directly but were rather reproductions from other texts, as his text was composed in Urdu). ‘Abd al-Samī‘ contrasted the special sacred status of the Haramayn to that of Deoband (where his interlocuters were based), which he claimed did not even constitute a *dār al-Islām* (an abode of Islam).⁸⁶⁰ Legal authority thus surfaced not only through the discussions of scripture, but from the living scholars of the madhhab, with all the power conferred upon them by their status as muftis and shaykhs in the sanctuary of the Haramayn. The fact that ‘Abd al-Samī‘ could make such claims to madhhab authority reflected his assumption that it would be considered as legitimate proof by his opponents who were, after all, fellow Hanafis (as opposed to the Ahl-i Hadith). In the end, his attempts to claim a consensus on the *mawlid*’s permissibility, with no recognition of dissenting

⁸⁵⁹ Ibid., 369-72.

⁸⁶⁰ Ibid., 362.

views, was indicative of an attempt to define the boundaries of the madhhab. In contrast to madhhab pluralism which admitted to an array of mutually contradictory legal opinions within the edifice of the madhhab, there was little room in these cross-oceanic endorsements of portraying their difference as valid.

The response to this text came just two years later in 1886 – reflecting the quick pace of debate in this period – written by Khalīl Aḥmad Sahāranpūrī at the behest of his teacher Rashīd Aḥmad Gangohī.⁸⁶¹ It contained a point-by-point refutation of the entire contents of the *Anwār-i Sāṭi ‘a*, reaching more than 200 pages. We shall not concern ourselves with the detailed scriptural discussions but focus on their response to the copious lists of fatwas and endorsements.⁸⁶² Khalīl Aḥmad did not try to compose his own lists of endorsements, whether of contemporary scholars or otherwise. Instead he dismissed them altogether: he rejected ‘Abd al Samī’s first list of 70 classical scholars who had allegedly approved of the *mawlid*, arguing it proved nothing (*kuch thābit nahīn hotā*) without an actual discussion of their conditions and terms of its permissibility.⁸⁶³ Khalīl Aḥmad claimed that the rejected and forbidden elements found in contemporary Indian *mawliids* did not exist in their times and were not approved by them.⁸⁶⁴ Furthermore, while the copied fatwas of contemporary Hijazi scholars did provide their actual verdicts on the matter, Khalīl Aḥmad had a rebuttal: “these are all contemporaries (*mu ‘āṣir*) of

⁸⁶¹ Khalīl Aḥmad Sahāranpūrī, *Barāhīn-i Qāṭi ‘a ‘alā Ḥalām al-Anwār al-Sāṭi ‘a* (Deoband: Kutubkhāna-yi Imdādiyya, n.d.).

⁸⁶² Also, in response to the argument by ‘Abd al-Samī that *taqlīd* and the madhhabs only emerged after the first three generations of Islam, Khalīl Aḥmad argued on the basis of certain Quranic verses that *taqlīd* actually was rooted in the first generations and hence was valid. *Ibid.*, 33.

⁸⁶³ *Ibid.*, 264.

⁸⁶⁴ *Ibid.*, 265.

Mawlānā Aḥmad ‘Alī Šāḥib [the original interlocuter of ‘Abd al-Samī’]; none of them have seniority over the respected Mawlānā or greater knowledge; this falls under the category of ‘we are men, and they are men.’”⁸⁶⁵ In other words, Khalīl Aḥmad saw them as interlocuters equally entitled to their own opinion, not subject to legal hierarchies of any kind. In addition, he claimed that “thousands of contemporary scholars reject the *qiyām* [the practice held in the *mawlid*] and this is not hidden”; yet, ‘Abd al-Samī only chose to cite Hijazi scholars “because they are Arab.”⁸⁶⁶ And “this is wrong, for whoever so God most exalted grants knowledge is a reliable scholar, whether from Hind or ‘Ajam or Arab.”⁸⁶⁷ Furthermore, Khalīl Aḥmad pointed to Raḥmatullāh Kairānwī’s high status in Mecca, as recognized by the Ottoman sultan, as proof that scholarship was based on knowledge (and not ethnicity). In addition, he argued that the “imperial officers and judges tend to be low-level scholars and officers (*‘ummāl wa quḍāt-i sulṭāni adnā adnā ‘ulāma’ wa ‘umalā’ hotay hain*)... even now it is known amongst Arabs and in Rum that being a mufti or qadi does not necessarily entail intellectual superiority (*a ‘lamiyyat lāzim nahīn*)..”⁸⁶⁸ Therefore, “presenting them [their fatwas] as evidence is ignorance... it is to deliberately defraud the common people regarding the precepts of the *shari‘a*.”⁸⁶⁹ And finally, he argued that any fatwa and endorsement had to be reviewed and verified in light of the existing pools of Sunni evidence, no matter the source: “after our evidences from the four sources [i.e. the Qur’an,

⁸⁶⁵ Ibid., 266.

⁸⁶⁶ Ibid., 267.

⁸⁶⁷ Ibid.

⁸⁶⁸ Ibid.

⁸⁶⁹ Ibid.

hadith, *ijmā'*, and *qiyās* recognized by most Sunnis as the four sources of law], what need is there to count out names (*kyā hājat mardum shumārī kī hay*)?"⁸⁷⁰

This critique shows how the attempts by 'Abd al-Samī' to utilize the Hijaz's scholarship were rebuffed by his interlocutors in British India. Hijazi Hanafis and other scholars could not be considered superior to other Hanafis simply by virtue of being based in the Haramayn. Rather, their citation by 'Abd al-Samī' was perceived as carrying cultural hierarchies of authority; Khalīl Aḥmad conveniently ignored the plentiful names of non-Arab scholars signing these endorsements, and instead chose to see them as an expression of Arab superiority rather than legal merit. He also expressed doubt regarding the scholarship of imperial muftis and bureaucrats, betraying long tensions between state-appointed muftis and independent author-jurists. Ultimately, his claims about the need to subordinate their fatwas to the four main Sunni sources of evidence also closely echoed the claims of the Ahl-i Hadīth we will read about below on the need to subject contemporary legal verdicts to close empirical scrutiny and examination. Hence, the fatwas of rival Hijazi muftis could not be used as evidence against other Indian scholars who saw themselves as their peers; the madhhab-system could not be marshalled successfully against rival members. The debates found no resolution.

The fierce language used in the debates amongst his disciples grieved Ḥājī Imdādullāh greatly. From Mecca, he famously wrote to reconcile the two opposing parties amongst his disciples and convince them to accept their differences as legitimate and valid, as similar to that of the legal pluralism of the madhhabs. As he wrote: "The scholarly elites (*khāṣṣ*) should act according to their investigation (*taḥqīq*) and not hold the other party (*dūsrāy farīq*)... as sinners

⁸⁷⁰ Ibid., 270.

and misguided, but should view their difference (*ikhtilāf*) like the difference between Hanafis and Shafī‘is, maintaining the customs of meeting, correspondence, greetings, congeniality, and love...”⁸⁷¹ Here was a rare call for a framework to accept the differences as equally valid, to extend madhhab legal pluralism to these contested issues. Ḥājī Imdādullāh managed to prevent ‘Abd al-Samī‘ from penning a second response to Khalīl Aḥmad, but he could not put an end to the debates; it marked for all purposes the first round of the debates.

Thus far in this first round, the debates progressively grew from a relatively limited network of North Indian scholars, to one that involved a search outward beyond South Asia for legal legitimacy. This was accomplished by soliciting fatwas and stamps of approval from the Hijaz, and then translating them into Urdu, and having them printed within larger treatises. But these endorsements failed to dictate the lines of Sunni consensus, as Khalīl Aḥmad disputed their status and authority and claimed the right to arrive at a different conclusion. The madhhabs could not be monopolized by muftis in the Hijaz and were instead challenged by Indian interlocutors in the trenches of scriptural interpretation.

Round 2

The legal stalemate over authority gave way in “round two” to explicit claims of disbelief, of excommunication altogether from Islam. This famously began when Sayyid Aḥmad Riḍā Khān traveled for pilgrimage in 1906 and collected endorsements for his own fatwa in

⁸⁷¹ Hajji Imdādullāh Makkī, “Faiṣla-yi Haft Mas’ala,” in *Kulliyāt-i Imdādiyya* (Karachi: Dār al-Ishā‘at, n.d.), 80.

Arabic, establishing the disbelief (*taḳfīr*) of a host of Indian scholars.⁸⁷² Aḥmad Riḍā was a staunch Hanafī who shared his transmission of legal authority exclusively through Hanafī scholars (*musalsilān bil-ḥanafīyya*), had a vast grasp of the Hanafī corpus, and wrote on Hanafī legal theory.⁸⁷³ He also was no stranger to Hijazi scholarship, as he had already made a pilgrimage in 1878, received *ijāzas* from Shafī‘i and Hanafī muftis, and even solicited their endorsements in his campaign in 1899 against the Nadwat al-‘Ulamā’ in Lucknow.⁸⁷⁴

In this new treatise, Aḥmad Riḍā excommunicated a series of opponents, including Rashīd Aḥmad, Ashraf ‘Alī Thānawī (d.1362/1942), Mirzā Ghulām Aḥmad (d.1908), Sayyid Nadhīr Ḥusayn Dihlawī, among others, on the basis of theological statements Aḥmad Riḍā attributed to each individually. Aḥmad Riḍā thus raised the stakes from a legal debate on the legitimacy of the *mawlid* and related practices, to a direct ad hominem attack on his opponents’ claims of being Muslim. In part, this attack was adapted from the claims made by Faḍl-i Ḥaqq against Shāh Ismā‘īl about a century earlier, as alluded to in the previous chapter, but the compilation of opponents and the collection of Hijazi endorsements changed the stakes involved. The targets Aḥmad Riḍā put together such as the Hanafī Rashīd Gangohī, the Ahl-i Hadith Nadhīr Ḥusayn, and Ghulām Aḥmad (a new claimant to prophethood) represented divergent figures that had no joint platform. What they had in common, Aḥmad Riḍā suggested, was that they all represented new individual factions (“*firaq*”) that had rejected the essentials of religion (*ankarū ḍarūriyyāt al-dīn*) in different ways. These figures were not only individuals but leaders

⁸⁷² Aḥmad Riḍā Khān, *Ḥusām al-Ḥaramayn ‘alā Manḥar al-Kufr wa al-Mayn* (Lahore: Maktaba Nabawiyya, 1985).

⁸⁷³ See his chain of Hanafī transmission of key Hanafī texts in the introduction to his fatwa collection: Aḥmad Riḍā Khān, *Fatāwā Riḍwīyya* (Lahore: Riḍā Fāwndeshan, 2006), 97-101.

⁸⁷⁴ Khān, *Fatwā al-Ḥaramayn barjaḥf Nadwat al-Mayn*.

of corruption, “*a’immmat al-dalāl*,” the progenitors of new identities and categories, such as “Wahhābiyyā Amthāliyya,” “Wahhābiyya Kadhhābiyyā,” “Mirzā’iyya,” and so forth. By casting them as heads of new factions and transforming the discussion into a question of belief and disbelief, Aḥmad Riḍā attempted to place them beyond the boundaries of Sunni religious normativity as embodied in the madhhab-system. As such, his treatise testified to the growing factionalism of such debates, as the lines of argument slowly came to represent new groups and structures of leadership. Herein lay the key to the fragmentation of the madhhab-system.

In total, Aḥmad Riḍā managed to gather 33 endorsements from scholars both in Mecca and Medina. His method of soliciting was described as very secretive (*ikhfā’ kay sāth*) by Sayyid Ḥusayn Aḥmad Madanī (d.1377/1957), the renowned Deobandi scholar (and an opponent) who was at the time a teacher in Medina: this was done so Aḥmad Riḍā could secure the endorsement without being interrupted by those (such as Ḥusayn Aḥmad) who could dissuade local scholars from endorsing his fatwa.⁸⁷⁵ These endorsements were written in Arabic and usually consisted of more than one paragraph, and some spanned several pages. They began with lengthy praises of God, salutations to the Prophet, and often flattering praise of Aḥmad Riḍā; one scholar even went to the extent of affixing a two-page *qaṣīda* (a poem) praising Aḥmad Riḍā. The depth of argumentation in these endorsements varied; many contained generic references to darkness and misguidance and its need for eradication, whilst others specifically named the Indian scholars and declared them as disbelievers if they held these beliefs. Not all the endorsers were local Hijazis; most were members of the *mujāwirīn* (migrant) community, representing all four madhhabs. There were two Indians (including a student of Ḥājjī Imdādullāh), one Afghan (who

⁸⁷⁵ Sayyid Ḥusayn Aḥmad Madanī, *Naqsh-i Ḥayāt* (Karachi: Dār al-Ishā‘at, n.d.), 1:137.

was a teacher at Madrasa Şawlatiyya), two Daghestanis, as well as others from Algeria, Syria, Egypt, and so forth. All were residents and based at the Haramayn, as teachers, muftis, or imams. Aḥmad Riḍā did not bother soliciting endorsements from India.

The response to Aḥmad Riḍā came swiftly the next year in 1325/1907: the renowned Indian scholar Sayyid Ḥusayn Aḥmad forwarded a series of questions to Deoband from Hijazi scholars seeking their clarification regarding these accusations. The resulting text, titled as the “The Creed of the Scholars of Deoband,” signaled the codification of a set of distinctive Deobandi orientations.⁸⁷⁶ Here, the seminary unambiguously came to articulate a clearly defined set of normative beliefs, for a wider Hijazi readership left confused by the flurry of polemics between Indian Hanafi factions. In doing so, it effectively confirmed the existence of a distinctive identity that Aḥmad Riḍā had sought to cast in exclusionary terms. Even as it defended the validity of their beliefs by showing their convergence with authoritative Islamic sources, it identified them in separate terms, as specific to a school.

Khalīl Aḥmad authored this response as well, but this time he could not afford to resort to a summary dismissal of the Hijazi endorsements as he had done previously, as they constituted his direct readership. In his 30-page question and answer discussion, he took pains to present Deobandi beliefs (especially those of his teacher Rashīd Aḥmad) in their most anodyne articulations, to highlight points of convergence. For instance, he opened the first question on *shadd al-riḥāl*, of traveling to visit the Prophet’s mosque, by first listing Deobandi commitments

⁸⁷⁶ For a recently edited edition in Arabic, see: Khalīl Aḥmad Sahāranpūrī, *Mabāḥith fi ‘Aqā’id Ahl al-Sunna al-Musammā al-Muhannad ‘alā al-Mufannad*, ed. Muḥammad ibn Ādam al-Kawtharī (Amman: Dār al-Faṭḥ, 2018). For an earlier Urdu translation, see: Khalīl Aḥmad Sahāranpūrī, *Risāla al-Muhannad musammā bi ‘Aqā’id-i ‘Ulamā’-i Deoband aur ‘Ulamā-yi Ḥaramayn ka Fatwā* (Delhi: Khwājā Barqī Press, 1930).

that were also embraced in the Hijaz: it portrayed them as adherents of the Hanafi madhhab, Ash'ari and Maturidi creed, and in terms of Sufi orders of the Naqshbandi, Chishti, Qadiri, and Suhrawardi orders.⁸⁷⁷ It then sought to clarify the meanings of the terms Wahhabi in India, as opposed to that of the Hijaz: in India, it did not simply refer to someone who rejected the madhhabs, but to someone who acted upon the *sunna* of the Prophet. Khalīl Aḥmad argued that acting upon the *sunna* did not yet make one a Wahhabi.

In this way, Khalīl Aḥmad continued to highlight points of convergence; for instance, he declared the “extreme necessity” of adopting *taqlīd* of one madhhab “in these times” to prevent against disbelief and corruption – in clear contrast to Wahhabi critiques.⁸⁷⁸ He included a brief section on Deobandi views of Muḥammad ibn ‘Abd al-Wahhāb; he agreed with the Ottoman Syrian scholar Ibn ‘Ābidīn’s verdict of him as a *khārijī*, as someone who had left the fold of madhhab-based Islam. In his discussion on the *mawlid*, he wrote about how it was an extremely virtuous activity, but presently overset in India by various corruptions; and that their critique was simply limited to those Indian practices that had corrupted it. Similarly, on other pressing questions regarding the knowledge of the Prophet, or the possibility of Divine untruths, Khalīl Aḥmad took the pains to articulate deep veneration of the Prophet and Divine truth.

These questions were then followed by a rival list of endorsements, referred to as both *taṣdīqāt* and *taqārīz*. First was a series of 24 endorsements from the “scholars of Hindustan”: these were very brief and mostly consisted no more than a line or paragraph. Second was a series of six endorsements from Mecca, of whom three scholars had initially endorsed Aḥmad Riḍā’s

⁸⁷⁷ For the Arabic, see: Khalīl Aḥmad, *Mabāḥith fī ‘Aqā’id*, 38-39. For the Urdu translation, see: Khalīl Aḥmad, *‘Aqā’id-i ‘Ulamā’-i Deoband*, 6-7.

⁸⁷⁸ Khalīl Aḥmad, *‘Aqā’id-i ‘Ulamā’-i Deoband*, 14.

fatwa. These included the Shafi‘i mufti Muḥammad Sa‘īd (d.1330/1912-1913), who now enthusiastically celebrated Rashīd Aḥmad’s victory against the doubters; and the Maliki ‘Alī ibn Ḥusayn (d.1368/1948), who earlier had written a two-page *qaṣīda* praising Aḥmad Riḍā.⁸⁷⁹ This section was followed by two endorsements from Medina, including by Sayyid Aḥmad al-Barzanjī, a Shafi‘i who had earlier also endorsed the fatwa from Aḥmad Riḍā; his lengthy *taqrīz* was co-signed by 21 other scholars of Medina. Then, in a geographical and communicational leap, this section was followed by *taqrīzs* by an Azhari scholar in Cairo, signed by three other scholars, as well as twelve more endorsements from scholars in Syria. It is unclear how Khalīl Aḥmad managed to procure their endorsements within a year and include them in his printed edition; it might have been when they were visiting for hajj, but it represented a new geographical frontier of the debate, opened by the increasing speed of communication in this period.

In “round two,” we thus see the progression of the debate literally to the Hijaz by traveling Indian scholars who wrote their texts in Arabic rather than Urdu for wider readership. The lure of securing Hijazi support could not be so easy to overcome, despite earlier contestations over its actual legal merit. The fact that Aḥmad Riḍā managed to secure endorsements of *takfīr* against some of the most senior figures of Deoband points to the lack of deep roots of the Deobandi school in the Hijaz; in fact, many of the Hijazi co-signers had no idea that some of the scholars condemned in Aḥmad Riḍā’s fatwa were actually the teachers of their very own friend Sayyid Ḥusayn Aḥmad, the Deobandi teacher in Medina.⁸⁸⁰ Aḥmad Riḍā’s usage of labels such as *Wahhābiyya* was also a deliberate strategy adopted in consideration of the

⁸⁷⁹ On ‘Alī ibn Ḥusayn’s biography, see: al-Ghāzī, *Naẓm al-Durar*, 573-74; ‘Abd al-Jabbār, *Siyar wa Tarājim*, 260.

⁸⁸⁰ Aḥmad Madanī, *Naqsh-i Ḥayāt*, 1:138.

political context in the Hijaz and its strident anti-Wahhabi policies. Thus, to prove their non-Wahhabi or anti-Wahhabi credentials, the Deobandis had to also do it in Hijazi terms, thus transforming the contours of the debate with its geographical displacement from South Asia to the Hijaz. Despite Aḥmad Riḍā's attempt to articulate his critiques in strictly theological terms based upon earlier Indian debates, the questions Khalīl Aḥmad addressed in his response covered a variety of legal and theological questions. Ultimately, the process of winning endorsements cemented the factional nature of their dispute rather than building a pluralism that accommodated both parties.

To conclude, these debates heralded the rise of new Indian *maslaks* that tore apart Indian Hanafī unity as they competed for the validation of a transregional audience. The legal and theological debate, the distinct usage of madhhab and scriptural sources, as well the rising speed of communication and debate deepened divisions within Indian Hanafī groups. The debates repeatedly discussed madhhab authorities and commitments to *taqlīd* but were framed in terms of their attachment to new Indian *maslaks*. The legal endorsements cast an imposing shadow on the composition of legal texts and arguments themselves; the endorsements could be acquired, even switched, with the right kind of language and arguments. The purpose of these endorsements was, for 'Abd al-Sami' Rāmpūrī in round 1, to produce an all-madhhab consensus via numerical superiority and Hijazi support on the *mawlid* and a host of other public practices; in effect, to reframe his debates with Deobandi scholars in pro-madhhab and anti-madhhab terms rather than as legitimate differences. For Aḥmad Riḍā, it was to jump to the logical next level and excommunicate them altogether from Islam through theological arguments validated by Hijazi muftis and scholars. The Deobandis, in contrast, first articulated their critiques by recourse to scriptural interpretations and local Indian signatories; they rejected the endorsements of the

Hijaz based on their own right to pursue separate interpretations, revealing the contested authority of Hijazi scholarship. Eventually, however, they were compelled to secure endorsements from the Hijaz and elsewhere in the Middle East, in response to questions posed directly by Hijazi scholarship. Thus, at one of the most critical junctures in the history of modern North Indian Islamic history, two distinct Indian orientations attempted to establish their authority through the textual processes of theological and legal disputation *and* competition for endorsements from the scholars of the four madhhab in the Hijaz. In this struggle over defining madhhab boundaries, the common Hanafi membership and many convergences of the Indian interlocutors was effectively overshadowed by their articulation of more specific identities.⁸⁸¹ In this bastion of madhhab-centered legal pluralism, there was little agreement amongst Indian Hanafis about where its boundaries extended. The madhhab-system no longer contained their differences.

Creating a New Madhhab: The Emergence of the Ahl-i Hadith

The previous section demonstrated how the Hijaz struggled to sanction differences amongst competing Indian Hanafi factions, despite the support for madhhab pluralism. This section shifts to the legal and scholarly landscape of British India after 1857, where the madhhab-system was not upheld by colonial rule despite imperial prosecution of “Wahhabi” conspiracies and despite Indian Hanafi attempts to make a case for Hanafism as a means of establishing peace in the

⁸⁸¹ On their convergences, see Tareen’s chapter: Tareen, *Defending Muḥammad*, chapter 10.

British Empire.⁸⁸² It studies the wider critiques of the madhhab-system that thereby flourished in British India, ultimately contributing to the fragmentation of the madhhab-system.

Challenges to madhhab authority in South Asia amongst Sunni Muslims emerged from several directions. Historiography has brought to light the critiques of modernists such as Sayyid Aḥmad Khān (d.1316/1898), Sayyid Maḥdī ‘Alī (Mohsin-ul-Mulk) (d.1325/1907), and Maulwi Chirāgh ‘Alī (d.1895).⁸⁸³ Sayyid Aḥmad was the target of fatwas solicited by Indians from Meccan scholars, and for a time occupied himself with the question of British policy towards destitute Indian pilgrims, but he did not possess a strong presence in the Indian Ocean.⁸⁸⁴ This was true for most, if not all, of the figures at Aligarh; though they articulated various critiques of *taqlīd*, they did not play a prominent role in the Indo-Hijaz or become scholars of hadith. This section thus does not rehearse their histories or debates.

Of all the factions, the Ahl-i Hadith mounted the most sustained critiques of the madhhab-system, drawing upon the centuries of Indian Ocean scholarship this dissertation has

⁸⁸² On British fears of Wahhabi conspiracies, see: Julia Stephens, “The Phantom Wahhabi: Liberalism and the Muslim Fanatic in Mid-Victorian India.” and Seema Alavi, “‘Fugitive Mullahs and Outlawed Fanatics’: Indian Muslims in nineteenth century trans-Asiatic Imperial Rivalries,” *Modern Asian Studies* 45, no.6 (2011): 1337-1382. For a Hanafī attempt to showcase political stability, see for instance the full-page Urdu proclamation printed in 1894 at the very end of one of Karāmat ‘Alī’s texts: “and because our scholar Mawlānā Karāmat ‘Alī Jawnpūrī, the king of scholars, persisted in the Hanafī madhhab and in adhering to the mainstream Muslim community (*Sunnat wa Jamā‘at*), the Muslims are at peace (*ārām say hain*); and Hindus too are at peace; and the king of our times too is at peace.” Karāmat ‘Alī Jawnpūrī, *Zād al-Taqwā* (Calcutta: Maṭba‘ Sa‘īdī, 1311/1894), 230.

⁸⁸³ For a few examples, see: David Lelyveld, *Aligarh’s First Generation: Muslim Solidarity in British India* (Princeton: Princeton University Press, 1978); C.W. Troll, *Sayyid Ahmad Khan: A Reinterpretation of Muslim Theology* (New Delhi: Vikas Publishing House, 1978). Also see Sayyid Maḥdī ‘Alī (Mohsin-ul-Mulk), *Taqlīd awr ‘Amal bil-Hadīth* (Lahore: Nawal Kishore Sṭīm Pres, 1909); and Chiragh Ali’s elucidation of the madhhab system and the scope of reform: Moulavi Cheragh Ali, *The Proposed Political, Legal, and Social Reforms in the Ottoman Empire and Other Mohammadan States* (Bombay: Education Society’s Press, 1883), especially the introduction.

⁸⁸⁴ Fatwas were solicited against Sayyid Aḥmad’s theological views in 1874. These were answered by the four muftis of Mecca, Raḥmatullāh Kairānwī, and a Hanafī mufti of Medina. *Hadiyyat al-Haramayn* (Lucknow: Naval Kishore Press, 1874). On his advocacy on destitute pilgrims, see Slight, *The British Empire and the Hajj*, chapter two.

examined. And yet, they have received the least attention by historiography in English.⁸⁸⁵ The Ahl-i Hadith are often caricatured in wider Anglophone historiography as puritanical “Protestants” who focused solely on the Quran and Hadith and “dispense[d] with the great networks of saints and ancestors through whom they once came close to God.”⁸⁸⁶ Their outspoken critiques against saintly intercession are mistaken for a lack of recognition of any scholarly authority. These impressions are quite widespread; even recent works on Indian Islam, which are not studies of the Ahl-i Hadith, still feel sufficiently confident to casually describe them as engaged in “hermeneutical minimalism,” as having “dismissed the entire edifice of Islamic law.”⁸⁸⁷ The critiques of the madhhabs are misread as the denial of all legal scholarship, taking at face value the more prominent claims of the Ahl-i Hadith and dismissing just about everything else they produced.

This section argues that the Ahl-i Hadith were not scripturalists who democratized knowledge, but that they constructed complex histories and scholarly genealogies, reinvented traditional distinctions between laity and learned, and engaged deeply with legal canons of the madhhabs. By adopting tools and resources from the madhhabs and producing rival claims of

⁸⁸⁵ The most detailed work by Western scholarship on the Ahl-i Hadith has been in the German academy, mostly on Şiddīq Ḥasan and the Punjab. The two main works are: Claudia Preckel, “Islamische Bildungsnetzwerke und Gelehrtenkultur im Indien des 19. Jahrhunderts: Muḥammad Şiddīq Ḥasan Khān (st. 1890) und die Entstehung der Ahl-e Ḥadīth-Bewegung in Bhopal,” (PhD Dissertation: Ruhr-University Bochum, 2005) and Martin Riexinger, *Sanā’ullāh Amritsarī (1868-1948) und die Ahl-i-Hadīs im Punjab unter britischer Herrschaft* (Würzburg: Ergon, 2004). Also see: Martin Riexinger, “How Favourable is Puritan Islam to Modernity? A Study of the Ahl-i Hadīs in Late Nineteenth/Early Twentieth Century South Asia,” in *Colonialism, Modernity, and Religious Identities: Religious Reform Movements in South Asia*, ed. Gwilym Beckerlegge (New Delhi: Oxford University Press, 2008), 147-65; Metcalf, *Islamic Revival in British India*, 264-96; Brown, *Rethinking Tradition in Modern Islamic Thought*, 27-32.

⁸⁸⁶ Francis Robinson, “Secularization, Weber and Islam,” in *Islam and Muslim History in South Asia*, idem (New Delhi: Oxford University Press, 2000), 127. In fact, Şiddīq Ḥasan was a Naqshbandi and wrote on *tasawwuf*; Nadhīr Ḥusayn also engaged to an extent with ideas of *waḥdat al-wujūd* and *waḥdat al-shuhūd*.

⁸⁸⁷ Tareen, *Defending Muḥammad*, 172; Ingram, *Revival from Below*, 142.

scholarly and legal authority, the Ahl-i Hadith were able to challenge the four madhhab-system as the central platform of Sunni legal pluralism and create room for themselves within Sunni Islam. In turn, the social and legal spread of these claims, as we shall see, effectively displaced the authority of the madhhab-system.

In the following pages, this section proceeds in order, from a larger overview of the Ahl-i Hadith, to their construction of new anti-madhhab historical narratives and legal theory, and finally, to their fatwas. It focuses primarily on Şiddīq Ḥasan Khān and Sayyid Nadhīr Ḥusayn Dihlawī, the two figures referenced earlier in the chapter as the founders of the Ahl-i Hadith. It examines how, despite their exclusion from the Hijaz, they both remained connected to Indian Ocean scholarship, through Yemeni associations, historical claims about the Ahl-i Hadith in the Hijaz, as well as their readings of Indian Ocean texts. And it illustrates how they theorized the process of writing fatwas, the role of the mufti, of sanctioning legal difference, and the responsibilities of the ‘*awām* (laity) *vis-à-vis* legal conformity (*taqlīd*). In so doing, it demonstrates how they constructed a rival madhhab which ultimately ended the four madhhab-system’s monopoly on Sunni law in legal, genealogical, and social terms in South Asia and the Indian Ocean.

Both Şiddīq Ḥasan and Nadhīr Ḥusayn cast a large shadow on the direction of hadith studies and legal scholarship in South Asia. Şiddīq Ḥasan headed a prolific printing enterprise at Bhopal, enabled by his marriage to the Begum of Bhopal.⁸⁸⁸ In addition to the prestige of this marriage, it provided him the ample financial support to ensure that his lengthy printing projects

⁸⁸⁸ On their marriage, see: Barbara Metcalf, “Islam and Power in Colonial India: The Making and Unmaking of a Muslim Princess,” *American Historical Review* 116, no. 1 (2011): 1-30.

were not beholden to a commercial market as other independent authors or publishers. In contrast, Nadhīr Ḥusayn was not as prolific but taught a larger number of Indian students, including many from Punjab, who proceeded to give the Ahl-i Hadith strong institutional and organizational bearings. Both also cultivated connections with non-Indian scholars, including Yemeni scholars hosted by the Begum of Bhopal, such as the Hodeida-born Ḥusayn ibn Muḥsin al-Anṣārī al-Yamānī (d.1327/1909), a senior scholar of hadith who taught a number of Indian students.⁸⁸⁹ Ḥusayn al-Yamānī taught and transmitted his *sanads* of hadith to Ṣiddīq Ḥasan at Bhopal; he was also described as having an “excessive love” for Nadhīr Ḥusayn at Delhi, and sent students to continue with him.⁸⁹⁰ Ṣiddīq Ḥasan also cultivated relationships with other Arab Salafists and Nejdī Wahhabis, including Ḥamād al-‘Atīq (d.1882) and the Iraqī Alusis, among others.⁸⁹¹ In contrast, Nadhīr Ḥusayn was more grounded in northern India, though he did read manuscripts and texts from the Indian Ocean and also had several Arab students.

Both of these figures have received some attention by other scholars who have helped us understand some of their conflicts with Hanafis in India, their reception in Bhopal, engagement in hadith commentary, and their reception of Ibn Taymiyya, Ibn al-Qayyim, and al-Shawkānī,

⁸⁸⁹ On the politics of the Begums of Bhopal and reformist networks, see: Claudia Preckel, “The Roots of Anglo-Muslim Co-Operation and Islamic Reformism in Bhopal,” in *Perspectives of Mutual Encounters in South Asian History: 1760-1860*, ed. Jamal Malik (Leiden: Brill, 2000), 65-78. On Ḥusayn al-Yamānī, see, al-‘Atṭār al-Makkī, *al-Nafḥ al-Miskī*, f.35-43.

⁸⁹⁰ Al-Ḥasanī, *Nuzhat al-Khawāṭir*, 8:1392.

⁸⁹¹ See Preckel, *Islamische Bildungsnetzwerke und Gelehrtenkultur*, 217-43.

among others.⁸⁹² However, besides acknowledging their critiques of the madhhabs, there has not been a sustained analysis of how they constructed and theorized legal authority.⁸⁹³

In contradiction to the hermeneutical minimalism that the Ahl-i Hadith are generally regarded as having pursued, Şiddīq Ḥasan is often seen as elitist and aristocratic, of composing advanced works accessible only to other scholars.⁸⁹⁴ His *Abjad al-'Ulūm*, to take just one example, was a multi-volume encyclopedia of epistemology. It systematically surveyed dozens of fields of knowledge, genres of writing and composition, and the histories and scholarship associated with them.⁸⁹⁵ It was consciously inspired and adapted from medieval and Ottoman projects of synthesis by Ibn Khaldūn (d.1406), Mustafa Ṭashköprüzāde (d.1561), Katip Çelebi (d.1657), and others.⁸⁹⁶ The fields of knowledge (*'ulūm*, plural; *'ilm*, sing) were organized alphabetically in the second volume, and included everything from grammar, cupping (*hijāma*), swimming, and accounting, to the marvels of the moon, numerology, and law. The listing and

⁸⁹² Blecher, *Said the Prophet of God*, 157-61; Metcalf, *Islamic Revival in British India*, chapter 7; Claudia Preckel, "Screening Siddiq Hasan Khān's Library The Use of Hanbali Literature in 19th-Century Bhopal," in *Islamic Theology, Philosophy and Law: Debating Ibn Taymiyya and Ibn Qayyim al-Jaziyiyya*, eds. Birgit Krawietz and Georges Tamer in collaboration with Alina Kokoschka (Druck: Walter de Gruyter, 2013), 162-219; Martin Rixinger, "Ibn Taymiyya's Worldview and the Challenge of Modernity: A Conflict Among the Ahl-i Ḥadīth in British India," in *Islamic Theology, Philosophy and Law*, 493-518; Professor Saeedullah (sic), *The Life and Works of Muhammad Siddiq Hasan Khan Nawab of Bhopal [1248-1307/1832-1890]* (Lahore: Sh. Muhammad Ashraf, 1973).

⁸⁹³ For some discussion in German, see: Preckel, *Islamische Bildungsnetzwerke und Gelehrtenkultur*, 335-342, 365-70.

⁸⁹⁴ He employed a team of workers and often summarized and pasted wholesale from other texts, which makes it sometimes difficult to distinguish his authorial voice. Yet, these books still bore his name and approval; hence they can be seen as reflective of his intellectual project, regardless of whether he wrote the precise words.

⁸⁹⁵ Şiddīq Ḥasan, *Abjad al-'Ulūm*.

⁸⁹⁶ *Ibid.*, 1:5.

detailed attention to different branches of *‘ilm* arguably displayed Şiddīq Ḥasan’s wide-ranging interests as a compiler and chronicler (and of course of his sources).

It also was important because here Şiddīq Ḥasan articulated his intellectual concerns, including the case for scripture-based *ijtihād* and the critique of *taqlīd*. In his section on the science of *fiqh*, he criticized at length the accounts by Ottoman Hanafis such Çelebi in support of *taqlīd* and the superiority of the Hanafī madhhab. Instead, he argued that the “most correct of the madhhabs in perfection and the best to follow” was that “which the Ahl al-Ḥadīth and Qur’an had adopted.”⁸⁹⁷ He emphasized the importance of following the Qur’an and hadīth, claimed the four eponyms of the madhhabs prohibited *taqlīd*, criticized the description of earlier Hanafī scholars as *muqallids* or legal conformists (claiming instead that they were independent jurists in their own right but simply associated with madhhabs to avoid creating a commotion amongst the masses). These are familiar claims he repeated in many other works.⁸⁹⁸ Yet, their inclusion within an encyclopedia of knowledge demonstrated that his case for scripture was not an exclusivist undertaking that shunned any regard for other fields of knowledge; it was simply a case for a specific hierarchy of knowledge and legal evidence.

The *Abjad al-‘Ulūm*’s third volume contained hagiographies of scholars, arranged mostly by field of knowledge. Şiddīq Ḥasan also composed separate chapters organized geographically, covering the scholarship of the Haramayn, Yemen, Hind, Qannūj (Kannauj), and Bhopal. These were the main geographies he himself traversed and reflected his deep grounding in the Indian

⁸⁹⁷ Ibid., 2:402.

⁸⁹⁸ See for instance, his work on hadīth scholarship, where he made his case for the epistemological superiority of hadīth over all other fields of knowledge. Şiddīq Ḥasan Khān, *al-Ḥiṭṭa fī Dhikr al-Şiḥāḥ al-Sitta*, ed. ‘Alī Ḥasan al-Ḥalabī (Beirut and Amman: Dār al-Jīl and Dār ‘Ammār, n.d.).

Ocean; through these genealogies, he sought to anchor his legal vision in a transregional intellectual context. As such, he was likely the first to print biographies of many Sindhi scholars, including Ḥayāt al-Sindī, discussed in earlier chapters of this dissertation. Ṣiddīq Ḥasan discussed many of them, not only because his own chains of transmission reached through them, but because he had an affinity with their critiques of *taqlīd*. There is evidence he read, or at least collected their work; his library catalog listed treatises by Ḥayāt al-Sindī and also Mu‘īn Thattwī’s less common *Dirāsāt al-Labīb* that critiqued *taqlīd* (as discussed in Chapter Two).⁸⁹⁹ In addition, Ṣiddīq Ḥasan composed a section on scholars who did not practice *taqlīd* at all, such as Ibn Taymiyya and others.⁹⁰⁰ Thus, he produced a history where *taqlīd* appeared as a legal construction subject to change and critique, rather than an essential, normative feature of Islamic scholarship. In effect, he created a veritable counter-tradition of *ijtihād* based upon the detailed delineation of scholarly genealogies and hagiographies. He could not rely exclusively upon scripture to construct such legal authority.

In creating and finding historical genealogies of past scholars that acted according to hadith, Ṣiddīq Ḥasan embraced the standard tools used by both hadith scholars and legal scholarship of the madhhabs, including biographies, genealogies, and *ijāzas*. Thus, the forms of authority exercised in Ṣiddīq Ḥasan’s project were entirely unremarkable. His critique of legal conformity was not an indictment of scholarly authority and scholarship per se, but rather its location within the madhhab. His accounts systematized the analysis of anti-*taqlīd* tendencies within hagiographies, such that descriptions of a person’s practice of *taqlīd* or hadith, or lack

⁸⁹⁹ Ṣiddīq Ḥasan, *Silsilat al-‘Asjad*, 337, 348, and 369.

⁹⁰⁰ Ṣiddīq Ḥasan, *Abjad al-‘Ulūm*, 3:129-160.

thereof, came to be included in biographical dictionaries that emerged in the next decades.⁹⁰¹ The madhhab-system no longer stood as the central organizing system of post-formative Sunni scholarship, but as a relative and contingent human construction. In this way, he granted his anti-*taqlīd* critique a longer historical genealogy and revealed the madhhab-system to be one of several possible legal constructions, rather than the exclusive arbiter of Sunni Islam after the formative period of Islamic legal history. This was one of the most remarkable successes of Şiddīq Ḥasan's historical project against the madhhab-system.

Alongside his epistemological and genealogical projects, Şiddīq Ḥasan also produced substantive legal arguments regarding *taqlīd* and *ijtihād* more directly. These were scattered and repeated amply throughout his writings and commentaries.⁹⁰² They generally rehearsed the critiques on *taqlīd* that we have seen earlier, including the idea that *taqlīd* amounted to a heretical innovation and *shirk*, based on the idea that *taqlīd* was not legislated as an obligation in Prophetic times, that it positioned human legal authority as a rival to Divine authority, and that it entailed speaking about God without evidence. Şiddīq Ḥasan however went further by singling out the Hanafī school for unprecedented opprobrium and criticism. He claimed for instance that that the Hanafis were the most severe in being partisan (*ashadd al-nās ta'aşşuban lil-madhhab*).⁹⁰³ At some points, he even critiqued the figure of Imām Abū Ḥanīfa himself, the eponym of the Hanafī school, in terms of his level of hadith scholarship and status as a Successor

⁹⁰¹ Al-Ḥasanī's *Nuzhat al-Khawāṭir* would be a prime example.

⁹⁰² For his abridgement of al-Shawkānī's own treatise on *taqlīd*, see: Şiddīq Ḥasan Khān, *al-Iqlīd li-Adillat al-Ijtihād wa al-Taqlīd* (Istanbul: 1296 AH/1879).

⁹⁰³ Şiddīq Ḥasan, *Abjad al-'Ulūm*, 2:402.

(*tābi‘ī*) to the generation of the Companions.⁹⁰⁴ This critique (though made inconsistently by Şiddīq Ḥasan) marked a turning point, as even Indian scholars who were critical of *taqlīd* in previous centuries still expressed a veneration of Abū Ḥanīfa. In another instance, he claimed that Hanafi jurists historically had not produced *mujtahids* capable of *ijtihād* “in contrast to the Shafi‘is, Hanbalis, and Malikis which had senior *mujtahids* in every generation, especially the Shafi‘is.”⁹⁰⁵ In such ways, Şiddīq Ḥasan precipitated new lines of debate and conflict with Hanafis, thus creating a strong and exclusionary Ahl-i Hadith critique not seen in previous generations of Indians who maintained loose affiliations with the Hanafi school. This critique was set firmly against the Hanafi school in strong and unequivocal terms.

In addition to critiquing *taqlīd* and the Hanafi madhhab, Şiddīq Ḥasan’s ambitions as a Nawab at Bhopal went much further. In his work on *adab al-muftī* (the manual on the roles and tools of the mufti), he took one of the most foundational pillars of the madhhab-system – the mufti – and refashioned it to work in a world without *taqlīd*.⁹⁰⁶ This work was an abridgement of an early work by the Hanbali Imām Ibn al-Jawzī (d.1200), and Şiddīq Ḥasan cut and edited its contents to produce one of the most systematic articulations by Indian scholarship regarding the scope of scholarly authority, the methodologies of engaging previous legal scholarship, and the correct approach of the lay person in dealing with a fatwa.

⁹⁰⁴ For a brief overview of this debate, see: Saeedullah, *The Life and Works of Muhammad Siddiq Hasan Khan*, 93-96.

⁹⁰⁵ Şiddīq Ḥasan, *Ḥazīrat al-Quds*, 324.

⁹⁰⁶ Şiddīq Ḥasan Khān, *Dhukhr al-Muḥtī min Ādāb al-Muftī*, ed. Abū ‘Abd al-Raḥmān ibn ‘Īsā (Beirut: Dār ibn Ḥazm, 2000).

Over the 200 pages of this book (in its recent printing), Şiddīq Ḥasan confronted a basic problem: how could the mufti legislate without falling into or enabling *taqlīd*? This risk confronted both the mufti in formulating an answer, and the questioner in following (or conforming to) the answer. Şiddīq Ḥasan’s answer, as extracted from Ibn al-Jawzī, presented many stipulations to prevent this from happening. The mufti, in composing his answer, had to fulfill several conditions, such as answering the question to the best of his knowledge rather than simply copying what the textual corpus of the madhhab presented.⁹⁰⁷ The mufti also had to provide the evidence behind the verdict in his fatwa, so the questioner could be properly apprised and not fall into legal conformity.⁹⁰⁸ Furthermore, not all people could give fatwas; whoever passed fatwas without being of “the people of fatwa [i.e. qualified to grant fatwas]” (*ahl al-fatwā*) was a sinner.⁹⁰⁹ A legal conformist (*muqallid*) could not pass a fatwa in that in which he himself practiced *taqlīd*.⁹¹⁰ If a common person read a few books of jurisprudence on his own, but was still generally deficient in his knowledge of law and scripture, several conditions had to be satisfied before he could issue fatwas. These included his lack of accessibility to more learned persons (which would constitute a special circumstance where he could step in and compose a fatwa), and the strength of his own personal character.⁹¹¹

In effect, Şiddīq Ḥasan’s critique of *taqlīd* did not do away with hierarchies between laity and learned but reformulated them. This text delineated the role of the mufti and the conditions

⁹⁰⁷ Ibid., 81.

⁹⁰⁸ Ibid., 74-76.

⁹⁰⁹ Ibid., 112.

⁹¹⁰ Ibid., 97.

⁹¹¹ Ibid., 99-100.

of giving a fatwa, and for acting upon them. Both the common person and the mufti were obliged to act upon scripture rather than conform to a madhhab or person; but it was also the mufti's responsibility to enable such practice for the common person where the common person's knowledge was limited. The common person could not engage in their own interpretation where they did not have sufficient expertise and they had recourse to a mufti. The common person, thus, was not to engage in *taqlīd* nor their own *ijtihād* or independent reasoning beyond their capabilities: but simply to verify and act according to scriptural evidence (*taḥqīq*), unconstrained by madhhab boundaries.

These ideas were not just elitist reproductions of classical Arabic works that floated somewhere in the vast ether of the booming Indian public sphere. They were tied to a consistently and publicly articulated theory regarding the role of scripture, the common person, and the mufti. They were visible in the changing contours of public fatwa-writing and they enabled the Ahl-i Hadith to come into their own as a distinctive formation and challenge Hanafis in particular. To see this in action, we turn to the fatwa collection of Sayyid Nadhīr Ḥusayn. This is not to present Nadhīr Ḥusayn as a follower of Ṣiddīq Ḥasan, even though Nadhīr Ḥusayn could occasionally cite his work in his fatwas.⁹¹² Rather, his recognized status as one of the Ahl-i Hadith's most prominent founders makes it useful to test the extent of such theoretical formulations on fatwa-writing. How did Nadhīr Ḥusayn dispense legal opinions, and how did they differ from fatwas passed by his Hanafī colleagues?

As a prominent teacher with dozens of recorded students, Nadhīr Ḥusayn wrote thousands of fatwas over the course of his life. Many he composed himself; others he dictated to

⁹¹² For an example, see: *Fatāwā Nadhīriyya* (Lahore: Ahl-i Ḥadīth Akādamī, 1971), 1:50.

his senior disciples. After Nadhīr Ḥusayn’s death, two students collected as many fatwas they could find into a multi-volume compilation and printed them. Unfortunately most fatwas are redacted and do not include information of the questioners, of where and who posed the questions; a large number, however, were originally written in Persian and even Arabic and not Urdu, which suggests that the questioners possessed some traditional education or were even scholars themselves. The fatwas nevertheless reveal much about Nadhīr Ḥusayn’s approach. On first glance, they do indeed mark themselves through their relentless and conspicuous quotations of Qur’anic verses and traditions of hadith as distinct from Hanafi fatwa collections, such as the one by the Hanafi mufti Rashīd Aḥmad Gangohī who deliberately avoided providing such scriptural evidences.⁹¹³ This was perfectly in line with Ṣiddīq Ḥasan’s instructions for muftis to provide the evidence for a verdict within the verdict itself. Yet, as we shall see, his fatwa collection also retained remarkable points of continuity with Hanafi fatwas. This provided the necessary tools to overcome and displace the madhhab-system. Although a full analysis of the three printed volumes is not possible in this space, several features are visible throughout the fatwa collection.

First is the prominence of legal endorsements and approvals throughout the fatwa collection. Some fatwas, for instance, were composed by his students and then approved by Nadhīr Ḥusayn with the comment, “the response is sound” (*al-jawāb ṣaḥīḥ*). Other times, his own fatwas were endorsed and appended by others. For instance, his landmark fatwa on *taqlīd-i shakhṣī* (legal conformity to an imam) was signed and endorsed by at least 40 other scholars in

⁹¹³ Barbara Metcalf, “Two Fatwas on Hajj in British India,” in *Islamic Legal Interpretation: Muftis and Their Fatwas*, Muhammad Khalid Masud, Brinkley Messick, and David S. Powers, eds. (Cambridge: Harvard University Press, 1996), 184–192.

South Asia, with the earliest dated stamp in 1281 (1864) and the latest in 1296 (1878).⁹¹⁴ It demonstrated in explicit – and ironical – terms how a fatwa critiquing legal conformity to an imam or a madhhab in Delhi still accumulated signatures and endorsements of individual scholars from Punjab to Moradabad and beyond. For all the scripturalist claims of the Ahl-i Hadith and their claims to dismantle legal conformity, the centrality of the teacher-student relationship and the enumeration of endorsements in these fatwas thus belied the personal nature of legal authority in these fatwa collections. Their claims of direct scriptural interpretation were carried and embedded within the standard social and textual constructions of legal authority used by Hanafis in their debates.

Second is the strong and persistent references to all kinds of non-scriptural sources (besides the Qur'an and hadith). There were the usual references to affiliated scholars like al-Shawkānī, to Indian scholars such as Shāh 'Abd al-Ḥaqq al-Dihlawī, Muḥibullāh Bihārī, Shāh Walīullāh, Shāh 'Abd al-'Azīz, Shāh Ismā'īl, Thanā'ullāh Panipātī, the seventeenth-century compendium of the *Fatāwā 'Ālamgīriyya*, as well as Mamluk and Ottoman Hanafi authorities such as Ibn al-Humām, al-'Aynī, 'Alī al-Qārī, Ibn Nujaym, al-Ḥaṣkafī, Ibn 'Ābidīn, and others. In fact, Nadhīr Ḥusayn and his co-authors did not always oppose Hanafi authorities.⁹¹⁵ In certain instances, his signatures appeared harmoniously alongside Rashīd Aḥmad Gangohī, his Hanafi contemporary across town; and in one case, he explicitly supported a fatwa by Rashīd Aḥmad and praised him as the “chief of the hadith scholars” and “king of the ‘ulamā’.”⁹¹⁶ To an extent,

⁹¹⁴ Ibid., 1:180-81.

⁹¹⁵ Ibid., 1:543-45.

⁹¹⁶ See for instance: Ibid., 1:53, 576, 713.

this reflected Nadhīr Ḥusayn’s location in a dominantly Hanafī milieu; he sometimes could be asked for a fatwa to clarify the Hanafī verdict on a matter, which he did without inserting his own opinion.⁹¹⁷ Besides certain contentious issues, such as *raf‘ al-yadayn* (or raising the hands in prayer at particular junctures), there was thus considerable room for convergences between the Ahl-i Hadith and other Deobandi Hanafī scholars.

Furthermore, the fatwas explicitly displayed the deep social consequences of such debates on *taqlīd*. In one fatwa, Nadhīr Ḥusayn ruled that it was not permissible for a “*ghayr muqallid*” (non-conformist) to pray behind a legal conformist if his practice of legal conformity reached a level of *shirk*; that is, Nadhīr Ḥusayn explained, if he refused to abandon madhhab doctrine for a clear and unabrogated hadith.⁹¹⁸ In another fatwa, the scenario was reversed and the questioner explicitly asked: regarding “a person upon whom *taqlīd* is obligatory yet does not practice *taqlīd* of one specific madhhab: is it permissible to pray behind him or not, and is it fine to eat and drink with him and join in the customs of marriage?”⁹¹⁹ One can notice here how quickly the question of praying behind someone continued in the same breath to a question of socialization and marriage, of wider markers of difference. Nadhīr Ḥusayn in his response elucidated how *taqlīd-i shakhṣī* was not even a permissible action (*mubāḥ*), let alone an obligation: thus, whoever cut social relations with someone for refusing to engage in *taqlīd-i shakhṣī* was a clear sinner and a partisan innovator. Nadhīr Ḥusayn engaged extensively with Hanafī authorities such as Shāh Walīullāh, Muḥibullāh Bihārī, and Shāh ‘Abd al-‘Azīz so as to

⁹¹⁷ Ibid.,1:529-31.

⁹¹⁸ Ibid., 1:168.

⁹¹⁹ Ibid., 1:169.

arrive at his verdict. The questions of legal conformity or lack thereof admitted to much larger social consequences and lines of difference and engaged with Indian Hanafi traditions of legal scholarship rather than scripture alone.

Ultimately, a combination of scriptural reasoning and madhhab-modeled authority enabled the Ahl-i Hadith to contend and compete with Hanafis. Nadhīr Ḥusayn even defended the permissibility of referring to the fatwa of a mufti, a verdict of a qadi, or following those in authority against charges of *taqlīd* because it involved acting with knowledge of evidence (and *taqlīd* was technically defined as acting without knowledge of the evidences).⁹²⁰ The inclusion of evidence (through verification or *taḥqīq*) was thus central to their entire undertaking, though even Ṣiddīq Ḥasan acknowledged this too would not be perfectly free of *taqlīd*. As he wrote, “There is no verification (*taḥqīq*) which is free of a resemblance to legal conformity (*taqlīd*); and no legal conformity (*taqlīd*) which does not contain a hue of verification (*taḥqīq*).”⁹²¹ In other words, the act of *taḥqīq*, of verification, would always be directed by some impetus of legal conformity, of conversation with previous legal authorities. However, he still considered *taḥqīq* far superior to *taqlīd*, for “*taḥqīq* in reality is the life-giving elixir of the mind (*āb-i ḥayāt-i dilhāst*), and *taqlīd* is a fatal poison (*zahr-i mamāt*).”⁹²²

Far from being hermeneutically minimalist, the fatwas and writings of the Ahl-i Hadith could thus be much more extensive and thorough than their Hanafi rivals, as they took upon the burden of both establishing a ruling, and if necessary, disproving the Hanafi opinion. And by

⁹²⁰ Ibid., 196.

⁹²¹ Ṣiddīq Ḥasan Khān, *Ḥazīrat al-Quds wa Dhakhīrat al-Uns* (Bhopal: Maṭba‘ al-Ṣiddīqī, 1297/1879), 51. Also see the discussion in: Saeedullah, *The Life and Works of Muhammad Siddiq Hasan Khan*, 151-152.

⁹²² Ṣiddīq Ḥasan, *Ḥazīrat al-Quds*, 52.

taking upon forms of madhhab authority, including the composition of fatwas, the heavy engagement with postclassical scholars, the construction of historical visions, and the prolific usage of legal endorsements, Nadhīr Ḥusayn and the Ahl-i Hadith scholars he trained were quite successful in challenging madhhab-centered legal pluralism. For their framework at once created a new platform where all legal rulings were directly subject to the same tools; differences were not sanctionable simply because of their location within a madhhab. In effect, it collapsed the distinctions between the four madhhabs, pooling all legal discourse under one set of standards; thus, it remained in conversation with the madhhabs and their verdicts.

With such intellectual and legal resources, the Ahl-i Hadith established a distinct movement that reached new levels of social institutionalization. Recent works has shown how the Ahl-i Hadith movement took root in both rural and urban settings in Punjab, with the establishment of new associations, conferences, madrasas, and magazines.⁹²³ With the founding of the Saudi state in the 1920s, younger Ahl-i Hadith figures rushed to create connections with Saudi leadership. They even formed their own Indian delegation to participate in the Mecca conference of 1926, wherein they competed and ran into tension with other Indian delegations.⁹²⁴ A new legal formation came into being, complete with its own transregional ambitions and internal divisions. With the depth of their carefully constructed intellectual genealogies, historical visions of law, as well as social and educational infrastructure, the Ahl-i Hadith succeeded in manufacturing a new Sunni legal force in the Indian Ocean beyond the remit of the madhhab-system.

⁹²³ See the works of Martin Riexinger listed above.

⁹²⁴ FO 967/5, File No. 30/41 (1926) “Moslem Conference at Mecca,” and for example, “Letter No. M/4061 to The Director, Intelligence Bureau, Simla.”

As Saudi control over the Hijaz was consolidated by 1926, many of the functions and institutions of the madhhab-system of the Ottoman period ended.⁹²⁵ The Khilafat delegation to the Mecca conference of 1926 protested, among many things, how the four imams of the madhhabs at the Haram at Mecca had been replaced by a “Wahhabi” imam.⁹²⁶ They urged in their proposals for a more equitable arrangement, where members of the four madhhabs would rotate in leading the five daily prayers. Yet, it was increasingly clear that the age of the madhhab-system had come to an end in the Hijaz, both at the hands of the state and rival Indians excited by this sea-shift in legal politics. A Hanafi school in Medina run by an Indian scholar from Lucknow was closed for its refusal to teach Wahhabi texts or employ Wahhabi teachers.⁹²⁷ In 1934, the Indian vice-consul at the British embassy remarked that the “intolerance displayed by the Indians of the Wahhabi persuasion” in the Hijaz was attributable “to the bitter memories of the treatment received by them in India at the hands of Moslems of other sects.”⁹²⁸ And the Madrasa Şawlatiyya, initially embraced by the incumbent King Ibn Sa‘ūd as the “Azhar” of the Hijaz, also came to incorporate the *Kitāb al-Tawḥīd* of Muḥammad ibn ‘Abd al-Wahhāb in its curriculum.⁹²⁹ Thus, while members of the madhhabs and Sufi networks persisted, and Indians

⁹²⁵ For wider context on Indian reactions, see: Slight, *The British Empire and the Hajj*, chapter 5.

⁹²⁶ FO 967/5, File No. 30/41 (1926) “Moslem Conference at Mecca.”

⁹²⁷ IOR/R/15/I/575, “Report on the Pilgrimage of 1931 (A.H. 1349),” 22.

⁹²⁸ IOR R/20/A/3524, “Report on the Pilgrimage of 1934 (AH. 1352),” 16.

⁹²⁹ Aḥmad Saqqā, *al-Madrasa al-Şawlatiyya*, 72.

continued travelling in large numbers for the hajj (in spite of Saudi fears of boycott), the age of the madhhab-system as an infrastructural reality was over in the Hijaz.⁹³⁰

Conclusions

This chapter has shown how the Indian Ocean continued to serve as a space of legal debate and conflict between a wide variety of Muslim actors in the late nineteenth and early twentieth centuries. Between 1857 and 1915, a large and well-connected community of Indian scholars and visitors in the Hijaz found common ground with Ottoman officials and other communities in the Hijaz to jointly combat fears of Indian and Arab Wahhabi incursions. Indian scholars of hadith, *taṣawwuf*, and law, along with merchants and pilgrims took advantage of their well-entrenched social and economic position within Hijazi society and their relationships with Ottoman officials to enforce the practice of the madhhab-system. Transregional Indian Sufi tariqas connected to Cairo, Istanbul, and Central Asia largely shed their distance from jurists and defended the madhhab-system in strong terms. By analyzing the Ottoman and British archives, as well as Indian scholarly production, it shows how Indians mobilized with Ottomans officials to act against Indian rivals and fulfill a lacuna left by British legal institutions in South Asia.

The rise of legal endorsements solicited from the Hijaz and across South Asia, as well as deeper in the Ottoman provinces, reflected new trans-imperial attempts to determine the social and legal boundaries of the madhhabs. Hanafi scholars from Aḥmad Riḍā Khān to Khalīl Aḥmad had to come to terms with their own plural traditions of scholarship, with negotiating the vast

⁹³⁰ It is also important not to exaggerate how instantly or abruptly such changes were made: Mark J. R. Sedgwick, "Saudi Sufis: Compromise in the Hijaz, 1925-40," *Die Welt des Islams* 37, no. 3 (1997): 349-368.

array of positions accumulated over the centuries. They took advantage of new tools and infrastructures of knowledge to give new legal clarity to their projects, thereby decreasing the scope of ambiguity and fluidity. As debates intensified from the legal to the theological, their differences extended in due course to real social and political manifestations in the larger public. These debates coalesced into rival formations – *maslaks* – that contested the definitions of the limits of the madhhab-system, of being Sunni, altogether. Thus, as Indian scholars sought to win the support of a non-Indian audience and to exploit shifting connotations of Wahhabism, their differences with fellow Hanafi members further intensified and gave rise to particularistic factions and *maslaks* that effectively sidelined their common membership in a madhhab.

In critiquing the madhhab, Indian scholars of the Ahl-i Hadith did not represent a print-driven, puritanical, Protestant movement of scripturalism, as they are usually presented in historiography. They too drew upon and expanded Hanafi debates from the early modern period about the status of scripture vis-à-vis the institutions of the madhhabs; they too were the heirs of an early modern Indian Ocean tradition of Hanafi hadith scholarship, even if they found little welcome ground in the contemporaneous Hijaz itself. The Ahl-i Hadith used shared tools and resources to endow themselves with the historical, epistemological, genealogical, and legal depth to challenge and move beyond the madhhabs altogether. They self-consciously formed a separate legal school that no longer accepted the legal pluralism and orthodoxy of the four madhhabs. In the face of immense scrutiny and criticism, they succeeded in creating a legal space within the bounds of Sunni Islam that ultimately left the madhhabs as provincial human constructions rather than essential and normative institutions.

Ultimately, the madhhab-system no longer formed the central axis around which Sunni scholars shared plural understandings of law. Although attempts were made by individuals such

as Ḥajjī Imdādullāh at Mecca and educational institutions such as *Nadwat al-'Ulamā'* at Lucknow at producing a joint theoretical platform capable of coalescing differences, none were successful in containing and managing the staggering complexity and scope of new differences. This marked one of the most fundamental transformations in the intellectual tradition of modern Indian Muslim scholarship, with repercussions for scholars and common people beyond Sunni Islam. The rise of scripture, the contestation over the nature of evidence and the sources of legal authority, the search for adjudicating authorities be they British or Ottoman or a constellation of colleagues or genealogies; the need to set absolute boundaries and markers of difference – these longstanding tensions assumed new and powerful manifestations in a modern public enflamed by a diminishing consensus. Even as jurists of the madhhabs regrouped and produced startling amounts of scholarship regarding their scriptural underpinnings, the madhhab-system became provincialized further institutionally at the macro-level of the Indian Ocean. And as members of the madhhabs continued to search for new ways to reconceive and enact madhhab-based legal pluralism in their networks and spaces, the gaps and divisions left by its wider displacement only grew deeper in the twentieth century.

Conclusion

As the scope of madhhab pluralism diminished, any Indian Muslim around the turn of the twentieth century would encounter what was likely a bewildering multitude of Muslim groups with competing and exclusive accounts of Islamic law. ‘Ubaydullāh Sindhī, the Punjabi Sikh who famously converted to Islam in 1887 in his teens through his personal readings, wrote of the perturbation he experienced as he moved between rural and urban spaces across Sindh, Punjab, Delhi, and Deoband and encountered clashing Hanafi and Ahl-i Hadith factions of several stripes that had established separate mosques and madrasas. As he confessed candidly: “And I continued to be confounded (*yushawwishunī*) by the differences (*ikhtilāf*) amongst independent scholars (*al-‘ulamā’ al-mujtahidīn*); the differences amongst the commentators of hadith through their usual partisanship to their madhhabs; and by the differences between the Indian Ahl-i Hadith and Deobandi Hanafis in particular.”⁹³¹ The longstanding debates on questions of hadith and madhhab doctrine now extended almost seamlessly within his account into modern conflict between opposed groups that no longer shared the framework of the madhhab-system.

Like many of his predecessors, ‘Ubaydullāh’s path too eventually led him to Mecca, albeit after more than a decade of revolutionary activism from Kabul across Central Asia to Moscow and Istanbul. After he arrived at the kingdom of the newly victorious Saudi regime in 1926, he spent the next decade engaged in teaching and scholarship. Among many projects, he composed his own *thabat* (a compendium of his scholarly genealogies as well as their hagiographies) for a new generation of students, wherein he compiled his chains of transmission to “the leaders of renewal” (*a’immat al-tajdīd*) from previous centuries, including from Delhi,

⁹³¹ ‘Ubaydullāh Sindhī, *al-Tamhīd*, 13.

Thatta, Medina, Mecca, Cairo, and Sanaa.⁹³² These chains endowed him with genealogical versatility uncommon amongst many of his contemporaries, encompassing most, if not all, of the scholars examined in this dissertation; he represented a unique culmination of centuries of Indian Ocean scholarship.

Yet, ‘Ubaydullāh’s *thabat* bore witness to the immense changes which had appeared since the sixteenth century. Unlike the *thabats* we have encountered over the course of this dissertation, ‘Ubaydullāh did not organize his *thabat* around texts, teachers, or subjects. Rather, his chains and accompanying histories were first ordered around specific groups, such as the *al-ṭa’ifa al-diyubandiyya*, *al-firqa al-walīullāhiyya*, and *ṭā’ifat ahl al-ḥadīth*. ‘Ubaydullāh located such new and distinct formations at the heart of his scholarly genealogies, aiming to show how they converged in his person. Ultimately, then, his twentieth century *thabat* represented an attempt to overcome the displacement of madhhab-centered legal pluralism by forging a new synthesis of genealogies and histories.⁹³³ And in so doing, it attested to one of the key conceptual pillars of this dissertation: that managing the plurality of legal orders is as essential to the lived, social, and genealogical worlds of Muslim scholarship as it is for state institutions of law and the courtrooms of judges.

⁹³² ‘Ubaydullāh Sindhī, *al-Tamhīd*.

⁹³³ In methodological terms, he developed a unique synthesis wherein he ordered the legal canon into four tiers: first, the books of Shāh Walīullāh; second, of Hanafi verifying scholars (*muḥaqqiq*); third, of Shafi‘i verifying scholars; and finally, the works of Yemenis such as al-Shawkānī. In this way, he arranged the divergent fault lines of Indian Ocean scholarship under a manageable hierarchy, yet one wherein legal conformity to madhhab doctrine was overshadowed by other considerations. *Ibid.*, 14-15.

I

This dissertation has broken ground on a new history of Islamic law in the Indian Ocean that extends far beyond the internal legal histories of individual states. It brings to light the generative force of the madhhab-system as a shared legal framework which connected historical actors and political regimes across the Indian Ocean, from dynasties in Sindh, Gujarat, and Yemen, to the Mughal, Ottoman, and British empires. This shared legal framework extended within and beyond state institutions, propelling immense intellectual exchange and juristic debate across scholarly networks and public spaces, which were further shaped by their articulation in local contexts and vernaculars.

In the late fifteenth and early sixteenth centuries, a steady stream of Gujarati, Sindhi, Afghan, and Delhi-based Hanafi scholars traveled to Mecca and Medina via Gujarat, fueled by the Gujarat Sultanate's close investments in the Hijaz, the conquest of Sindh by new Turko-Mongolian dynasties, and imperial contest further inland in Central Asia and north India. These scholars found a home in the Hijaz amidst the Mamluk system of legal pluralism which was largely upheld by the Ottoman Hanafis after their conquest in 1517, with separate judges and imams for the four madhhabs. Some Indian families gained official appointments as jurists, imams, or in other positions, while others found more independent roles as author-jurists. In the courtyards of the Ḥaram, they engaged the predominant Shafi'i hadith scholarship of the Hijaz, forging prestigious, intersectional genealogies. They also studied the works of Mamluk Hanafis who had previously sought to integrate hadith with Hanafi doctrine in conversation with their

Shafi‘i interlocuters. These scholarly migrants from South Asia laid the intellectual and social foundations for generations of Indian Hanafi hadith scholarship.

Beyond enabling such transregional connections and movement, Sunni legal pluralism contained two key forces which propelled historical change: first, competition between madhhabs to demonstrate legal truth, despite commonly accepted notions of their joint validity; and second, the competing forces of legal conformity to madhhab doctrine and legal fluidity beyond madhhab boundaries. With regards to the former, Indian Hanafis sought to demonstrate that their madhhab’s doctrine was as equally if not more valid as was the doctrine of the Shafi‘i school, their most prominent rival in the Indian Ocean. These demonstrations necessitated justifying madhhab doctrine from the more universal pool of scripture as opposed to the internal legal canon of the madhhab. As such, it precipitated great contestation over determining and applying “sound traditions” of hadith literature, given different madhhab methodologies for processing hadith as legal evidence. It fueled massive projects of hadith-based investigation and verification, as Indian Hanafis sought to reconcile external standards of scriptural evidence with the methods of the madhhab.

In Hijazi Hanafi circles, debates with Shafi‘is accelerated in late sixteenth and early seventeenth centuries through the work of the Herat-born Mullā ‘Ālī al-Qārī, and the Delhi-based ‘Abd al-Ḥaqq al-Dihlawī. Their staunch defenses of the Hanafi madhhab reflected the growing scholarly depth of the migrant Hanafi community in Mecca, as they studied under a generation of Indian Hanafi hadith teachers in Mecca, including several Sindhi scholars. In their work, they addressed criticisms raised by Shafi‘is regarding the lack of strong scriptural basis of the Hanafi madhhab, composing large hadith commentaries, as well as other detailed treatises that reconciled Hanafi doctrine with hadith literature. Collectively, even as they defended Hanafi

doctrine, they created new stress on hadith scholarship and commentary writing by Hanafis in the Indian Ocean for furnishing legal discussions, as opposed to relying exclusively on the legal precedent of the madhhab. The work of ‘Abd al-Ḥaqq al-Dihlawī also established such a tradition of hadith scholarship in Persian and Arabic in Delhi, amongst his sons and students, where there was no similar predominance of Shafi‘i critics, but where critiques of legal conformity were made in certain royal Mughal and Sufi circles.

As madhhab competition catalyzed hadith scholarship in the Indian Ocean, the scope of legal fluidity across madhhab boundaries expanded through the seventeenth and eighteenth centuries. This expansion occurred not only for pragmatic reasons: it was driven by the demand to act upon “sound traditions,” to uphold empirically established legal normativity. As such, as discussed in Chapter Two, it precipitated massive internal debate on the scriptural basis of Hanafi doctrine in the eighteenth century, this time amongst Hanafis rather than against Shafi‘is. The highly prolific Sindhi scholarship in Medina of Abū al-Ḥasan al-Kabīr, Ḥayāt al-Sindī, Abū al-Ḥasan al-Ṣaghīr, as well as in Thatta of Hāshim Thattwī and Mu‘īn Thattwī held major consequences. It demanded more agency for the individual scholar to engage in independent reasoning, thereby transforming madhhab identity from exclusive legal conformity to a loose legal affiliation determined by the personal investigations of a scholar. It also threatened to disrupt madhhab pluralism by fostering universalist hadith-based legal methodologies that overrode the internal autonomy of an individual madhhab; this was resisted by those who defended Hanafi method as well as doctrine in terms of hadith. Ultimately, these debates still retained space for the madhhabs; these Indian scholars continued to associate with other Hanafis, write on Hanafi law, and praise the scholarship of the eponym Abū Ḥanīfa. And yet, they gave

varying (and opposed) levels of precedence to hadith-based praxis over the madhhab, which was transmitted elsewhere by their students in the Indian Ocean.

These eighteenth-century critiques of Hanafi doctrine by Hanafis created newfound demand for increasing juristic access to the hadith sciences, a key step of the legal process elided by historiography. Such projects were undertaken in the early nineteenth century by ‘Ābid al-Sindī, as examined in Chapter 3, who retained a strong commitment to the Hanafi madhhab despite spending several decades in Yemen in the service of the Zaydi Qasimis, who generally favored hadith scholarship over *taqlīd*. By rearranging hadith compilations in legal order, and by bringing greater attention to the texts of hadith traditions as opposed to their chains, he sought to make hadith research easier for jurists, who would be expected to directly access and interpret hadith literature themselves. This was also seen in the contemporaneous Persian work of Shah ‘Abd al-‘Azīz, the son and successor of Shāh Walīullāh at Delhi, who composed several introductory texts on the hadith compilations and their respective legal status and authority. While ‘Ābid al-Sindī’s itinerant lifestyle did not afford him a strong institutional base in Medina, Yemen, or Sindh, Shāh ‘Abd al-‘Azīz’s family and madrasa in Delhi created a generation of scholarship that was deeply steeped in hadith scholarship and assumed a more prominent position amongst Indian Hanafis in the Hijaz and north India.

The social proliferation of hadith scholarship in Delhi fueled a series of increasingly public contestations of religious authority across elite Mughal circles as well as rural spaces in the early nineteenth century. Far from reflecting a Wahhabi influence, or a straightforward impact of print, this marked the entry of a longer debate on legal conformity and scriptural verification into a public sphere catalyzed by vernacular projects of composition and translation, which circulated via print and manuscript beyond juristic circles. The increasing epistemological

need to empirically verify practices as normative, shared by fatwa solicitors and scholars alike, drove extensive discussion on the heretical status (or lack thereof) of a wide range of popular practices, concepts, rituals, and institutions. Here, Indian scholars took great advantage of the expansive scopes of legal fluidity to craft their arguments: they crossed and re-crossed school boundaries as they passed judgements regarding licit and heretical innovations (*bid'a*) and exhorted the common person to stand against conformity to local customs. They even solicited joint-madhab fatwas from the muftis of Mecca and Medina, as well as lists of legal endorsements from scholars in South Asia.

Even as hadith studies boomed in Delhi, Indian scholars continued to participate in Indian Ocean networks of scholarship. This increased after the 1857 mutiny, when many senior Indian hadith and Sufi scholars moved to the Hijaz. Here they encountered new Ottoman projects of centralization, which among many things, required fidelity to the madhab-system and censored Wahhabi threats from the Indian Ocean and elsewhere in the Arab provinces. This contrasted sharply with British reluctance to enforce madhab conformity, but nonetheless converged partially with British fears of Wahhabi conspiracies; it was thus exploited by Indians against their opponents. Indian scholars competed for legal endorsements from the muftis of the four madhabs in the Hijaz, and in the process, cast their rivals outside the acceptable bounds of legal pluralism. The increasing speed of debate and the rising stakes of such differences in public life found institutional depth in new *maslaks* or legal-theological orientations, including the Deobandi and Barelwi schools, effectively rupturing Hanafi unity. Other Indian hadith scholars expanded critiques of *taqlīd* into a full-blown rejection of the madhab-system, producing a new Ahl-i Hadith madhab. Far from reflecting a minimalist scripturalism, they too engaged in similar processes of constructing legal authority, such as engaging heavily with early modern

Indian Ocean Hanafi and Yemeni scholarship, as well as soliciting contemporaneous legal endorsements. Collectively, such scholars utilized a series of modern tools and technologies of knowledge to accelerate longstanding debates on madhhab conformity and hadith praxis, endow them with wide social depth as public institutions, and effectively tear apart Sunni pluralism altogether. With the emergence of the Saudi state in the 1920s, such differences altogether displaced madhhab-centered legal pluralism as the overarching legal framework shared by the Sunnis of the Indian Ocean.

II

This dissertation reaffirms the power of ideas in propelling history. Legal debates regarding method and scripture formed one of the most potent sites of change, fueling the creation of new genres of scholarship, massive projects of synthesis, legal fluidity between schools, the growth of hadith scholarship, as well as publicly oriented intellectual production. These debates transformed relationships between jurists and ordinary people, and between texts and readers, as they emphasized the pursuit of evidence, the importance of independent investigation, and the heightened responsibility of the individual vis-à-vis established legal and social structures.

By systematically combining the study of the early modern and the modern periods, this dissertation brings to analytical clarity larger patterns and intellectual processes left otherwise undetected. It examines the slow progression, and even logical succession of critical transformations from the early modern period onwards as each generation of Indian scholars built upon preceding layers of scholarship. Indeed, these legal processes were not triggered

overnight by the advent of colonial rule, the printing press, or the journey of an individual scholar (in most narratives, Shāh Walīullāh) to the Hijaz. Rather, they unfolded unevenly over the course of several centuries, from moments of integration, critique, and synthesis, to outright opposition and fragmentation. This longer context has been crucially understudied by most historians, who have failed to recognize the powerful, long-term contradictions of Sunni legal pluralism which drove history.

As early modernists have argued, the framework of early modernity allows us to recover historical agency for varied contexts of South Asian and Indian Ocean history, as opposed to colonial modernity. This dissertation extends such insights into the study of the modern period: it argues that early modern Indian Ocean intellectual history was not simply ruptured by the emergence of colonial rule. Nor was the rise of scripture and the fragmentation of Sunni legal pluralism simply a reaction to new conditions of colonization and secularization. If anything, this dissertation has demonstrated the reverse: modern Indian Muslim scholars channeled the tools and enormous pressures of colonial rule to produce new levels of synthesis and critique regarding longstanding problems of authority and plurality. They debated and laid claim to early modern scholarship, not only for staking claims of authority and discursive power, as is usually maintained by historiography, but as part of the intellectual processes of law-making. Even as the content and forms of juristic activity evolved to confront and capitalize upon new historical circumstances, the strategic choices employed by Muslim jurists in meaning-making and legal production were informed by deeper epistemological developments and problems.

In making this argument, this dissertation affirms the deep importance of hadith scholarship to Indian Ocean intellectual and legal history. This field has been neglected by much of South Asian as well as Indian Ocean historiography which has focused more on Sufi networks

(or social histories of hadith networks). Yet, hadith scholarship represented an essential resource for Muslim scholars of the Indian Ocean: it was at once a source of blessings, of gaining proximity and expressing devotion to the Prophet; a means of constructing transregional genealogies and claims of authority; a medium of connecting with wider Muslim publics through devotional and moral instruction (often in translation); and it provided the raw matter of legal evidence that could furnish certainty and fuel legal debates in a wide variety of settings, both local and transregional, within and beyond the madhhab. Although misread too often as a Wahhabi-inspired phenomenon, given the modernist bias of historiography, the legal stakes of Indian hadith scholarship were raised by intense competition between Hanafis and Shafi'is in the Indian Ocean in the sixteenth and seventeenth century. Even the Ahl-i Hadith of the nineteenth century primarily drew from such discourse amongst Indian Hanafis and Yemeni Zaydis, in addition to earlier figures such as Ibn Taymiyya. As such, hadith scholarship was used to both affirm and disrupt legal pluralism and legal structures in multiple ways; it did not represent one ideological and linguistic formation.

This dissertation also underscores the necessity of studying such ideas and scholarship within a larger historical context, beyond the internalist history of ideas. It historicizes as much as possible the changing social and material contexts as Indians traveled from Hanafi-dominated regimes in South Asia, and encountered plural or otherwise differently ordered legal spaces along the Indian Ocean littoral, such as in Gujarat and Yemen, as well as the entrenched institutional complex of the Ottoman Hijaz. Ultimately, it argues for the existence of a distinct Indian Ocean Hanafi tradition of scholarship, which was made exceptional by its sustained engagements with an Islamic legal pluralism that thrived in the absence of an all-encompassing and unified political structure. These interactions engendered the rise of hadith scholarship and

the expansion of legal fluidity between madhhabs, as sketched above. Collectively, this served to distinguish Indian Ocean scholarship and occasionally drive conflict with Ottoman and Central Asian subbranches of the Hanafi madhhab, as well as with South Asian Hanafis who were not integrated within these oceanic networks.

The Indian Ocean contained multiple nodes of scholarship; this dissertation has focused on the Hijaz, Yemen, Sindh, Gujarat, and Delhi as some of the most important. The Hijaz was significant in many ways beyond pilgrimage: its state-supported madhhab pluralism enabled it to become a place for inter-madhhab encounters and competition. This fueled its strong tradition of hadith scholarship and connected it with scholarly networks in Yemen and early modern Gujarat, among many other places. In terms of hadith studies, it was largely eclipsed (for Indians) in the nineteenth century by the proliferation of madrasas in Delhi and north India which emphasized the study of hadith. Still, prominent Indian hadith scholars continued to travel to the Hijaz in the modern period for many reasons; these included conditions of exile from British India, but also more active attempts to take advantage of Ottoman-enforced legal pluralism against Indian rivals, given the lack of similar recourse from British colonial courts. The Hijaz formed the rare place in the Indian Ocean where one could solicit fatwas from all four madhhabs, which became especially important in the nineteenth century with the rise of joint-madhhab polemics. As such, the Hijaz at various moments stood to facilitate hadith-based juristic discourse, as well as madhhab conformity; it did not carry one, unchanging set of religious politics across the early modern and modern periods.

In analyzing the Hijaz, this dissertation brings to light South Asian perspectives and archives which have otherwise gained little attention from historians. The history of Sindhi scholarship, which has never been comprehensively studied before in English, forms one of the

key empirical contributions of this dissertation. Itinerant Sindhis gained high positions in the Hijaz, Yemen, and Gujarat, traveling both as individuals and families, and demonstrating the wide possibilities of upward social mobility engendered by madhhab pluralism in the Indian Ocean. In the early modern period, they constituted some of the most prominent Hanafi hadith scholars of the Hijaz, and served to expand legal fluidity in critical ways, thereby paving the path for other Indian Hanafis, including the Delhi-based scholars of the nineteenth century to build upon their critiques. Although Sindhi hadith scholarship did not build deep roots in Sindh itself, given their tendency to remain in the Hijaz or Yemen, Sindh did witness remarkable attempts at synthesis between Hanafi doctrine and hadith literature in the eighteenth century in ways that simultaneously addressed local concerns and transregional debates. The Sindhi case demonstrates the importance of remaining attentive to shifting scales of intellectual production, as measured from different archives, to historicize legal transformations.

Besides analyzing the changing geographical flows of such history, this dissertation has also shed light on the material dimensions of Islamic scholarship. One of the most pertinent challenges that confronted Muslim scholars, both modern and early modern, was the availability of texts and manuscripts. This was exacerbated by the rising need to comb through manuscripts to conduct research (*baḥth*), given the growing emphasis on impersonal practices of deep reading and independent investigation. The acquisition of manuscripts (and often, several manuscripts of the same text) directly affected the ability of scholars to compose hadith commentaries, to investigate the correct wording of traditions, as well as to engage in encyclopedic projects of synthesis and investigation. This problem also fueled vernacular printing projects in the first half of the nineteenth century in British India, as scholars sought to make such material accessible for a wider array of students in educational contexts and to produce reading material for the larger

public. The legal debates on increasing the juristic responsibility of the common person thus went hand-in-hand with the emergence of printing projects and vernacular translations for broader audiences. As such, this dissertation shows how material and intellectual culture moved in tandem with each other and cannot be understood separately.

By historicizing the madhhab, this dissertation has brought to critical relief one of the most fundamental and yet neglected pillars of Muslim intellectual and legal history in the Indian Ocean and South Asia. The displacement of the madhhab-system by the twentieth century had – and continues to have – critical ramifications on Muslim attempts to interpret religion, forge global scholarly connections, reform publics, adjudicate competing claims, and even compose state constitutions and legal frameworks. By drawing attention to the longer histories and processes that drove this transformation, this dissertation has hopefully opened new frontiers of scholarship for historians and jurists alike.

Glossary

‘ālim, pl. *‘ulamā*: a trained religious scholar, jurist

‘awām (also: *‘ām ādmī*): common people, common person, laity

bid‘a: an innovation in religion and worship

baḥṭh: research

ḍā‘īf: used in reference to reports of hadith deemed as “weak” according to standards of hadith transmission

farḍ: a binding religious obligation

ghayr muqallid: someone who does not adhere to the four Sunni legal schools; a nonconformist

Ḥaram, dual *Ḥaramayn*: Sacred Precinct/Mosque, usually in reference to the grand mosques of Mecca and Medina; when used as dual, it refers specifically to both grand mosques in Mecca and Medina.

ijāza: license to transmit or teach

ijmā‘: legal consensus, one of the Sunni legal sources

‘ilm al-manāsik: the discipline of the rites of pilgrimage

imam: a person who leads a congregation in ritual prayer; a general religious authority figure (for Sunnis)

khaṭīb: someone who delivers the Friday sermon

makrūh: a legal term for a disliked or reprehensible deed

maqām: a prayer station at the Sacred Mosque at Mecca

maslak, pl. *masālik*: a specific legal-theological orientation, such as the Deobandi and Barelwi *maslak*

maulwi: a religious leader

mawlid (also *mīlād*, *mawlūd*): the commemoration of the Prophet’s birth

miḥrāb: the prayer niche, directed towards Mecca

mufti: a jurisconsult qualified to compose fatwas

mujāwir, pl. *mujāwirūn*: a long-term resident of Mecca or Medina

mujtahid: an independent jurist

muqallid: a legal conformist; a follower of a madhhab

nafl: voluntary, supererogatory act of worship

naṣṣ: a source-text

qadi: a judge

qiyās: analogy; one of the Sunni legal sources

ra'y: rationalistic considered opinion

raf' al-yadayn: the act of raising one's hands during prayer at specific junctures; this act contradicted established Hanafi doctrine

ribāṭ: a hostel, hospice, lodge

ṣaḥīḥ: used in reference to sound reports of hadith

sanad, isnād: a chain of transmission, a genealogy of teachers; more abstractly, an authority

shādh: an anomalous legal opinion

shirk: associating partners with God

ta'aṣṣub: factional partisanship, sometimes zealotry or bigotry

taqrīḥ and *taṣdīq*: a blurb, endorsement, or confirmation, both legal or otherwise

taqlīd: legal conformity to a madhhab or an imam

tarjīḥ and *taṣḥīḥ*: "rule-formulation" and "rule-review" or the processes of determining the preferred legal positions of the madhhab

thabat: a compilation listing the texts and traditions one is authorized to transmit by one's teacher(s), containing

waqf, pl. *awqāf*: a charitable endowment

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A.MKT.MHM: Sadaret Mektubi Mühimme Kalemî Evrakı

A.MKT.MVL: Sadaret Mektubi Kalemî Meclis-i Vala Evrakı

A.MKT.UM: Sadaret Mektubi Kalemî Umum Vilayet Yazmışmalarına Ait Belgeler

BEO: Bab-1 Ali Evrak Odası

EV.HMK.SR.d: Surre Defterleri

DH.EO Dahiliye Nezareti Evrak Odası

DH.MKT: Dahiliye Nezareti Mektubi

HAT: Hatt-1 Hümayun Tasnifi

HR.TO. Hariciye Tercüme Odası

I.MVL: İrade Meclis-i Vala

İ.DH.: İrade Dahiliye

MF.MKT: Maarif Nezareti Mektubi Kalemî

MVL. Meclis-i Vala Evrakı

Y.EE: Yıldız Esas Evrakı

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