

UCLA

UCLA Electronic Theses and Dissertations

Title

Fatwas on the Phonograph: Law, Technology, and Entertainment during the Nineteenth and Early Twentieth Centuries

Permalink

<https://escholarship.org/uc/item/7rq0s5tq>

Author

Lavin, Gabriel

Publication Date

2023

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Los Angeles

Fatwas on the Phonograph:

Law, Technology, and Entertainment during the Nineteenth and Early Twentieth Centuries

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

by

Gabriel W. Lavin

2023

© Copyright by

Gabriel W. Lavin

2023

ABSTRACT OF DISSERTATION

Fatwas on the Phonograph:

Law, Technology, and Entertainment during the Nineteenth and Early Twentieth Centuries

by

Gabriel W. Lavin

Doctor of Philosophy in Ethnomusicology

University of California, Los Angeles, 2023

Professor Timothy D. Taylor, Chair

This dissertation is a historical study of global interactions between Islamic law and early media industry, exploring the broader social and political context of fatwas written about the phonograph throughout the Middle East and the Indian Ocean region during the late nineteenth and early twentieth centuries. Each chapter examines fatwas on the phonograph that were issued in what are now the modern states of Egypt, Indonesia, Saudi Arabia, and Yemen. In doing so, the dissertation broadly explores how early European and American phonograph firms targeted Muslim consumers worldwide by producing recordings of Quran recitations, Islamic hymnals, and sung poetry, while Muslim jurists debated the faults and merits of this novel form of capitalist production and consumption in an equally global arena of Islamic jurisprudence. Additionally, the dissertation highlights how fatwas on the phonograph were written at a time when the practice of Islamic law was changing globally, becoming increasingly intertwined with the enlightenment philosophies and ideologies underpinning the legal mechanisms and practices of modern civil law in British and Dutch colonial contexts as well as in Ottoman imperial

contexts. Such entanglements saw Islamic law become increasingly employed as a tool of social control in attempts to regulate public life and patterns of behavior derived from custom and new forms of consumption, especially social gatherings revolving around musical entertainment and spectacles of religious vocal recitation. Furthermore, while early Islamic legal debate about the phonograph became embedded within existing legal and philosophical deliberation over issues of sound, vocal recitation, divine revelation, and vernacular amusement, this dissertation suggests that the global phonograph industry ultimately helped galvanize a worldwide discursive shift in Islamic jurisprudence with the adoption of “music” or *al-musiqa* as a substantive legal category. This process was coeval and intertwined with the modern development of the field of ethnomusicology, which itself was born within a Dutch colonial administration that derived its legal definition of “custom” and “tradition”—including “musical tradition”—from the Islamic legal definition of “custom” or *adat*.

The dissertation of Gabriel W. Lavin is approved.

Edward A. Alpers

Münir N. Beken

Nile Spencer Green

Anna Frances Morcom

Timothy D. Taylor, Committee Chair

University of California, Los Angeles

2023

To my beloved Insia, who showed me remarkable patience and support through this journey

TABLE OF CONTENTS

List of Figures	viii
Note on Arabic Transliteration	x
Glossary	xi
Acknowledgements	xx
Vita	xxviii

INTRODUCTION

The Radio Host, Musician, Novelist, and Cleric	1
The Phonograph and Technological Modernity	8
Islam and Sound Studies	16
Islam and Ethnomusicology	26
Methods and Methodology: Ethnomusicology, Global History, and Colonial Legacy	43
Chapter Outline	53

1. THEORIZING SOUND, VOICE, AND FIDELITY IN AN ISLAMIC LEGAL EPISTEMOLOGY: MUHAMMAD BAKHIT AL-MUTI'I ON THE PHONOGRAPH, 1906

Introduction	58
A Friend of God and the Phonograph Industry	60
Divinity, Law, and Logic	70
Textual Revelation, Voice, Language, and the Limits of Reason	73
<i>Sifat al-Kalam</i> and Phonographic Fidelity	88
Scholastics vs. Salafis	101
Al-Muti'i's Rebuttal	107
Conclusion	114

2. THE PHONOGRAPH PEDDLER AND THE MUFTI: SAYYID 'UTHMAN ON ENTERTAINMENT AND TECHNOLOGICAL FIDELITY, 1899

Introduction	119
Muslim Indian Ocean Networks, and a Gig Economy	123
The Indian Ocean Gig Economy and "Intermediate" Capital	130
The Bard and the Orientalist: A View from Hadhramaut, 1890s	135
Law, Musical Instruments, and 'Adat: Sayyid 'Uthman before the Phonograph	141
Bad Fidelity and Frivolous Custom	158
The Columbia Company to <i>al-Manar</i> : Global Capitalism Intercedes with the Gig Economy	175
Conclusion: the Legacy of Sayyid 'Uthman's Phonograph Fatwa	184

3. THE FIDELITY OF CUSTOM BETWEEN JAVA AND THE HEJAZ: ETHNOGRAPHY AND “INSTRUMENTS OF AMUSEMENT,” 1906-1911

Introduction	188
Law, Custom, and “Musical Culture”	191
From Batavia to Mecca: the Phonograph Recording Project, c. 1906-1909	196
The Taj al-Din Letters and other Documentation, 1906-1907	201
Amusement and Fidelity: al-Maliki and al-Ahdal on the Phonograph, c. 1906-1911	222
Conclusion	243

4. “THE ART OF MUSIC” IN ARABIA: NEW LEGAL CONTESTATIONS IN THE EARLY SAUDI STATE AND COLONIAL ADEN, C. 1924-1945

Introduction	246
“Music” Under Scrutiny: Modernists, Wahabis, and the Early Saudi State	250
British Imperialism, Muslim Subjects, and Islamic Law	265
Law, Cultural Industries, and Caste and Race in Colonial Civil Society	270
Ahmad Fadil al-‘Abdali’s <i>A Decisive Statement</i>	284
Conclusion: Between Cultural Authenticity and Doctrinal Purity	296

CONCLUSION: GLOBAL ENTANGLEMENTS AND THE LONG AFTERLIFE OF ABU HASAN AL-ASH‘ARI

Appendix I	318
Works Cited	319
Non-Arabic Primary Sources	329
Arabic Primary Sources	331
British Library Shelfmarks	333
Leiden University Shelfmarks	334

LIST OF FIGURES

1.1	“Mohamadan Priest” or Imam pictured sitting with a Quran in the American trade publication <i>The Talking Machine World</i> (1913:48). The unnamed Imam was contracted in Bombay by the British recording pioneer Thomas John T. Noble to record Quran recitations on behalf of the PATHÉ (France) phonograph company.	63
1.2	“Cheikh” Hassan Khadr’s entry in the Gramophone Co. catalog featuring his performances of sung poetry, call to prayer, and Quran recitations (al-Kalzah 1908). Courtesy of Ahmad AlSalhi.	64
1.3	Caricatures of the phonograph being used in contexts of Muslim (October 1900) and Christian (May 1901) worship in a series of doggerels published by the early American phonograph periodical <i>The Phonogram</i> .	66
1.4	First print of al-Muti‘i’s <i>Dispelling Deception and Doubt Regarding Two Rulings on the Phonograph and Life Insurance</i> (Cairo 1906). From the author’s personal collection.	107
1.5	Images from <i>al-Muqtataf</i> ’s (1878) summary of <i>Scientific American</i> ’s (1877) articles on telephone and phonograph (Hathitrust Digital Library).	111
2.1	First page of Aydarus b. Shihab’s poetry diwan sent from Hadhramaut to Sayyid ‘Uthman in Batavia (Leiden University Or. 6997).	127
2.2	Dedication to Sultan Abdülaziz in Muhi al-Din b. Abu Bakr al-Hatimi’s 1881 manuscript (Lamu, Kenya) of the Mawlid al-Barzanji (British Library EAP 466/1/18).	129
2.3	Recordings for the Beka (Germany) phonograph company made by Machmoed Saad Mekka in Java, 1920s and 1930s. They feature Quran recitation (top left), Mawlid al-Barzaji recitation (top right), Hejazi strophic song form <i>majrur</i> performed on the plucked lute qanbus (bottom left), and a recording of the Friday sermon (bottom right) (Department of Special Collections, Davidson Library, University of California, Santa Barbara).	133
2.4	Photograph taken and published by Landberg (1895) of Said Awad posing with his qanbus.	137
2.5	Introductory page of ‘Abdullah b. ‘Umar b. Yahya’s manuscript (Leiden University Or. 7212).	144
2.6	Cover Page for Sayyid ‘Uthman’s text <i>The Pink Apple</i> that condemned qanbus performances (Leiden University Or. 895 E 3).	145
2.7	Cover page for Sayyid ‘Uthman’s <i>Rising of the New Moon</i> (Leiden University Or. 8206 F 6).	164
2.8	“Sech Abdullah bin Saleh bin Motlik” as pictured by <i>The Talking Machine World</i> (1913).	176
2.9	Columbia “Arabian Soerabaja” disc featuring an unnamed singer (pictured) performing a Hejazi strophic song form <i>majrur</i> in the Hejazi musical mode <i>Rakbi</i> . The disc was likely produced in 1912 under the supervision of Shaykh or “Sech” Abdullah b. Motlik. Courtesy of Ahmad AlSalhi.	178
2.10	Lyrophone (left) recording featuring call to prayer and an Odeon recording featuring “Haj Sanusi” performing a Hejazi <i>majrur</i> on the qanbus, c. 1906. Courtesy of Ahmad AlSalhi.	180

2.11	Qanbus or “gambos” recording in Malay produced by the Gramophone Co., c. 1908-1913. Courtesy of Ahmad AlSalhi.	180
3.1	Poster in Malay and Jawi for the Taj al-Din or “Tadjoedin” brother’s shipping agency, which appears to have specialized in transporting pilgrims from Java to Mecca (Leiden University 8952 A 993).	199
3.2	Page concerning phonograph micro-diaphragms from booklet on the Bettini method sent to Snouck Hurgronje in 1906 by The World’s Phonograph Co., Amsterdam (Leiden University Or. 18.097 S65.1).	202
3.3	Letter from Muhammad Taj al-Din to Snouck Hurgronje, September 1906 (Leiden University Or. 8952 A 995).	204
3.4	Letter from Muhammad Taj al-Din to his brother Jamal in Mecca describing how to record and document singers and reciters in the Hejaz with the phonograph he sent from Batavia. (Leiden University Or. 8952 A 995)	207
3.5	Muhammad ‘Ali al-Maliki’s <i>Illuminations of the Sunrise on Rulings concerning The Box</i> (1911) (National Library of Israel).	223
4.1	Front page announcement in 1931 in the early Saudi newspaper <i>Umm al-Qura</i> (Mecca) about the new covering for the Ka‘aba or <i>kiswah</i> made by the Saudi government’s <i>Dar al-Kiswah</i> , which supplanted the long-held tradition of bringing the <i>kiswah</i> on the <i>mahmal</i> from Egypt accompanied by musicians (University of Leiden).	255
4.2	Abdullatif al-Kuwaiti’s anthem for Ibn Saud recorded and manufactured by the Bombay Record Company (al-Salhi 2018:142).	263
4.3	Luqman’s article “We the Adenis” on the front page of <i>Fatat al-Jazira</i> , December 1940 (British Library).	275
4.4	“Advertising the Cinema at Aden,” c. 1937 (Bernath Mss 50; Department of Special Collections, Davidson Library, University of California, Santa Barbara).	279
4.5	One of al-‘Abdali’s songs, “The Eyes of a Beautiful Woman Pierced My Heart,” performed by Fadil Muhammad al-Lahji for the international Odeon firm in Aden, c. 1930s and 1940s (Department of Special Collections, Davidson Library, University of California, Santa Barbara).	287
4.6	A later cover (1980s?) for <i>A Decisive Statement on Permitting the Oud and the Rabab</i> . Al-‘Abdali portrait is featured in the cover art. Courtesy of Ahmad AlSalhi.	292

NOTE ON ARABIC TRANSLITERATION

Transliteration of Arabic words and phrases in this dissertation for the most part follows a modified system used by the *International Journal of Middle Eastern Studies*: legal terminologies, common names, and other Arabic terms have been capitalized and translated without diacritical marks (except for the *hamza* ['] and 'ayn [']). In order to facilitate readability and pronunciation for non-fluent and non-Arabic speakers, in some instances I have resorted to my own discretion for transliterating Arabic letters, terms, or phrases (such as using d instead of z or omitting the *hamza* ' at the beginning of a word). When possible, I have opted for established English spellings for Arabic proper nouns and terms regardless of their adherence to transliteration conventions. Given that Arabic was spoken and intermixed with languages such as Ottoman Turkish, Javanese, and Malay in the historical period and geographical regions of concern in this dissertation, I have at times opted for the modern Turkish or Malay spelling for some proper nouns and terms. In this regard I extend my thanks to Professor Jan Just Witkam at Leiden University for helping me translate and transliterate certain place names in the Malay Archipelago from Arabic script to English. For additional clarity desired by readers literate in Arabic, the glossary lists all terms in the original Arabic script.

GLOSSARY

'adah pl. 'adat (عادة ج. عادات)	custom(s), tradition(s)
alat al-lahu (آلة اللهو)	(lit. “instrument of amusement”) pre-modern legal term for musical instrument, also synonymous with <i>alat al-tarab</i> (آلة الطرب) or “instrument of music/elation” and <i>alat al-shurb</i> (آلة الشرب) or “instrument of drinking” in pre-modern legal discourse
'alim pl. 'ulama (علماء ج. علماء)	legal scholar or jurist
'aqidah (عقيدة)	religious doctrine
al-'aqiliyah (العقلية)	rationality, referring to legal decisions decided by rational faculties of mind
'ard (عرض)	accidental property (philosophical)
Ash'arism (الأشعرية)	most widely accepted Sunni school of Islamic theology. One of its fundamental assertions is that the Quran was not created and is co-eternal with God
'asiyan (عصيان)	disobedience (legal)
ayah (آية)	verse of the Quran
balagha (بلاغة)	art of beautiful speech elocution, often somewhat misleadingly translated as “rhetoric” into English since <i>balagha</i> deals with the sonic and pronounced aesthetics of speech rather than the logical principles of syllogistic argument. The latter included the Aristotelian notion of “rhetoric” or <i>khitaba</i> in the Islamic legal tradition
batin (باطن)	esoteric, see <i>bi-l-khifayya</i>
bida' (بدع)	innovation, legal term broadly referring to innovations in legal practice, in Islamic ritual practice, or more broadly in socio-political life. While having largely negative connotations in Islamic legal discourse, some innovations are considered acceptable and even encouraged

<i>bi-l-khifayya</i> (بالخفايا)	esoterically (?)
<i>dhahir</i> (ظاهر)	exoteric
<i>al-dhat</i> (الذات)	essence, being
<i>dhikr</i> (ذكر)	(lit. “remembrance”) performative ritual of chanting, singing, and synchronized bodily movement associated with spiritual Sufi practices
<i>fan</i> (فن)	art, as a pre modern term it could also roughly translate to “science”
<i>fard or wajib</i> (فرض او واجب)	obligatory (by Islamic law)
<i>fatwa pl. fatawa</i> (فتوى ج. فتاوى)	legal ruling or decree on a point of Islamic law issued by a qualified Islamic jurist to a question posed by an individual, judge, or government representative. A fatwa can be exemplary of Islamic legal theory (see <i>usul al-fiqh</i>) being put into practice
<i>fiqh</i> (فقه)	(lit. “understanding”) Islamic jurisprudence
<i>furu’ al-fiqh</i> (فروع الفقه)	(lit. “branches of jurisprudence”) substantive law, usually considered an elaboration of rules and guidelines for religious and social norms, and thus outlines more directly the practice of and adherence to Islamic law in everyday life
<i>fusuq</i> (فسوق)	depravity
<i>ghina’</i> (غناء)	singing
<i>hadith</i> (حديث)	the record of sayings attributed to the Prophet Muhammad relayed in various sources from the time of his companions or <i>sahaba</i> that, apart from the Quran, serve as one of the primary sources of guiding Muslim community and establishing Islamic law
Hanafi (الحنفية)	school of Sunni Islamic jurisprudence named after the eight-century jurist Abu Hanifa. It is one of the oldest and most widely adhered to schools of Sunni Islamic jurisprudence

Hanbali (الحنبلية)	school of Sunni Islamic jurisprudence named after the ninth-century jurist Ahmad Ibn Hanbal (d. 855). It is often considered the most strictly “traditionalist” or fundamentalist school of Sunni law
<i>haram</i> (حرام)	forbidden (by Islamic law)
<i>al-has</i> (الحاس)	feeling, physical sensorial perception
<i>haywan al-natiq</i> (حيوان الناطق)	(lit. “speaking animal”) rational animal, Aristotelian definition of a human
<i>hujjah</i> (حُجَّة)	justification, claim (Islamic law)
<i>hukum pl. ahkam</i> (حُكْم ج. أَحْكَام)	verdict(s)
<i>Humayni</i> (حميني)	a literary genre of Arabic poetry originating in Yemen and with diaspora communities throughout the Indian Ocean region
<i>i‘jaz</i> (إعجاز)	inimitability, miraculousness, used in the context of Quranic revelation
<i>ijma’</i> (إجماع) of	consensus among legal scholars regarding a particular point in Islamic law. In Sunni jurisprudence, consensus is considered a secondary source of Islamic law after the Quran and <i>hadith</i> .
<i>ijtihad</i> (اجتهاد)	independent reasoning or the thorough use of a jurists mental faculty to establish a legal ruling
<i>‘illa</i> (علة)	rationale, used in the context of a legal argument in Islamic law
<i>islah</i> (إصلاح)	reform (social, political, religious)
<i>istuwanaḥ</i> (اسطوانة)	(lit. “cylinder”) became the standard term in Arabic for phonograph disc
<i>ithm</i> (إثم)	accrued sin
<i>kaba’ir</i>	grave sins

(كباثر) kalam (كلام)	Islamic theology
kalam lafdhi (كلام لفظي)	pronounced speech (theological)
kalam nafsi (كلام نفسي)	mental speech (theological)
al-khayal (الخيال)	imagination, mind
khilaf or ikhtilaf (خلاف او اختلاف)	legal dispute, disagreement, or difference of opinion
khitaba (خطابة)	rhetoric, an Aristotelian concept of persuasive speech taught as one of the five arts of syllogism at Islamic seminaries throughout history
kufi (كفر)	apostasy (legal)
khutba (خطبة)	sermon, speech
kiswah (كسوة)	cloth covering on the Kaaba at Mecca
lahn pl. alhan (لحن ج. ألحان)	melody(ies)
al-lahu wa al-la'ib (اللهو واللعب)	amusement and entertainment or play
usul al-fiqh (أصول الفقه)	principles of Islamic jurisprudence or Islamic legal theory that outline the methodological principles in Islamic law to derive legal rulings
madhhab pl. madhahib (مذهب ج. مذاهب)	school of thought in Islamic jurisprudence. See Hanbali, Hanafi, Maliki, and Shafa'i for the four main schools or <i>madhahib</i> of Sunni jurisprudence
mahiyah (ماهية)	quintessence (philosophical)
mahmal (محمل)	ceremonial litter carried by a camel along with a processional caravan that traveled from Cairo to Mecca carrying the <i>kiswah</i> covering for the Kaaba.

Historically, the mahmal was often accompanied by musicians as it entered Mecca

- majis***
(مجس)
non-metric melodic vocal performance of poetry (usually praise or *madih*) particular to the Hejaz region of Western Arabia. The melodic aspects of the performance are often improvised
- Majrur***
(مجرور)
a strophic style of song originating in the Hejaz and sung throughout the Indian Ocean region during the nineteenth and early twentieth centuries. During the early twentieth century it was largely performed on the *qanbus* but today in modern Saudi Arabia is performed on the Arabic oud
- makruh***
(مكروه)
reprehensible (by Islamic law)
- Maliki***
(المالكية)
school of Sunni Islamic jurisprudence founded in the eighth century by the jurist Malik b. Anas. It is widely adhered to by Muslims throughout the African continent
- mashaf***
(مصحف)
the physical book/text form of the Quran
- mawjḥ* pl. *mawjhat***
(موجه ج. موجّهات)
wave (e.g., sound wave or water wave)
- mawlid***
(مولد)
(lit. “birth” or “nascency”) celebration of the Prophet Muhammad’s birthday or the birth of saintly figures in Sufi tradition. The term can also refer broadly to poetry and hymnals composed and recited on such occasions
- mizmar***
(مزمار)
wind musical instrument or reed aerophone
- mubah***
(مباح)
permitted (by Islamic law)
- mufti***
(مفتي)
a professional jurist who interprets Islamic law and can issue a *fatwa* or *fatawa* (pl.)
- musiqā***
(موسيقى)
music
- mustahab* or *mandub***
(مستحب او مندوب)
recommended (by Islamic law)

Mu‘tazilism (الاعتزال)	school of Islamic theology, perhaps most renowned for asserting that the Quran is a created text and not co-eternal with God
mutrib (مطرب)	singer
nafs (نفس)	soul, breath
naghma pl. angham (نغمة ج. أنغام)	musical mode(s) or tone
al-naqaliyah (النقلية)	transmitting, referring to legal rulings established by the passing down of and adherence to established textual precedent
nashid (نشيد)	musical anthem
qabr pl. qubur (قبر ج. قبور)	tomb(s), usually that of a saintly individual that is the centerpoint of a visitation or <i>ziyarah</i>
qanbus, qambus, or gambus (قنبوس, قنبوس, او كمبوس)	plucked lute carved from a single piece of wood with a sound body made of animal skin. The strings (usually four courses) are supported by a floating bridge on top of the animal skin, giving it a characteristic tone similar to that of the American banjo
qanun (قانون)	law, usually refers to modern civil codes and rules upheld by modern state bureaucracy
qalib (قالب)	(lit. “form”) synonym for phonograph cylinder
qasidah pl. qasa’id (قصيدة ج. قصائد)	poem(s)
qira’a (قراءة)	reading, reciting, or intoning
qiyas (قياس)	analogy, used in the context of legal argument in Islamic law
ratib (راتب)	a form of Sufi hymnal
sagha’ir (صغائر)	minor sins

<i>al-salif al-salih</i> (السلف الصالح)	“the pious forefathers,” usually implying the Prophet and his companions or <i>sahabah</i> (صحابية)
<i>sama‘</i> (سماع)	listening or audition
<i>sawt pl. aswat</i> (صوت ج. اصوات)	sound(s) or voice(s)
<i>shari‘a</i> (شريعة)	Islamic law or “canonical” Islamic law
<i>sifat al-kalam</i> (صفة الكلام)	God’s attribute of speech
<i>Shafa‘i</i> (الشافعية)	school of Sunni Islamic jurisprudence founded in the early ninth century by the theologian Muhammad Ibn Idris al-Shafa‘i, who was one of the first jurists to formalize Islamic legal theory
<i>sunduq</i> (صندوق)	(lit. “box”) synonym for phonograph (فونوغراف)
<i>sunna</i> (سنة)	(lit. “habitual practice”) behaviors, deeds, and practices of the Prophet Muhammad that serve as a model for Muslim behavior and for the rule of Islamic law. The credibility of and action or deed being considered <i>sunna</i> depends on the reliability of the <i>hadith</i> report that claims the Prophet undertook said action or deed
<i>surah</i> (سورة)	chapter of the Quran
<i>al-ta‘dad</i> (التعدد)	multifariousness (theological/philosophical)
<i>tafsir</i> (تفسير)	interpretation
<i>tajwid</i> (تجويد)	(lit. “improvement” or “perfection”) set of rules for correctly reciting the Quran, including guidelines for appropriate melodic intonement and pronunciation. <i>Tajwid</i> recitations are often characterized by more elaborate melodic development, which some criticize as resembling too closely the act of singing
<i>tamtit</i> (تمتيط)	extending, elongation (referring to vocal performance)

<i>tar</i> (طار)	frame drum used to accompany both popular music and Islamic recitational practices throughout the Arabian Peninsula
<i>tarab</i> (طرب)	emotional affect (positive and negative), music, or a state of psychological elation induced by music
<i>taqlid</i> (تقليد)	imitation, often used pejoratively in legal practice indicating jurist's passive and mindless engagement with Islamic law
<i>taqrid</i> (تقريض)	statement of approval given by one Islamic jurist to another for a legal decision expressed in a fatwa
<i>tashakhus</i> (التشخص)	individuation (philosophical)
<i>tawhid</i> (توحيد)	(lit. "union" or "in a state of being unified") unitarianism, Islamic doctrine that holds there is only one God whose essence is not divided into multiple parts, as the Christian doctrine of the Trinity holds
<i>ta'wil</i> (تأويل)	exegesis
<i>thawab</i> (ثواب)	accrued heavenly award
<i>turath</i> (تراث)	heritage or cultural heritage
<i>umma</i> (أمة)	Islamdom, Islamic nation, or Islamic world
<i>'uruba</i> (عروبة)	Arabness
<i>waqf pl. awqaf</i> (وقف ج. اوقاف)	endowment(s), either through property or other means
<i>wasit</i> (وسيط)	intermediary (theological/philosophical)
<i>Yamani</i> (يماني)	adjective indicating origins in Yemen (North) or, in the Hejaz region of Western Arabia, indicating a southern origin of either a person, song style, or poetic style
<i>yaqin</i> (يقين)	certainty (legal/philosophical)

Zahiri
(الظاهرية)

sometimes described as a fifth school or madhhab of Sunni Islamic jurisprudence, characterized by a strict adherence to literalist readings of the Quran and *hadith*. Founded by Dawud al-Zahiri in the ninth century, the school is largely considered to have declined from significance in modern times

ziyarah
(زيارة)

(lit. “visit”) visitation, referring to the historic Sufi practice of pilgrimage to the tombs of saintly individuals in Islamic tradition

ACKNOWLEDGEMENTS

Research for this dissertation was supported by the Social Science Research Council's Mellon International Dissertation Research Fellowship (IDRF), the British-Yemeni Society academic award, the American Institute of Yemeni Studies Fellowship, and the Scaliger Institute's Juynboll Fellowship for Arabic and Islamic Studies at Leiden University. It was also supported by grants and fellowships from the University of California, Los Angeles, including a Graduate Research Mentorship (GRM), Foreign Language and Area Studies Research Grant (FLAS), and a Dissertation Year Fellowship (DYF).

I'd like to begin by thanking my undergraduate advisors and mentors from the Department of Anthropology, Department of Music, and Office of International Programs at Montana State University who helped me begin this academic journey over a decade ago, Sally O'Neil, Jelani Mahiri, Larry Carucci, Michael Neeley, Yvonne Rudman, and David Charles. I am indebted to them, especially Sally O'Neil, for helping me facilitate and complete over three years of Arabic-language and musical study at Al Akhawayn University in Ifrane, Morocco (2009-2010), at Amideast in Cairo, Egypt as a Boren Scholar (2012-2013), and at the Oud Hobbyists Association in Muscat, Oman as a Fulbright Student Scholar (2014-2015). Still, none of this would have been conceivable if I had not befriended Fahad al-Zamanan, Jassem Shah, Muhammad al-Harbi, Badr Gitami, Abu Saleh, and others from the Saudi-Kuwaiti contingent at MSU, who enthusiastically supported and encouraged my oud playing and Arabic learning.

At Amideast in Cairo, I am indebted to my mentors, friends, and language teachers, Muhammad, Matthew, Ziyad, David, Noha, and Max. A special shoutout goes to Professor Ibrahim El Houdaybi, who at the time taught an Islamic studies course at Amideast and encouraged me to conduct further research on Islamic law and music, advice that has ultimately

resulted in this dissertation. I'd also like to acknowledge my friends and mentors alongside Naseer Shamma at the Arabic Oud House (Beit Al Oud) in Cairo, Yusif, Amna, Tareq, Abdullah Abu Zakary, Somer, Nouf, Olivia, Sharif, Abdullah Sharaf, Salama, Dimitry, Mina, Husam, Ali, Hisham, Jawa, Shaza, and many others. Many thanks to my friends at Makan (The Egyptian Center for Culture and Arts), who kept inviting me to return for many wonderful nights of music, discussion, and hanging out despite my being, in their words, "the most useless intern": Ahmad al-Moghreby, Ahmad and Mustafa Muhammad, and Basma A. Habib. From Beit Al Oud I'd like to also thank Ashraf Awad along with Dr. Kamal Yousif and Muhammad Taha al-Qaddal for the warm hospitality they showed me in Khartoum, Sudan and the invitation to participate in the Festival for the Oud there in 2014 and 2017.

From the Oud Hobbyists Association in Muscat, Oman, special thanks are reserved for Fathi Mohsen al-Balushi who kindly provided a letter of support on behalf of the Association for my Fulbright application. Fathi also sponsored and organized a farewell concert for me at the Cultural Club in Muscat, where I performed various original compositions as well as Omani and Arab traditional pieces on the oud, generously accompanied by the world class musicianship of Turki al-Hadi, Idris al-Balushi, Tahira al-Balushi, Adil Habib, and Asad al-Yahmadi (I still owe them a concert in the USA). I'd also like to acknowledge my mentors and teachers at the OHA, Khalid al-Tawijri, Samih al-Mahjouby, Muhammad al-Barami (RIP), Mudathir Abu Wafa, and Salim al-Maqrashi. I'd also like to thank professor Askar Ali Akbar from Sultan Qaboos University for taking the time to give me further private instruction on the oud at his home in Muscat. Also from Sultan Qaboos University, I'd like to thank ethnomusicologist Majid al-Harthy for offering guidance and discussion regarding my interest in musical connections between Arabia and the Indian Ocean. I'd also like to thank professor Musallam al-Kathiri, who

during my time in Muscat was the director of the Oman Center for Traditional Music and welcomed me there several times to talk music and history. These conversations culminated in Musallam's kind invitation for me to present my preliminary graduate research in Arabic at The Second Forum for Arab Music Historians in December 2015, a conference that was sponsored by The Arab League's Arab Music Academy and the OCTM. Further thanks goes to my dear friends, Yousif al-Luwaihi, Suleiman al-Muqimi, Salem al-Mashari, Mokhtar al-Salami, Ziad al-Harabi, Nibras Yousuf, Amal Waqar (and family), and Muhammad al-Hanai who all showed me great hospitality during my stay in Oman, and who are all wonderful musicians and poets. I'd also like to thank Wael Qaqish for the many nights of music making, weekend safaris, and friendship. This was a wonderful segway to moving from Muscat to the LA area, which is now another home away from Oman for the both of us.

From UCLA and the wider LA area, I'd like foremost to thank my fellow graduate colleagues and friends for their companionship, musicianship, conversations, and many eventful and fun evenings around LA and beyond, David Castañeda, Will Matczynski, Ariel Sehr, Aboud (Albert) Agha, Art Minas, Laith Majali, Dave Wilson, Deonte Harris, Alyssa Mathias, Lupita Infante, Naim Dehghany, Juan Rivera, Otto Stuparitz, Pablo Infante Amate, Ganavya Doraiswamy, Darci Sprengel, Nessa and Mina Riazzi, Nora Azawi, Sara Altoukhy, Armen Adamian, Naghme Sarang, Blair Black, Mei-Chen Chen, Heidi Yuan (and Ryan), Doug Roudeen, Simone Salmon, Juan Fransisco, Wan Yeung ("the other Juan"), Sam Lamontange, Ryan Vig, Lindsey Kunisaki, Ziyad and Ari Marcus, and Rahul and the rest of the Neuman tribe. Additional thanks and appreciation to Dexter Story, who kindly invited me to get involved with various music projects outside the confines of UCLA. Special thanks to Jonathan Ward for all the wonderful evenings in Echo Park listening to shellac gems from around the world, getting me

involved with some of his work on Excavated Shellac, and for the help, advice, and guidance while entering the wild world of 78 rpm. I extend my deepest gratitude to all my mentors from the Department of Ethnomusicology, Amir-Hosein Pourjavady, Dan Neuman, Helen Reese, Mohsen Mohamadi, Münir Beken, Anna Morcom, and my advisor, Timothy Taylor, who was always quick to respond to emails and ready to review article and chapter drafts. An additional huge thank you to Münir and Anna for serving on my committee and for their support in strengthening this dissertation.

From UCLA's Near East ensemble, special thanks are in order for Sami Asmar who extended friendship, hospitality, guidance, and many wonderful musical opportunities—not to mention an amazing tour of NASA's JPL facilities! I also express my admiration and thanks to the artistry of Sohail Kaspar, Hasan Minawi, Miles Jay, Danny Shamoun, Jamale Abu Hamad, and the hospitality of George, Nebhan, Yola, Sam, Adnan, Jinan, Lily, Kareem, and other amazing people keeping the Arab music scene alive and well throughout the LA and Orange counties.

From UCLA's Department of History, I thank professors Sanjay Subrahmanyam, Sebouh Aslanian, Ned Alpers, and Nile Green, who all encouraged me to pursue exploring musical histories of the Indian Ocean, and thanks to whom I discovered a great passion for historical writing and research. I extend my sincere gratitude to Nile and Ned for also serving on my committee and for their invaluable feedback on this dissertation. Also from the Department of History I thank former graduate students Michael O'Sullivan, Naveen Kanalu, Chris Silver, and Sohaib Baig for their conversations and advice as I began knocking at the doors of their field.

From UCLA's Department of Near Eastern Languages and Cultures, I am especially indebted to professor Luke Yarbrough, who offered me the opportunity to begin my study of

fatwas on the phonograph in a 2019 seminar for exchanging graduate research. I thank the other students in that class, Mohsin, Holly, Evan, Shazeb, Timothy, and Sakena for offering feedback while helping me better understand Islamic legal writing and develop my literacy in classical and pre-modern Arabic. It is Prof. Luke Yarbrough who originally altered me to the relevant anecdote about Cat Stevens that I decided to feature at the beginning of this dissertation. I also extend my thanks to professor Michael Cooperson for the great insights and experiences I gained from his renowned Arabic translation and literature seminars, as well as the opportunity to help develop and contribute to the UCLA Arabic subtitle project.

As for my friends, colleagues, and mentors further afield, I'd like to thank Lisa Urkevitch, George Murer, Corinne Stokes, Joe Kinzer, Anne Rasmussen, Ghazi Faisal al-Mulaifi, Virginia Danielson, Scheherazade Qassim Hassan, Scott Marcus, Andy Eisenberg, Jonathan Shannon, Maria Rijo Lopes da Cunha, Rachel Beckles Willson, Jean Lambert, Jim Sykes, Julia Byl, Yara Salahiddin, Melissa Scott, Søren Møller Sørensen, Frederic Lagrange, and Laura Assaf for their help, conversation, and engagement with my work. I also thank Andrea Stanton for her encouragement of my research on early radio broadcasting in the Arabian Peninsula (which unfortunately did not make it into this dissertation), inviting me to partake in a panel on early Arabic radio broadcasting at the 2020 International Conference of Middle East Studies (MESA) and a centennial conference hosted by the BBC in the UK in Fall 2022. I also thank historian Fahad Bishara, who has shown me great support through the years reading my work, exchanging primary sources, and inspiring me to continue carving a space for music and ethnomusicology in Indian Ocean history. I'd also like to thank my dear colleague Nizar Ghanem, whose work has been an inspiration to many scholars studying music in the Arabian

Peninsula, and from whom I have learned and continue to learn a great deal through our spontaneous and suddenly deep whatsapp conversations at all sorts of odd hours.

From my fellow artists and friends in Kuwait, I'd like to thank Ali Samak, Abdullah al-Jeddah and the Diwaniyat Ahl al-Marwas crew, Tareq Alrubei, Dana al-Rashid, Fathi and Abdulhamid al-Saqr, Rashid al-Himily, Yusif al-Saraya, Yusif al-Kiti, Faisal Khaja, Farah al-Mutairi, Fahad al-Ruwaybikh, Fara al-Saqqaf, Abdulaziz Al Mesbah, Abdul Wahab Al Qatan, Salah Hamad Khalifa, Salih al-Jarayed, Yusif Yaseen, Husa al-Humaidi, Abdullah al-Mulla, Jassim al-Nama, Badr Bu Ghaith, Ayman Bu Ghaith, Husain Alraies, the al-Mas family band, the Bin Hussain family band, the al-Awadh family band, and Adil al-Ayar (RIP). I'm particularly indebted to professor Muhammad al-Baqr, who first introduced me to the scholarly and musical circles of Kuwait. Also a shout out to Dhari Alrasheed and Abdullah Aboushehri for their friendship and hospitality, as well as connecting our overlapping social worlds between Kuwait, Southern California, and even Montana. A further thanks to Dhari for the many wonderful evening *jelsat* in Irvine, CA while he was finishing his Ph.D there. I'm greatly indebted to Khalid Al Ben Ali from the Kuwait National Library for letting me scour the library's shelves and microfilms, and for helping me locate sources during the COVID-19 lockdown. I'm forever thankful for the hospitality and friendship shown to me by Khalid 'Abd al-Mughni, Adil 'Abd al-Mughni, and Hamad al-Hamad, including their invitation to discuss aspects of my research with scholars, authors, and artists at the Kuwaiti Writers Association, where I was encouraged to pursue research about music and Islamic law. I'd also like to extend my gratitude to Muhammad Al-Mughni for giving me access to his superb collection of early 78 rpm recordings from the Gulf and Yemen, and who has continued to generously share sources and other materials. I'd also like to thank Muhammad al-Benai (Bo Azuz) for inviting me into his incredible basement

collection of antiques and rare recordings in Kuwait City, and for the many evenings of lively conversation and music there.

Out of all the people acknowledged in this statement, I am most indebted to ethnomusicologist Ahmad AlSalhi for his support, encouragement, conversation, feedback, and immense generosity he has showed me, offering information, advice, and primary source materials on practically every aspect of my research over the years since we first connected in 2015. He has basically served as a de-facto advisor through this entire journey. When I was conducting dissertation research in Kuwait during early 2020, I eventually found myself stranded in my apartment in Mahboula for six months due to the pandemic. Thanks to Ahmad AlSalhi, I was able to continue my research in lockdown when he sent me 78 rpm records from his archive to document and digitize from my apartment. It was also thanks to my many friends and colleagues in Kuwait, including old friends from Bozeman like Fahad al-Zamanan, that I was able to get through this difficult period of isolation far away from home.

From my contacts in London I'd like to thank Thanos Petouris, Paul Hughes-Smith, James Firebrace, and Ibrahim Zanta from the British-Yemeni Society who offered me resources and the opportunity to give a lecture on my research at the British Library on Aden's early record industry. At the British Library and the Qatar Foundation Partnership, I'd like to especially thank Hazem Jamjoum for providing me access to recordings for this research, and for our conversations over coffee in the British Library courtyard. I also extend my gratitude to the staff of the British Library in the Asian and African Studies Reading Room and the staff of the reading rooms at the National Library at Kew.

From Leiden and Leiden University I thank Jan Just Witkam, Umar Ryad, Petra Sijpesteijn, Arnoud Vrolijk, Nico Kaptein, Maurits van de Boogert, Tom Hoogervorst, Birte

Kristiansen, Mehdy Basir, Dorrit van Dalen, Peter Webb for their hospitality, help, and encouragement. Thank you to my wonderful host family at the beautiful village of Nieuwe Wetering just outside Leiden: Jacqueline, Jos, and Lotte.

Completing this dissertation through an extended three-year period of COVID-19 lockdowns, testing, vaccinations, and intermittent and delayed travel between the Middle East, Europe, and the United States between 2020 and 2022 would not have been possible without the constant selfless and loving generosity of my parents, Matt and Kristi. They always kept the basement apartment in Bozeman, MT open for Insia and me to continue whatever work we could and wait out the vicissitudes of the pandemic while skiing, playing music, and shuffling cards and puzzles. My dear sister Amanda showed me no less after I returned from Kuwait in 2020 to quarantine in the sunny ambiance of her home and backyard in Albuquerque, NM. I'd also like to thank my future in-laws, Sameera and Sohail, as well as the extended Malik and Husain families from Irvine to New York and London for all their love, hospitality, and encouragement as I completed various stages of this research, especially in the UK. While completing my graduate coursework, I had the pleasure of connecting more with my great uncle Larry and his late partner Shamim, who offered me support that only a family can give during what was a challenging yet rewarding time for me in LA.

Lastly, I'd like to express my deep appreciation and gratitude to my mentor, friend, teacher, and professor Ali Jihad (A. J.) Racy, who was my inspiration for deciding to pursue a degree in ethnomusicology, and whose scholarship, musicianship, and overall mark on the field will be heralded for a long time to come. He is an inspiration for those of us who continue to try to find a balance, flow, and perhaps even convergence between our creative energies as artists and our cerebral pursuits as scholars.

VITA

Education

- 2017 M.A., Ethnomusicology, University of California, Los Angeles
“A Case Study in Indian Ocean Globalization: *‘Adaniyyāt* in Kuwait”
- 2013 B.A., Anthropology, Montana State University, Bozeman

Honors and Awards

- 2022 Juynboll Fellowship for Arabic and Islamic Studies, Scaliger Institute,
Leiden University
Dissertation Year Fellowship (DYF), University of California, Los Angeles
- 2021 American Institute of Yemeni Studies Fellowship
British Yemeni Society Academic Award
- 2020 (-2022) Social Science Research Council’s (SSRC) Mellon International Dissertation Research
Fellowship (IDRF), Kuwait, United Kingdom, Netherlands
- 2019 - 2020 Foreign Language and Area Studies (FLAS) Dissertation Research Grant,
Kuwait, Bahrain
- 2018 - 2019 Graduate Research Mentorship, University of California, Los Angeles
- 2014 - 2015 Fulbright US-Student Grant, Oman
- 2012 - 2013 NSEP Boren Language Scholarship, Egypt

Publications

- 2023 “The Airwaves in Arabia, c. 1933-1940.” In *Culture Made in Arabia: The Arabian Peninsula as a new major player on the Arab cultural scene*, edited by Laure Assaf, Clio Chaveneau, and Frédéric Lagrange. CNRS OpenEditions.
[Forthcoming]
- “From the Ottoman Twilight to the Roaring Twenties: The Early Career of Sharif Muhiuddin Haidar.” In *Music and Cultural Diplomacy in the Middle East: Geopolitical Reconfigurations for the 21 Century*, edited by Maria Rijo Lopes da Cunha, Søren Møller Sørensen, Virginia Danielson and Jonathan H. Shannon. Routledge. **[Forthcoming]**

- “Arabian Passings in Indian Ocean History: Troubadours, Technology, and the *Longue Durée*.” In *Sounding the Indian Ocean: Musical Circulations in the Afro-Asiatic Soundscape*, edited by Julia Byl and Jim Sykes. University of California Press. **[Forthcoming]**
- 2022 “Between Yemen, Sudan, and Beyond: An Interview with Dr. Nizar Ghanem.” *The British-Yemeni Society Journal* Vol. 30:12-17
- 2021 “Music in Colonial Aden: Globalization, Cultural Politics, and the Record Industry in an Indian Ocean Port City, c. 1937-1960.” *The British-Yemeni Society Journal* Vol. 29: 12-20.
- 2018 “Al-‘ūd: Bayn al-taqālīd wa al-hadātha fī shabh al-jazīra al-‘arabiya” (The Oud: Between Tradition and Modernity in the Arabian Peninsula). *Majalat al-Funūn (Periodical of the Arts)* Vol. 18(1): 110-114. Kuwait. **[In Arabic]**
- 2017 “The Oud at the Junction of the Nile: Reflections on the Second Khartoum Festival for the Oud.” *Oud Migrations*. June 12, 2017.
<https://oudmigrations.com/2017/06/12/the-oud-at-the-junction-of-the-nile/>
- Arabic translation (2017):
<https://manshoor.com/art/khartoum-oud-festival/>
- 2016 “Thinking Historically, Being Present: Kuwait, Summer 2016.” *Ethnomusicology Review*, Historical Perspectives. October 20, 2016.
<http://ethnomusicologyreview.ucla.edu/content/thinking-historically-being-present-kuwait-summer-2016>
- Arabic translation (2017):
<https://manshoor.com/art/american-gabriel-lavin-and-kuwait-sawt-music/>

Introduction

The Radio Host, Musician, Novelist, and Cleric

On the afternoon of March 8th, 1989, a host for Los Angeles' KFI radio named Tom Leykis staged a publicity stunt by bulldozing a pile of two hundred Cat Stevens albums at an empty lot in Compton. At first, Leykis wanted to host a burning but decided against it in order to avoid the potential air pollution caused by setting a large pile of vinyl records and CDs ablaze. Indeed, it was an environmentally friendly act of Islamophobia, directed against the British singer who had converted to Islam, adopted the name Yusif Islam, and left the music business altogether back in 1978. Before crushing the albums, Leykis played Stevens' song "Peace Train" (1971) on a set of loudspeakers: an attempt to criticize the star for replacing his former doctrine of peace, love, and rock n' roll for a new one of religious hate. Yusif Islam had just come under global scrutiny after he ostensibly voiced support for Ayatollah Khomeini's fatwa that called for the killing of novelist Salman Rushdie for writing *The Satanic Verses* (1988). Stevens was reported saying, "The Koran makes it clear: if someone defames the Prophet then he must die." As Leykis was quoted by *The Los Angeles Times*, "I hope to send a message back to Cat Stevens; I hope to send a message to Ayatollah: We do not endorse murder. We endorse the right of the American people to read, think and say whatever they want to" (Puig 1989). No doubt, Leykis' stunt was intended as a response to "the enemies of the free world" and the recent burnings of Rushdie's novel that occurred from Karachi to London (Remnick 2022).

Yet the affair was par for the course for politics in the media. The statements of some were deliberately taken out of context and the resulting controversy was a welcome opportunity for others to promote their own platform and ideological agenda. Despite that the album

smashing brought the resignation of KFI's morning host, the firing of two producers, and widespread accusations of fascism, Leykis seemed to consider it good publicity. "I'm not ashamed to promote the KFI," he told the press (Puig 1989). In a later interview with *Rolling Stone* magazine (Dansby 2000), Yusif Islam said that the controversial statement he made was an answer to a question about what the Quran prescribed for blasphemy, not about whether or not he personally agreed that Salman Rushdie should be killed. He compared it to asking a student of the Bible what the text says about blasphemy, for which they would need to quote Leviticus, a book that clearly prescribes death as punishment for blasphemy too. Although he thought continuing a music career would be "hypocritical" to following the teachings of Islam, and thus quit the industry and auctioned off his guitars, Yusif Islam would eventually return to performing in the 2000s. He also said that a near death experience of almost drowning off the coast of Malibu was the reason why he decided to seek spiritual fulfillment during the late 1970s. In any case, the abrupt end to a successful career associated with his conversion led many to assume that Cat Stevens had become a blind follower of an archaic religion that was in crisis with modernity, a dynamic only amplified by Ayatollah Khomeini's fatwa calling for the assassination of Salman Rushdie.

Yusif Islam's musical comeback was perhaps further overshadowed by the rising flames of the post-9/11 world. The idea that Muslims, governed strictly by Islamic *shari'ah* law and fatwas issued by despotic clerics, were at odds with the West's ideals of science, human liberty, and free expression was widely adopted in both popular and academic discourse and by pundits from both the left and right. Islamophobic and cultural tropes about "Islam and the West" became the rhetorical fuel to normalize and garner bipartisan support for two decades of American war and occupation in Iraq and Afghanistan. The chickens have now come home to

roost with the frightening rise of white supremacists and far right political movements across the United States and Europe, which unanimously appeal to Islamophobic and racist ideas of a Western civilization under threat from external forces. Islamophobia has also been exported and entangled with genocidal and discriminatory policies targeting Muslim minorities in Burma, China, and India. As witnessed with the events of 9/11 themselves, the brief reign of ISIS, the return of the Taliban, and the recent near-fatal stabbing of Salman Rushdie, narratives of Islamic exceptionalism continue to provide fuel for Islamist ideologues who adopt essentialist ideas about their religion based on the same logic of Islamophobia: that Islam and the West are inevitably at odds if not downright incompatible, with cultural, ideological, and political borders that need to be actively defended through political force and or violence. Like later post-9/11 appeals to “freedom” as justification for the United States’ long and misguided War on Terror, Tom Leykis’ appeal to “the right of the American people to read, think, and say whatever they want to” was, at the time, criticized in the press more accurately as an endorsement of more needless destruction rather than a genuine effort to aid people like Salman Rushdie or promote democracy (Stevenson 1989). Although often framed to be forever doomed in a clash of cultures and civilizations, modern historians have revealed that the sword of liberal enlightenment and the saber of Islam, that is, the modern radical stems of both traditions, originate in similar global forges of nineteenth and twentieth-century thought.

This dissertation is an effort to explore such entangled global histories, often clouded by more recent polemics such as that highlighted above in the story about the radio host, musician, novelist, and cleric. That chain of events was itself a global entanglement that has continued resonance with the global present and ongoing socio-political ruptures of what is commonly dubbed “the culture wars.” But it is this story’s much less explored resonances and, more

significantly, *dissonances* with the global past during the late nineteenth and early twentieth centuries that is the subject of the current thesis. Indeed, the idea that Islam condemns a universal concept of “music” or that a Shia leader like Ayatollah Khomeini could legitimately call for Islamicist violence on behalf of the world’s entire Muslim populace, also including Sunnis, Zayidis, Ibadhis, Ismailis, Ahmadis, Sufis, various legal schools, and many other sects and denominations, would have seemed absurd to many Muslims during this time, as it no doubt would today. As such, this dissertation is a history told by way of a written genre of Islamic law that, due to such polemics, is widely misunderstood and misconstrued: the *fatwa*, a legal opinion, usually non-binding, issued by a qualified jurist or “mufti” concerning a particular issue in Islamic law. Through the lens of law, this dissertation explores how Sunni jurists from the Middle East to Southeast Asia during the early twentieth century (c. 1899-1945) interacted with and responded to the global proliferation of the product of the world’s first global entertainment media industry: the phonograph. This was a technology that would shape the modern concept of music, becoming the precursor to the CDs and vinyl records that were the bread and butter of Yusuf Islam’s successful rock n’ roll career, no less the publicity stunt of Tom Leykis.

If by the late twentieth century Islamic law could be seen as stemming from a doctrine considered by both Islamophobes and Islamists to be antipathetic to the musical arts, freedom, modernity, and the West (however nebulous such notions are), then the fatwa literature explored in this dissertation demonstrates that this is neither a forgone nor sound conclusion. More importantly however, this study reveals historical contingencies that are dissonant with recent “Islam and the West” polemics indulged by pundits and academics alike, such as moments when Muslim clerics actively supported Western colonial expansion, or when fatwas were issued to condone Western-styled musical performance by other clerics who were, at the same time, no

allies of European imperialism. On the other hand, and although certainly not always leading to the public spectacles of book burning and record smashing, fatwas on the phonograph are broadly reflective of how socio-political anxieties and legal grievances in the modern world often crystallize around mass media production and consumption. Furthermore, the fatwa literature explored in this dissertation was produced during the height of European colonialism, a time to which one can trace the origin of modern tropes about Islam's civilizational difference and their subsequent global ramifications in cultural, political, and legal arenas. Still, this history about the intersections of law, technology, and musical entertainment reveals entanglements that complicate what is often partitioned from "the West" as "the Muslim world," an enduring idea that historian Cemil Aydin (2017) has argued is long overdue for critical scrutiny in the social and political sciences, not to mention the field of ethnomusicology.

* * *

The four body chapters of this dissertation are an exposé and partial translation of a fatwa or fatwas, which I also call "rulings," written in Arabic about the phonograph, recorded Quran recitations, and musical entertainment in Egypt, Indonesia, the Hejaz, and Yemen during the early twentieth century. Given that each fatwa was written as a contribution to an existing legal controversy or discussion, the chapters will explore the wider context for each case as well as biographical information about the jurists involved. As this dissertation will demonstrate, Islamic legal debate about the phonograph was connected to broader contestations over law, governance, authority, morality, and changing practices of entertainment and public assembly around the world during the late nineteenth and early twentieth centuries. Although the elite jurists, scholars (*'ulama*), and, in one a case, a poet and lyricist who composed these fatwas will be the central focus of the dissertation, musicians, Quran reciters, field recorders, and Muslims employed by

international phonograph firms also make their way into this study as producers and consumers in the very markets that came under legal scrutiny. Certainly, the select group of jurists and scholars whose fatwas are the main focus of this study by no means speak for all Muslims, whether then or now. Nor does the fatwa literature on the phonograph explored in this dissertation by any means comprise all that was written by Islamic scholars on the subject during the nineteenth and early twentieth centuries. Nevertheless, what is presented here showcases a diversity of possible views regarding early technological sound reproduction, recitational practices, and musical entertainment expressed through a specific yet heterogeneous genre of Islamic thought, adding historical depth to existing studies about Islam, music, and sound.

As will be seen, the rulings of some jurists became increasingly adopted within the legal apparatus of the modern state and its penal measures, and thus became enforced on large populations of Muslims whose preexisting customary and legal norms regarding musical entertainment and vocal recitation conflicted with and became suppressed by the *shari'ah's* application to modern state law: the rise of modern Saudi Arabia during the 1920s being a case in point (see Chapter Four). Furthermore, the global intellectual and legal entanglements of the colonial era explored in this dissertation reveal that Islamic law is not an isolated cultural tradition. Thus, I take the law's and, more generally, the written word's ability to "speak" for a people, a nation, or a religious group—however defined—as something that stems from incomplete and messy historical contingencies, and is thus necessarily a contingent issue. After all, the corpus of fatwas on the phonograph explored in this study were generated in the context of wider debate about who could legitimately represent and lead global Muslim communities throughout the Middle East and the Indian Ocean region during the early twentieth century. As such, I want to be clear that I am framing this study as a historical one about changing perceptions and social

practices surrounding law, technology, sound, and musical entertainment, not as a study of “Islamic culture” from which one could theorize and extrapolate general claims about what Muslims around the world think and do. If fatwas on the phonograph reveal anything, it is that, at least in this legal context, there is no inevitable ideological, social, nor political unity that could be ascribed to Islam as a stable category of cultural difference, even though the reverse is often claimed for varying academic and political agendas, and for good or ill.

Originally, when I was applying for research funds and organizing my ideas, I intended this thesis to be a study of the early recording industry in the Arabian Peninsula. I was going to explore how musicians, company owners, and record production in Gulf Arab states and Yemen were plugged into Indian Ocean networks of intercultural exchange during the early twentieth century. A fatwa on the phonograph written in 1899 by a Hadhrami scholar named Sayyid ‘Uthman based in the Dutch East Indies was what sparked my initial interest in Islamic legal writings on the technology (see Chapter Two). This was particularly because Sayyid ‘Uthman was a colleague of the Dutch orientalist and colonial administrator Christiaan Snouck Hurgronje who, via Arab contacts in Java, commissioned the earliest known phonograph recordings made on the Arabian Peninsula in Mecca and Jeddah, c. 1906-1909 (see Chapter Three). I thought the fatwas would be an interesting supplement to exploring the early stages of an Indian Ocean history of sound recording, demonstrating how the intertwined circulation of new technologies, music, poetry, and musicians sparked legal debates that followed these movements across maritime space. By the time I submitted and defended my dissertation proposal in Fall 2019, exploring these questions through the fatwa literature became more central to the project. Alas, the COVID-19 pandemic significantly disrupted my original research plans, which were to take me to all but Kuwait, Bahrain, the Netherlands, and the United Kingdom during the course of

2020. I was thus obliged to reshuffle my plan, the result being that fatwas on the phonograph written between 1899 and 1911 (Chapters One, Two, and Three) and one written during the early 1940s (Chapter Four) are now the central theme of the dissertation, with the subject of record industry now being more supplemental. Furthermore, although much of the dissertation considers the Indian Ocean as an “arena” (see Bose 2006) to examine intertwined circulations of media, law, and musical entertainment, I now consider these regional entanglements to be inherently global, and therefore phenomena to be studied under the rubric of global as much as Indian Ocean history.

The Phonograph and Technological Modernity

One of the first things that struck me when reading fatwas on the phonograph was that the Islamic jurists who penned them by and large did not consider the new media technology as a totem of “Western civilization” nor “Western modernity.” Rather, the central issue of concern to Islamic jurists was one that similarly preoccupied lawyers in the United States Supreme Court at the exact same time: the problem of technological sound fidelity, i.e. whether or not a wax-cylinder or shellac-disc recording of music or the human voice authentically embodied the original sounds or voice that was captured. While the problem of fidelity and disembodied voices was mainly an economic concern of copyright and royalties in Western Europe and the United States, for Islamic scholars it had direct moral implications within Muslim society, especially when the phonograph entered the sphere of religion. Indeed, international American and European phonograph firms directly and deliberately targeted Muslim consumers around the globe during the early 1900s, mass producing recordings of Quran recitations, Islamic hymnal, the call to prayer, and other recitational and musical practices associated with Muslim markets.

Furthermore, scholars like Sayyid ‘Uthman al-‘Aqil (1822-1914) who critiqued this production and consumption via fatwas as early as 1899 represent a line of thought that could be considered a precursory milieu to Theodor Adorno (d. 1969) or Walter Benjamin’s (d. 1940) critiques of technological modernity and popular consumption as much as it was a part of a much older tradition of Sufi reformism dating back to Abu Hamid al-Ghazali (d. 1111). Sayyid ‘Uthman claimed that the wonder and spectacle of turn-of-the-century technological modernity, brought by things such as steam travel, X rays, and electricity, was merely a facade deployed by those trying to turn a profit from public demonstrations of the phonograph, a technology which he thought was, unlike the aforementioned useful ones, an object of frivolous and potentially reprehensible popular entertainment. As such, fatwas on the phonograph are the product of a contingent historical moment when the phonograph had yet to be endowed and accepted as an emblem of technological modernity around the globe. Similarly, the increasing worldwide consumerist fervor during the early 1900s centered around novel products of global industrial capitalism generated strikingly similar and parallel anxieties about technological fidelity, mass culture, and media consumption in seemingly distant regions of the world (see Thompson 2005; Weidman 2003).

Citing Patrick Feaster (2007), Mark Katz (2012) has asserted that the phonograph’s invention was akin to “a moment of crisis” when “the preexisting constellation of technologies of communication is thrown out of equilibrium” (Feaster 2007 from Katz 2012:12). Katz (2012, 2010) has also suggested that the phonograph’s ability to record music and voices and thereby replay them indefinitely was akin to magic, granting those voices immortality and the ability to communicate with the living after the body’s absence. Due to the shock and awe caused by an unprecedented technological invention that changed the materiality and temporality of sound and

the human voice, consumers “struggled to make sense of wholly new ways of experiencing sound and, in particular, music” (2012:11-12). Such narratives of cultural and sensorial rupture, shock, and “disequilibrium” are also implicit in those regarding the phonograph, modernity, and imperialism, where the global spread of media technology is causally linked to the colonial disruption of traditional non-Western societies, while media like the phonograph are taken as symbols of historic Western cultural domination (Attali 1985; Radano and Tejumola 2016). In a similar vein, Michael Denning’s (2015) global history of the phonograph industry has posited a grand narrative that the initial spread of the phonograph coincided with the colonial imposition and global dominance of Western musical tastes and values, whereby it was later co-opted by the colonized to assert their own cultural and musical programs of decolonization.

Yet as Lisa Gitleman (1999) has pointed out, it is important not to conflate the later success of the phonograph, and by extension sound reproducing media in general, with what were actually more difficult and messy beginnings. She challenges teleological historical narratives of technology in the context of the United States, showing that the phonograph was by no means an immediate success while it was scrutinized among existing technologies of writing and inscription during the late nineteenth century. In fact, philosophical questions of sound and materiality were of more importance to deliberations over copyright law rather than being a subject of widespread awe or interest throughout American society during the early twentieth century. This perspective is further elaborated by historian David Suisman (2009) who demonstrates that, if consumers in Europe and the United States did indeed “struggle to make sense” of the phonograph during the late nineteenth and early twentieth centuries, then it was more because the new technology was regarded unimpressive and mundane in comparison to a live musical performance. As he demonstrates, early American phonograph companies single

handedly innovated the modern advertising industry in an effort to convince consumers of the phonograph's otherwise seriously limited fidelity, and to garner consumer interest in listening to music outside the context of live performance. Thus, to claim that the phonograph was regarded as shocking or causing socio-cultural or sensorial ruptures as a form of "magic" is to reassert as historical social reality the advertising tropes that phonograph companies used to market their products during the late nineteenth and early twentieth centuries. Further challenging such teleologies, one of the founding scholars of the subfield of sound studies, Jonathan Sterne (2003), coined the notion of "sound cultures" to demonstrate how new sound reproducing technologies like the phonograph, rather than representing an "impact narrative" of shock and awe, were imbedded within existing American cultural milieus and changing ideas about sound and the human body during the nineteenth and early twentieth centuries.

If the phonograph's gradual acceptance in the United States and Europe was contingent, then it most certainly was elsewhere. The work of Pekka Gronow (1981, 1983, 1998) has made it clear that early record companies from the very beginning had little hope of popularizing their product around the globe by selling music produced for consumers in Europe and the United States. This greatly complicates the thesis of Denning (2015), which argues that the phonograph industry initially spread around the globe on the reigns of Western cultural and musical hegemony. Indeed, the fact that early phonograph companies were obliged to cater to non-Western musical traditions and tastes from the beginning by identifying existing markets for musical entertainment around the globe is a fundamental reality accepted by most historians of early commercial recording in Africa, the Middle East, and Asia. Studies for regions in the geographical proximity of the places discussed in this study have been done for Egypt (Racy 1976), Yemen and the Gulf Arab states (AlSalhi 2021; Lambert and Akouri 2020; Lavin 2021),

Iran (Lucas 2014; Mohammadi 2017), Southeast Asia (Beng 2012; Yampolsky 2013), and India (Farrell 1993; Kinnear 2016). As Farrell (1993) revealed through his archival research, the very first international recording venture undertaken in 1903 on behalf of the British Gramophone Company by Fred Gaisberg was, in part, initiated by letters the Company received from Indian noblemen requesting someone to come to India to make recordings of local singers, providing assurances there would be a market for them on the Subcontinent. As will be seen throughout this dissertation, it was precisely the phonograph's association with vernacular economies and markets of entertainment, not its association with Western modernity or culture, that made it the object of scrutiny among Islamic scholars around the world during the early twentieth century.

Certainly, such interventions are not to diminish the fact that the phonograph's early global dissemination occurred during the height of European, and particularly British, imperialism. There is no question that the contemporary technological enablers and infrastructures of globalization consisting of telegraph lines, steam ships, and trains were rigged to cater to the global movement of people and goods that disproportionately and vastly benefited Western Europe. Yet historian David Arnold (2013) has suggested that a nuanced approach is required in studying the way "everyday technologies," e.g., bicycles, typewriters, rice mills, watches, and phonographs, circulated the globe during the nineteenth and early twentieth centuries. As he shows, the movement and consumption of these smaller technological commodities, although enabled by global markets dominated by colonial powers, was not necessarily nor casually aligned with imperial designs. They were facilitated by global firms and companies that, although taking advantage of "free" colonial markets, otherwise often had no relationship to colonial administration and sold their products to local consumers who adapted the technologies to their own needs. Historians of Islam like Seema Alavi (2015) have also

explored how Muslim consumers and intellectuals adapted the “colonial grid” of steam travel and telegraphy as well as the technology of printing to assert their own agendas of reform and spiritual enchantment during the era of high imperialism. As this dissertation reveals in Chapters Two and Three, by selling recordings of Quran recitations, vernacular hybrid forms of Arabic-Malay song, and Sufi litanies, the phonograph became a part of what historian Nile Green (2011) has called “alternative trajectories of communicational modernity” and “the enchantment of industrial communications” for Muslim consumers throughout the Indian Ocean region.

In a related vein, historian of China Andrew F. Jones (2001) signaled a warning about presuming a causality between Western culture, modernity, and technology, drawing on the work of anthropologist Michael Taussig (1993). Jones (2001) suggests that to historically problematize the global spread of early media like phonograph and cinema as the infiltration and adoption of “foreign” or inherently “Western” technologies is to reassert a fundamental thesis of imperialist historiography: that modern technology “is a necessary attribute of Western civilization,” a presumption whereby “machines slip unremarked into the domain of an implicitly racialized sense of culture” in historical discussions regarding modernity (11). As Taussig (1993) himself noted, the shockingness, awe, and magic attributed to technologies like the phonograph play into “frontier rituals of technological supremacy,” or the Westerner’s fascination with the Other’s ostensible fascination with what they believe to be “their” superior technologies.

In historical moments relevant to this dissertation, such rituals were indulged by orientalist commentators on fatwas on the phonograph during the early twentieth century, who characterized them as the polemics of luddite clerics struggling to come to terms with Western civilization (see *The Moslem World* 1915). In an effort to be sensitive to colonial legacies, technologically imbued narratives of cultural difference have ironically continued to retain

purchase in more recent scholarship on Muslim and Arab engagements with modern media, where the latter is still characterized as a historically Western infiltration (Frishkopf 2010; Larsson 2011). Recent scholarship about fatwas on the phonograph has also positioned the phonograph as an inherently “foreign” and “Western” commodity spreading throughout Islamdom, thus framing Islamic legal responses to the new technology as one to modernity more broadly (Witkam 2020). In his history of early phonograph and cinema in China, Jones (2001) explicitly elucidated this problem, suggesting that to conflate Western civilization, modernity, and media technology is to wrongly interpret a problem of political economy as a problem of culture:

. . . scholarly insistence on film as a “foreign” medium serves only to recast what is first and foremost a problem of political economy—the concentration of the means of mechanical reproduction in the hands of the colonial powers and transnational capital—in terms of cultural difference. (13)

As will be demonstrated in this dissertation, the early phonograph industry, in an attempt to universalize its products and maximize global profits, presented a narrative contrary to the culturalist one stemming from imperialist historiography critiqued here by Jones (2001). American trade publications like *The Talking Machine World* (e. 1905) would commonly report to investors and phonograph entrepreneurs about zealous Muslim consumers from North Africa to Southeast Asia who were more than happy to adopt the new media in existing markets for Quran recitation, litany, and song, and in some cases actually work for phonograph companies as agents. American trade reports (1912) about the phonograph industry before the First World War would also state that, while player-piano and phonograph sales were down in North America due to recession, music markets in China and the popularity of recordings of the Quran among Muslim phonograph consumers worldwide were keeping the industry afloat while it faced hard times “at home” in North America.

While the fatwas explored here were all written in Arabic and drew on specific texts (most notably the Quran and *hadith*), practices of transmission, and conventions of interpretation particular to Islamic law, the underlying problem surrounding the materiality of the human voice, sound, and technological fidelity, as well as their philosophical implications for language and writing, held striking overlap to the philosophical conundrums underlying contemporary debate about the phonograph and copyright law in the United States Supreme Court. This has already been pointed out by Leor Halavi (2019) in his groundbreaking chapter on fatwas about the phonograph published during the early 1900s in the journal *al-Manar* by the Islamic reformer Rashid Rida (1865-1935). As this dissertation will demonstrate through a wider global examination of fatwas on the phonograph, within the Islamic legal tradition itself there were many different views and textual resources about these philosophical issues that could be creatively drawn upon by Islamic jurists, resulting in a variety of interpretations and opinions of phonographic fidelity. I believe this diversity of opinion and legal method present in fatwas on the phonograph, including their philosophical parallels in other global contexts, greatly complicates taking an “Islamic world” or “culture,” notions often accompanied by all too casual historical assumptions about “modernity,” as a point of departure and focus for this study. This is an issue brought into further relief when considering previous studies of Islam in the subfield of sound studies.

Islam and Sound Studies

As I read deeper into fatwas on the phonograph, I started to face various challenges. Firstly, I had to gain a general understanding of Islamic legal discourse, terminology, and the somewhat loosely defined (at least in the time period explored in this study) conventions of

fatwa writing. Another challenge was that, in order to understand points made in the fatwas about sound, text, language, divine revelation, law, or morality, I had to gain a general sense of the historic doctrinal debates in Islam that gave rise to varying points of consensus and disagreement on these issues between different denominations and legal schools. In addition to learning about things such as the opposing theology of the Mu‘tazilites and the Ash‘arites, Abu Hamid al-Ghazali’s Sufi critique of philosophers like Ibn Sina (Avicenna), or the modern nineteenth century efforts of the Egyptian scholar Muhammad Abdu to reopen the gates of individual legal reasoning or *ijtihad*, I also found that reading some of the fatwas demanded a sophisticated understanding of Aristotelian logic: something admittedly well beyond my expertise. Nonetheless, I tried to get a basic understanding of what texts like *Organon*, the *Almagest*, or the *Isagogue* cited by Islamic jurists in fatwas on the phonograph were about, while trying to get a sense of how various ideas of the Greek and Neoplatonic tradition regarding sense, logic, and reason were translated and adapted to Arabic Islamic contexts throughout history. Even more, I was also compelled to look up early articles about the phonograph from *Scientific American* and their Arabic translations, which in one case were cited in a fatwa on the phonograph written in 1906 by the Al Azhar jurist Muhammad Bakhit al-Muti‘i (1854-1935) (see Chapter One). All this goes to say is that the intellectual resources drawn on by Islamic scholars writing on the phonograph were broad and immense, including significant engagement with texts and ideas that are often assumed, at least in the sound studies literature discussed below, to be the exclusive purview of Western thought.

While such a breadth of intellectual resources would be less surprising to a historian of Islamic philosophy, it was perhaps more striking to me due to the scholarly literature on Islam, music, and sound that I had been reading. While this literature rigorously engages recent

theoretical developments in anthropology regarding sound, voice, sense, and bodily subjectivity through compelling ethnography, when read against the grain of fatwas on the phonograph, it also reproduces the culturalist narratives regarding Islam and technological modernity noted above. First and foremost, this appears to stem from a general presumption that Muslim scholars themselves did not rigorously theorize issues of sound, voice, and subjectivity within the confines of doctrine, theology, and law in various contexts throughout history, and particularly during the era of the phonograph. Secondly, this has resulted in anthropological theorizations about Islam that have flattened important differences that have risen in both Islamic legal theory (*usul al-fiqh*) and legal practice (substantive law or *furu' al-fiqh*) in a variety of historical contexts, differences that have resulted in significant continued debate and discrepancy across Muslim societies concerning music, the aesthetics of sound, and their relationship to pious comportment in public life. This flattening in part also stems from the fact that, in the noble pursuit of emic analysis, there appears to be an ethnographic tendency to simply adopt and or privilege modern Islamist ideology as the frame for theorizing Islam as a category of cultural difference. Ironically, this has also resulted in the recycling of narratives about Islamic difference derived from orientalist and imperialist historiographies, particularly notions of Islamic “culture” and “civilization” coined by intellectuals and historians like Ernest Renan (1823-1892) and Arnold J. Toynbee (1889-1975) that held much influence on the global intellectual development of Islamism throughout the nineteenth and twentieth centuries (Aydin 2017).

For example, anthropologist Patrick Eisenlohr (2018) has ethnographically explored among Mauritian Urdu-speaking Muslims how sound and “sonic atmospheres merge with discursively elaborated religious themes” in order to understand “what for them is a more direct connection to the divine, an experience they describe as literally being touched and seized by a

reciting voice” (4). Focusing on the recitation of devotional *n‘at* poetry dedicated to the Prophet Muhammad, Eisenlohr explores how the “auditory real” interacts with “culturally attuned bodies and selves” that “ascribe power to sound,” with a particular focus to how technological media take part in the sensual dimensions of religion. He further explores how the sonic technological mediation of recitational practices among Mauritian Muslims is connected to contestation over space in a religiously diverse urban landscape, noting how sound and listening create a sense of social belonging by generating “pious dispositions for an ethical life in individuals in more than a metaphorical way” (7). Relevant to the field of Indian Ocean studies, Eisenlohr further interrogates how the mediation of *n‘at* poetry via Western technologies, “domesticated” by what he theorizes as an Islamic folk logocentrism, brings Mauritian Muslims closer to geographical centers of Muslim authority in South Asia, as well as spiritual centers of authority surrounding figures like the Prophet (60-61).

A hugely foundational study that has inspired many later studies of sound and Islam is that of Charles Hirschkind (2009), who studied the role of the cassette sermons in Egypt’s modern Islamic revival movement. Hirschkind interrogated the role that aural media play in shaping Egypt’s contemporary moral and political landscape, focusing on how sonic media practices inform “sensory knowledges” and “embodied aptitudes.” Importantly, Hirschkind (2009) argued that revivalist organizations like the Muslim Brotherhood utilize cassette sermons to form “counter publics” that cling to a long-held homiletic tradition of “ethical listening” particular to Islam, wherein listening is a “privileged sensorial activity.” He further argues that this is a tradition that stands in opposition to the modern Egyptian state and its state-sponsored Islamic institutions and practices, which have been derived and influenced by the Western tradition of ocular-centric rationality. Taking inspiration from Islamic theological doctrine

regarding the Arabic language and Quranic revelation, Hirschkind proposed that Islam traditionally had not witnessed the elaboration of rhetoric as the West's Christian tradition, and even suggested that syllogism was not rigorously pursued historically by Muslim scholars, who instead privileged the aesthetic principles of beautiful elocution (*al-balagha*) as being at the core of truth. Suggesting that, for Muslims, the "agency of the utterance" of speech was located in God rather than in the speaker, Hirschkind argued that Islamic tradition emphasized listener reception of the word more than the speaker's creative or rhetorical abilities of persuasion (33-42). As such, he proposed that traditional Islam emphasizes "rhetorical listening" centered around vocal transmission, which Islamist movements in contemporary Egypt engage and revive via taped cassette sermons.

By making a historical intervention, this dissertation seeks to complicate some assumptions underlying these anthropological studies. Acknowledging Eisenlohr's (2018) work, I demonstrate how sound, technology, subjectivity, and pious comportment have been a subject of contestation and debate among Muslim scholars representing different Islamic denominations and communities across the Indian Ocean since the early global proliferation of the phonograph. As such, I suggest that ongoing Muslim engagements with modern media are less a problem of "folk" logocentrism or non-Western societies accommodating modern Western technology, but more ongoing entanglements within a much longer global history (well over a century now) of legal, philosophical, and theological deliberation across Muslim societies about the very issues scholars like Eisenlohr attempt to theorize in the framework of modern anthropology. In other words, it is possible for future sound studies scholars interested in Islam to rigorously theorize about sound, technology, and social life through a dynamic and global Arabic-language framework particular to Islam, in this case a legal one with its own vast internal diversity and

transcultural histories of application and translation. Similarly, such a framework can be seen as “coeval” to the equally dynamic tradition of modern social theory engaged by ethnomusicologists and anthropologists alike, intertwined with the global circulation of ideas, technologies, commodity markets, and legal formations that enabled such theorizations in the first place. This is not to propose nor advocate for a “universal ontology”—something addressed by Eisenlohr (2018)—regarding the bodily senses and human subjectivity, even though many Muslim jurists writing fatwas on the phonograph assumed they were operating within one. Rather, it is to take seriously recent calls by ethnomusicologists and sound studies scholars to engage non-English and non-European language sources and theorizations about sound (Steingo and Sykes 2019). Moreover, and following the historically-grounded sound studies work by ethnomusicologist Ana María Ochoa Gautier (2014), it is to also acknowledge that ideas regarding sound, sense, and subjectivity—in addition to modern technologies like the phonograph—have been moving around the world across cultures in processes of adaptation and translation for quite a long time.

This is a point particularly relevant to Hirschkind’s (2009) seminal study, which explicitly theorizes Islam as a category of cultural difference in contradistinction to a presupposed Western ocular-centric modern rationality. Yet anthropologist Veit Erlmann’s (2010) insightful historical study has challenged the presumption that modernity in the West, and specifically the development of European enlightenment thought, occurred at the expense of the ear, showing that hearing and resonance were intertwined with developing Enlightenment ideas about modern science and rationality across Europe. As historians like Emily Thompson (2002) have also pointed out, the ear, sound, and noise became increasingly important markers of modernity in the United States during the nineteenth and early twentieth centuries. She notes

how sound reproduction technology, while contributing to the cacophony of everyday American life, also amplified social and urban reform projects centered around noise control, which were related to broader reforms projects centered around public morality and sanitation. As such, she not only demonstrates how sound itself became increasingly scrutinized under law, but also how it became a more discreetly isolated and controlled field of inquiry within the newly developing fields of acoustics and architecture. This was due to the invention and proliferation of technologies like the condenser microphone and radio, which catalyzed ontological transformations regarding sound and the audible.

Further complicating the ocular-centric narrative of modernity in Middle Eastern and Muslim contexts, historian Ziad Fahmy (2020) has explored parallel contestations and controversy over public noise and sound in colonial Egypt, revealing that modernity there was also characterized by an increasing presence and awareness of noise. As elsewhere in the world, Fahmy (2020) shows how Egypt also witnessed efforts to curb and control street sounds as a part of wider social reform projects, which were fundamentally a plethora of legal contests involving appeals to both the secular mechanisms of the modern state and religious institutions of Islamic authority. By the 1930s in Afghanistan, one of the few Muslim nations that did not succumb to European colonization, the Persian-language journal *Kabul* (1937) issued an article summarizing the work of the architect and founder of modern acoustics Wallace Sabine (1868-1919), noting how concepts from the new science of sound (*'ilm-e-al-sawt*) and architectural acoustics could be applied to mosques where Quran recitations and sermons occur. As fatwas on the phonograph explored in this dissertation reveal, the modern and global preoccupation with sound, noise, and public order, which was equally connected to techno-scientific developments as it was to the increasing reach of the modern state's legal jurisdiction into everyday life, lended new vigor to

long standing debates about entertainment, sound, recitation, and morality among Muslim theologians and legal scholars.

Taking all of this into account, I take issue with Hirschkind's (2009:44) presumption that the nineteenth and early twentieth century modernist Muslim reformers disrupted a long-held tradition of "rhetorical listening." After all, and as is well known, it was these very modern reformist movements, spearheaded by intellectuals like Jamal al-Din al-Afghani (d. 1897), Muhammad Abdu (d. 1905), and Rashid Rida (d. 1935), that paved the way for the more recent Islamist revival movements of the late twentieth century in places like Egypt where Hirschkind conducted his research (see Aydin 2017 or Hourani 1983[1962]). Moreover, as historians of the Muslim Brotherhood like Beth Baron (2014) make clear, the success of modern Islamist organizations is thanks more to their use of the organizational, rhetorical, and ideological tools of modern civil society as well as those of Christian evangelists. Furthermore, to make the claim, as Hirschkind (2009:33-34) does, that Islam traditionally privileged the aesthetic principles of beautiful elocution (*al-balagha*) over rhetoric is to casually extend theological and doctrinal conventions specific to the Quran to all other Islamic textual and oral practices of transmission, including preaching or practicing law. As historians of Islamic philosophy have noted, rhetoric was considered one of the five arts of syllogism taught at Islamic seminaries from Africa to India throughout history, being deliberately applied to legal training and practices like fatwa writing, while logic and the syllogistic arts witnessed an even greater resurgence with the advent of mass printing in Arabic, Persian, and Urdu during the nineteenth century (Walbridge 2000). As will be seen in Chapter One, it was this Aristotelianism (or Avicennism) associated with historic centers of Islamic learning that was despised and criticized by early Islamists like Rashid Rida who, much like his enlightened counterparts in Europe, thought such arduous scholasticism to be

emblematic of stagnant tradition. In any case, the fact that rhetoric was historically employed in the study and application of Islamic law greatly complicates Hirschkind's (2009:219) claim that rhetoric lived and died with medieval Islamic philosophers, and did not have influence in more everyday legal matters and religious practices across Muslim societies throughout history, including in sermon oratory or fatwa writing. Indeed, it's worthwhile noting that the Arabic words for "sermon" or "speech" (*khutba*) and "preacher" or "speaker" (*khatib*) are derived from same root as the Arabic word used since the medieval period for the Aristotelian concept of "rhetoric" (*khitaba*).

Overlapping with foundational works in sound studies, Hirschkind's theorization of Islamic difference resonates with an enduring thesis proposed by Jonathan Sterne (2003): that an exclusive "sound culture" of thought regarding listening and hearing exists within a 2,000 year-old "audiovisual litany" specific to the Western Judeo-Christian tradition. Sterne (2003) takes St. Augustine to be emblematic of this litany in his view on divine revelation and the letter vs. spirit distinction, wherein the letter embodies the visible, physical, and potentially morally corrupting field of the senses while the spirit or meaning represents the unseen, sounded, and audible spiritual truths behind the physical husk of the letter. In an effort to foreground the importance of cultural difference, Sterne's thesis positing an exclusive Western tradition continues to be reasserted within the field of sound studies, even when it is admitted that there has been little research done outside "the West" or "the global south" and theorizing derived from non-European languages to substantiate such a claim (see Steingo and Sykes 2019). As such, ethnomusicologists have continued to point to the importance of Hirschkind's (2009) study to obtain such "non-Western" perspectives in sound studies (Gautier 2014). Although Sterne's (2003) notion of sound cultures productively complicates narratives of technological modernity

and the phonograph noted above, it seems to replace a technological teleology with a cultural one, theoretically framing “sound culture” as fundamentally a problem of Western philosophy and its Others. As will be seen in this dissertation, the issue of letter and spirit was of essential importance to Muslim theologians, philosophers, and legal scholars throughout history, giving rise to some novel spins on the philosophical problem as it related to divine revelation, language, human subjectivity, and, later during the early twentieth century, phonographic fidelity. Moreover, the way these long standing philosophical discussions regarding letter and spirit were applied to the practice of law in fatwas on the phonograph reveals a tradition that is difficult to pin down in a culturalist framework that takes civilizational essentializations of “Islam and the West” as the point of scholarly departure.

Overall then, this dissertation seeks to make a contribution to sound studies by exploring a broader and less hermetically sealed tradition of Islamic philosophy, wherein issues surrounding sound, bodily sense, and subjectivity were historically addressed in diverse ways by Muslim jurists and theologians. Moreover, this dissertation suggests that a critical historical engagement with these ideas and texts in languages like Arabic could be a generative pathway for future studies. Moreover, I refer continually throughout this dissertation to the “rhetorical” practice and application of Islamic law, recognizing that the arts of syllogism and persuasion were rigorously pursued by Muslim legal scholars and jurists who wrote fatwas on the phonograph. Additionally, and acknowledging the critique of modern secularism proposed by Talal Asad (2003), this dissertation is premised on the idea that what is often claimed as the “Western Judeo-Christian tradition,” whether in praise or castigation, is inherently based in a problematic assumption of Western exceptionalism. As this dissertation suggests, the historical development of Islamic doctrine and law in its various denominational and sectarian formations

led to original theological and philosophical discussions regarding sound, sense, language, truth, and reason. At times, these built on the Greek and Neoplatonic philosophy employed by Jewish and Christian theologians or, at others, generated novel ideas as contexts specific to Islamic theology and jurisprudence demanded. These innovations and contributions continued through the modern period, while historians of Islamic philosophy note that scholastic developments in Islamic thought after the medieval period are sorely understudied (Adamson 2016). As such, fatwas on the phonograph help cast a wider lens on Islamic thought, providing insights relevant not only to sound studies, but also to the study of Islamic law more broadly as well as ethnomusicological studies about Islam and music.

Islam and Ethnomusicology

Ethnomusicologists and scholars of Islam have long studied the *sama* ‘ (“listening” or “audition”) polemic and the permissibility of music according to Islamic legal doctrines (Ackfeldt and Otterbeck 2012; Frischkopf 2008, 2013; Gribetz 1991; Nelson 1985; al Faruqi 1985; Shiloah 1997). Foundational studies were done by Kristina Nelson (1985) in her study of melodic Quran recitation (*tajwid*) in Egypt and by Louise Ibsen al Faruqi (1985) who proposed a grand theoretical schema, based on a selective reading of Sunni legal theory, of what types of sound performance practices are deemed universally permissible or reprehensible according to Islamic law. As al Faruqi (1985), Nelson (1985), and others publishing in Arabic on the subject (see al-Mardini 2001) have pointed out, there is, in fact, no precedent for forbidding “music” or “singing” in the Quran itself, which has resulted in varying conflicting interpretations regarding reports in the Prophetic tradition, or *hadith*, about music and entertainment. As such, the literature noted here unanimously posits two different and historically contending views in Islam

regarding music and musical performance. These are particularly highlighted by Arthur Gribetz (1991) and Amnon Shiloah (1997) as conflicting attitudes between “Sufis” and “Legalists,” the former being more amiable to musical practices in the domain of mysticism and the latter taking a notably more fundamentalist anti-music stance. More recent studies have pointed to the importance of social context in modern debates about music’s status according to Islamic law, which should be given equal if not more consideration to debates highlighted in the classical legal works on *hadith* and jurisprudence (Ackfeldt and Otterbeck 2012). Even so, it is generally accepted in these studies most classical works in Islamic jurisprudence by and large have an inherently conservative standpoint toward music, only varying on what contextual, aesthetic, or performative (e.g. what type of instruments or vocal styles are being used) characteristics provide the rationale for determining music’s permissibility. As Nelson (1985) made clear, in modern times this has resulted in considerable sensitivity in Islamic countries about what religious performative practices are considered “music,” with the recitation of the Quran and other styles of hymnal or religious praise poetry being explicitly excluded from this category on the grounds that considering them so would be a mockery and trivialization of God’s word and the religious piety required when reciting the Quran. As such, Michael Frishkopf (2013) has called into question and challenged ethnomusicology, a field that presumes a universal notion of “music,” as an ontological basis for studying performance and vocal recitational practices in Islamic cultural contexts. As Frishkopf (2008) and Nelson (1985) have also pointed out in the context of Egypt, music or *al-musiqa* can take a plethora of connotations gravitating around Western musical practices or commercial pop music, while it would be less commonly used to connote certain folk arts, the melodic recitation of poetry, and certainly not a Quran recitation.

As Nelson (1985) also noted, the performance of a Quran recitation has always been a balancing act, especially for the reciter, of respecting the divine nature of the text while making it palatable through the use of melodic styling familiar to audiences, which at times can controversially resemble popular music (xvi). As Gribetz (1991) notes, this tension between divine and human ordering as it relates to debates about music's permissibility is perhaps rooted in important doctrinal differences regarding the soul between Sufis and the Hanbalite-orthodox tradition. He suggests the Sufis' support the Neo-Platonic doctrine of "eros," which posits that the human soul is divine and therefore our direct connection to God, enabling worshippers to "long" for Him (52). Sufi doctrine also adopts the related Pythagorean and Platonic idea that music makes the soul long for the celestial harmonies that it heard when it was in heavenly union with God before it came to the world as a soul of a living being (52). On the other hand, and ostensibly to maintain the omnipotence of God and the unwavering nature of His law or *shari'ah*, Hanbalite-orthodox theology ascribes to the doctrine of "nomos," that the human soul does not have a divine existence before the body, and therefore can not retain any similarity or intercourse (or "union") with God's divine essence (55).

The early phonograph industry amplified these long standing rifts within Islamic theology and philosophy by sparking debate over the permissibility of recording and listening to Quran recitations with the phonograph. Yet Muslim jurists and scholars were also dealing with the novel problem that, for the first time in history, Quran recitations and musical entertainment were literally sounded through the same inanimate technological medium. Similarly, and also for the first time in history, Quran recitations became a commercial product recorded and distributed by the world's first global media industry whose prime objective was entertainment and amusement, thus, according to some Islamic authorities, further disrupting a delicate balance

between the Quran's divine essence and the worldly contexts and marketplaces within which it was publicly recited.

As such, I argue that fatwas on the phonograph comprise a pivotal historical moment in the history of the *sama'* polemic, a moment otherwise entirely overlooked in literature on the subject. As scholars like Ibrahim Ramadan al-Mardini (2001) have pointed out, modern developments in media technology and consumption have been crucial to shaping the contours of this polemic as it plays out in Muslims societies today. As such, authors writing in Arabic while taking a side, and particularly an "anti-music" stance, wrangle pre-modern Islamic legal precedents forbidding the use of certain musical instruments and or singing into a much wider critique of technological modernity, mass media consumption, and suspect immoral entertainment associated with pop culture (al-'Abbas 1989; al-'Amily 1984). Others fielding similar social critiques via Islamic law have proposed that pre-modern folkloric music or traditional musical heritage (*turath*) composed of minimal instrumentation and more virtuous poetic themes should be regarded as an Islamically permissible alternative to pop music (al-Fadly 1998). This is an interesting parallel assertion to one historically prevalent among Western anthropologists and social theorists, who long bemoaned what they saw as the disappearance of authentic art, folkloric customs, cultures, and classical world traditions in the face of modern media and capitalist consumption around the world. Yet as fatwas on the phonograph reveal, there was no inevitability as to how Islamic law was used to interpret and respond to the early global proliferation of modern capitalist media industries. While some legal scholars like Rashid Rida or Muhammad Bakhit al-Muti'i (Chapter One) saw the phonograph as a part of a technological modernity that would be beneficial to Muslims, with Rashid Rida even suggesting that it would have been nice if the Prophet Muhammad himself had owned a

phonograph to record himself reciting the Quran, others like Sayyid ‘Uthman (Chapter Two) or Muhammad ‘Ali al-Maliki (Chapter Three) saw it as a frivolous amusement that had become immersed in what were already morally reprehensible markets of Muslim consumption and quackery. Thus, existing anxieties regarding global commodity movements and modern technology—phenomena informing other traditions of thought elsewhere in the world including social theory in the West—were read into Islamic law rather than the other way around. As was acknowledged by Muslim scholars themselves, the premodern legal tradition had no precedent for dealing with modern historical developments and changes. Thus, it was necessary in many cases to adapt new and external ideas to the Islamic legal tradition in order to formulate relevant arguments and opinions, which included ideas and assumptions underlying the hopes and anxieties of technological modernity and globalization during the early twentieth century.

In addition to filling in an important historical lacuna, fatwas on the phonograph also productively complicate assumptions prevalent in ethnomusicological literature regarding Islam and music. Firstly, they acutely reveal that the term “music,” as it is used in the English scholarly and vernacular parlance, is problematic not only because it is culturally specific as Frishkopf (2013) suggests, but also because it is something of an anachronism for both the ethnomusicologist and the Islamic jurist. Indeed, the fundamental reason there is ongoing controversy about the permissibility of music according to Islamic law is that the term “music” did not exist in legal parlance for most of Islam’s history until the last century. This is despite the fact that the theoretical concept (*al-musiqa*) was adopted from the ancient Greek tradition (*mousikos*) and widely written about by Muslim philosophers during the medieval period. Furthermore, the modern universal concept of music as an artistic, commercial, and cultural notion, versus a premodern theoretical concept regarding tonality, resonance, and celestial

movement, is relatively new even in the context of ethnomusicology, only taking shape within the last century and a half or so. As historians like David Suisman (2009) have noted, the modern phonograph industry played a pivotal role in shaping the modern concept of music as simultaneously a cultural and consumer product that could be cataloged, quantified, analyzed, and produced at an unprecedented scale. Indeed, the development of ethnomusicology itself depended and thrived on these techno-capitalist and mass consumer developments, paving the way for the documentary and cataloging techniques of comparative musicologists during the early twentieth century and the ethnographic fieldwork methods of documenting and recording employed by ethnomusicologists later on. In the fatwas explored in this dissertation, the term “music” or *al-musiqa* was not used until about the 1920s, a time by which the phonograph had become ubiquitous in urban Muslim societies around the world. Similarly, continuing legal discrepancy about music’s permissibility is largely based on semantic and analogical discrepancies over whether or how the modern term *al-musiqa* can be equivocated to premodern Arabic legal categories like singing (*al-ghina*), affect or ecstasy (*tarab*), amusement (*lahu*), or instruments of amusement (*alat al-tarab* or *alat al-lahu*). As my examination of fatwas on the phonograph suggests, the fact that the term music or *al-musiqa* is often taken in various Islamic contexts to signify specifically pop music or modern musical entertainment is due less to the inevitability of timeless cultural differences, but more to do with the way Islamic legal scholars and institutions dealt with and deliberated over the very commercial industries that made the modern notion of music globally possible in the twentieth century.

A second aspect of this literature that fatwas on the phonograph complicate is the distinction between opposing “Sufi” and “orthodox” or “legalist” views regarding entertainment, *sama*, and musical practices more broadly. While many scholars such as Gribetz (1991) have

noted that the situation is more complicated as many Sufi scholars themselves held quite conservative views regarding music, Gribetz and others nevertheless continue to assert that Sufis are historically more amiable to musical practices and that they have stood in opposition to more dominant legalist “orthodoxies” associated with the Hanbali school of Sunni jurisprudence. Strikingly, the fatwa literature explored in this dissertation reveals a situation that was entirely the inverse. It was Islamic jurists with Sufi affiliations like Sayyid ‘Uthman in Java and Muhammad ‘Ali al-Maliki in the Hejaz who were the most outspoken critics of musical entertainment. Furthermore, although Abu Hamid al-Ghazali’s treaty on *sama* ‘ and listening to musical instruments in his *Revival of the Religious Sciences* is commonly cited in modern ethnomusicological literature as emblematic of the mystical vein of Islamic thought amiable to music, it was this very work by al-Ghazali that was continuously referred to in a legalist manner by the aforementioned Sufi jurists to condemn and criticize vernacular musical practices and their association with the phonograph. Even more, being an opponent and critic of Sufism, the student of Muhammad ‘Abdu and founder of modern salafi thought partial to Hanbali orthodoxy, Rashid Rida, would push back against the al-Ghazalian tradition of Sufi jurists like Sayyid ‘Uthman and argue that there was no legitimate precedent in the Quran, Prophetic tradition (*sunna*), nor the established judicial consensus (*ijma* ‘) to forbid the playing of musical instruments or listening to music, whether live or on the phonograph: an opinion that would be regarded as strikingly un-salafi today. Moreover, and rather than the texts of al-Ghazali or other Sufi theologians and jurists, one of the medieval legal works commonly cited by Islamic jurists in support of musical entertainment during this time was authored by a mufti who made no appeal to Sufi doctrine in his favorable appraisal of singing and musical instruments. Indeed, this

was the Andalusian scholar Ibn Hazm (d. 1064), the founder of one of the most hard core legalist schools of Sunni jurisprudence in Islamic history, the Zahiri school (Adamson 2016:163-170).

Insights from a global history of Sufism by Nile Green (2012) can help smooth this paradox between assumptions made about Sufism in ethnomusicological literature and the historical evidence presented by fatwas on the phonograph. Parallel to the historiographic problems surrounding the concept of “music” noted above, the scholarly interpretation of the *sama*‘ polemic as one of Sufis pitted against legalists stems from equally modern and anachronistic assumptions regarding “mysticism” and “orthodoxy,” a bifurcation productively complicated by Green’s (2012) global history. Indeed, for most of Islamic history there was no “orthodoxy” to speak of, at least in terms of a single state or political authority holding a sectarian monopoly over Islamic doctrine for all Muslims around the world. True, Muslim states like the Ottoman empire increasingly adhered to a certain Sunni school of law, in this case the Hanafi school, in modern attempts to streamline and centralize state adjudication and administration throughout the imperium (see Hallaq 2009). Yet the cooperation of Sufi orders was essential to these early processes of state modernization. As Green (2012) indicates, this was because Sufism was largely synonymous with Islam throughout history, while Sufi leaders held immense political clout and power over ruling Muslim dynasties throughout Africa and Asia. Put another way, Sufis *were* by and large the Islamic establishment until about the nineteenth and twentieth centuries. Through endowed properties (*awqaf*) including agricultural lands, schools, seminaries, and mosques, Sufi orders and leaders played a vital role in premodern decentralized Muslim governance, with their social, economic, and political networks providing an important link between the larger Muslim populace and the state authorities who had neither the bureaucratic nor military means for the direct governance of large populations and swaths of

territory. This is also why many members, both males and females, of various ruling Muslim dynasties throughout history would endow mosques or schools affiliated with a particular Sufi organization in their name in order to maintain favor and influence among their subjects.

As such, the definition of Sufism as primarily an individualistic and private “mysticism” rather than a public and collective tradition is one stemming from the Protestant lens of European orientalist scholarship during the nineteenth and early twentieth centuries. This point serves as a particularly important intervention for ethnomusicological characterizations of Islam and Sufism, so I quote Green (2012) at length here:

As conceived by European and American scholars in the early twentieth century, the notion of mysticism relied on a culturally Protestant, temporally modernist, and intellectually cosmopolitan construction of religion in which the authority of the solitary individual’s direct, unmediated experience was seen to be the fountainhead of authentic religiosity across all cultures and all periods. In a similarly Protestant mode, “religion” was itself regarded as a category properly (or at least preferably) distinct from the corruptive sphere of “politics.” When these models were applied to the study of Islam, for many scholars the archetypal Sufi was the antithesis to the legalistic Muslim establishment, whether living in quietest seclusion from the affairs of the world or leading rebellions that ended in passionate martyrdoms. Prescriptive rather than descriptive, at times this model of mysticism served as a dogma in its own right. (Green 2012:2)

The dogma of mysticism has been a constant in the modern historiography of music, Sufism, and Islam extending back to the nineteenth century. Indeed, it was the likes of American evangelist and orientalist Duncan Black MacDonald (1863-1943), not contemporary Sufi authorities like Sayyid ‘Uthman al-‘Aqil (1822-1914), who at the turn of the century would evaluate and translate the work of al-Ghazali in *Revival of the Religious Sciences* as a text praising a universal experience of music and its mystical effects on the soul. Furthermore, while laying claims to universal religiosity, MacDonald’s (1901) musical mysticism projected onto Sufi thought was one that was explicitly racialized, suggesting that white Westerners are not as susceptible to “the cataleptic ecstasy as befalls the negro and the darwish” when confronted with “the influence of

music on the soul, the emotions it stirs, and the fears and hopes it excites” (195-196). As such, it should be noted that that MacDonald’s English translation of al-Ghazali’s work, originally published in *The Journal of the Royal Asiatic Society of Great Britain and Ireland* (1901-1902), was one of the earliest instances when the Arabic word for affect, *tarab*, was translated as a mystical no less racialized notion of musical “ecstasy,” which has been a fundamental concept in modern theorizations and characterizations of musical practices associated with Arab countries, Sufism, and Islam more broadly (see Racy 2003 and Frishkopf 2001). This is despite the fact that the word historically had more general and even non-musical connotations regarding emotional affect, agitation, and excitement, whether involving joy or grief.¹

Relatedly, there has been a continued tendency in ethnomusicology to conflate the aesthetic standards of the modern Arabic music canon, centered primarily around commercial and conservatory music in Egypt and the Levant region (Syria, Palestine, and Lebanon), with a mystical ethos of “ecstasy” and Islamic vocal performance practices across time and space. This tendency goes as far back to Al Faruqi’s (1985) study, which clearly endorses the intersecting ideological trends of Arabism and Islamism during the 1970s and 1980s by claiming that musical and recitational conventions in places like Egypt are authentically emblematic of all Muslim societies, as well as the work of Amnon Shiloah (1995), which considers a musical history of the “Islamic world” to be synonymous with that of the “Arab world.” It is also apparent in the more recent work of Charles Hirschkind (2009), which relies on salient ethnomusicological ideas regarding musical mysticism, *tarab*, and Arab music (i.e. Egyptian and Levantine music) to complement his theorization of an Islamic homiletic tradition of “rhetorical listening” (35-37).

¹ See, for example, the entry on *tarab* in both modern and premodern Arabic lexicons at ejtaal.net: <https://ejtaal.net/aa/#hw4=662,sg=649,ll=1924,ls=5,ha=441,amj=483,la=h2649,tla=h68,amr=h393,asb=h596,mht=h551,auh=h949,msb=h147,mis=h1,br=h586,pr=h97,aan=h361,mgf=h550,vi=h240,kz=h1467,mr=h382,mn=h843,uqw=h994,umr=h653,ums=h548,umj=h492,ulq=h1134,uqa=h265,uqq=h210,bdw=h552,dhq=h338,ens=h1> (Accessed 1/30/2023)

Yet as ethnomusicologist Anne K. Rasmussen (2010) has indicated in her work on women and Quran recitation in Indonesia, if the musical and recitational traditions of Arab countries like Egypt retain widespread popularity and influence in non-Arab Muslim societies, then it is perhaps due less to any timeless Arab musical and sonic essence to Islam than it is to the circulation of recordings of Quran recitations and Islamic hymnals made in countries like Egypt, which have a long-held institutional tradition of maintaining these practices and, more importantly, a historically prolific record industry to globally disseminate them.

As this dissertation suggests, the continued relevance of collective and public Sufi organization between the Middle East and Southeast Asia saw the circulation of styles of vocal recitation, musical instruments, and poetry wherein Egypt and Levant played a marginal role. Instead, the recitational and musical traditions from the Arabian Peninsula and places like the Hejaz and Hadhramaut were the Arab centers of Muslim cultural pull throughout the Indian Ocean during the early twentieth century, in addition to many non-Arab cultural centers from East Africa to Southeast Asia. Furthermore, and as both Nile Green (2012) and historian and anthropologist Engseng Ho (2006) have noted, the practices of *dhikr*, hymnal, and song moving between Hadhramaut, the Hejaz, and Java explored here were intimately tied to the public, political, and thus collectively “mystical” spiritual expressions of Sufism and popular Islam. As such, the public import of Sufi hymnal and Quran recitation was why these performance practices were identified by early phonograph record companies as immensely profitable commodities when recorded and mass produced for Muslim consumers around the world during the early 1900s. Similarly, the global socio-political force of collective Sufi assembly, which transcended modern colonial and imperial jurisdictions, was a source of anxiety for both certain Islamic authorities and some European colonial administrators. Thus, anxieties surrounding the

phonograph among certain Muslim authorities was due to the new technology's immersion within the public and collective customs associated with Sufism and popular Islam. Furthermore, it was precisely Sufism's potential for popular organization transcending modern imperial geographies and jurisdictions during this time that initiated its push from being the Islamic establishment to, by the end of the twentieth century, a phenomena that could be interpreted as a mystical ethos operating at the margins of mainstream Muslim legalist orthodoxy.

This brings us to the last intervention fatwas on the phonograph make in scholarly literatures on Islam, music, and the *sama'* polemic, specifically in regards to better understanding Islamic law's relationship to everyday social life by way of distinguishing Islamic legal theory (*usul al-fiqh*) from legal practice or substantive law (*furu' al-fiqh*). As legal historian Wael Hallaq (2009) has demonstrated, the practice of Islamic law traditionally thrived in the decentralized networks of endowed lands, shrines, mosques, and educational institutions that were, as noted by Green (2012), also the bulwark of Sufi establishments throughout history. As such, the practice of Islamic law as a means to regulate ownership, education, social relations, and to administer justice was as context driven and decentralized as the networks of authority within which it was practiced. As economic and legal historian Fahad Bishara (2017) suggests, Islamic law was thus historically a fluid "constellation of actors, instruments, and institutions that together formed a heterogeneous universe" adaptive to social and economic customs wherever Muslim authority took root, a phenomenon particularly prevalent with the historic spread of Islam throughout the Indian Ocean region. Although a subject requiring further research, I would like to posit here that the historical application of the scholastic tools of rhetoric and syllogism were persuasive and logical devices that helped facilitate this "discursive tradition" of Islamic law in diverse socio-cultural and economic contexts. As Hallaq (2009) also

argues, the context driven practice of the law and its entanglement with endowed public institutions ranging from mosques to madrasas had the effect that a basic knowledge of the law and its conventions was acquired by the larger society, even among illiterate persons. An example of this will be seen in Chapter Two with a nineteenth-century Hadhrami troubadour named Said Awad, who despite being illiterate was familiar with the contending rationales underlying legal debate among Islamic scholars over musical instruments. Furthermore, and coupled with what Green (2012) has noted, the publicly “mystical” practices of Sufism such as hymnal, song, and *dhikr* that often took place at endowed properties of mosques and or shrines were essential to galvanizing this wider collective engagement, which promoted not only perhaps individual spiritual well being but also the mutual social obligations and conventions prescribed by a context-driven practice of Islamic law. Yet during the nineteenth and twentieth centuries these decentralized networks of authority and endowed property, their accompanying legal conventions, and unique social customs, while essential for pre-bureaucratic and premodern governance, were often viewed as a barrier to state modernization and centralization. This was the case whether in imperial Muslim contexts like the Ottoman empire or in Dutch, British, or French colonial contexts where large subject populations were Muslim.

As Hallaq (2009) and many other legal and intellectual historians of Islam and the Arab world have noted (see Aydin 2017; Elshakery 2013; Hourani 1983[1962]; Kateman 2019; Riyad 2009), this resulted in a historical irony—at least in the light of recent “Islam and the West” polemics—where the resurgence of a legalist and fundamentalist, or “orthodox,” Islam was galvanized by Muslim interactions with and participation within the modern bureaucratic state, and thereby the very philosophical and intellectual milieus of European enlightenment thought. This included ideas regarding evolution, race, science, religion, nation, civilization, citizenship,

and social custom, the latter being the law's duty to improve and regulate in the service of a modern central government. As such, and in areas where the majority of the Muslim population was Sunni, both modern Islamic reformers and European colonial administrators became partial to fundamentalist Hanbali doctrine, a legal school historically antipathetic to Sufism. This is because, whether throughout the late Ottoman empire or in colonial Algeria under expanding French rule, Hanbali doctrine offered legal justifications for usurping the decentralized forms of Sufi authority and ownership that presided over endowed lands and properties that the modern state needed to appropriate and control (Hallaq 2009). Particularly, the theoretical legal texts of Hanbali law and other doctrinal rites ill disposed to Sufi doctrine and organization could be used to delegitimize Sufi authority and land ownership on the pretext that they were "innovations" (*bida'*) and deviations from what was originally prescribed in the Quran and sunnah.

Furthermore, Hanbalism's modernist appeal for a return to a "pure" Islam within the context of state centralization also appealed to orientalist colonial narratives of Islamic civilizational decline, which were similarly projected onto Sufism. As such, practices of *dhikr*, song, and hymnal that took place at endowed Sufi properties often came under scrutiny as "noise," public nuisance, and blasphemy (if not mystical bouts of "cataleptic ecstasy") whether by orientalists, Muslim reformers, colonial administrators, or even more secular-oriented Muslim reformers.

This is reflective of what historian Alain Corbin (1998) identified as a changing "culture of the senses" in the revolutionary and post-revolutionary France, when the legal and philosophical ideas of liberal enlightenment and expanding state power catalyzed changes and in how church bells were *heard* by French subjects, including contestation over the sound of church bells and their significance. As will be seen in this dissertation, it was the human subject and its bodily vocal organs, as well as technological instruments like the phonograph, that were the primary

sounding mechanisms that became the domain of parallel legal contestations and conceptual shifts surrounding sound the audible throughout the Middle East and Indian Ocean region during the nineteenth and early twentieth centuries.

In colonial contexts such as in British India or the Dutch East Indies, state centralization during the nineteenth and twentieth centuries saw various attempts to streamline and standardize what was historically a more fluid and context driven practice of Islamic law. In doing so, British and Dutch orientalist tried to canonize and make official an “authentic” body of Islamic legal theory through the study and revitalization of classical Arabic legal works that were applied to a standardized and centralized bureaucratic adjudication of the law for Muslim subjects: an application of Islamic law that differed starkly from its traditional practice (see Reese 2018). In the case of the Dutch East Indies, the intertwining forces of modern state expansion and Islamic reform obliged colonial authorities in Java, not to attempt sidelining Sufi authority, but to identify elements within the Sufi establishment amiable to the orthodox and legalistic readings of Islamic law conducive to modern colonial governance. This is something that will be explored in chapter two with the jurist Sayyid ‘Uthman, who employed the Sufi writings of al-Ghazali in legalist diatribes against popular musical entertainment and the phonograph while on the Dutch colonial government’s payroll.

Yet overall, it was the modern state’s simultaneous adoption and sidelining of Islamic law that reduced it, by the end of the twentieth century, to “a textual entity capable of offering little more than fixed punishments, stringent legal and ritual requirements, and oppressive rules under which women are required to live” (Hallaq 2009:3). Yet even on the latter point of women’s rights, one in which Islamic law most commonly comes under well-deserved scrutiny today, Hallaq (2009) suggests that Islamic law’s often oppressive rule over women in modern times has

to do with the way in which Islamic law was adapted as a supplement to the equally if not more explicitly patriarchal conventions of modern European civil codes (particularly French and German), which were adopted as law throughout the Ottoman empire and other Muslim polities under colonial rule, and subsequently remained as law in many contemporary Muslim nation-states (118-123). Again, this is another example of how what are currently interpreted as Islamic law's illiberal, anti-Western, and anti-modernist cultural tendencies were in fact cultivated by historical entanglements with liberalism and Enlightenment thought, and particularly European ideologies and practices—by and large patriarchal—that historically rationalized and legitimized the law and its jurisdiction over the rights of its subjects in the context of the modern nation-state.

Yet these were dynamics that, although beginning to take root during the nineteenth and early twentieth centuries, had yet to have taken their full effect across Muslim societies and nations during the era of fatwas on the phonograph. Similarly, Sufism during this time had yet to be entirely sidelined in favor of state-sponsored “orthodox” Hanbali legal doctrine. Nile Green (2011, 2014) has also shown that the nineteenth and early twentieth centuries was hardly an era defined solely by a conflict between Sufis and modern salafi reformists, with the technological forces of steam travel and printing, an “Age of Steam and Print,” enabling and circulating more vernacular and “customary” forms of popular Islam around the world. As such, what Green (2014) calls global Islam's complex “terrains of exchange” of this time period can be seen in fatwas on the phonograph, where arguments over the new technology's relationship to Islamic morality and consumption pitted Sufi against Sufi, modernist against state-sponsored jurist, or inspired salafists and early Islamists like Rashid Rida to give a resoundingly positive endorsement of musical entertainment.

As such, the fatwa is an important genre of Islamic law that applies legal theory (*usul al-fiqh*) to practice, serving as a means to help guide and critique Muslim social life and, as an archival document, revealing the importance of historical context for Islamic substantive law. Save for al Faruqi's (1985) seminal study, much of the scholarly literature on the *sama'* polemic almost entirely ignores fatwas as a legal genre worthy of study, instead giving preference to canonical and classical works in Islamic legal theory to draw conclusions about this historical controversy as it relates to contemporary contexts. As scholars of Islamic law like Mashood A. Baderin (2021) have noted, a consideration of substantive law through practices like fatwa writing are essential to gaining a more holistic understanding Islamic law's relationship to broader cultural norms and practices in Muslim societies. As fatwas on the phonograph reveal, the texts of legal theory drawn on by Sunni jurists to make substantive judgments about musical entertainment and phonographic fidelity were by no means a unified corpus, or what is often taken to be a legal "canon" in recent studies, while the jurists representing different Sunni legal schools often referenced completely different texts of legal theory. As noted earlier, even the theoretical texts that were shared across geographies, such as al-Ghazali's *Revival of the Religious Sciences*, were not always interpreted as the recent ethnomusicological literature has historically situated them in terms of pro-music "mystics" vs. anti-music "legalists." As such, ongoing controversies regarding performance and music in Muslim societies should be considered less in the light of canonical legal theory, an approach cultivated historically in the legal bureaucracies of British, Dutch, and Ottoman imperial administrations, but more in light of the discursive and heterogeneous tradition of Islamic substantive law, including how it has transformed through interactions with modern civil law. Moreover, I suggest that a more nuanced consideration of the law as a subject of historical inquiry in ethnomusicology productively shifts

conversation about “modernity” from being broadly framed as an inherently technological or cultural problem to more an issue of the increasing influence of varying traditions of written law on social and economic life around the world, and an increasing link between authority and the written word. This also includes acknowledging the law’s association with state power, its potential to marginalize, and its intersecting and conflicting jurisdictions defined equally by the letter as by competing voices of authority.

Methods and Methodology: Ethnomusicology, Global history, and Colonial legacy

This dissertation is fundamentally a historical study, drawing observations and conclusions based on archival research conducted in online databases, physical institutional archives, and public and private libraries across the Middle East, Europe, and the United States from 2018 to 2022. I am particularly indebted to ethnomusicologist Dr. Ahmad AlSalhi for giving me the opportunity during Spring 2020 to analyze and digitize a corpus of 78 rpm phonograph recordings produced in Southeast Asia during the early 1900s featuring Hejazi and Yemeni Quran reciters, poets, and musicians. It is also thanks to Dr. AlSalhi’s generosity that I had access to his personal library and could scan the fatwa written by the renowned lyricist Ahmad Fadil al-‘Abdali, which is the subject of Chapter Four. On previous visits to Kuwait during the Summers of 2018 and 2019, I also had the opportunity to study early periodicals and journal publications from Kuwait and the surrounding Gulf Arab states at the Kuwait National Library. In Summer and Fall of 2021, I conducted research for four months at the British Library, studying everything from Sufi recitational texts that circulated across the Indian Ocean to British colonial intelligence files from the Arab Gulf States and the Aden Protectorate regarding media (phonograph, radio, and cinema) and colonial policy. At the British Library I also conducted

research in the sound and audio archive, listening to and documenting early commercial phonograph recordings from Aden. I published a paper on this research for *The British-Yemeni Society Journal* (Lavin 2021) and have continued its development in Chapter Four of this dissertation. In Spring 2022 I conducted two months of research at the Leiden University archive, where I studied a corpus of writings including a fatwa on the phonograph by Sayyid ‘Uthman as well as a number of early newspapers from the Hejaz region of Western Arabia, which rendered primary sources discussed in Chapters Two, Three, and Four. At Leiden I also studied archival materials related to the phonograph recording project commissioned c.1905-1907 by Christiaan Snouck Hurgronje, which are the subject of Chapter Three. Fatwas on the phonograph written by Muhammad Bakhit al-Muti‘i and Rashid Rida discussed in Chapters One and Two were obtained freely online at archive.org and fatawa.com, while the fatwa composed by Muhammad ‘Ali al-Maliki discussed in Chapter Three was received as a scan by email upon request from the National Library of Israel. I also conducted archival research at University of California, Santa Barbara in Summer 2018 at the Davidson Library, Department of Special Collections, analyzing early commercial phonograph recordings (78 rpm) from the Arabian Peninsula and Southeast Asia.

The volume *Theory and Method in Historical Ethnomusicology* (2014), edited with contributions by Jonathan McCollum and David G. Herbert, speaks to a renewed interest in history among ethnomusicologists. Yet since history, as defined by McCollum and Herbert’s historical ethnomusicology, takes the culture concept and therefore “musical culture” as the core subject of inquiry, much of the theoretical critiques of history noted in their volume are those fielded from within anthropology and the realm of social theory more broadly. These usually comprise a criticism of historical positivism, ostensibly inspired by the reflexive ethos of

ethnography and critical postmodern theory, and include the claim that historians overlook the role of their own subjectivity while presenting historical narrative as merely a chronological assemblage of “facts” (99). Based on the historical literature cited in this dissertation, it is odd that McCollum and Herbert (2014) find continued relevance to such critiques, as such an outlook, while perhaps more commonplace during the nineteenth and early twentieth centuries, is hardly a determinative characteristic of current academic historians. Having little room here to dive into the world of insights provided by the subfield of archival studies (see Gilliland, Mckemmish, and Lau 2017), I will simply add my own plug that, for contemporary historians, the concern is not so much a fallacy of positivism; indeed, it can be assuredly and positively claimed that things like colonialism, slavery, the industrial revolution, and the publication and or composition of trillions of primary source documents around the world did, in fact, *happen*. Rather, the fundamental issue is *what* are the sources and archives used to understand past events and their ramifications, and moreover *how* do different sources and archives, broadly defined, shape the form and content of historical knowledge of past events, and thereby provide new understandings and perspectives of them.

Thus, I’d like to contribute to McCollum and Herbert’s (2014) methodological discussion by proposing that historical ethnomusicology can actively engage and contribute to current scholarly discussions occurring among professional academic historians, and particularly regarding issues surrounding globalization, colonialism, law, social change, gender, race, and many others that are currently of widespread concern across the social sciences. As such, and taking a cue from the work of scholars like Brad Evans (2005), I further suggest that this requires a move from taking the theoretically reductive principle of “culture” as the core framework of inquiry to seeing “culture” and therefore “musical culture” as ideas and concepts that themselves

can be subject to historical scrutiny under a broader rubric of global intellectual and social history, and not simply the subject of historiography covered in introductory graduate courses. As suggested earlier regarding Islam and sound studies, this can offer an additional pathway to the productive incorporation of a diversity of intellectual traditions and level the playing field of historical time between the “canon” of social theory, within which the academic principle of culture has evolved, and other, particularly non-Anglophone, intellectual milieus (see Loza 2006). As this will no doubt be counterproductive to what some have bemoaned as the absence of a unified theory in ethnomusicology (see Rice 2010), I will simply respond that the presence of multiple traditions of theory and thought within a field that is inherently, both institutionally and intellectually, an interdisciplinary one can only be generative for its future development and contribution to other fields of knowledge in the humanities. Thus, I’d like to give a brief rundown of some of the ideas and discussions occurring among historians that have been influential to me in thinking about methodology and history within the field of ethnomusicology.

In terms of how the study of history can contribute to the by-and-large ethnographic discipline ethnomusicology, I find continued relevance to anthropologist Johannes Fabian’s (2002[1983]) critiques of ethnographic method, in that the anthropological subject is taken to exist in a different time and place removed from that of the ethnographer. No doubt, Fabian’s critiques helped inspire what has now been over four decades of increasingly nuanced exercises in reflexivity across ethnographic disciplines, which has included the contributions of sound studies scholars noted earlier. But given the continued reliance on problematic notions of culture and civilization present in these ethnographic studies, what Fabian called the “denial of coevalness” to the anthropological subject has continued relevance because such nuanced reflexivity also needs to be extended to historical consideration and investigation of the very

ideas, assumptions, and concepts that inform the various markers of personal identity—be they religion, gender, ethnicity, race, nationality, or otherwise—enabling that reflexivity. According to intellectual historian Cemil Aydin (2017), it is through critical historical inquiry that the presence of what are often essentialist markers of identity, and particularly characterizations of Islamic cultural unity, can be shown as being the product of contingent moments rather than inevitable and therefore static socio-cultural categories. As Aydin (2017) elaborates, “countering essentialism demands an engagement with history,” and that “today’s counternarratives against the essentialization of Islam and the Muslim world must account for the historical context that produced the conditions of that essentialization. It is not enough to demonstrate that presumptions of unity are just that” (228-229).

Another related historical theme is that of global history: one in which Aydin’s (2017) work is explicitly rooted and that I believe can help grant and acknowledge the “coevalness” of the ethnographic subject by placing the ethnographic encounter within a longer history of entanglements. As such, historian Sebastian Conrad’s (2016) introduction to global history suggests that the field seeks to cultivate a view of history beyond the “containment” paradigms of the nation-state and area studies frameworks that have long made up the tool kit for social sciences and the humanities, and at the same time move to decentralize Eurocentric models of universal historical development:

Against this background, the call for global history is a call for inclusiveness, for a broader vision. Other pasts were history, too. It [global history] takes the interconnected world as its point of departure, and the circulation and exchange of things, people, ideas, and institutions are among its key subjects. (5)

For historians like Robert B. Marks (2020), global history is one that also accounts for contingency, recognizing that the “Rise of the West” or contemporary social categories were not inevitable teleologies as Marxist and Weberian sociology largely presume. Similarly, and as other

global historians like Vanessa Ogle (2015) have suggested, global history demands a shift from thinking about globalization as something started in the 1980s to conceptualizing it as a variety of technological, social, and economic entanglements that extend well back into the nineteenth century, if not earlier.

As historians like Edward A. Alpers (2014), Abdul Sharif (2014), and Sugata Bose (2006), and many others have demonstrated, the field of Indian Ocean history is one that productively expands both the spatial (i.e. beyond Europe) and temporal frame (i.e. before the late twentieth century) within which globalization is more commonly assumed to take place, while also shedding nuanced historical light on the history and ongoing legacies of colonialism, including the area studies paradigms that are historically derived from imperial administrations. This has been noted by ethnomusicologists Julia Byl and Jim Sykes (2020), who have been helping establish an emerging ethnomusicological subfield of Indian Ocean studies, and I have been honored to contribute their forthcoming edited volume, *Sounding the Indian Ocean* (expected 2023). As I have suggested in my contribution therein, the historical methods proposed by Indian Ocean historians Nile Green (2018) and Sujit Sivasundaram (2017) are generative in that they advocate interpreting the Indian Ocean space according to vernacular source materials in languages like Arabic historically spoken and written around the Ocean's littoral regions. Vernacular histories can thus productively complicate ideas of the Indian Ocean as a space where the nation state and continental regions simply become reified again in theorizations of musical hybridity and cosmopolitanism.

Lastly, global history, and perhaps the study of colonial history more broadly, offers another route to tackle what is fundamentally a historical legacy of colonialism in ethnomusicology and musicology, something already suggested by some scholars (see Kroier

2012). For many ethnomusicologists, legacies of Euro-American colonialism are all too present in the ongoing institutional preference for Western and modern classical art music and jazz, while ethnomusicologists who have historically focused on the non-Western traditional and popular music have struggled to give these traditions visibility in curriculums and outreach at academic institutions (see Wong 2006). Similarly, the view that Western colonial legacies are most emblematic in the historic global proliferation and presence of Western technologies, aesthetics, and musical practices is an assertion that continues to be made among ethnomusicologists and other global music scholars commenting on the relationship between legacies of imperialism and musical performance (see Denning 2015; Radano and Olaniyan 2016).

While productive, such critical frameworks tackle but one dimension of colonialism's fraught legacy within the fields of ethnomusicology and musicology. As such, a counterpoint to these critiques has been fielded by musicologist Kofi Agawu in his study about the reification of racial difference in the study of "African rhythm" (1995) as well as his recent critique of "ethnotheory" (2017) as an effort to theorize music within "non-Western" systems. In these studies, Agwu reminds us that the noble cause of anthropology itself, of understanding and framing cultural difference while claiming to defend and protect "non-Western" tradition, is equally an ideological stem of colonialism. Indeed, historians of colonialism have revealed that, while the logic justifying European colonialism did indeed posit the universal superiority of what were deemed (although often inaccurately) "Western" or "modern" values, culture, and philosophy, the enactment of colonial law and policy was equally, if not more so, defined by consistent and strategic appeals to cultural, racial, and civilizational difference. As such, a problem of colonialism was not so much that it successfully imposed "Western culture,"

“rationality,” or “foreign” principles of political rights and representation on the colonized, but more that these were the double standards that justified colonial pillage, conquest, and extraction in the first place. In many instances, colonial subjects, including Arab and Muslim populations of the Middle East during the post-First-World-War League of Nations hearings, were explicitly denied equal human rights under the very pretext that they were incapable of “rational” thought, believed to have no concept of rights and representation, and even that the modern enlightenment philosophy underpinning the ideals of liberalism were culturally specific and untranslatable into non-European languages like Arabic (see Provence 2017). Thus, and much like Duncan Black MacDonald’s (1901) universalist yet racialized characterization of Sufi mystical ecstasy, the presumption of universal ideals went hand in hand with dehumanizing anti-universalist claims about those deemed outside the West’s civilizational sphere. From this perspective, the practice of ethnography or claims to defend and protect the colonized and the global south from so-called Westernization or “colonial universalisms” (see Moll 2020) are not simply an ongoing Boasian march of progress to cultural tolerance (see Shelemay 2018), but practices and ideas that are equally entangled with the problematic legacies of imperial governance and colonial policy.

Examples of this have been given by historian of British colonialism Thomas Metcalf (2007), who showed how Muslim subjects in British-Malaya built mosques with Neoclassical architecture in order to resist the colonial policy of mosque construction according to a British-invented orientalist architecture that was a haphazard fusion of South Asian and Middle Eastern architectural traditions. As Metcalf (2007) shows, British efforts to patronize what they believed to be authentic expressions of Islamic architectural style around the Indian Ocean region was connected colonial policies of indirect rule, where colonial authorities propped up ruling Muslim dynasties to justify their suzerainty over coastal regions from East Africa to

Southeast Asia, granting native authorities control over religious and cultural affairs while stripping them political or economic independence. In this instance and in many others, European claims to respect and cater to the cultural traditions of colonial subjects went hand in hand with colonial policies of economic and political marginalization. David Arnold (2013) has given a telling example of this, showing how British colonial administrators in India curbed the importation of rice mills by making appeals to protect the pre-modern traditions of Indians not accustomed to modern technology, which was in reality nothing more than an excuse to keep local rice growers from becoming economically independent from British intermediaries. As both Arnold (2013) and Cemil Aydin (2017) point out, many of these culturalist ideologies of imperialism and colonial policy were adopted by colonial subjects, revolutionaries, and Muslim reformers themselves: a fact that complicates Edward Said's (1978, 1993) influential critiques of orientalism and cultural imperialism in that they were simply etic European projections onto peoples of the Orient, rather than also being a result of global entanglements engendered by imperial projects, including instances of both cooperation and resistance on the part of colonial subjects.

Perhaps there is no more striking historic example of this dynamic than in the genesis of the field of ethnomusicology in the Dutch East Indies, with the career of a lawyer who established the field, Jaap Kunst. A dedicated agent to Dutch colonial designs during the 1920s and early 1930s as well as an avid patron of what he thought to be pure and authentic Javanese music, Kunst decried the influence of Western music infiltrating the Malay Archipelago. He thought that foreign influences, which, for Kunst, also ostensibly included what he labeled in legal parlance as "alien Easterling" music of Arabs and Chinese in Java, was creating an "imbalance of the mind" among the Javanese natives (Djajadiningrat and Brinkgreve 2014:193;

Kunst 1973[1933]:373). Kunst's desire to protect Javanese culture through what he called "loving guidance" and sponsorship of research into the "essence, origin, and development of the arts" through colonial sponsorship was deeply intertwined with racialized notions of cultural development (Djajadiningrat and Brinkgreve 2014:193-194). "Race" for Kunst was connected to what he called in a social evolutionist sense, "cultural level." Thus, while native Javanese culture historically may have successfully adopted elements of Hindu culture as sharing a closer "level" of culture, Western culture was at an entirely different level: "a Papua culture cannot be affected by the Kantian philosophy" Kunst stated in order to illustrate his point (Kunst 1973[1933]:3). "Western culture is utterly alien" he continued to elaborate in *Music in Java*, a book published to advocate for a continued colonial policy of patronship toward Javanese music (5-10). Kunst asserted that the West, "like a corrosive acid, like a transfusion of a different blood group, attacks and destroys it [Javanese culture] in its most profound essence. Euro-American civilization is so utterly foreign it can not be assimilated by Indonesian cultures" (3-4). Yet aiding and abetting Dutch racial policies and ideologies were Dutch-educated members of the Javanese aristocracy who were given, like in British colonial contexts noted above, limited spheres of agency in the realm of religion and culture. This is reflected in Jaap Kunst's friendship and collaborations with Prince Mangkunegoro VII, who encouraged his efforts to promote a colonial policy of preservation and patronship of the "native" Javanese arts. Kunst's relationship with Mangkunegoro VII drove him deeper into the bowels of Dutch colonial administration and his shift from working as a lawyer for the colonial government to a brief appointment as "musicologist" for the Dutch civil service in Java during the late 1920s and early 1930s (Djajadiningrat and Brinkgreve 2014:194-196).

Such entanglements are the multifaceted and perhaps more difficult legacies of colonialism implicated in fatwas on the phonograph, particularly in terms of their relationship to expanding modern state law and the increased ethnographic monitoring and dividing of colonial and imperial subjects, whether in British, Dutch, or Ottoman territories. In Chapter Two, I explore a body of Islamic legal literature written by Sayyid ‘Uthman that is formally a part of the Dutch colonial archive at Leiden University, and is so because Islamic law and jurists like Sayyid ‘Uthman were actively employed and consulted by the Dutch colonial government in Java in their efforts to control Muslim subject populations. As will be seen, it was Sayyid ‘Uthman’s legalist no less Sufi diatribes against musical entertainment and the phonograph that inspired the Syrian anti-colonial activist and reformer Rashid Rida to compose a fatwa that permitted listening to and enjoying music, including Western-styled marching bands and brass instruments. Moreover, I show in Chapters Two and Three how Sayyid ‘Uthman’s administrative collaboration with Christiaan Snouck Hurgronje during the nineteenth and early twentieth centuries were directly implicated in the musicological studies of the lawyer Jaap Kunst beginning just over a decade later in the 1920s, which explicitly conceptualized Javanese music as existing within the legal realm of “custom” or *adat*: an Arabic term that Jaap Kunst translated as “tradition”—or conversely, “musical *adat*”—in the original preface of his *Music in Java* (1973[1933]:xi), and thus arguably shaping the concept of “musical tradition” fundamental to his later call to establish the field in *Ethnomusicology: a study of its nature, its problems, methods and representative personalities* (1969[1959]). *Adat*, however, was a concept originating in the legal jurisprudence of muftis like Sayyid ‘Uthman circulating across the Indian Ocean during the nineteenth and early twentieth centuries, which was adopted and subsumed as “customary law” or *adatrecht* in Dutch colonial law during the earlier tenure of Snouck Hurgronje. As such, the

technological, social, and legal history revealed by fatwas on the phonograph is, quite directly, entangled with the early colonial genesis of the field of ethnomusicology.

Chapter Outline

Chapter One explores a series of fatwas on the phonograph composed in 1906 by the Egyptian jurist Muhammad Bakhit al-Muti‘i. In his legislation, al-Muti‘i claimed that, since the phonograph reproduced the sound of the human voice with accurate fidelity, it should be permitted to both listen to and record a phonographic Quran recitation as long as standing conventions of respect and pious comportment are upheld. When writing his fatwa, al-Muti‘i was a jurist at Cairo’s Al Azhar University. Of all the fatwas explored in this dissertation, al-Muti‘i’s writings most explicitly outline in syllogistic fashion a Islamic theological philosophy of voice, sound, and subjectivity within a legal epistemology, and thus serve as an ideal first chapter of this dissertation. In his fatwas, al-Muti‘i also drew on a notable gambit of intellectual traditions, including everything from Platonic esotericism to Arabic translations of *Scientific American*, which I suggest greatly challenge the *a priori* binary distinction between “Western” and “non-Western” or “Islamic” ontologies of voice and sound presumed in sound studies literature. The chapter also notes how al-Muti‘i’s fatwas received attention in the American phonograph trade periodical *The Talking Machine World*, which was a part of the phonograph industry’s wider efforts to promote the vitality of Muslim consumers around the globe during the early 1900s. As such, the chapter positions al-Muti‘i’s phonograph rulings both within the context of the early phonograph industry’s global efforts to target Muslim consumers and a much longer Islamic history of theological and philosophical deliberation over issues of language, sound, and divine revelation. The chapter ends by showing how the modernist salafi reformer Rashid Rida

attacked al-Muti‘i’s fatwas on the phonograph, which stemmed from Rida’s antipathy to the established discursive tradition of Aristotelian-Avicennian scholasticism affiliated with historic centers of Islamic learning, and which scholars like al-Muti‘i applied in his fatwas on the phonograph.

Chapter Two moves from Egypt to Southeast Asia and particularly Batavia (now Jakarta) on the island of Java, which was then the capital of colonial administration in the Dutch East Indies. It also moves back in time a few years, examining one of the earliest fatwas on the phonograph published in 1899 by the jurist of Hadhrami Arab ancestry Sayyid ‘Uthman al-‘Aqil, who was employed by the Dutch colonial government. Arguing the opposite of what Muhammad Bakhit al-Muti‘i stipulated in his later ruling, Sayyid ‘Uthman asserted that the phonograph’s fidelity was unclear and distorted, and therefore that the new technology amounted to little more than a plaything and was thus hardly an appropriate medium for the transmission and recitation of the Quran. The chapter situates Sayyid ‘Uthman’s deliberations over the phonograph, which occurred in the course of a dispute with an Islamic jurist based in Singapore, within a longer history of his diatribes against musical entertainment associated with popular forms of Muslim assembly throughout Java during the nineteenth century. As I argue in the chapter, these were “customary” or *adat* practices galvanized by increasing spiritual, economic, and political exchange between Java and the Islamic holy land of the Hejaz, driven primarily by an unprecedented number of Muslims making the pilgrimage to Mecca by steamship during this time. While Sayyid ‘Uthman spoke out against Arab phonograph peddlers who would publicly entertain Javanese audiences with recordings of Arabic and Malay songs as well as Quran recitations, a few years later major international phonograph firms would be hiring Arab agents in Java to procure songs and poetic repertoires including those circulating to Southeast Asia from

the Hejaz. As such, early phonograph companies identified performance practices associated with the public forms of Sufi and popular Islamic assembly circulating across the Indian Ocean as profitable commodities, thereby tapping into an “intermediate” sphere of capital surrounding a gig economy of traveling musicians, poets, and Quran reciters. This chapter also explores Sayyid ‘Uthman’s relationship to the Dutch colonial government and the orientalist Christiaan Snouck Hurgronje, noting how the assertion of Islamic law as a force to control public life and assembly under its rubric of “custom” or *adat* became increasingly intertwined with colonial law.

Chapter Three moves across the Indian Ocean to the other end of the technological, musical, and legal circulations explored in Chapter Two, and specifically in the Hejaz region of Western Arabia, which was then still formally under Ottoman jurisdiction. The chapter begins by exploring how Sayyid ‘Uthman’s Dutch colleague Christiaan Snouck Hurgronje facilitated early phonograph field recordings in the cities of Mecca and Jeddah, c. 1906-1909, by way of Dutch and Arab contacts in the the Netherlands, Java, and the Hejaz. These recordings captured the very recitational practices, musical instruments, and poetic styles that caught the attention of international phonograph firms back across the Indian Ocean in Java around the same time. These were also the very public entertainment and spiritual practices that came under Sayyid ‘Uthman’s legal scrutiny and thus facilitated his collaboration with the Dutch colonial authorities. As such, I point to how this early ethnographic fieldwork project was intertwined with both the global expansion of modern capitalist industry and the expanding reach of the modern state in public life, including the “ethnographic” monitoring of colonial and imperial subjects. As this first half of this chapter demonstrates, the latter included the use of technologies like the phonograph to “objectively” study musical and recitational customs circulating across the Indian Ocean. The second part of this chapter suggests that this dynamic was observable in

the practice of Islamic law in the Hejaz at the time, exploring a fatwa on the phonograph written by a scholar Muhammad Ali al-Maliki that was published in Jeddah in 1911. A scholar who, like Sayyid ‘Uthman, traveled back and forth between the Hejaz and Java working as an Islamic jurist, al-Maliki’s fatwa demonstrates how the legalistic and reformist, no less “ethnographic,” observation of popular recitational practices, musical entertainment, and phonograph consumption were galvanized by Ottoman attempts to expand imperial administration and reform into the Hejaz during the early twentieth century.

Chapter Four moves geographically to the southwestern end of the Arabian Peninsula to the British colonial port of Aden, and ahead in time to the early 1940s when the lyricist Ahmad Fadil al-‘Abdali “al-Qumandan” composed a fatwa about the permissibility of “the musical arts” (*al-fan al-musiqa*). Although acknowledging earlier legal debates about the phonograph, I suggest al-‘Abdali’s fatwa exemplifies a global discursive shift within Islamic law regarding musical entertainment: from one that in the early twentieth century was about technological fidelity, the use of certain instruments, and public entertainment, to one that was more explicitly about a universal concept of “music” or “the musical arts” by the time of the Second World War. The chapter suggests that al-‘Abdali’s fatwa is emblematic of these shifts and the adoption of “music” or *al-musiqa* as a legal category in substantive law and fatwa writing, which was a process intertwined with the increasing ubiquity of phonograph commodities among global Muslim consumers. Also important in this regard were developments that occurred in the Islamic holy land during the 1920s with the Saudi invasion and of the Hejaz and in the imposition of Wahabi-inspired law and policy within the expanding modern Saudi state. Although this led to the marginalization and even disappearance of many of the musical practices in the Hejaz discussed in Chapters Two and Three, there was widespread global sympathy for Wahabi policy

in this regard due to the increasing reach and appeal of modernist and “enlightened” legalist approaches to Islamic law. In the context of colonial Aden, the increasing appeal of legal orthodoxy and doctrinal fundamentalism was intertwined with the history of British colonial policies of streamlining and standardizing Islamic law, which, as in Ottoman and Dutch contexts, was also intertwined with ethnographic policies of the state to better control and monitor subject populations. As such, this chapter also shows how Islamic legal debates about the permissibility of “music” in colonial Aden were intertwined with debate and controversy over the caste and racial ethnographic categories of the colonial state as they were mirrored onto categories of commercial music produced by Aden’s early record industry. This is to demonstrate how Islamic law’s entanglements with the modern state and civil society not only resulted in novel claims about doctrinal purity, but were intertwined with equally legalist claims about cultural authenticity during a time of rising Arab nationalist sentiments in Aden.

Chapter One

Theorizing Sound, Voice, and Fidelity in an Islamic Legal Epistemology: Muhammad Bakhit al-Muti‘i on the Phonograph, 1906

Introduction

In this chapter, I argue that a legal ruling written in 1906 by the Egyptian jurist Muhammad Bakhit al-Muti‘i (1854-1935) on Quran recitations and the phonograph serves as an intervention in scholarly studies of Islam, voice, sound, and media consumption. His writings exemplify a philosophical vocabulary available to many Muslim scholars at the dawn of the twentieth century to debate and ponder the relationship between technological fidelity and recited holy scripture. Particularly, al-Muti‘i’s fatwas on the phonograph complicate the *a priori* binary distinction between “Western” and “non-Western” or “Islamic” ontologies of voice and sound, which is a salient feature of some foundational works in sound studies (see Eisenlohr 2018; Hirschkind 2009; Ochoa-Gautier 2014; Sterne 2003). If the ideas about speech, subjectivity, and sound elucidated within an Islamic legal framework by al-Muti‘i relied on a historical synthesis of ideas derived from Aristotle, Plato, Boethius, Avicenna (Ibn Sina), and Ash‘arite theology, then he also quoted an Arabic translation of an article from *Scientific American* (1877) to claim that the phonograph produced a faithful reproduction of the human voice, and thus the word of God embodied by a vocal Quran recitation. While complicating salient assumptions of Western exceptionalism in the history of philosophy, al-Muti‘i’s writings necessitate a broader consideration of what is a great diversity of Islamic ideas about voice, subjectivity, and sound, and particularly as they relate to Muslim historical agency in the early global proliferation of media technologies such as the phonograph.

By 1906, early global record companies had identified Muslims as a lucrative consumer base that helped popularize their new technologies around the globe, which at that point had yet to become ingrained as emblems of Western modernity. Furthermore, legal deliberation over the phonograph at this time throughout both the West and the Muslim world pivoted around a similar issue: the phonograph's fidelity. Could the voices and sounds heard from the phonograph be considered authentic embodiments of those voices and sounds?

I begin the chapter by showing how Muhammad al-Muti'i's ruling on the phonograph became a novel piece of publicity for the early phonograph trade industry and argue that this was integral to the industry's identification of Muslims around the globe as an avid consumer base that was helping jumpstart a global industry. Then I move to a wider historical discussion on varying notions of voice, language, and sound that shaped Islamic ideas about sound fidelity for centuries before the introduction of the phonograph. Here, I synthesize Luis Awad's provocative chapter, "The Problem of Logos," in his *Introduction to the Jurisprudence of the Arabic Language* (1980), with other works published in English and Arabic on the history of Islamic philosophy that touch on the issues of language, divine revelation, and law. Peter Adamson's *Philosophy in the Islamic World* (2016) has been particularly helpful in this regard. After summarizing al-Muti'i's legal ruling in light of a longer history of Islamic thought regarding sound, language, intellect, and revelation, the chapter concludes by examining adversarial exchanges surrounding the phonograph between Muhammad al-Muti'i and the renowned Islamic scholar and reformer, Rashid Rida, who penned attacks against al-Muti'i in his internationally distributed periodical *The Lighthouse (al-Manar)*. While both scholars positively attested to the phonograph's fidelity, they still came to blows over the issue. This was because Rashid Rida was a modernist salafi opponent of the scholastic tradition of Aristotelian-Avicennian logic and

theological philosophy, which was embedded at historic centers of Islamic education like Al Azhar and utilized by scholars like al-Muti‘i. Rida’s criticism of al-Muti‘i reflected his position that scholasticism was emblematic of stagnant tradition and one of the reasons for Islamic civilization’s decline in the face of European colonialism.

A Friend of God and the Phonograph Industry

Muhammad b. Bakhit b. Hussayn al-Muti‘i was born in 1856 in the Egyptian province of Asyut. After completing his primary education, including memorizing and learning to recite the Quran in its entirety, he was admitted to Al Azhar University in Cairo around 1866 where he studied Islamic jurisprudence of the Hanafi legal school, later receiving his diploma in 1875.¹ Until his death in 1935, he had a prolific teaching and legal career as an Islamic scholar and jurist publishing legal rulings called *fatwas*, compendiums called *musanaf* of transmitted sayings or *hadith* of the Prophet Muhammad, and other works in Islamic law. Through the end of the nineteenth century and during the early 1900s, al-Muti‘i took on various teaching and judiciary positions throughout Egypt for the Khedivate government. Among the subjects he taught were jurisprudence, doctrine, and logic. In 1914, after Egypt was declared a British protectorate and reorganized into the Sultanate of Egypt, al-Muti‘i became the Grand Mufti or jurisconsultant of the state, an office housed at Al Azhar University and one of the highest positions of legal authority for Sunnis (al-Jawadi 2019).

Al-Muti‘i appears to have been in a period of transition when publishing his initial ruling on the phonograph and Quran recitations during 1906 (h. 1324), leaving a temporary six-month post as a jurist at Al Azhar University to serve as judge for the Court of Alexandria beginning in

¹ Founded by the eighth-century scholar from Kufa, Iraq, Abu Hanifa, the Hanafi school of law is one of the four major branches of Islamic law, with one of the largest number of adherents in the Muslim world today.

1907 (al-Muti‘i 2013:9-11). The phonograph ruling was published with a legal opinion on life insurance, which was another relatively new introduction to Egypt and the Ottoman Empire at the time (see Witkam 2018:810). Written two years before the infamous copyright battles over sound recording in the United States Supreme court during 1908, al-Muti‘i’s fatwa is probably one of the most rigorous philosophical engagements regarding the implications of early sound recording within any legal framework by the mid 1910s. A few months later, Rashid Rida’s attack on al-Muti‘i’s opinion forced him to publish a rebuttal in defense of his ruling. Along with al-Muti‘i’s initial ruling and Rida’s attack published in *The Lighthouse*, these documents provide further historical context to phonograph consumption in Egypt during the early 1900s.

As has been noted by many scholars, the phonograph was well known in Egypt by the time of al-Muti‘i’s ruling. It was featured in theoretical explanations of sound and voice in a music treatise written by violinist and composer Muhammad Kamal al-Khula‘i (1904), and had been advertised in newspapers throughout the 1890s (Racy 1976). Phonograph companies also created some of the earliest successful international markets in Egypt during the early 1900s. In 1906, the American-born president and general manager of The International Talking Machine Company in Berlin, F. M. Prescott, cited Egypt as a case of his company’s success in global competition with larger international firms at the time, including British Gramophone & Typewriter Limited and the American Victor Talking Machine Company. Maintaining a “fully developed” catalog of high quality records for markets in many different countries came at a high price, which profits in Egypt certainly justified considering that Prescott admitted paying an Egyptian artist, probably Sheikh Salama Hejazi, the previous year some \$8,000 dollars (today almost \$240,000) to record forty songs at two hundred dollars per record. He noted that, by contrast, American singers received an average of about \$5 per record at the time (Bill 1906:21).

Prescott also singled out the important role played by Muslim consumers in the successful profits incurred by international sales, with Islamic hymnals and Quran recitations making a notable contribution to his company's debut catalogs. These were apparently hot items not only in Egypt, but among Muslim consumers worldwide: "We sell quantities of records in Egypt, Arabia, Turkey and Asiatic territory. The religious feeling is extremely strong in these countries, and the Moslems are zealous worshippers, so that records and extracts of the Koran and their hymns and holy pieces sell freely" (1906:21). The statement was given in the United State's first media trade publication founded a year earlier in 1905 called *The Talking Machine World*, which labeled Prescott "one of the most conspicuous men of the talking machine business in any corner of the globe." Prescott's interview for the trade magazine on the global state of the record business, then still in its infancy, was directed at people working to expand and popularize the phonograph industry with the latest news on products, patents, and potential markets. If others wanted to take a gamble in the newly established phonograph and gramophone business, then they could conclude from Prescott's testimony that investing in Muslim consumers around the globe would be a solid bet. Indeed, the International Talking Machine Company was not the only phonograph company to exploit early enthusiasm for the phonograph throughout the Muslim world, where zealous religiosity was equated with zealous consumption of the world's first mass-media technology.

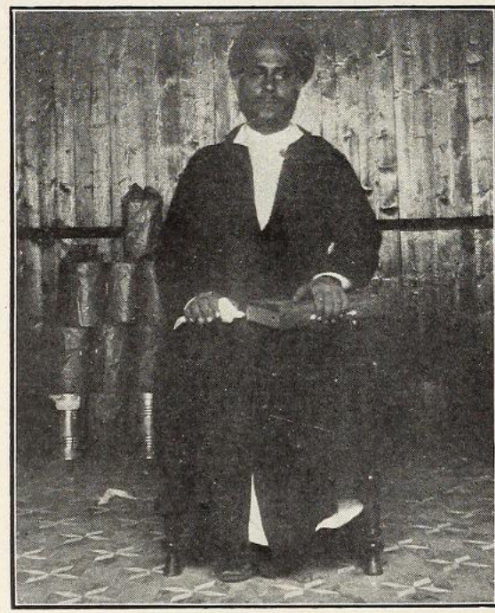


Figure 1.1. “Mohamadan Priest” or Imam pictured sitting with a Quran in the American phonograph trade publication, The Talking Machine World (1913:48). The unnamed Imam was contracted in Bombay by the British recording engineer Thomas John T. Noble to record Quran recitations on behalf of the PATHÉ (France) phonograph company.

A year earlier in 1905 during Ramadan, the German recording engineer Heinrich Bumb who worked for the Beka company was apparently so eager to add Quran recitations to his company’s catalog that he bribed a reciter in Cairo to record various passages from the Quran, “in the middle of the night in the greatest secrecy and behind the locked doors of a specially rented house” (Bumb 1906:2). By 1908, Gramophone & Typewriter Limited’s early record catalogs advertised Quran recitations by recording artists like Sheikh Hassan Khadr, whose catalog entries also featured a record of the call to prayer as well as poetic songs of the Andalusian *muwashah* style (al-Kalzah 1908:14). As will be seen in following Chapters Two and Three, some Islamic legal scholars were uncomfortable with individuals like “Cheikh” (Shaykh) Hassan Khadr, whose contracts with record companies not only blurred what were supposed to be fine lines between the vocalized transmission of holy scripture and the musical practice of

singing, while also formally placing the dissemination and production of holy scripture into the hands of a global entertainment industry (Figure 1.1).

El-Cheikh Hassan Khadr		الشيخ حسن خضر	
5-12220	Al-Ghosne Iza Raaka Mokbel	العصن اذا راك مقبل سجد	٥-١٢٢٢٠
5-12219	Abal-Achgane	ابي الاشجان	٥-١٢٢١٩
5-12218	Souret Taha	صورة طه	٥-١٢٢١٨
5-12217	„ Mariam	» مريم	٥-١٢٢١٧
5-12221	El-Azane 1	١ الاذان	٥-١٢٢٢١
5-12222	„ 2	٢ »	٥-١٢٢٢٢

Figure 1.2. “Cheikh” Hassan Khadr’s entry in the Gramophone Co. catalog featuring his performances of sung poetry, call to prayer, and Quran recitations (al-Kalzah 1908). Courtesy of Ahmad AlSalhi.

Regardless, given the importance of Muslim consumer agency at the beginning of the global phonograph industry, it should come as little surprise that Muhammad Bakhit al-Muti‘i twice received attention in *The Talking Machine World* for the legal rulings he published on the phonograph, perhaps to further alert industry representatives to the ardor of Muslim consumers. The announcement was first published in June of 1906 and again later in October. Summarizing an article published in the British press about the affair, *The Talking Machine World*’s statement reveals that al-Muti‘i was perhaps at the tail end of his temporary juridical post at Al Azhar University when he published his fatwa.

Sheikh Mohamed Bakhit el Mutei, one of the ulema of the University of Al Azhar, has just published two pamphlets on the subject on the phonograph and life insurance and their relation with the Sacred Law of Islam, according to a Cairo correspondent, says *The Times*. The learned Sheikh declares that there is nothing in Islamic doctrine to forbid Moslems to listen to the phonograph, and that, if the verses of the Koran are suitably intoned from the phonograph the listener may be justly considered to be performing an act of worship. (Bill 1906:27)

Perhaps unbeknownst to Muhammad Bakhit al-Muti'i, his legal opinion on the phonograph was turned into positive publicity for the official mouthpiece of the early phonograph industry, then only in its second year of existence.

As other chapters in this dissertation will further demonstrate, American trade publications are not the only historical documents that attest to the agency of Muslim consumers in jumpstarting what was the first global media industry in history. Rather than reflecting the anxieties or responses to an inherently “Western” technological modernity, Islamic jurists’ deliberations over the phonograph were a response to the role Muslim consumers played in the global proliferation of early phonograph and gramophone technologies. In other words, Muslims were not simply receiving, adapting, or appropriating the products of a Western commodity market, as many have conceptualized, but rather propelling the early genesis of global technological media markets themselves. By 1906, the phonograph was ubiquitous as much as it was new throughout Muslim societies, a status it also held in any other place in the world.

Like in other parts of the world leading up to the First World War, and especially in Europe and the United States, the central problem for Muslim scholars like Muhammad Bakhit al-Muti'i to resolve about the phonograph was its fidelity: could the human voice heard through the machine really be considered an actual voice, and did it belong to the person whose voice was originally recorded? At the time of *The Talking Machine World's* report on al-Muti'i's phonograph fatwa, the phonograph's place in the historical pantheon of successful media technologies was far from guaranteed, especially in the West. During the first decades of the twentieth century, the phonograph industry had to go to extreme lengths to convince consumers that they were literally hearing real sounds, voices, and music on the phonograph. As David Suisman (2009) has demonstrated, the phonograph industry's efforts to convince American

consumers of the phonograph's fidelity, despite its otherwise significant technological limitations, involved inventing an elaborate scheme of marketing techniques and advertising campaigns that single handedly gave rise to the modern capitalist media industry. For phonograph industry representatives fighting doubts about their novel technology in the United States, a testament to the fidelity of the phonograph from a Muslim scholar on the other side of the planet was certainly a boon to industry marketing. Neither a response to Muslim anxieties nor an embrace of Western culture, al-Muti'i's faith in phonographic fidelity is perhaps better interpreted as part of the industry's early global success in promoting claims of superior sound. His fatwa was certainly good news for *The Talking Machine World*. It was a foreign yet authoritative stamp of approval for an industry going through considerable pains to legitimize and establish itself in the United States.

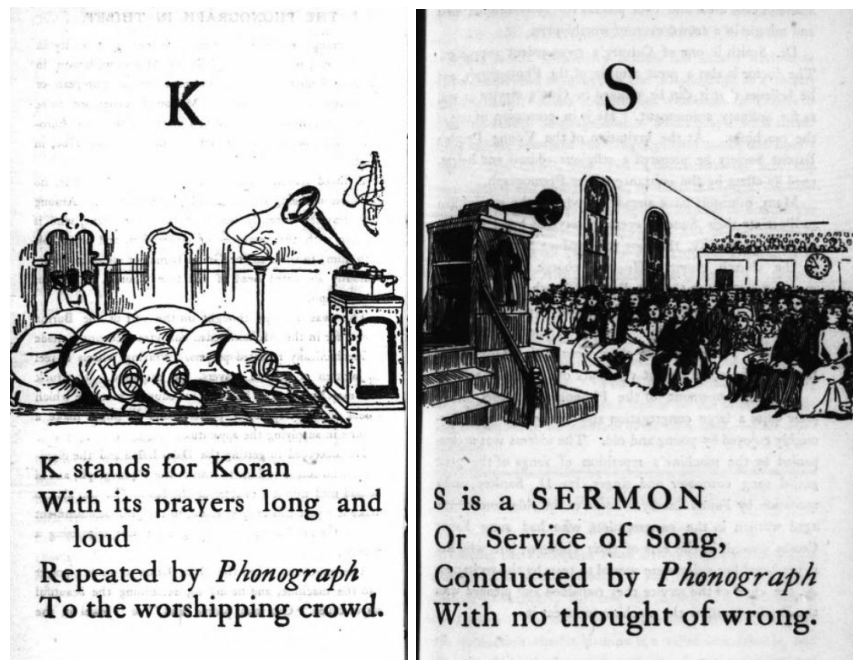


Figure 1.3. Caricatures of the phonograph being used in contexts of Muslim (October 1900) and Christian (May 1901) worship in a series of doggerels published by the early American phonograph periodical *The Phonogram*.

Yet the problem of fidelity even extended to the legal battles concerning copyright law and music recordings in the United States Supreme Court, which occurred two years after the publication of al-Muti'i's fatwa on the phonograph. During the deliberations, American lawyers needed to be convinced that the engravings on phonograph wax-cylinder recordings did not comprise "writing" in any traditional sense of the word. The influential American composer and conductor John Philip Sousa advocated for the extension of copyright law provisions to cover sound itself and not only forms of print, whether music notation or writing. He did so that musicians could receive royalties for subsequent sales and plays of their recordings rather than being only be paid for recording sessions. Sousa argued that the literal sound of a musical composition was a product and extension of the composer's soul, and thus the exclusive right of their legal personhood.

And my claim is, that the words "exclusive" and "writings," particularly the latter, are so broad in their meaning that they cover every point raised by existing copyright laws, even to the unauthorized use of musical compositions by mechanical-reproducing apparatuses, and all this because these two words deal, not alone with the letter, but with the spirit as well. (Sousa 1906:278-284)

Here, Sousa disparaged lawyers representing the phonograph industry whose arguments, ironically, relied on a dubious understanding of mechanical sound reproduction to argue that musicians should not be paid royalties for successive sales of their recordings. He remarked that their interpretive inflexibility regarding the analogy between phonograph wax cylinder recordings and writing as conceptualized under copyright provisions, was due to their parallel inability to distinguish between the letter and the spirit of existing copyright laws, their purpose being to protect the financial rights of writers and composers.

If the philosophical tension between literal interpretation and estimating the intent of written doctrine is definitive for the development of law and theology throughout the West, then

a similar tension has characterized the development of Islamic doctrine and legal epistemologies since the eighth century. Furthermore, at the center of this historic tension was the relationship between the fidelity of the human voice and the sonic reproduction of God's word embodied by the Arabic language of the Quran, which arguably has made fidelity a central theme in the development of Islamic thought. Debate about letter and spirit in Islamic historical contexts is intimately connected to the issue of divine revelation, and how God's essence and His word could manifest themselves in scripture and law, whether through writing or vocal recitation. In fact, upon exploring the issue of *logos* in Islamic historical contexts and as it relates to al-Muti'i's writings on the phonographic reproduction of the Quran, it becomes clear that Islamic philosophy shares much of the intellectual terrain that gave rise to the cherished "Western" tradition. Indeed, it is partly thanks to Islamic thought that Western philosophy is even possible, with theological ideas on the nature of God and the human soul penned by scholars like Avicenna (Ibn Sina) being directly adopted by the likes of Thomas Aquinas and Duns Scotus, or the Andalusian scholar Averroes's (Ibn Rushd) commentaries on Aristotle making a founding figure of Western philosophy understandable to Latin scholars of Western Europe during the medieval period (Adamson 2016:126).² So while early Muslim consumption of the phonograph was integral to the genesis of global media industry, the remainder of this chapter will also consider the deeper philosophical, legal, and ontological encounters with the phonograph in the Muslim world as being coeval with contemporary philosophical and legal debates over phonographic fidelity happening elsewhere, including the United States.

² It is important to note Adamson's (2016) point here that medieval Christian and Muslim scholastic traditions diverged in the sense that the Christian West primarily began referring back to Aristotle, while the Muslim East referred back to Ibn Sina (Avicenna). Still, both traditions covered similar dilemmas and also referred to similar sources, with early Christian scholars drawing much material from Muslim sources.

Yet historically, the relationship between Arabic and divine revelation presented a novel problem for Islamic scholars and jurists, which resurfaced with Quran recitations recorded by the phonograph. In fact, philosophical, theological, and linguistic controversy over the relationship between Arabic grammar, the Quran, the physics of sound, and the human voice has been a central theme in the development of Islamic thought for centuries. This is because a widely accepted theological tradition in Sunni Islam called Ash‘arism considers the Arabic language of the Quran to literally be God’s word, which is tied to the doctrine that the Quran is His ultimate revelation and the holy text from which His ultimate law is derived. Known as the divine “attribute of speech,” *Sifat al-Kalam*, theological dispute over this concept has also been at the core of historical controversy regarding the Arabic language’s connection to divine revelation. While the emerging subfield of sound studies has recently witnessed various theorizations about how Islamic thought relates to modern media technologies, textuality, and voice, Muhammad Bakhit al-Muti‘i penned a lucid philosophical framework within a legal epistemology in 1906, outlining connections between the divine attribute of speech (*Sifat al-Kalam*), an Islamic ontology of voice, speech, and subjectivity, and how they all related to contemporary understandings of technological sound reproduction. Much to the delight of the phonograph industry’s mouthpiece *The Talking Machine World*, al-Muti‘i’s legal opinion rested on faith in the phonograph’s fidelity and its ability to accurately reproduce not only the human voice as conceptualized under the Islamic legal notion of personhood, but the exact pronouncements of Quranic Arabic, and thus God’s eternal essence. It was a conclusion derived from Ash‘arism, which developed from a long history of debate over the scope and limits of language, reason, and revelation in resolving legal and doctrinal issues, and particularly that of letter and spirit.

Divinity, Law, and Logic

As mentioned earlier, in addition to Islamic doctrine (called *al-tawhid* or “the oneness [of God]”), one of the subjects al-Muti‘i was known for teaching was the philosophical subfield of logic. Aristotelian logic was fundamental to the historical development of Islamic theology as a tool for establishing proofs for doctrinal epistemologies. Particularly, the tools of logic were useful for Muslim theologians to demonstrate the oneness or *tawhid* of God, despite the multifariousness of His creations and even His word. Since Arabic grammar was central to evaluating the nature of Quranic revelation and the oneness of God, early Muslim theologians were called *Ahl al-Kalam* or “The People of the Word,” while their rational theology is often referred to as *kalam*. Furthermore, it would be a mistake to assume, as has often been done, that Aristotle’s influence on the diverse philosophical traditions of late antiquity and the medieval period, especially on various Muslim intellectual traditions, was a passive transmission or mere copying of his ideas. As Aristotle’s ideas were translated into Arabic, deliberation over philosophical reason, language, and revelation was adapted to new socio-political contexts that necessitated novel adaptations and interpretations of ancient philosophy.

As historians of Islamic philosophy have outlined, theological discussion and disagreement on the nature of divine revelation drew significantly on Neoplatonic readings of Aristotle and other Greek philosophers. These included the works of Galen, Plotinus (who was often mistaken for Aristotle in the Islamic tradition), John Philiponius “the Grammarian,” and other Hellenic philosophers who attempted to reconcile Aristotelian rationalism with Christian theology. Much of these originally Greek works were translated from Syriac to Arabic in Abbasid-era Baghdad by an inter-faith circle of scholars and theologians, the Baghdad Peripatetics, who were associated with one of the earliest and most prominent Muslim Arab

philosophers, al-Kindi (Adamson 2016:26-32). As historians of Islamic logic like Khaled El-Rouayheb (2012) and John Walbridge (2000) have noted, the philosopher most responsible for systematizing and translating Aristotelian logic into Arabic was Avicenna (Ibn Sina), who lived during the tenth and eleventh centuries and whose works dominated scholastic theology and philosophy throughout Islamdom from the Middle Ages through the modern period. Indeed, Islamic logic after the year 1300 has received little scholarly attention, which has led many to wrongly assume that Islamic logic, and philosophy more broadly, witnessed centuries of stagnation after its so-called Golden Age during the early centuries after Quranic revelation (Adamson 2016:295; Walbridge 2000:57) This scholarly stereotype is also intertwined with another, palpable in sound studies work on Islam, that considers Islamic jurisprudence and doctrine to be defined by a passive transmission of tradition that creatively engages neither rational sciences nor textual doctrines when facing new historical circumstances (Adamson 2016:295-296, 415). Yet through the modern period, logic remained an applied field within jurisprudence, doctrine, theology, and grammatical study throughout Muslim societies, while even the definition of logic was the subject of considerable scholastic debate.³

The influence of Neoplatonic philosophers and Aristotelian logic to the history of Islamic thought is also reflected in the fact that Arabic translations of Aristotle's philosophical terminologies match some technical terms for Islamic law developed during the early centuries after Quranic revelation. These include the legal term for "analogy" or "reasoning," *qiyas*, which was used by Islamic philosophers to refer to syllogistic arguments, and also the term that served

³ As El-Rouayheb (2012) has shown, there was lengthy dispute on the purpose of logic in the Islamic scholastic tradition sparked by the thirteenth-century logician Afdal al-Din al-Khunaji who argued that logic is "the objects of conception and assent," going against Avicenna's definition of logic as "second intentions." El-Rouayheb notes that al-Khunaji's view was criticized by Islamic scholars who supported the Avicennan definition of logic who argued that if al-Khunaji's view was accepted, it would mean that logic would be the subject matter of all sciences rather than a specialized field. If this is a correct assessment of al-Khunaji's definition of logic, then it would make sense that it was an widely accepted definition in the Islamic scholastic tradition, where logic was broadly applied to other fields such as jurisprudence and linguistics.

as the title for the medieval Arabic translation of Aristotle's *Prior Analytics*, or *al-Qiyas* (Adamson 2016:167). As Adamson further notes, the Islamic legal term *'illa*, meaning "rationale" for an analogy, was also the Arabic term used for Aristotle's philosophical notion of *cause* (Ibid.). In Islamic rulings on the phonograph and sound recordings of the Quran, the demonstration of rationale for analogies made in arguments about phonographic fidelity is a central feature of the fatwa literature explored in this dissertation, embodied in terms like *'illa* (rationale) and *qiyas* (analogy). Furthermore, the scholastic tradition of Aristotelian-Avicennian logic was integral to education in Islamic law and doctrine at seminaries throughout the Middle East and India, including at Al Azhar University where al-Muti'i studied, taught, and served as a jurist. Particularly, jurists who specialized in the theoretical "precepts" or *usul* of jurisprudence needed extensive training in logic to make sound legal judgements based on Arabic linguistics and semantics. Furthermore, new printing technologies throughout the Muslim world during the nineteenth century made texts on scholastic logic more widely available, so that al-Muti'i would have been living in a time when Islamic logic became more widely accessible (Walbridge 2000:61).

Yet the utility of philosophical reason for answering theological questions about the nature of God and His Quranic revelation has been hotly contested throughout the history of Islamic thought. It is thus necessary to turn briefly to this history in order to more acutely understand how the notion of God's attribute of speech, or *Sifat al-Kalam*, was used in arguments made by Muhammad Bakhit al-Muti'i in his legal ruling on phonographic fidelity and the Quran. Furthermore, exploring historical controversy over *Sifat al-Kalam* offers an opportunity to widen the scholarly conversation about varying notions of voice, sound, language, and subjectivity that had shaped Islamic thought for centuries before the phonograph's

introduction. Exploring the historic dispute between the Ash‘arites and the Mu‘tazilites, two theological schools that held very different ideas about Quranic revelation and God’s essence, is a useful entry point since it forms the foundation of al-Muti‘i’s position regarding the Ash‘arite notion of *Sifat al-Kalam*, including its relationship to phonographic fidelity. Disagreement between the Mu‘tazilites and Ash‘arites, which witnessed its height between the eighth and tenth centuries, still resonates today in what seems to be the everlasting struggle between faith and reason.

Textual Revelation, Voice, Language, and the Limits of Reason

“There is no difference between those who worship idols and those who worship the text,” wrote the Egyptian imam, scholar, and sufi preacher Abbas Abd al-Nur shortly after the turn of the millennium. The sentence, written in Arabic and published online--unofficially--in the introduction of his book *My Ordeal with the Quran and God in the Quran* (2004), for many today could be regarded as an appeal to heresy. This is especially since Islamic revelation embodied by the Quran, emphasizing the oneness of a monotheistic God, is often defined in contradistinction to the polytheistic idolatry that existed in Arabia during “the age of ignorance,” or time before Islamic revelation. According to what are now often considered more orthodox Islamic beliefs, it would be hard to think of a more inflammatory proposition: that the veneration of the Quranic text could be tantamount to the veneration of pagan idols. Yet if Abd al-Nur’s controversial statement reflected his anxieties about the collision between faith and reason, and particularly modern science, then tension caused by the interplay between rational philosophy and textual doctrines of faith has shaped the development of Islamic thought since at least the eighth century. Far from being inherently inflammatory or controversial, there was a time when

Abd al-Nur's claim about the supremacy of reason over the ostensible fallibility of scripture was the official stance of one of the most influential Islamic states in history, the Abbasid Caliphate.

An early network of Muslim theologians called the Mu'tazilites, or "the ones who withdrew," were a group that hotly contested the distinction between letter and spirit, especially in regard to the Quran. Emerging in the eighth century, theologians affiliated with the Mu'tazilites held that, even though the Quran was created by God, it was not eternal like God Himself. Essentially, they privileged Islamic notion of the oneness of God (*tawhid*) over the inimitability, or extraordinariness (*i'ijaz*), of Quranic revelation. They argued that if the Quran, a physical thing that embodies human language, is considered to be co-eternal with God, then that contradicts His oneness that is free of multiplicity. Like the imam Abd al-Nur (2004), the Mu'tazilite position went as far as to assert that believing in the co-eternality of the Quran would be tantamount to polytheism. This was because God's essence would be reduced to a duality and thus a multiplicity, rather than a unique and transcendent oneness. While they held the Quran and collected sayings of the Prophet, *hadith*, were sacred, the Mu'tazilites embraced figurative and interpretive reading of legal texts and scripture. Due to what is now considered a power struggle with religious scholars, the *'ulama*, during the ninth century, the Abbasid caliph al-Ma'mun (d. 833) made the Mu'tazilite view on the Quran the official stance of the Caliphate, imprisoning anyone who disagreed. An episode relayed by the great Muslim historian Abu Ja'far al-Tabari (d. 923), one of those imprisoned by al-Ma'mun was none other than Ahmad Ibn Hanbal, the founder of the fundamentalist Hanbali school of Sunni law that, as noted previously in the Introduction, would garner widespread "orthodox" modernist appeal during the nineteenth and early twentieth centuries. As such, and although a far cry from what is often labeled as Sunni

“orthodoxy” today, al-Ma’mun’s official embrace of Mu‘tazilism was one of the first assertions of state-sponsored Islamic orthodoxy in history (Adamson:10-18).

Yet the Mu‘tazilite position on sacred text and their emphasis on reason had important consequences for their ideas about human agency, justice, language, and even voice and sound too. Mu‘tazilites held that reason is ultimately the tool that helps determine what is morally right and wrong since there was no physical reality of God’s attributes, and most significantly that of his eternal “word” or speech manifested in scriptures like the Quran. Thus, the tools of philosophical reasoning were considered essential for establishing moral judgements.

Furthermore, this connected to the Mu‘tazilite emphasis on human agency, which held that humans need to have free will, determined by their faculties of reason, in order to be held responsible for their actions in order to receive rewards or punishments from God. If the Quran was co-eternal with God and existed outside of history, then those considered sinners in the Quran would inherit no responsibility for their actions because their status as sinners would be inevitable. For the Mu‘tazilites, this compromised the concept of divine justice (Ibid:13).

Overall, the Mu‘tazilite position embraced a less textually fundamentalist stance regarding letter and spirit: that God’s essence is not bound to the sonic and legible pronouncements structured by the Arabic letter in the Quran, but rather to logical *meanings* interpreted from the audible and legible manifestations of that letter. Even more moderate Mu‘tazilites like the tenth-century jurist Abd al-Jabbar b. Ahmad, who conceded the inimitability of the Quran as far as it was human language inspired by God through prophecy, still held that God’s word could be rendered into other languages: a position he argued by noting God’s previous divine revelations in languages such as Hebrew, Aramaic, and Greek before the Quranic one in Arabic (Awad 1980:90-92). Furthermore, there was parallel historical debate among

scholars of the Arabic language about non-Arabic loan words in the Quran from Greek, Persian, Amharic, and Aramaic, which, as Luis Awad has argued, comprised a pre-modern Islamic tradition of linguistic philology. Mu‘tazilite grammarians like Abd al-Fatah Uthman b. al-Jinni (d. 1002) were eager to prove that the Quran retained influence from foreign languages, which would prove that the Quranic text existed within history and interacted with other languages surrounding Arabia, thus proving its universality (71-74). As for Abd al-Jabbar, he viewed Quranic revelation as a process of translation and mimesis of God’s word into the physical universe, and thus indicated that, although the Quran and other holy text represent a level of linguistic expression unparalleled in the world as products of divine inspiration, that does not mean that God’s word cannot be rendered into other languages (71-74). This is because He transcends the physical reality of speech and language.

In his *Introduction to the Jurisprudence of the Arabic Language* (1980), Luis Awad positioned the Mu‘tazilite theological position on *logos* as a “third revolution” in a longer history of struggle against the native Arabic-speaking political authority of the early Umayyad dynasty. It should be pointed out that Awad’s (1980) thesis was highly controversial if not problematic, being reactionary to the ideological, theological, and philosophical underpinnings and intersections of Islamism and Arabism during the 1970s and 1980s. The purpose of Awad’s thesis (1980) was to argue that Egyptian-Arabic, rather than being a semitic language, could actually be considered a part of the Indo-European language family, while arguing that modern philology was fundamentally flawed in that it was established on racial science and shoddy Biblical historicism. As such, Awad further argued that modern philology and racial science have their pre-modern parallel in Ash‘arite Islamic theology, which similarly posits an ethnolinguistic purism by claiming that Arabic was God’s eternal language and that the Arabs were thus the

chosen people to lead the Muslim *umma*: an endorsement of Arabness or *'uruba* that, it should be noted, was once the central ideology pushed by the Palestinian-American philosopher, scholar, and husband of ethnomusicologist Lois Ibsen al Faruqi (d. 1986), Ismael al Faruqi (d. 1986).⁴ In any case, I find Awad's thesis regarding logos in the Islamic context productive to reiterate in order to demonstrate that this issue of language, authority, and divine revelation was fundamental to the development of different traditions of Islamic thought.

Awad argues that the Shiite and Kharijite branches of Islam represented the first two revolutions before Mu'tazilism. They were the byproduct of populist-cum-doctrinal uprisings in Iraq led by ethnic Persians against the Umayyad Sunni authority in Syria during the seventh and eighth centuries, which was dominated by an aristocracy of Arabs hailing from the Prophet's tribe, Quraysh, and descended from the Prophet's companions, "the rightly guided Caliphs." Awad suggested that the co-eternalness of the Quran with God was a Sunni theological position used to justify the rule of a native Arabic-speaking class, inseparable from the claim that the Arabs, and particularly the Quraysh, were God's chosen people because it was their language that was co-eternal with Him. Naturally, political schisms in the early Islamic political landscape led to theological ones. Opposed to the dominance of the Quraysh, the Kharijites took the position that the leader of the Muslim world or *umma* should be elected based on their adherence to the laws of Islam and their ability to rule justly, no matter their language or ethnicity. Also in contrast to Sunnism, Shiite doctrine holds that doctrinal, legal, and political authority should be in the hands of selected Imams descended from the Prophet's cousin Ali, who have inherited the gift of divine inspiration to interpret the Quran.

⁴ Lois and Ismael were tragically murdered at their Pennsylvania home in 1986 by a man suffering from bouts of schizophrenia.

Given that Kharijite and Shiite doctrines developed in modern-day Iraq and Iran, a geographical region where some of the earliest and largest native Persian-speaking populations converted to Islam, Awad suggested that early doctrinal divisions were stoked by this linking of Arabic language to authority, and by extension the Arab people. The co-eternality of the Quran with God was challenged by Persian speaking Muslims in Iraq and Iran because it privileged native Arabic speakers in a theological and political epistemology, and is why the issue of non-Arabic loan words in the Quran was so hotly debated. For the co-eternalists, it was important to prove that the Quran represented the purest form of language with no foreign influences, thus justifying Arab political dominance and Arab supremacy due to their superior eloquence and comprehension of God's eternal language. On the other hand, the view of the Mu'tazilites and some Shia grammarians held that God's revelation could be universally and equally accessed by non-native Arabic speakers, with even the Quran containing influence from other languages, which meant that the powers of interpreting the Quran, and thus political and legal authority, could be extended to other people or social groups (61-70). It should be noted that these philosophical debates surrounding the language, authority, and divine revelation were highlighted in the dialogues entitled *Pleasure and Cordiality (al-Imta' wa al-Mu'anasa)* composed by the tenth or eleventh-century Muslim philosopher and scholar Abu Hayyan al-Tawhidi, who himself seems to have been partial to the opposing Asha'rite theology that will be noted below (Adamson 2016:101).

Nonetheless, this problem of language, revelation, and political authority appears to have encouraged many Shiite theologians and philosophers to embrace the tools of philosophical rationalism to inquire about the nature of God and Quranic revelation, which resulted in an overlap of ideas embraced by the Mu'tazilites concerning letter and spirit. As Peter Adamson has

noted, the age of the Buyid dynasty, or “Iranian Intermezzo” between the Abbasid and Seljuk dynasties (c. 934-1062), witnessed over a century of Muslim political authority dominated by Persian-speaking Shiite Muslims. He notes that thinkers and preachers associated with the Isma‘ili branch of Buyid-era Shiism “drew on Hellenic philosophy to provide a systematic account of their beliefs” (Adamson 2016:103). Drawing from Neoplatonic works on metaphysics as well as writings by the Muslim Aristotelian al-Farabi, Isma‘ili philosophers like Abu Hatim al-Razi, al-Nasafi, and al-Sijistani posited a soul and a universal intellect created by God, with His word (the Quran) existing between Himself and the universal intellect. Like the Mu‘tazilites, many Isma‘ili theologians emphasized God’s complete transcendence and denied the physical reality of His attributes, including that of speech. Furthermore, they held that the Quran held esoteric “inner” meanings that could only be interpreted by an Imam descended from the Prophet or his cousin Ali Abu Talib. Thus, in the Isma‘ili view, the gift of divine inspiration was not excluded to a specific language or ethnicity, but to specific individuals descended from the Prophet. Echoing debates about letter and spirit, the tenth-century Isma‘ili theologian Abu Yaqub al-Sijistani claimed that the “inner” and “outer” manifestations of revelation were comparable to the difference between logic and grammar, “between a conceptual meaning and its verbal expression” (105). The eleventh-century Fatimid theologian Nasir Khusraw claimed further harmony between philosophical rationalism and Isma‘ili doctrine, in that “exoteric” (*dhahir*) knowledge was accomplishable through the tools of rational philosophy, while “esoteric” (*batin*) meanings of divine Quranic revelation are determined by the Imams (105). Furthermore, the renowned Safavid philosopher Mulla Sadra (d. 1636) considered the study of Quranic grammar and vocabulary to be superficial, claiming that a more insightful interpreter of the Quran would look beyond the “husk” of language to determine the text’s deeper logical meanings (397-398).

Returning to Buyid-era Iraq, a complex overlapping philosophical and theological fabric comprising Mu‘tazili rationalism, Isma‘ili esotericism, and a synthesis of Hellenic and Persian thought of late antiquity is vividly outlined in the *Epistles of the Brethren of Purity*, an anonymous Arabic text written and compiled in Basra between the ninth and eleventh centuries. The Brethren of Purity’s exact doctrinal orientation, political affiliations, and membership remain ambiguous and debated, although it is accepted that their writings were later embraced by Isma‘ili thinkers (Adamson 2016:98-105). Nonetheless, the Brethren’s reflections on the nature of the physical universe, God’s essence, divine revelation, and human speech led to an explicit rational and physical theory of sound and voice outlined in the *Epistles* around the turn of the first millennium (84-90).

Reflecting early Islamic no less Neoplatonic thought, the Brethren’s *Epistles* theorized a continuum of sound and voice highlighting a great chain of being comprising everything from physical reality to the heavenly spheres, including sounds produced by the elements, the environment, inanimate objects, animals, and humans. It is worth reiterating here that the terms “voice” and “sound” are two English terms that, in Arabic, are rendered as one: *sawt* or pl. *aswat*. Within the animal realm, the *Epistles* read that the production of *aswat* are instinctual, being tied to positive and negative emotional responses for human and non-human animals alike. Even though animals are considered sentient beings, the *Epistles* emphasize that humans are separated from them as “speaking animals” (*haywan al-natiq*), which is an Arabic term that serves as the translation for Aristotle’s notion of “rational animal.” This reveals a line of Islamic thought that holds human rationality to be synonymous with the capacity for language and speech, while holding sound itself to have profound affective power over the animal psyche. Furthermore, the Brethren of Purity’s *Epistles* outline a physical theory of sound that is strikingly

modern, claiming that sound is produced by air “rippling” away from the impact of two colliding bodies, while the magnitude of sound is determined by the velocity, mass, and physical properties of those colliding bodies. In fact, the Arabic verb used in the *Epistles* to describe the rippling effect of sound through the air shares the same root as the Arabic word for “wave” (*mawj*) showing that the Brethren conceptualized sound in a manner not unlike the current notion of sound waves (Adamson 2016:84-90). It’s plausible that the Brethren adopted and developed the sound wave theory elaborated by the Stoics, whose ideas later shaped the study of sound and resonance during the European enlightenment (Erlmann 2014:32-35). Although Veit Erlmann (2014) suggests that “Western” thought did not address how the movement of air affects the emotive perception of sound until the enlightenment era, the *Epistles*’s elaboration on the relationship between the physics of sound, voice, and the human body suggests that there were trajectories of Islamic thought that did so centuries before the early-modern period.

Regardless, although the world of sounds and voices reflects a physical universe breathed into existence by God at a certain point in time, it would be impossible for God’s essence, defined by a transcendent oneness, to manifest itself in the physical world through the properties of voice and sound, according to Mu‘tazilite-oriented theological doctrines. Thus, the human voice and capacity for speech that define them as a “rational” or “talking” animal, although made possible by God, cannot reflect His essence, which is transcendent of physical reality. If the Brethren’s theory of sound and voice is read with the Mu‘tazilite notion of divine justice, then the human faculties of speech are reflective of the rational capabilities that enable free will. Both Mu‘tazilite and Isma‘ili thinkers used the tools of rational philosophy to refute the reality of God’s attributes, which, according to Awad, followed doctrinal trends in theology that initially gained traction to challenge the political rule of Sunni legal authority and an Arabic-speaking

aristocracy. In the rational physical theory of sound and voice relayed by the *Epistles*, human voice and language are situated within the physical realm, of which God's essence and attributes are completely transcendent. This makes it impossible to claim that any one language is an embodiment of His essence.

Other theologians and grammarians who were opposed to the Mu'tazilite-oriented stance advocated for a sort of linguistic determinism, seemingly derived from an extreme notion of linguistic relativity and the idea that Arabic is co-eternal with God. For example, some grammarians believed that the works of Greek philosophers was not translatable nor expressible in Arabic because it was originally written in Greek, and thus comprised a repertoire of ideas unsuitable for Arabic speakers (Matar 2010:46-47). Jurists like Ahmad Ibn Hanbal (780-855) and Ibn Taymiyyah (1263-1328) even went as far as to say knowledge of other languages and intellectual traditions is unnecessary because the Arabic Quran is God's final revelation that is co-eternal with Him, thus no truthful epistemology can exist externally from the Arabic letter (Adamson 2016:167, 360; Matar 2010:29-33, 44). As Awad (1980) suggested, the co-eternality of the Quran proposed by the early Muslim jurist Imam Idris al-Shafa'i (d. 820) extended the divinity of the Quran to the divinity of the Arabic language, positing that Arabic was the most developed and complete language of all as a direct manifestation of God's essence (94-95). This is despite the fact that, as will be seen in Chapter Three, that Imam al-Shafa'i used Roman neoplatonic philosophy to help systematize a theory of Islamic legal practice. In any case, according to al-Shafa'i's view, it would be impossible for any foreign loan words to exist in the Quran because it was co-eternal with God, existing for eternity and thus predicating all languages. Equally, it would be impossible to translate the Quran into other languages without

corrupting its meaning, which is intimately tied to the audible and legible manifestation of the Arabic letter.

Yet the proponents of such determinism had their reasons. One of the most problematic aspects of Mu‘tazilite ideas, and more broadly the embrace of rational philosophy by Islamic thinkers, was that the priority of philosophical rationalism challenged the authority of Quranic revelation. If the tools of reason or logic were ultimately what determined right from wrong, then textual revelation was unnecessary for determining moral truths and the Quran would merely be a supplement to philosophical reasoning. During the early centuries after Quranic revelation, such a view would perhaps make a potentially weak argument for justifying political rule based on law derived from the Quran. If the certainty of scripture was contingent upon history and rational interpretation, then how could there be a basis for establishing the certainty of authority based on what was supposed to be the exclusive and ultimate truth of scripture? This is one reason why it was important to establish that the Quran was not created but co-eternal with God, and a direct manifestation of His essence through His attribute of speech, *Sifat al-Kalam*.

Perhaps the most historically significant opponent of the Mu‘tazilites was the ninth and tenth-century theologian Abu Hassan Ishaq al-Ash‘ari (d. 936) who spent much of his career refuting Mu‘tazilite ideas, and thus founded the Ash‘arite school of Sunni theology. Ash‘arism remains one of the most important theological schools of Sunni Islam to this day, with its teachings founded on the idea of the co-eternalness of the Quran and God. Contrary to the Mu‘tazilites, Ash‘arite theology holds that God’s attributes like speech, or *kalam*, can manifest themselves in physical reality. In this line of thinking, God’s essence is embodied by His attribute of speech, which is the Quran. Thus, the human voice, when properly reciting the Quran according to an appropriate set of manners and, most importantly, through the proper

pronouncements of Arabic grammar, can actively transmit the word of God and a physical manifestation of His eternal essence. Although the Ash‘arite position also asserts that God is transcendent, it holds that God controls and decides every event and action in the universe. This extends to the actions of individual people, who themselves have no free will. If it seems unjust that God would preordain sinners to sin and then condemn them to hell, then it is not for humanity to question God’s will, because His power is transcendent. As Adamson has summarized, the Ash‘arite position prioritized the omnipotence of God over His justice (2016:106-112). Nevertheless, God’s constant and active agency in the affairs of the physical world parallels His ability to manifest His eternal essence in physical reality, and most importantly his attribute of speech, *Sifat al-Kalam*, revealed in the Quran. God’s will is beyond subjective human reasoning, but His attribute of speech revealed in the Quran remains transmittable when appropriately rendered through the human voice or the Arabic script.

Given the inseparability of God’s eternal essence and the letter of the Quran, correctly vocalizing the text according to the rules of Arabic grammar and pronunciation is paramount to reciting and transmitting the word of God in the Ash‘arite theological epistemology. The correct aesthetic rendering of the Arabic language, and particularly the Quran, through pronunciation and grammar is referred to as *balagha* in Arabic and has comprised an entire field of inquiry “the science of balagha” (*ilm al-balagha*) in the history of Islamic thought, even retaining importance for Mu‘tazilite theologians. Furthermore, the concept of *balagha* not only comprises the correct vocalization of Arabic grammar and letters, but also entails the complete and correct transmission of meaning “to the heart of the listener,” to quote the Mu‘tazilite grammarian al-Ramani (‘Abd al-Ghani 2020). While *balagha* is often translated into English as “rhetoric,” anthropologist and sound studies pioneer Charles Hirschkind (2009) has rejected that there is a

widely accepted concept in Islamic thought translatable to the Western notion of persuasive speech and has thus theorized *balagha* as a central concept to what he considers “rhetorical listening.” This idea is based on what Hirschkind views as the important relationship between listener affect and a passive vocal transmission of the Arabic letter in an “Islamic homiletic tradition.”

Yet Phillip Halldén (2005) has problematized the notion that *balagha* is the entry point to understanding creative and persuasive argument in the history of Islamic thought, while historians of Islamic philosophy like Adamson (2016) have rightly challenged the intertwined narratives of passive, non-creative transmission and intellectual stagnation. Walbridge (2000) has also shown that, unlike the Greek-Hellenic tradition where logic and rhetoric were separate fields, rhetoric (*al-khitabah*) was literally one of the “Five Arts” of syllogism included under the broad umbrella of Islamic scholastic logic since the Middle Ages, tied to training in Arabic semantics and forms of argument for legal deliberation (2000:65). Furthermore, Luis Awad (1980) was actively criticizing the modern political implications of *balagha* as an important concept to Ash‘arite theology as well as to modern Arabist and Islamist thought, being central to the idea that the Quran is co-eternal with God and the notion that the Arabs are God’s chosen people. Thus, *balagha* in this context is central to the culturalist no less theological notion that the transmission of the Quran’s Arabic letter is a manifestation of God’s eternal essence, which represents truth and reality beyond history and human agency in the act of transmission (1980:92-95). In this light, much of the Ash‘arite view on *balagha* as it relates to the proper audible rendering of the Arabic letter was formed in contradistinction to a vast array of Mu‘tazilite, Shia, and even Sunni doctrines that disputed the idea of the co-eternality of the Quran with God and the relationship between free will, rationality, and human speech.

As can be seen after a broader look at other Islamic philosophical positions on voice, language, and divine revelation, Hirschkind's (2009) theorization of *balagha* as a notion connected to "rhetorical listening," which relies on ideas of untranslatability, sealed traditions of philosophy, and passive transmission, reflects a theoretical framework derived from a conservative variant of Ash'arite theology, and particularly the doctrine embraced by modern Islamists critiqued by Luis Awad (1980). Indeed, the idea that Muslim historical agency could only be validated through *listening* and vocally *transmitting* the word of God through the Arabic letter, and by extension the rules of doctrine and law, is more reflective of the ideas of jurists like Ahmad Ibn Hanbal (d. 855) and the later Ibn Taymiyyah (d. 1328), whose legalism and fundamentalist doctrines, although historically marginal, received much wider appeal across Muslim societies during the twentieth century due to the extending reach of the institutions and ideologies associated with modern-state bureaucracy. Yet the writings by Muhammad Bakhit al-Muti'i and others explored in this dissertation show that there were many Islamic scholars who endorsed Ash'arite theology while being less inclined to such fundamentalism, creatively drawing on rational theology or *kalam*, scholastic logic, and contemporary resources to persuasively argue their positions on the phonographic reproduction of the Quran. They even made unprecedented rhetorical moves outside the confines of their established legal and theological traditions, which included hurling insults at one another, citing Arabic translations of *Scientific American*, and even appealing to some aspects of Mu'tazilite theology, which was completely etic to the Sunni Ash'arite view on revelation.

Thus, returning now to Muhammad Bakhit al-Muti'i's ruling on the phonograph, what *The Talking Machine World* praised as "the Sacred Law of Islam" in reference to his ruling was actually a detailed illustration of an Ash'arite view on human speech and God's word. In fact,

rather than saying much about the phonograph, most of the pages of al-Muti‘i’s initial fatwa are spent syllogistically outlining the Ash‘arite idea of *Sifat al-Kalam* and how God’s eternal word can manifest itself through the sound of a Quran recitation spoken by the human voice, and by extension the phonograph too. It is important to note that, although Ash‘arite theology rejected the supremacy of reason when it came to divine revelation, subsequent Sunni theologians and jurists following the Ash‘arite tradition were not anti-rationalists. The Aristotelian-Avicennian tradition of logic and rhetorical use of syllogistic argument continued to be a valuable tool for *kalam*, philosophy, and jurisprudence for Muslims of many different denominations across the board, especially for making persuasive arguments in legal rulings.⁵ A jurist of the Hanafi legal school, al-Muti‘i represented a continuation of this broad tradition of applied scholastic logic, giving a syllogistic demonstration of his position on *Sifat al-Kalam* and the phonograph while referencing historical metaphysical debates regarding the difference between “mental” and “real” existence as well as “individuation” and “accident,” the latter being terms derived from Aristotle’s works in logic and metaphysics. By doing so, al-Muti‘i demonstrated an Ash‘arite ontology of voice, sound, and textual revelation to establish the difference between a Quran recitation rendered by a human voice and one rendered by the voice of an inanimate object, in this case the phonograph. Rhetorically drawing on sources outside the purview of his own tradition of law and theology, including *Scientific American* and Mu‘tazilite theology, faith in the phonograph’s fidelity characterized al-Muti‘i’s final legal opinion: as long as correct grammatical pronouncements of Quranic Arabic are spoken and heard loud and clear, then a

⁵ Even the renowned Sufi scholar and jurist Abu Hamad al-Ghazali, known for his harrowing critiques of philosophical reason and Ibn Sina (Avicenna), still emphasized the importance of logic and was adamant that it be studied by any student of Islamic theology or jurisprudence. This applied even to later Sufi theologians and philosophers like Ibn Arabi, who placed mysticism between the summit of human reason and higher divine truth, similar to the way some Shiite thinkers placed the Imams’ superior capabilities for divinely inspired insight as the access point between rational thought and the divine esoteric meanings of scripture. See Adamson (2016) on al-Ghazali, Sufi doctrine, and Shia theology for a sense of the different ways rational philosophy intertwined itself with different Islamic traditions.

phonograph recording of the Quran can be considered a legitimate embodiment of God's eternal attribute of speech.

Sifat al-Kalam and Phonographic Fidelity

Many people have asked me about a ruling on pronouncements of the Quran heard from an invention of our times, the phonograph: Is it really Quran?

If it is, is it permitted to use the phonograph to recite and listen to the Quran even though it is also used to listen to *dhikr* or that which is more base for listening, such as songs and the like? ⁶

Is it obligatory or sanctioned to prostrate if a verse of prostration is heard from it? ⁷

I have answered with God's grace and His guidance on the way.

Know that this ruling's wisdom is conditional upon the following points. (al-Muti'i 1906a:87)

After identifying the main questions about the phonograph requiring an answer, the remainder of al-Muti'i's ruling included a seven-point argument. In total, each point amounts to a syllogism demonstrating the parallels between human and divine speech, and that both can exist in "mental" and "physical" states, recalling ideas about the distinction between "mental" and "real" existence elaborated by Avicenna (Adamson 2016:120-125). Yet al-Muti'i linked this philosophical dichotomy between mental and physical existence to the Quran's co-eternality with God, using it to argue that the spoken and audible pronouncement of the Quran's Arabic letter is a physical manifestation of God's eternal essence. He concluded that any physical sonic manifestation of a Quran recitation was also a manifestation of God's eternal attribute of speech, and thus His essence, even if it came from an inanimate object such as the phonograph. Interestingly, it was on the issue of inanimate objects transmitting the word of God that al-Muti'i made an appeal to Mu'tazilite theology, as will be seen below.

⁶ *Dhikr*, or "remembrance," is a reference to the ritual singing or chanting that accompanies Sufi Islamic rituals, which were recorded by early record companies and probably home-recorded by some phonograph owners by the early 1900s.

⁷ A "verse of prostration," or *aya al-sajadah*, is a verse that Islamic custom has determined to be obligatory to prostrate upon when hearing and listening to it.

Points One through Four in al-Muti‘i’s fatwa explain the human capacity for speech, *al-kalam*, which al-Muti‘i describes as existing in both mental and physical states. Physical speech is referred to as “pronounced speech,” *kalam lafdhi*, which is reliant on the natural workings of the human speech organs and air movement. On the other hand, “mental speech” is called just that, *kalam nafsi*, which al-Muti‘i defines as the mental faculty to compose words and sentences before they are pronounced; however, in Point One al-Muti‘i is careful to note that this is not to be understood as the imagining of spoken words:

This [mental speech] is not the rationalization and imagination of spoken words, as some would understand, because rationalizing or imagining language would proceed words after they have been spoken or heard. Rather, what you compose and organize within your mind for a specific utterance comes before its pronouncement, and is not manifest in sounds, letters or anything in between. After organizing mental speech within yourself, you utter and speak organized pronouncements according to the layout organized within your mind using this faculty. One can not deny, for example, that a poet has the faculty that enables him to, firstly, compose and organize poetry within himself with neither sounds nor letters before making an utterance, and then pronounce organized metric poetry according to what he composed internally before speaking. (al-Muti‘ia:87-88)

After defining mental speech, Point Two clarifies that the term *al-kalam* refers to both mental and pronounced speech, while Point Three suggests that both forms of speech are the same in quiddity.

This aforementioned faculty [*al-kalam*] distinguishes mental and spoken words: they become united in reality, nature, and quiddity but differ in existence. The mental exists internally and theoretically(?علمي), while the spoken exists phonetically and externally; their quiddity is one but their existence multiple. (87-88)

Here, the fatwa begins to enter the realm of Aristotelian logic as systematized in Arabic by Avicenna, which relates to issues of metaphysics as can be seen with the use of Arabic terminologies such as quiddity or substance (*mahiyah*), derived from translations of *The Categories* in Aristotle’s *Organon*.⁸ The Aristotelian-Avicennian syllogistic arts helped Muslim

⁸ El-Rouayheb (2012) translates *mahiyah* to quiddity, even though the latter is derived from the Latin scholastic term, *quidditas*, used by Thomas Aquinas for Aristotle’s notion of “to ti en einai” or “what it was to be.”

scholars deal with the inherent problem that the oneness of God's essence is manifested not only in a multiplicity of divine attributes, but also in a multifarious revelation embodied by both mental and physical faculties of speech. Furthermore, al-Muti'i uses logic and syllogism to grapple with the paradox that God's speech in physical reality involves a multifarious and subjective experience of language, which can at once be heard, pronounced, and seen.

Establishing that both internal mental speech and physical "pronounced" speech are one in essence and multiple in existence is important for establishing that speech, *al-kalam*, is also an attribute of individual subjectivity, which is outlined in Point Four:

Pronounced words organized according to what has been organized mentally within someone, using their faculty of speech, are attributed only to them. This is because the words have been organized mentally, and they are exclusive to that person according to their own pronouncements, and since others share this ability. Perhaps one does not speak words but writes them: the markings made would be evidence of what they have organized in their mind, just like the spoken words would be evidence for what has been organized in their mind. So speech [*al-kalam*] would be attributed to the person who speaks it, not to anyone else, even if spoken a thousand times over. (al-Muti'ia:88)

It is worth pointing out that John Philip Sousa made a parallel claim regarding musical composition and phonographic reproduction in the United States Supreme Court two years later. He stated that music, like speech and poetry, was organized internally within the composer's soul, and did so to argue that repeated plays of a composer's music via sound recording still counted as a sonic embodiment of something that was originally their internal soul's creation, thus meriting royalties for repeated sales. The Arabic term used by al-Muti'i for "mental," *nafsi*, is the adjectival form of the classical Arabic term for "soul," *nafs*. Here, it should be noted that the convergence and equivalence of the "mind" and the "soul" was also definitive for Enlightenment ideas of resonance, hearing, music, and subjecthood penned by philosophers like Claude Perrault during the seventeenth century (Erlmann 2014:69-110). Regardless, parallel legal arguments such as these happening simultaneously in both Egypt and the United States at the

beginning of the twentieth century are thanks to not only the early global prevalence of the recording industry, but also perhaps to the father of Islamic logic himself, Avicenna, whose notion of the soul was central to establishing the West's Christian tradition of thought initiated by Aquinas and Scotus (Adamson 2016:133-139). Nonetheless, identifying speech's connection to attributes of personhood and being provides the foundation for al-Muti'i's lengthy discussion of God's divine attribute of speech, *Sifat al-Kalam*, coinciding with His eternal being.

In Point Five, al-Muti'i outlines an Ash'arite proof for God's attribute of speech. Unlike the previous points, it is much lengthier and includes extensive citations from pre-modern and modern Islamic scholars who wrote on the subject. These include a fifteenth-century work called *Mastery* or *al-Itqan* by the Cairene jurist, scholar, and historian Jalal al-Din al-Siyuti (d. 1505), and a work on Quranic exegesis, called *Spirit of Meanings* or *Ruh al-Ma'ani*, by the renowned nineteenth-century Baghdadi Sunni reformer and scholar Mahmud al-Alusi (d. 1854). Al-Muti'i begins Point Five by establishing the Ash'arite idea of God's transcendence, in that the reality of His attributes are like the reality of His essence: completely beyond comprehension and subjective experience.⁹ Yet while the reality of God and His attributes is unknowable, what remains *in situ* (*bi-al-'athar*) from His divine omnipotence is, with the Quran being a physical result of his "eternal mental speech":

With this attribute [*sifat al-kalam*], God structured his mental words eternally in his intellection with neither sounds nor letters. This attribute is different from omnipotence, because omnipotence concerns events yet to come, whereas the attribute of speech concerns the organization of God's eternal mental speech with neither sound nor letter. When God sent the exalted one [*"Muhammadan"*], He revealed pronouncements of the Quran in sounds and letters through His omnipotence, and structured it in its exclusive form known to us now. He revealed its psalms and verses according to His mental eternal speech that is itself neither in letter nor sound, structured eternally within His intellection

⁹ Interestingly, al-Muti'i brings up the issue of relativity here, "if truth is what we believe it to be," which was a topic of concern to Mu'tazilite jurists like Abd al-Jabbar, discussed by Awad (1980). But while referencing the issue, al-Muti'i immediately states that he will not get into it because the reality of God's attributes is like the reality of Himself: ultimately unknowable, so thus pointless to provide proofs for as a subjective issue.

as an eternal attribute. God sent the angel Gabriel to transmit its pronouncements to Muhammad. And so Gabriel spoke them according to what was instructed from God, and Muhammad spoke them according to what he heard from the angel Gabriel, and so Muslims spoke them according to what the Prophet Muhammad transmitted to them, and what has been passed down about the Prophet in frequent reports. (al-Muti‘i:89-90)

Drawing parallels with the human faculty of mental speech, al-Muti‘i demonstrates that the Quran is a physical manifestation of what was originally God’s eternal mental speech. This attribute, like God’s essence, is ultimately unknowable within physical reality save for the Quran that He revealed to the angel Gabriel and the Prophet Muhammad.¹⁰

Yet this paragraph also references another type of transmission that is essential for determining the nature of divine command and law in Sunni thought: frequent reports about the Prophet’s deeds and sayings, also known as *hadith*. Again harkening back to the issue of letter and spirit, between the text and its meaning, al-Muti‘i cites Jalal al-Din al-Siyuti’s discussion in *Mastery* about the difference between the revelation of sunnah and the Quran. It seems that al-Siyuti’s point is that sunnah’s meaning, like the Quran, was revealed as contingent upon its speech utterances, inspired by divine pronouncements in the Arabic language. Al-Siyuti notes that the Quran was revealed by God like a king issuing a decree, which is written and then recited word for word to an audience. Al-Siyuti further states that it would be wrong to assume that sunnah was revealed by God as simply oral command, as a king would issue pronouncements containing the meanings of oral command not bound to the letter.¹¹ Al-Siyuti makes this analogy to make the point that sunnah was not revealed simply as meaning, but by exact pronouncements relayed from God to the angel Gabriel who transmitted them to the Prophet, just as the Quran was revealed.

¹⁰ It is worth noting that a prominent Jewish philosopher who later converted to Islam, Abu al-Barakat al-Baghdadi, who elaborated on the parallels and differences between human and divine faculties of thought and speech during the thirteenth century (Adamson 2016:307)

¹¹ On this point, concerning the difference between the revelation and transmission of sunnah and Quran, al-Siyuti cites a work by the eleventh-century Sunni theologian and jurist Abd al-Malik b. Yusuf al-Juwayni (d. 1085).

Here, the distinction between oral and written transmission, with the former being defined by the vocal expression of an abstract logical meaning and the latter being defined by meaning restricted to a written recitation, is notable. Indeed, as will be explored further in Chapters Two and Three in the context of Dutch colonial law and Islamic law in Indonesia, customary or '*adat* law (*adatrecht*) was explicitly seen as an oral form of law that stood in contradistinction to the textual Islamic or *shari'a* law, with Dutch colonial advisors often becoming embroiled in disputes over which category of law should be privileged in colonial governance. Yet ultimately, through an ethnographic policy of documenting Javanese customs that began with Snouck Hurgronje during the late nineteenth and early twentieth centuries, customary law became increasingly bound to the letter so that, by the time Jaap Kunst would embark to study the "musical adat" of Java in the 1920s, '*adat* law replaced the *shari'ah* as normative law in the Dutch East Indies. These ethnographic policies on '*adat*, inspired by the textual legalistic procedures of the modern state and thus a similar logic to the theology of revelation proposed in this section of al-Muti'i's fatwa, increasingly saw culture and tradition as practices whose meaning are bound and restricted to the legal parameters of the written word.

In any case, and in order to argue for the inimitability of the textual sources of Islamic law, al-Siyuti is cited by al-Muti'i here to demonstrate that it is exact verbal pronouncements, not their abstract logical meanings, that define the essence of revelation embodied by both Quran and sunnah. In other words, sunnah, like the Quran, is inimitable and thus co-eternal with God: "It [sunnah] is inimitable. No one can make pronouncements to stand in its place, and under every letter is a single unvarying meaning making it impossible to replace them without changing the meaning that it contains" (al-Muti'ia:90). Of course, history of Islamic law and

doctrine reveals considerable debate over what hadiths actually comprise the inimitable form of revelation embodied by sunnah.¹²

Nonetheless, after establishing that sunnah is inimitable, al-Muti‘i provides a lengthy citation from Mahmud al-Alusi’s massive work on Quranic exegesis, *Spirit of Meanings*, published during the mid-nineteenth century. Al-Alusi’s text draws heavily from the scholastic tradition, and al-Muti‘i references a section of the work on mental and pronounced speech, including al-Alusi’s subdivisions of both categories. Furthermore, al-Alusi’s work connects the notion of God’s eternal mental speech to the idea of absolute time, which is a Neoplatonic concept derived from proofs about God’s nature, often attributed to Boethius, and was further elaborated upon in Islamic theology by scholars like the Sunni logician Fakhar al-Din al-Razi during the twelfth and thirteenth centuries (Adamson 2016:311; Warburton 2011: 40-45). Nonetheless, within the physical realm of time, al-Alusi states there are two types of pronounced speech: 1.) the movement of a person’s tongue and throat that creates sound; and 2.) the “operation of the felt, material voice” (*kayfiyyat al-sawt al-mahsus*), which apparently refers to how the audible voice becomes its own sensorial sound-object after leaving the lips of the speaker (al-Muti‘ia:91).

Similarly, al-Alusi notes that there are two types of mental speech: 1.) an “operation of the heart” that happens internally before pronouncements are made, perhaps indicating the intention behind speech; and 2.) an “operation of the soul” or “mind” that creates immaterial

¹² A *hadith* is a specific report or saying from the Prophet, while *sunnah* refers to a total repertoire of reports and sayings from the Prophet’s life that comprise a set of guidelines and a model for living a good life as a Muslim. Naturally, given that there have been lengthy historical disputes between Sunni legal schools about the authenticity of certain hadiths, there is also much legal dispute about what actions and deeds comprise sunnah. *Tawatir* is a term that refers to the frequency of a certain report and thus its authenticity, since the frequency of a report is often considered to be synonymous with its authenticity in Islamic jurisprudence. Yet the authenticity of a report is also determined by its chain of transmission and whether or not each individual in that chain is a reliable source, which based on their reputability as a scholar or in their closeness to the Prophet. These last two factors can also be a source of legal dispute regarding the authenticity of a chain of transmission, proving the authenticity of a *hadith*.

pronouncements organized in a logical internal manner like their audibly pronounced organization (91). Al-Alusi states that God's eternal mental speech is in the first form, predicating both the mental imagining and physical manifestation of spoken word. It is also free from the "pestilence" and "muteness" that define the human faculty of mental speech before it exists as sound and letter. As for God's speech embodied by the Quran, "in its singularity it is many, and the multifariousness occurs according to the many people pronouncing it" (91-92). To further prove the singular unity of the Quran with God's essence, al-Muti'i cites another section of al-Alusi's *Spirit of Meanings* that states that God's mental speech exists beyond the succession of time and physical reality. This "absolute time" is where the Quran existed co-eternally with God as a part of his mental intellect. Thus, it was not created as the Mu'tazilites argued but existed eternally outside of history as a part of God's eternal and transcendent essence. The Quran is a physical organization of God's eternal mental speech and was never separated from His essence (*al-dhat*), even though He revealed it to be felt and imagined (*fi al-has wa al-khayal*) so it could be pronounced, heard, written, and seen in the succession of physical time (91). To al-Alusi, this is the meaning of Quranic revelation and the word "Quran," or "act of reciting": the physical manifestation of God's eternal mental speech and His essence through the multifarious capacities and functions of human speech.

So far, al-Muti'i has demonstrated that the physical experience of sound and the vocalizations emanating from the human body are what comprise the multifarious physical existence of the Quran, which is one with God's singular quiddity that has existed eternally outside of physical reality and time. While the tension between, on the one hand, the subjective human experience of language and, on the other, a divine revelation that supposedly transcends the physical reality of sound and the human voice was touched on in references to Mahmud

al-Alusi's *Spirit of Meanings*, al-Muti'i concludes Point Five by lucidly spelling out a solution to this logical and metaphysical paradox. To do so, he explicitly draws on concepts of Aristotelian logic, distinguishing between phonetic pronouncements, accidental properties (*al-'arad*), quiddity (*mahiyah*), as well as the notions of individuation (*al-tashakhus*) and legal subjecthood (*al-shakhsiyyah al-'atibariyyah*).

After reiterating that the Quran can only be attributed to God because it originated in His eternal mental speech, and thus His eternal being, al-Muti'i concludes Point Five as follows. It is worth quoting a translation at length to elucidate how al-Muti'i uses Aristotelian concepts to resolve tension in the claim that the multifarious physical sensorial experience of the Quran, embodied through the experience of speaking, feeling sound, and seeing the Quran's letter, is one in essence with God's eternal singular essence and His eternal mental speech that exist externally of physical time.

The essence (*haqiqah*) of the mental and pronounced words are one, yet are multiple in existence. "The Quran" refers to both its mental state in God's eternity, and its external existence as pronounced words. The essence is one, and the Quran refers to both states.

As for the notion that the individuation of an accident (*tashakhas al-'arad*) is synonymous with the individuation of its place (*tashakhas mahaluhu*), it is a philosophical doctrine not adhered to by theologians (*al-mutkalimun*), and even philosophers have disputed this notion among themselves.¹³ If the discrepancy is phonetic/pronounced (*lafazi*) and individuation is a part of the quiddity of subjecthood (*al-mahiyah al-shakhsiyyah al-'atibariyyah*), since individuation is a subjective issue and what is determined from it another matters subjective, it is not a part of the quiddity of the natural truth (*al-mahiyah al-haqiqah al-tabi'iyah*). As we have stated, the Quran is a name for this essence and is originally one, not many. Thus, that which is read, heard, pronounced, and written is one in essence, while its multifariousness (*al-ta'dad*) rests with the act of hearing, pronouncing, and writing, which I have clarified in a more simple manner in my essay *Magnificence of Eloquence*. (al-Muti'i:92-93)

¹³ This appears to be a reference to controversy over the doctrine of materialism, which broadly holds that accidental properties are synonymous and contingent with their physical objects, rather than being merely accidental to a more conceptually stable and abstract substance or essence.

What seems to be the general argument here is that the individuation of accidental properties of language (i.e., its sounds, letters, etc.) is not synonymous with the individuation of the place they occur (i.e., the human subject who speaks them). In other words, the physical existence of language is not contingent upon the existence of a speaking subject, even if they occupy the same place through the action of speaking. Al-Muti‘i here also emphasizes that the concept of individuation itself is inherently subjective, whether applied to human subjects or the phonetic pronouncements of language. This is because the quiddity that individuates a subject or thing is something determined within physical reality, which exists within the succession of physical time. Thus, the individuation and thereby the subjectivity of physical language is not a part of “the quiddity of the natural truth” or “reality,” a notion which ostensibly refers to the essence of God’s eternal being, and hence why al-Muti‘i states that “the Quran” is a name for this truth or “reality” (*haqiqah*). According to this logic, the multifariousness of Quranic revelation lies within the realm of subjectivity, with the actions of human subjects who read, write, hear, and pronounce its letter. Yet they are all physical manifestations of speech that are originally one with God’s singular essence, predicating physical reality and the succession of time in His eternal mental speech.

Now that al-Muti‘i has established that the reality of language can exist separately from a speaking subject, he can now move on the issue of the word of God revealed through an inanimate object like the phonograph. It is here that he invokes an interesting reference to Mu‘tazilite theology regarding God’s revelation to the Prophet Moses through the burning bush.

The pronounced speech of God is His spoken word that He manifested according to what was organized eternally, regardless of the place (*mahal*) where these words are spoken or heard. They are His words before any other being such as the angel Gabriel pronounced them and before anyone heard them, even if God willed to audit them to His Prophet without any intermediary. God let hear (*’asma ‘a*) to Moses his

pronounced speech, and as some Sunni scholars have claimed, this was without an intermediary.

The Mu‘tazilites and Sunni scholars of Transoxiana have claimed that the speech Moses heard was a voice that God created in the bush so he could hear Him. Thus, not only is it plausible for the aforementioned spoken word to be brought into existence through a non-human entity without vocal organs, but also through any medium that brings into existence the pronouncements of sounds and letters in any way. (Ibid:93)

As al-Muti‘i makes clear here, a Quran recitation’s status as a physical manifestation of God’s attribute of speech is not contingent upon its emanation from the bodily organs that enable the speech of a human subject; it can manifest itself anywhere where speech can be pronounced and heard. The analogy with Moses’s revelation is notable, and particularly the issue of hearing God’s speech through an inanimate object such as a bush. It shows that the phonograph, by being a new dilemma, was in many ways simply recalling older theological parables. Furthermore, al-Muti‘i does not appeal to the Mu‘tazilite reference to support their stance on the createdness of the Quran. After all, he was very much an adherent to the Ash‘arite tradition. Rather, he did so to emphasize that the physical manifestation of God’s attribute of speech can happen through any medium (*wasit*) that makes speech possible.

Rather than heralding a destabilizing sensorial paradigm shift as Mark Katz (2012) has posited, phonographic fidelity here was theorized according to philosophical and doctrinal precedents already established in a millennia-long development of Islamic legal and theological discourse on personhood, voice, language, letter, and spirit. Still, this wouldn’t have been impossible if al-Muti‘i was not convinced that the physical inner workings of the phonograph were not analogous to the physical corporeal functions that enable hearing and speaking, which is what is demonstrated in Point Seven and the final statement of his ruling.

Recalling the theory of sound and voice penned in *The Epistles of the Brethren of Purity*, al-Muti‘i begins Point Seven by stating that voice and sound are basically functions of air being

moved from a “beating” in the throat, the organ which produces succinct speech phonemes or “letters” that are compounded into words. These sounds and words created by the organ are then carried and conditioned by air into the ear canals of a listener. The phonograph, which both receives and produces the movements of air that produce and transmit sound, is analogous to these human faculties of speech and hearing:

If a person speaks pronounced words, the air carries them and conditions them. There is a needle in the phonograph that moves the air carrying pronounced words, illustrating a mold of them on a cylinder corresponding to the output of these words. There is also another needle in the phonograph, and something like the human throat that makes a sound with the beating of air inside it. (al-Muti‘i:93-94)

Al-Muti‘i further elaborates on the two basic functions of the phonograph, both the recording and playback processes. He clarifies that the phonograph’s primary mechanical function is a hand-crank (*zanbalik?*), that is turned to spin the cylinder in order to begin either the playback or recording process, and that the clarity of the speech utterances played back through the phonograph depend on both the quality of its manufacture and the skill of its operator.

Interestingly, al-Muti‘i draws a parallel between sound and the optics to argue that speech heard from the phonograph is real: “what is heard from the phonograph is real words and pronouncements, and not the echo of a speaker’s words as would be heard in the mountains and other such places. An echo is a reflection of what someone hears, heard in repetition like the reflection of beams of light that enable images in a mirror” (93-94). This analogy between the fidelity of sound, and specifically the weak fidelity of an echo, with the fidelity of visible images in a mirror is notable, and particularly since there were other Islamic scholars during this time who, conversely, invoked the mirror analogy to argue that the phonograph had good fidelity. As will be seen in the following Chapter Two, Sayyid ‘Uthman invoked the mirror analogy, and specifically the act of viewing a non-related woman in the mirror, to argue that listening to

songstresses on the phonograph was permitted as long as the act did not illicit immoral passions. Regardless, al-Muti‘i was arguing that, unlike a mirror that merely reflects images, the phonograph itself produced real and authentic speech pronouncements analogous to those produced by the organs of the human voice. In other words, given the machine is operated correctly, the fidelity of the phonograph was equal to the fidelity of the human voice rather than producing mere “reflections” of voice and sound (94).

If the voice produced by the phonograph is real, then a Quran recitation replayed by the phonograph is certainly real:

So, if the audible pronouncements [from the phonograph] are pronouncements of the Quran, it is actually the Quran, and the speech of God like that heard by Moses, either without a medium or through a bush. Before any action is carried out, there is no doubt that the phonograph’s cylinder has the potential to have any output of words imprinted upon it. Thus, the phonograph and its cylinders are like a person and their potential to say anything, the only difference is the phonograph is restricted to producing the words that a speaker speaks into it. The phonograph also does not have an organ to produce all the letters of the alphabet, and is only able to draw the output of what is spoken to it.

Another difference is that a person speaks by choice, with feeling and intention. The phonograph is not as such. The choice, intention, and feeling belongs to its user. When what is heard from the phonograph is true pronouncements of the Quran, it is the word of God without a doubt, and its transmission and audibility from the phonograph is like its transmission and audibility from a human voice. (94)

As al-Muti‘i clarifies here, the phonograph itself cannot be judged as having inherently good or bad qualities, which are rather determined by the ability of the user to operate the machine as well as their intent. Al-Muti‘i elaborates on this point in further concluding remarks. He notes that just because the phonograph can be used to listen to things like musical instruments that are considered base relative to the performance of a Quran recitation, it does not mean that listening to a Quran recitation through the phonograph should be forbidden. The faculties of speech give people the potential to say and do more base things, but this does not mean they can’t read and

recite the Quran (95). In summary, al-Muti‘i’s initial opinion on phonograph recitations essentially held that established precedents regarding prostration and recitation apply to phonographic recordings of Quran recitations. Since the phonograph’s fidelity is tantamount to the fidelity of the human voice, it required no separate ruling other than a proof that aligned it with what had already been long established regarding the human voice, hearing, and textual revelation in the Sunni Ash‘arite tradition. Yet just as the phonograph was contextualized less in terms of its novelty but more within existing precedent, conflict over the phonograph between scholars during the early 1900s was similarly less about the phonograph itself, but more an amplification of existing conflicts between varying legal approaches that stemmed from contested positions of authority.

Scholastics vs. Salafis

If the phonograph represented less a technological problem of modernity, then its novelty provided an opportunity for Islamic scholars to engage each other in existing contests of legal authority. Nowhere is this highlighted more than in Rashid Rida’s blasting of Muhammad Bakhit al-Muti‘i’s ruling in a brief article entitled “Two Rulings on Phonograph Recitation and Life Insurance,” which was published in Rida’s journal *The Lighthouse (al-Manar)* during March of 1906. Rida introduced his readers to al-Muti‘i as a famous jurist of Al Azhar University, but claimed that he found many strange references in al-Muti‘i’s two rulings concerning theology, political geography, nature, *hadith*, and jurisprudence. As for al-Muti‘i’s rigorous syllogism regarding Quranic revelation, God’s essence, and phonographic fidelity, Rida simply wrote it off as confused and irrelevant, while claiming that al-Muti‘i’s description of the phonograph was

emblematic “of someone who has never seen a phonograph and who doesn’t know a thing about the science of its inventors” (Rida 1906:153).

The rest of Rida’s article took al-Muti‘i’s ruling on life insurance to task, firstly by nitpicking what he claimed to be al-Muti‘i’s ignorance about the geography of the Ottoman Empire. Al-Muti‘i had stated that he received the question about life insurance from Anatolia, Eastern Rumelia, and the state of Salonica, a statement which Rida rhetorically twisted in an attempt to convince his readers that al-Muti‘i was confused about the location of these Ottoman territories, wrongly believing that both Salonica and Eastern Rumelia were Anatolian states in Asia Minor, when in fact they were respectively parts of Macedonia and the Principality of Bulgaria in Eastern Europe. Framing al-Muti‘i’s statement as such, Rida took a sarcastic jab at al-Muti‘i’s Aristotelian-Avicennian methods of scholastic deduction, which extended from his hostility towards the theological *kalam* employed in al-Muti‘i’s jurisprudence:

If only the professor [al-Muti‘i] had one of his children who attend government schools examine his deductions before they were published, perhaps they would have alerted him that claiming someone is posing a question from different states at the same time would be a deduction rejected by anyone who knows that a man existing simultaneously in many different states in two different continents is an absurdity. (153)

Rida chided that, for all of al-Muti‘i’s powers of logical deduction, all they resulted in was a “trick” to make people think that he was a famous scholar throughout many different countries, a trick that failed because any serious Islamic scholar required a better knowledge of modern geography.

Given both the superficiality and briefness of Rida’s critiques, which dispensed with engaging the primary arguments of al-Muti‘i’s ruling on the phonograph while generating a straw man about geography, the Al Azhar jurist perhaps appropriately labeled them as being “colored with begrudgement and malice” in his rebuttal entitled *Dispelling Deception and Doubt*

Regarding Two Rulings on the Phonograph and Life Insurance, published after Rida penned his attacks in *The Lighthouse*. In his response, al-Muti‘i noted that there were other more well intentioned follow up questions to his initial ruling from other scholarly quarters, and thus divided his response in *Dispelling Deception* into two parts, one specifically for Rida’s attacks and another for the more “useful” questions. By providing a comprehensive set of answers, al-Muti‘i demonstrated his knowledge of the phonograph in response to Rida’s accusation that he knew nothing of the “science of its inventors.” The “useful” questions about the phonograph were twelve in total and required al-Muti‘i to elaborate not only on the mechanical workings of the phonograph, but to further elucidate the syllogistic argument of his initial ruling. In summarizing his final statements, al-Muti‘i claimed that his rulings were equally based in both rationality (*al-‘aqiliyyah*) and transmission (*al-naqaliyyah*), reflecting the important confluence between rational creative exegesis and transmitting established tradition in al-Muti‘i’s method of jurisprudence (al-Muti‘ib 1906:111).

Yet in the broader contestations of legal authority between scholars like Muhammad al-Muti‘i and Rashid Rida, it was precisely the methods of interpreting established theological and legal doctrines that were at stake. Such contestation became even more heated with the rise of European colonialism throughout the Muslim world during the late nineteenth and early twentieth centuries. One reason why Rida found al-Muti‘i’s elaborations on Ash‘arite *kalam* and scholastic logic confused and irrelevant was that legal scholars like him considered the entire history of Islamic thought since the first century or two after Quranic revelation to mostly be just that, confused and irrelevant. Rida and his mentor, a renowned nineteenth-century Sunni jurist and scholar Muhammad Abdu, are today often considered the modern intellectual seeds of salafism. Salafism is a form of Sunni fundamentalism that seeks a return to the original teachings

of the Prophet that accurately reflect what was stipulated during the Prophet's life and shortly thereafter by his trusted companions. Thus, for salafis, the texts of the Quran and sunnah are the only authentic sources from which Islamic doctrine and law can be derived. Modern salafi thinkers like Abdu and Rida often blamed Muslims themselves for the encroaching shadow of European colonialism and subjugation, claiming that if only Muslims--and particularly jurists and scholars--had stuck to the original and true teachings of the Prophet, they would have retained their solidarity and not had to acquiesce to Western power. Naturally, this pitted them against any Muslim who was not Sunni as well as many other Sunni jurists who operated within the institutions that had established doctrine and law for many centuries, including those centered around the decentralized networks of Sufi authority. Early salafists like Rida saw scholars like al-Muti'i, who was versed in scholastic philosophy and theology and who worked for Egyptian state institutions that increasingly became subject to British power, to blame for the decline of global Muslim legitimacy.

Indeed, this seems to be why Rida's attacks were so malicious. They were personal jabs aimed just as much at al-Muti'i's professional position, which was embedded within the very institutions that Rida believed played a role in Islam's global decline. It is also perhaps why Rida spent hardly any time critiquing what al-Muti'i actually said about the phonograph, but rather focused on more surface level aspects of jurisprudential method and style, taking the time to hurl insults at al-Muti'i about his ignorance of geography or nonsensical theological cant. Moreover, Rashid Rida's own rulings on the phonograph published in *The Lighthouse* later in 1908 and 1912 were in agreement with al-Muti'i's own rulings on the phonograph. In his 1908 ruling, Rida even suggested that it would have great if the Prophet Muhammad had owned a phonograph, so that the teachings of Islam and the correct way of reciting the Quran would have been accurately

passed down to current-day Muslims, without the need of determining the validity of frequent *hadith* reports using a corpus of written sources and methods created many centuries after Quranic revelation. Since Quran and sunnah were the only legitimate sources of Islamic revelation and law, Rida considered the phonograph a superior tool of transmission, because it transmitted an authentic audible pronouncement more accurately than what can be rendered through writing (see Halavi 2019). Conversely, the scholastic tradition embraced by al-Muti'i made use of philosophical systems and a diversity of written sources to establish rulings, which generated a huge body of written materials over many centuries that Rida basically thought were irrelevant. This was because Rida thought that what Muslims really needed to do, instead of wasting time on traditions of theology and philosophy that were elaborated relatively late in Islamic history, was to get back to the original and timeless teachings of Quran and sunnah that were stipulated during the Prophet's lifetime and compiled shortly thereafter.

It is important to note that Rashid Rida did not see these "original" teachings as necessarily conflicting with the modern world, as can be seen with his positive reception of the phonograph. To counteract what he criticized as *taqlid* or the uncritical adherence to established doctrine, salafists like Rida emphasized the notion of independent legal reasoning, or *ijtihad*, which they contrasted the more arcane transmission and doctrinal exegesis embraced by Islamic scholastics, which relied on elaborate institutional systems and an extensive learning in logic, law, and doctrine. In the salafi thought embraced by Rida, *ijtihad* was an attempt to allow a role for individual reason in solving issues of letter and spirit, strictly relying on independent readings of Quran and sunnah without recourse to the scholastic education and its theological and philosophical source materials. In this regard, Rida was not unlike previous fundamentalist Ash'arites mentioned in this chapter who held that truth is established strictly upon the scriptural

and audible transmission of Quran and sunnah. Thus, any reference to Aristotle's metaphysics or Avicennan logic would be completely irrelevant to the formation of Islamic doctrine and law. Given that both Rida and al-Muti'i agreed that Quran recitations played by the phonograph could be considered "real" recitations, their sparring sessions about the new technology were a part of a much broader, and even more global, push and pull between long established Islamic institutions of education and the reopening of the "gates of *ijtihad*" endorsed to by modernist salafis who sought to challenge such institutions by renewing fundamentalist doctrines in order to undercut scholastic and or Sufi institutions and authorities. Yet although Rida tried to frame al-Muti'i as a blind and ignorant transmitter of irrelevant scholastic nonsense, al-Muti'i demonstrated that his own long-established legal procedure, a balancing act between creative rational exegesis and the transmission of established precedent, was just as capable in dealing with technological modernity.

While providing al-Muti'i an opportunity to flex his rhetorical muscle in the face of Rida's attacks and endorsements of *ijtihad*, his rebuttal also provided an opportunity to further elaborate on how a diverse pool of sources embraced by the scholastic tradition could accommodate new inventions like the phonograph, including modern science publications. Among the twelve follow up questions al-Muti'i deemed "useful," Four, Five, and Six particularly stand out. Here, the phonograph again became a point to reestablish long-held theological proofs, but also a means to assert a voice of legal authority in contestations over who could persuasively speak and deliberate on behalf of global Muslim communities on the usefulness of modern scientific inventions like the phonograph.

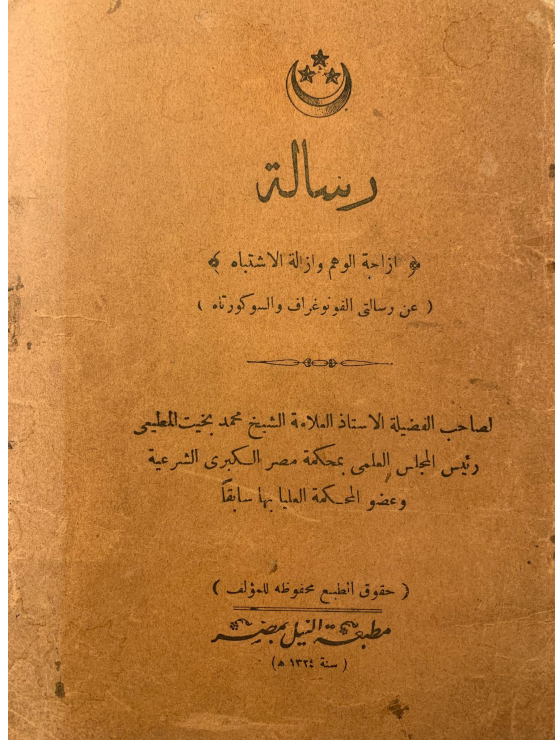


Figure 1.4. First print of al-Muti‘i’s *Dispelling Deception and Doubt Regarding Two Rulings on the Phonograph and Life Insurance (Cairo 1906)*. From the author’s personal collection.

Al-Muti‘i’s rebuttal

Before diving into some of the issues further extrapolated on through a series of questions addressed in Muhammad Bakhit al-Muti‘i’s rebuttal, it should be noted that the first question he addressed in the rebuttal concerned a distinction between the textual and sonic existence of the Quran, which was mostly implied in his initial fatwa. Specifically, the question inquired whether or not a wax cylinder of a Quran recitation could be regarded as the written Quran (*al-mashaf*), and therefore whether it required the same treatment and care with regards to handling and storage. Al-Muti‘i responded that, if the wax cylinder had the perceptible image (*surah mahsusah*) of actual Quranic writing engraved into the wax cylinder, then it would be regarded as having equivalency to the written Quranic text. However, since the wax cylinder only contains engravings placed there by vibrations caused by human speech, then the rules and regulations

outlining proper respect for the Quranic text do not apply (al-Muti‘ib 1906:4-5). In other words, and based on what he established in his initial ruling about the multifarious physical existence of the Quran as all but a vocalized, heard, and seen phenomena, the phonographic Quran is one with God’s eternal mental speech as an embodiment of the recited Quran’s *sound*, not as its manifestation in the form of written Arabic. In the remaining questions addressed in his rebuttal, al-Muti‘i further elaborated upon the implications of the Quran’s manifestation as a sound emitted by both the human voice and an inanimate object like the phonograph.

Question Four: If the captured air currents contain grammatical mistakes made by the reciter, or inappropriate lengthening or shortening of vowels, will sin be increasingly attributed to that reciter every time it is replayed? Or conversely, would they receive heavenly reward if the recitation is performed skillfully?

Like the issue of royalties and phonograph recordings deliberated over in the US Supreme Court two years later, al-Muti‘i received a question from Muslims who were concerned with a different type of reward in repeated playings of a phonographic Quran recitation. In answering this question, al-Muti‘i ruled that heavenly reward for good deeds (*thawab*) and the accumulation of sin for bad deeds (*ithm*) applied to a Quran reciter whose recitations would be replayed by the phonograph. The main concern was whether or not a reciter could accumulate *thawab* or *ithm* every time their phonograph recording was replayed, based on either their adherence or disregard of the established rules of recitation while making that recording. Unfortunately, for a reciter who makes a mistake at a recording session, al-Muti‘i confirmed that that they would accumulate sin every time that recording was replayed, since it was a mistake from their own voice manifested in that recording. Al-Muti‘i further noted that even if a reciter performed a recitation correctly but knew that it was replayed in a setting of “amusement and entertainment” (*al-lahu wa al-la‘ib*) inappropriate for the required etiquette for listening to a

Quran recitation, that reciter would accumulate further sin, because it would be as if they were personally there performing in an inappropriate setting. Yet if a reciter performs a recitation according to established rules of vocalization at a recording session and believes that the recording will be replayed in appropriate settings, they will certainly accumulate heavenly rewards with repeated playings of their phonograph recording. Yet, as Question Six explored below reveals, contexts of “amusement and entertainment” was the central problem regarding the phonograph for many other Islamic scholars during the early twentieth century.

Question Five: Why is the sincerity of a recitation regarded separately from the act of recitation itself, even though the cylinder captures the air current that carries the voice? If it [the phonograph] plays at an orderly speed, would it not vocalize this air current that resembles the voice taken from that air current?

Question Five required further elaboration on the issue of subjectivity, fidelity, and inanimate objects producing the sound of the Quran. The question about sincerity apparently refers to al-Muti‘i’s point in his initial ruling that the phonograph itself does not have intent or feeling, but rather merely reflects the intention of the voice of the human subject it captures. This seems to be why whomever posed this question needed clarification why the act of being sincere could be separated from the performance of a recitation itself, even through the phonograph. But al-Muti‘i essentially boiled this question down to a misunderstanding of how the technology of the phonograph actually worked, in that it captured “air currents” that carry the sound of a voice. For him, this was an incorrect understanding since the phonograph produced real pronouncements with mechanical faculties that were equivalent to those of human speech. To clarify how exactly the phonograph worked, he provided a lengthy citation from an article published in 1878 in what was then the leading scientific periodical in the Arab world established by Lebanese Christians Ya‘qub Sarruf and Faris Nimr, *al-Muqtataf*, which was a

translation and summary of one of *Scientific American*'s debut articles on the phonograph published in 1877. Published only weeks after Thomas Edison revealed his invention to the United States Congress, the *Scientific American* article was entitled "The Talking Phonograph," while *al-Muqtataf* adopted that title for their article published a year later, albeit an Arabic translation "al-Funugraph al-Natiq." *Al-Muqtataf*'s article on the phonograph was accompanied by what also appears to be translated material from *Scientific American* on the telephone, thus comprising a section of the issue that dealt with technologies capable of reproducing sound and speech.

Following a scholastic tradition of citation and authentication through citing other legal and theological texts, al-Muti'i provided an extensive word-for-word citation from a *Al-Muqtataf*'s phonograph article, making it his second most extensive citation in his fatwas on the phonograph after Mahmud al-Alusi's *Spirit of Meanings*. The first paragraph featured *al-Muqtataf*'s editors' own detailed description of how the phonograph works, including the machine's inner mechanics and the function of the recording and playback processes. The second paragraph is a direct partial translation of *Scientific American*'s 1877 article, written from the perspective of an American editor of the journal who witnessed Thomas Edison walk into their office and demonstrate his new invention which, much to the editor's curiosity, "inquired as to our health, asked how we liked the phonograph, informed us that it was very well, and bid us goodnight." *Scientific American* emphasized these pronouncements were "perfectly audible" (*ghayyat al-wuduh*), and later that "there can be no doubt that the inflections are those of nothing else than the human voice" (1877:385). If Rashid Rida conjured any doubt about al-Muti'i's ability to understand "the science" of the phonograph's inventors, then al-Muti'i tried to dispel it by referencing the mouthpiece of modern science in the Arab world, which was based on its

American counterpart describing the mechanics of the phonograph as well as the personality of Thomas Edison. Yet, in this instance, al-Muti‘i did so to answer the question regarding sincerity and a Quran recitation, and to clarify what he saw as the questioner’s ignorance of the phonograph’s mechanical capabilities. Rather than “capturing air currents,” the phonograph itself reproduced an authentic replica of human speech, and thus could genuinely reproduce a Quran recitation performed by a human agent. However, he clarified that the phonograph itself, as an inanimate object, is not capable of consciously feeling what it speaks, which is a requisite for sincerity.



Figure 1.5. Images from al-Muqtataf’s (1878) summary of Scientific American’s (1877) expose on telephone and phonograph (Hathitrust Digital Library).

Question Six: Is there clarification on either permitting or forbidding melodic performances of the Quran with such playthings?

Al-Muti‘i’s answer to Question Six again returns back into philosophical territory that is commonly regarded as exclusive to the history of Western thought in sound studies literature, and particularly the works of Plato, or *Aflatun*. Returning to the problem of “amusement and entertainment” (*al-lahu wa al-la‘ib*), and following the sentiments of journals like *al-Muqtataf* and *Scientific American* that framed the phonograph as a product of modern science, al-Muti‘i answered by arguing that the phonograph was not simply a “plaything.” He also argued that existing precedent for reciting the Quran according to a melodic structure, or *naghma*, equally applied to a phonograph recitation, while the phonograph itself was not itself specifically purposed for “amusements and entertainments” as musical instruments like the oud, qanun, and mizmar.¹⁴ Yet al-Muti‘i’s reference to Plato is curious indeed, and especially considering that it is drawn from his “secretive” or “esoteric” works (*fi khifayyahi*), or at least what al-Muti‘i appears to have considered Platonic esotericism.

In order to argue that the phonograph was made, not for play and fun, but for “elevated uses,” al-Muti‘i claimed that wise men (*al-hikma*) throughout the ages had considered making an inanimate object to recreate speech pronouncements. Among them was Plato, who, in his esoteric works (*fi khifayyahi*), speculated about an inanimate tool like the phonograph that could talk like a human being and record and replay what someone spoke. Rulers could communicate and issue commands with it while legal proceedings between the accuser and the accused could be inscribed and reviewed by jurists in a court of law. Any documentation that either jurists or kings desired to review would be safeguarded from “changes, replacement, effacement, or

¹⁴ While scholars and practitioners of Arabic music today refer to the melodic frameworks as *maqam*, the term *naghmah* was synonymous with *maqam* during the early twentieth century, and was used more widely than the latter.

needing verification or falsification. Nobody whose words were taken by this instrument could deny them, just as if many had bore witness to them and knew who spoke them” (108). Al-Muti‘i continued that Plato suggested that the sick could speak their symptoms into this instrument so that he could prescribe an appropriate ailment from afar without needing to be in attendance with the patient. Expressing his hope that the modern phonograph could be used for similarly elevated uses, al-Muti‘i claimed that the modern phonograph’s parallels with the instrument described by Plato was sufficient indication that its purpose was not simply “entertainment and amusement.” Explicitly making a parallel between the Aristotelian-Islamic notion of “the talking animal” or *al-haywan al-natiq* relayed in *The Epistles of the Brethren of Purity*, and *al-Muqtataf*’s Arabic translation of “the taking phonograph” or *al-funugraph al-natiq*, al-Muti‘i concluded his answer by stating that the phonograph was named as such because it was invented solely to record and replicate the speech faculties of rational human subjects.

Other than suggesting that the idea of Plato’s voice-inscribing instrument was from the ancient Greek philosopher’s “esotericism” (*fi khifayyahi*), al-Muti‘i does not give any further indication of where he obtained this information. While the curious reference requires additional research, it is plausible that Islamic scholastic tradition had elaborated on Plato’s criticisms of writing and his preference for orality expressed in works like *Phadreus*, which have been central to the history of Western thought regarding not only issues of literacy and orality, but also letter and spirit. No doubt, it is ironic, at least for proponents of a philosophical canon exclusive to the West, that the story told by Socrates in Plato’s *Phadreus*, involving a dispute between the god Theuth and king Thamus over the value of writing, took place in al-Muti‘i’s homeland of Egypt. Nonetheless, parallels between Plato’s inanimate voice-inscribing instrument referenced by al-Muti‘i and the Prophet Muhammad’s phonograph mused upon by Rashid Rida are interesting,

in that they both seem to advocate for an inscriptive authority determined by closeness to the authentic source of vocalization and the speaking subject: the voice of the Prophet, the king, doctor, witness, or judge.

Yet given that al-Muti‘i position accepts that the phonograph authentically replicates the voice of a speaking human subject, and whatever extent of authority they may hold, al-Muti‘i concludes his answer to question six by clarifying that just because the phonograph can be used for “amusement and entertainment” does not mean that the machine itself can be equated with such activity. As he clarified in his initial ruling, the baseness or appropriateness of what is vocalized through the phonograph is not a product of the machine itself, but rather of its user. In terms of the musical “tone” or melodic structure of a recitation, *naghma*, he stated that as long as it is used according to what is required and appropriate for reciting the Quran, it is certainly permitted. In other words, established precedent regarding the melodic structure of a Quran recitation rendered by the human voice is equally applicable to a Quran recitation rendered by a phonograph, because it reproduces a real human voice. Thus, no new ruling regarding the musicality of a Quran recitation is required for the phonograph, since what has been established as legal precedent for the human subject’s voice is alone sufficient.

Conclusion

For al-Muti‘i, the phonograph was a technological medium whose legal status as either permissible or reprehensible depended entirely on human agency. With regard to phonograph recordings of a Quran recitation, this meant that previously established legal precedents regarding a recitation rendered by the voice of a human subject applied equally to a phonograph recitation, because the “talking” phonograph embodied both the mechanical functions and an

authentic sonic replica of the speech of a human subject. Still, al-Muti‘i’s conclusions depended on his faith in the phonograph’s fidelity, a faith I suggest he obtained from ideologies promoted by the phonograph business and modern science. Appealing to periodicals like *al-Muqtataf* to show that the phonograph reproduced real voices and sounds, al-Muti‘i was drawing on the very same discourses of scientific authority and modern technology that the phonograph industry was using to promote its products in the face of widespread consumer doubt. Even al-Muti‘i himself, as well as Muslim consumers more broadly, became novel pieces of publicity for the mouthpiece of the American phonograph industry, *The Talking Machine World*, in their efforts to popularize their commodities at home and abroad. At the very time the phonograph industry had not yet established its products as symbols of Western modernity, Muslim consumers themselves played an integral role in the expansion of what became the world’s first global media industry. This catalyzed strikingly parallel legal discussions about phonographic fidelity occurring in the United States Supreme Court including appeals to the human soul made by royalties advocates like John Philip Sousa two years after al-Muti‘i’s ruling. Indeed, the global problem of phonographic fidelity lay with a phonograph industry that was targeting both Western and Muslim consumers at exactly the same time.

Given that philosophical reception of the phonograph was not contingent upon grappling or accepting an abstract notion of “Western” culture, it comes as little surprise that scholars like al-Muti‘i and Rashid Rida show no evidence of concern about the phonograph’s “foreignness” or “modernity” defined in contradistinction to their own Muslim subjectivity. In a field of established methods of legal deliberation, the phonograph became implicated in existing philosophical and theological discourse regarding voice, sound, and divine revelation that had been elaborated upon by Muslim scholars for over a millennium before the phonograph was

invented. Conversely, argument over the phonograph between al-Muti‘i and Rida was not due to any inherent “modern” or “Western” subjectivity tied to the technology itself, but rather to existing conflicts over the philosophical and theological doctrines that shaped competing voices of Islamic legal authority during the early twentieth century, and in this case between scholastics and salafis. If the field of sound studies seeks to decentralize the “West” or the “global North” without complicating *a priori* assumptions about an exclusive canon of Western thought, then an examination of al-Muti‘i’s legal ruling on phonographic fidelity suggests that this would be a necessary step. Indeed, if his theorizations of voice and sound drew on a gambit of intellectual resources ranging from Platonic esotericism and Aristotelian logic to Mahmud al-Alusi’s Ash‘arite exegesis and Arabic translations of *Scientific American*, then what is often declared as the fluid or porous nature of culture, or what Jonathan Sterne (2003) has labeled “sound cultures” or Alain Corbin (1998) a “culture of the senses,” should perhaps be extended equally to the history of *ideas* about voice, sound, and the senses. An examination of voice, sound, and subjectivity in al-Muti‘i’s legal epistemology reveals that the bodily senses, language, translation, and the subjective voice are things that have long been theorized in various traditions of Islamic thought, resulting in debates that shaped doctrinal, sectarian, and social divisions throughout history, including those ignited over the phonograph.

However, this is certainly not to assert that there is nothing new under the sun. If the phonograph did contribute to a changing “culture of the senses” throughout Muslim societies during the late-nineteenth and early twentieth centuries, then it was again perhaps less due to the technology itself, but more to a interaction between the phonograph industry and the Islamic legal discourses that attempted to control and regulate Muslim consumers. Indeed, it is a larger argument of this dissertation that it is only possible to speak of sense and experience as being

“culturally” specific due to the industrial and legal systems that have historically channeled, controlled, and differentiated human beings and their bodies, thus influencing not only their own subjective senses, but also the senses of scholars and anthropologists who would “observe” and “interpret” those bodies as human subjects. As Ochoa Gautier (2014) and other recent sound studies scholars have already noted, there is a stark correlation between those who are traditionally considered etic to “Western” traditions of thought, and those who have continually been the subjects of cultural anthropology in “non-Western” geographical regions of the world (2014:1-30; Steingo and Sykes 2019:1-38). Nonetheless, if Muhammad al-Muti‘i invoked the so-called founder of Western philosophy, Plato, in an attempt to console worries that the phonograph was simply a plaything, and that phonograph recitations problematically resembled the musical act of singing, then perhaps such concerns stemmed from the fact that, for the first time in history, Quran recitations were being produced, bought, and sold by a multi-million dollar industry whose bread and butter was quite literally musical “amusement and entertainment” (*al-lahu wa al-la‘ib*). For many Muslim jurists around the globe, the phonograph, was a new technology that problematically blurred the lines between worldly musical entertainments and the sacred recitation and transmission of holy scripture. This conceptual shift engendered conflicting perceptions of sound itself, particularly in regards to musical tonality’s increasing association with amusement while giving new life to debate about leisure and entertainment within the context of Islamic law.

Moving from Egypt out into a more global arena of Islamic cultural and political exchange as well as of competing legal jurisdictions, Chapters Two and Three will turn to a maritime region that historians have long identified as a dynamic arena of interaction, contestation, and movement between varying Muslim communities during the nineteenth and

early twentieth centuries: the Indian Ocean. It is also an arena where the world's first record companies identified Muslims as an avid consumer base, thus resulting in legal rulings penned by Arab muslim scholars that date back to the late 1890s in places like the Hejaz, Yemen, Singapore, and Java. Like in Egypt, debate over the phonographic reproduction of the Quran stemmed from existing contests of authority throughout this fluid maritime space that intersected empires, pilgrimage routes, and legal jurisdictions. More specifically, the phonograph, a technology propagated by the world's first global entertainment industry, was subsumed into existing debates regarding circulating forms of Sufi assembly, musical instruments, and recitational practices across the Indian Ocean, which gravitate around maritime routes of Muslim pilgrimage and the Hajj to Mecca.

Chapter Two

The Phonograph Peddler and the Mufti: Sayyid ‘Uthman on Entertainment and Technological Fidelity, 1899

Introduction

This chapter discusses one of the earliest and most extensive Islamic legal engagements with the phonograph that occurred in 1899. The ruling consists of two separate pamphlets totaling around forty pages written by Sayyid ‘Uthman b. Abdullah b. Aqil b. Yahya al-‘Alawi (1822-1914), a Hadhrami scholar who was employed by the Dutch colonial government in Java during the late nineteenth century. While one reason for the importance of Sayyid ‘Uthman’s stipulations on the phonograph lies with their relatively early date, another lies with their lasting historiographical impact on scholarly interpretations of Muslim engagements with modern media technologies. This had much to do with his relationship with the Dutch colonial government and Christiaan Snouck Hurgronje (1857-1936), a renowned orientalist and colonial administrator with a keen interest in Islamic law, and who owned a large collection of Sayyid ‘Uthman’s publications that were archived for posterity at Leiden University after Hurgronje’s death in 1936. Arguably beginning with interpretations of Sayyid ‘Uthman’s phonograph fatwa after it was translated and circulated within orientalist circles by Snouck Hurgronje, media technologies in academic scholarship are often taken as a litmus test for interpreting Muslim engagements with colonialism, modernity, and “the West” more broadly. To the contrary, this chapter demonstrates that the fact that the phonograph was an American innovation was a marginal if not entirely irrelevant issue in Sayyid ‘Uthman’s diatribes against the new technology. Rather, what worried him was the phonograph’s proximity to already contentious public performances and

entertainments that circulated between the Arabian Peninsula and Southeast Asia that, to him, inappropriately blurred the lines between religious piety and worldly frivolous amusements.

Making a legal argument that was practically a negative image of Muhammad Bakhit al-Muti‘i’s fatwa (1906) discussed in the last chapter, Sayyid ‘Uthman was unconvinced by claims that the phonograph had accurate fidelity, instead stressing that its reproduction of sounds and voices was distorted, unclear, and distant as if listening to something through a telephone. Because of its poor sound fidelity and association with contexts of entertainment and amusement, Sayyid ‘Uthman’s main grievances with the phonograph were about listening to a Quran recitation. Although he conditionally permitted the use of the phonograph to listen to musical instruments and female singers, Sayyid ‘Uthman stipulated that it should be forbidden (*haram*) to listen to a recording of a Quran recitation given the phonograph’s context of production and consumption. He argued that the sole purpose of the phonograph was purely entertainment and amusement, and thus the machine itself and its context of public display were uncondusive to the appropriate comportment and behavior required for listening to and vocalizing a Quran recitation. Like Muhammad Bakhit al-Muti‘i’s rulings explored in the previous chapter, Sayyid ‘Uthman’s opinion on the phonograph was stipulated within a context of contending voices of legal authority between Southeast Asia and the Middle East. This is reflected by the fact that his deliberation on the phonograph was catalyzed by a debate with another Islamic jurist in Singapore and involved correspondence with a jurist in Ottoman Syria named Husayn al-Jisr. Furthermore, for Sayyid ‘Uthman the issue of phonographic fidelity was intertwined with already existing debate over the appropriateness of certain musical instruments and recitational styles of performance, which, like the phonograph, could blur the lines between worldly entertainments like singing and religious practices like reciting the Quran.

Before he composed his fatwa regarding the phonograph, Sayyid ‘Uthman had already condemned songs and musical instruments being used in contexts associated with Islamic rituals and congregations, and particularly those associated Sufi organizations that spread from Mecca and other regions of Arabia to Southeast Asia during the nineteenth century. In particular, he spent considerable efforts condemning musical gatherings where a stringed plucked-lute imported from Yemen and the Hejaz called the *qanbus*, *qambus*, or *gambus* was played, which could sometimes occur in conjunction with the Friday prayer in Java. This contention over musical and recitational practices was compounded by the fact that many of those in question circulated on networks of Muslim pilgrimage across the Indian Ocean, connecting Southeast Asia to the Islamic holy land as well as to pilgrimage sites and cities in the Hadhramaut (now in southeast Yemen). Musicians, poets, and reciters—sometimes one individual doing all three—could turn a profit by demanding or accepting fees for their performances, flexibly moving between patrons and audiences across geographies in a manner perhaps not unlike a free-lance artist today. Performances for hire could include reciting or singing praise poetry dedicated to Sufi leaders or wealthy traders, worldly lyrics sung while playing the *qanbus*, vocal songs and hymnals performed on Islamic holidays, and Quran recitations that employed various musical modes (*angham*). Throughout his nineteenth and early twentieth-century career, Sayyid ‘Uthman authored many polemical works speaking out against these circulating musical and recitational practices while drawing on his own repertoire of legal discourse that was the result of scholarly transmission across a similar geography, cultivated during his education in the Hejaz, Hadhramaut, and Java.

Galvanized by modern steam travel, printing, and communications technology that connected Muslim societies in an unprecedented manner around the Indian Ocean during the

nineteenth century, I argue that people performing these recitational and musical genres on networks of trade and pilgrimage between Southeast Asia and Arabia comprised an Indian Ocean gig economy. Arab phonograph peddlers in Java attached themselves to the gig economy during the 1890s, accepting a fee from audiences to play wax cylinders of Arabic and Malay songs and Quran recitations. As will be explored at the end of this chapter, by the early 1900s major record companies had also tapped into this gig economy producing recordings of Islamic litanies, Arabic and Malay songs played on the *qanbus*, and Quran recitations, which further amplified the circulation of these practices between Java and Arabia. However, Sayyid ‘Uthman penned his phonograph fatwa before the entrance of international phonograph companies, and was therefore stipulating a ruling on the phonograph that reflected his overall distaste for a more regional gig economy comprised of bards and peddlers who traveled established routes of pilgrimage and trade between Arabia and Southeast Asia. Furthermore, a similar distaste for novel forms of popular entertainment and assembly was shared by the Dutch colonial authorities, who employed Sayyid ‘Uthman to help to police and curb these vernacular movements across the Indian Ocean.

To further elucidate the intercession between the global record industry and the “intermediate” spheres of capital propelled by an Indian Ocean gig economy that Sayyid ‘Uthman legally condemned, the chapter’s end will explore how the jurist and reformer Rashid Rida answered questions posed to *al-Manar* from Java later during the 1910s, which required him to elaborate on similar legal dilemmas about musical instruments, singing, and the phonograph. Rashid Rida was an uncompromising critic of Sayyid ‘Uthman as the latter was both a Sufi and a collaborator with the Dutch colonial government. This was a dynamic that played out in Rida’s responses to Javanese audiences, which contradicted the previous rulings of Sayyid ‘Uthman and were directed at Muslim audiences in Southeast Asia who increasingly

looked to modernist salafi reformers in the Middle East. Nonetheless, Rida's engagement with readers in Java during the following decade after Sayyid 'Uthman's ruling are a reflection that, despite the latter's criticism of phonograph performances in 1899, the Indian Ocean gig economy became intertwined with the global expansion of the early capitalist phonograph industry in a process that was facilitated by Muslim consumers, performers, and businessmen.

Muslim Indian Ocean Networks and a Gig Economy

There is a deep history of religious and literary exchange between Arabia and the Indian Ocean region extending back at least to the early centuries of Islam that set the stage for those of the modern era explored throughout the remainder of this dissertation. I argue that the Age of Steam and Print (Gelvin and Green 2013), an era of increased traffic in people, ideas, trade, and cultural practices across Muslim societies, largely facilitated the gig economy explored here. In tandem with and sometimes in response to the Christian missionary revival of hymns and spirituals during the nineteenth century, Muslim societies also witnessed an increase in the practice of spiritual hymnals and song as the technological forces of steam and print galvanized human communication and movement, especially across the Indian Ocean. Thanks to steam travel, the nineteenth century was a time when more Muslim pilgrims completed the pilgrimage to Mecca than any other time in history, while an unprecedented amount of printing in languages like Malay, Persian, Urdu, and Arabic led to the an increased circulation of literature and ideas between Muslim societies, including poetic and hymnal texts as well as legal tracts that discussed and debated them. For littoral regions around the Indian Ocean, this facilitated an increased level of literary and cultural exchange between the Hejaz and places like Java. As historian Michael Laffan (2011, 2013) has noted, Mecca in particular became an important

metropole for Southeast Asia during this time. This resulted in the movement of people, Sufi orders, legal practices, and musical and recitational traditions from the Hejaz to Java. It also resulted in population transfers in the other direction, with a large Javanese diaspora community settling in Mecca, that, as Snouck Hurgronje put it, helped make the Arabian metropole “heart of the religious life of the East-Indian Archipelago” with “numerous arteries” pumping “fresh blood in ever accelerating tempo to the entire body of the Moslim populace of Indonesia” (Laffan 2013:145).

The unprecedented mobility of everyday and working class Muslims in port cities throughout the Indian Ocean region led to the galvanization of what Nile Green in *Bombay Islam* (2012) has defined as a spiritual economy of “customary” Islam as well as “economies of enchantment,” where modern technologies like lithographic printing and steam travel helped galvanize vernacular forms of spirituality. As Green (2012) emphasizes, these vernacular movements were often frowned upon by elite Muslim reformers and colonial administrators alike, a dynamic reflected in Sayyid ‘Uthman’s collaborations with the Dutch colonial government due to his aversions to vernacular forms of Islam promoted by Sufi organizations that spread to Java via Arabia, such as the Naqshbandiyya and the Qadiriyyah. Musical and recitational practices associated with movement to and from Arabia could actually be couched by jurists like Sayyid ‘Uthman in terms of the social norms and behaviors comprising “custom law” or *adat* law. A distinction between “Islamic law” and “custom law” became more pronounced as Dutch colonial law sought to integrate itself with the legal orthodoxies espoused by jurists like Sayyid ‘Uthman in order to assert control over Muslims within Dutch colonial jurisdiction. Such dynamics explored in this chapter have been more extensively studied in the recent work by historian Nurfadzilah Yayha (2020), who has examined the historic relationship between Islamic

jurists in Southeast Asia, who were mostly ethnic Arabs like Sayyid ‘Uthman, and the British and Dutch colonial authorities.

In any case, the gig economy outlined here was part and parcel of these vernacular customary or *‘adat* movements of musicians, poets, and Quran reciters circulating on newly energized networks of pilgrimage and trade throughout the Indian Ocean. Their routes included those directly linked with the Hajj to Mecca as well as other pilgrimage routes revolving around the tombs of saints and scholars throughout Hadhramaut or and elsewhere outside the Arabian Peninsula in East Africa, India, and Southeast Asia. Furthermore, individuals who sang Arabic poetry, or lyrics in other languages like Malay or Swahili sung to Arabian musical modes, may have taken up more worldly themes of love and intoxication, but were nevertheless performed within a specifically Arabian (Yemeni, Hadrami, and Hejazi) medium of musical and literary production, and particularly in regard to musical modes, *angham*, specific to Arabia used in various performance styles. As will be shown in this and the following chapter, the geographical specificity of these circulating musical modes was cataloged by Christian Snouck Hurgronje in his studies of ethnographic phonograph recordings made in the Hejaz (1906-1909), and also by early global record companies who capitalized on the Indian Ocean gig economy in Southeast Asia around the same time (1906-1913). Both musically and lyrically, these musical and recitational practices sonically connected Muslims around the Indian Ocean to the Islamic holy land or to the shrines of Sufi saints from Hadramout and elsewhere, while also attracting new converts to Islam (Freitag 2003:280; Ho 2006; Reese 2001:49-68). Additionally, styles of Quran recitation and hymnals sung to celebrate the Prophet’s birthday also gravitated around various axis points of pilgrimage and authority, whether it was saintly shrines throughout the Indian Ocean region or the cities of Mecca and Medina.

It is important to emphasize that the repertoires of this gig economy, while revolving primarily around regions like Hadramout and the Hejaz and being primarily in Arabic, were deterritorialized forms of cultural production throughout the Indian Ocean. A poem written by an author originating in Yemen could be sung to a musical mode from the Hejaz by a singer of mixed Malay and Arab parentage in a place like Sorabaya. A Quran recitation could be performed by any Muslim trained to use stylistic musical modes differing according to their historic cultivation in places like Mecca, Cairo, or Damascus, whether the reciter was from those places or not. A poem considered “Yemeni” (*Yamani*) may have actually been composed according to a colloquial style called *Humayni* cultivated by Yemeni diaspora communities in India, Southeast Asia, or the Hejaz, a form of diasporic literary production pointed out in the book *Breezes from Yemen (Nafhat al-Yaman)* published in 1911 at Fort William in Calcutta by the eighteenth and early nineteenth-century Yemeni scholar and poet, Ahmad b. Muhammad al-Shirwani (d. 1837). Poetry and literature could also circulate within networks of specific Sufi orders, resulting in poems praising Sufi saints and leaders as well as the circulation of poems composed by scholars themselves who wrote while traveling and corresponding within Indian Ocean networks. The latter is reflected in the poetry diwan of the Hadhrami Sufi scholar Aydarus b. Shihab from the late nineteenth century, which documents his travels and correspondences between Mecca, Sana‘a, Tarim, Hyderabad, Singapore, Batavia, and elsewhere throughout the Indian Ocean region during the nineteenth century. Housed in the Leiden University archives, Shihab’s diwan (Figure 2.1) manuscript was sent to Sayyid ‘Uthman in Java from Hadhramaut, demonstrating yet another layer of movement comprising correspondence between literate scholars that could propel Arabic poetic texts throughout the Indian Ocean region (Or. 6997).



Figure 2.1. First page of Aydarus b. Shihab's poetry diwan sent from Hadhramaut to Sayyid 'Uthman in Batavia (Leiden University Or. 6997).

For poetic, musical, and recitational practices more directly associated with Islamic congregational and ritual practices, a poem like the Mantle Qasida, or Burda Qasida, composed by the thirteenth century Egyptian Sufi Imam al-Busiri (d. 1294) and often recited or sung on the Prophet's birthday, could take on various modes of performance depending on local circumstances, being adapted to a plethora of vernacular styles of singing and recitation according to the cultural or denominational context. The Mawlid al-Barzanji, a poem still widely recited today commemorating the Prophet's birthday that was composed by the eighteenth-century Hejazi scholar and jurist of Kurdish origin, Ja'far al-Barzanji (d. 1764), was also a performance practice that circulated within Indian Ocean Sufi networks and routes of Muslim pilgrimage throughout history. Furthermore, as an 1881 manuscript of the Mawlid al-Barzanji compiled by Muhi al-Din b. Abu Bakr al-Hatimi housed in the Riyadha mosque at

Lamu (modern day Kenya) reveals (digitized by the British Library at EAP 466/1/18, Figure 2.2), reciting the Barzanji mawlid could take on an explicitly political character, something reflected in the manuscript's composition, which was intended as a guide to reciting the mawlid poetry aloud with an audience. While the introductory portions of the manuscript comprise preludes of poetry attributed to Hadhrami Sufi scholars like Shaykh Abdullah b. Ahmad Ba Sudan (83), when introducing the Barzanji mawlid al-Hatimi stipulated a prayer and dedication to be recited for the Ottoman Sultan, Abdülaziz, who, in addition to being a lover of European classical music, had ironically already committed suicide after being overthrown in 1876 by the time al-Hatimi composed this manuscript. In any case, the prayer extolled “the Sultan of all Muslims” (*sultan al-muslimin*), who was “perpetuating triumph and victory to erect the principles of Prophetic tradition with the bonds of Ottoman solidarity, protecting and lifting religion . . .” (123). As historians Micheal Christopher Low (2020) and Cemil Aydin (2017) have noted, the Ottoman empire adopted and promoted an early pan-Islamic policy of presenting the Sultans as the legitimate leaders, or caliphs, of all Muslims worldwide, a political process galvanized by wars and conflict with Russia during the late nineteenth century. As Lowe (2020) also demonstrated, Ottoman authorities pursued and promoted this early form of pan-Islamic ideology through active engagement and collaboration with networks of Sufi authority throughout the Middle East and the Indian Ocean region, something explicitly implicated here in the composition of al-Hatimi's Barzanji mawlid text in Lamu during 1881. When publicly recited with a prayer dedicated to the Ottoman Sultan, this text would have certainly engrained an element of political consciousness into the Arabic-speaking audiences assembled, passing ideas from the more limited textual sphere of the written word to a more publicly attuned oral discourse, and thereby perhaps to the wider illiterate and or non-Arabic speaking Muslim

societies that Sufi authorities like al-Hatimi were embedded within throughout the Indian Ocean region. Since the recitation of circulating performance practices like the Barzanji mawlid or, as will be seen shortly, popular entertainments like music and song could take on an explicitly political character, they were seen as potentially subversive forms of public performance and assembly by authorities like Snouck Hurgronje and Sayyid ‘Uthman. This was perhaps compounded by the fact that these circulating performance practices also involved the circulation of money, which I suggest comprised an “intermediate” sphere of capital propelled by individual performers and reciters who were turning a profit from these musical, recitation, and poetic repertoires within the Indian Ocean gig economy.



Figure 2.2. Dedication to Sultan Abdülaziz in Muhi al-Din b. Abu Bakr al-Hatimi’s 1881 manuscript (Lamu) of the Mawlid al-Barzanji. (British Library EAP 466/1/18).

The Indian Ocean Gig Economy and “Intermediate” Capital

Before going further however, I’d like to acknowledge that my use of the term “gig economy” may appear to some readers as glaringly anachronistic if not equally “etic” to the cultural contexts considered here. While I hold that the global exchanges and entanglements revealed within the chapters of this dissertation greatly complicate the culturalist presumption of authentically “emic” or “etic” perspectives, I will explain why I think the modern concept of a gig economy, although problematic in some ways, is at least practical for broadly conceptualizing the historical flows of money, people, and performance practices or “customs” (*adat*) across Muslim networks of the Indian Ocean during this time. Additionally, and although there is no concept comparable to that of a “gig economy” specified within the primary sources examined in this dissertation, I suggest that it was a phenomena implied under the broader legal distinction of “custom” or *adat* within Islamic law, which, as will be seen with the work of Sayyid ‘Uthman, could comprise forms of public assembly and consumption associated with frivolous amusements and entertainments. Furthermore, I suggest that a gig economy helps account for not only the more extra-religious contexts, i.e., those with no implicit association to Islamic ritual or congregation, as well as the financial dimensions of these musical and recitational practices as they circulated within what Nile Green (2011) has called “economies of enchantment” associated with the religious economies of “customary Islam” throughout the Indian Ocean region during this time.

Rather than to sociologically reduce religion to merely a matter of financial transactions, Green (2011, 2014) has demonstrated how the notion of religious economy is useful in a metaphorical sense to describe how religion operates like an economy within modern society. While the gig economy was embedded within these more metaphorical religious “economies,” I

emphasize here that the money accrued and paid to musicians and reciters playing the qanbus, singing and composing Arabic poetry, and reciting the Quran and mawlid texts in varying social contexts and forms of public assembly, or “gigs,” throughout the Indian Ocean literally comprised an economy as a pattern of financial transactions associated with custom or *‘adat*.

Moreover, and although this gig economy did comprise what I refer to as the “peddling” of traveling musicians, reciters, and, by the late 1890s, phonograph owners, I identify this peddling to being apart of a much wider Indian Ocean gig economy rather than a “peddler economy” or “bazaar economy.” This is because the latter two notions assume in-the-moment and more broadly “irrational” patterns of transaction, which stand in contrast to the “rational” transactional patterns of Western capitalism. As the economic historian Rajat Kanta Ray (1994) demonstrated, it was this characterization of modern economic development that would equally inform ideas of Asiatic economy held by British colonial administrators in India during the nineteenth century as it would the later interpretive anthropology of Clifford Geertz in his studies of economy in Indonesia and Morocco. Thus, while productively challenging what is an important thesis to both imperialist historiography and modern anthropological thought, Ray (1994) posited that the spread of a global capitalism, rather than being a global takeover and overhaul of “traditional” Asiatic economies defined by bazaars and peddlers, was actually intertwined and dependent on an “intermediate” sphere of Asiatic capital that retained equally rational and modern patterns of movement and transaction during the nineteenth and early twentieth centuries. Although comprising a series of smaller “peddler” transactions paid to a poet, Quran reciter, or qanbus player (often one individual filling all three roles and more), I argue that these smaller transactions taking place within Muslim networks of pilgrimage and Sufi organization throughout the Indian Ocean arena amounted to such an “intermediate” sphere of

capital. As will be seen at the end of this chapter, this characterization is supported by the fact that the early global capitalist media industry, represented by a plethora of European and American phonograph firms, relied on this gig economy to expand their markets to Muslim consumers from Southeast Asia to the Middle East during the early 1900s. As such, smaller sums paid to singers, reciters, and phonograph peddlers comprised flows of capital and patterns of consumption that could be fluidly extended to the purchase of phonographs and phonograph records (which themselves could be repurposed by their owners to turn a profit in the gig economy), and thus comprised an existing “intermediate” sphere of capital that early phonograph companies could easily tap into to contribute to their own global profits.

Taking a slightly later example of this intercession between the intermediate spheres of capital propelled by the Indian Ocean gig economy and the early capitalist media industry, during the 1920s and early 1930s an Arab singer, qanbus player, and Quran reciter, ostensibly from Mecca with the name “Machmoed Saad Mekka,” would sign a contract with the German phonograph firm Beka in Java. With Beka, Machmoed would not only record records featuring a form of Hejazi strophic song called *majrur* as well as popular Egyptian songs while playing his qanbus (forms of “extra-religious” performance), but also recordings of performance practices more directly associated with Islamic spiritual congregation such as the Mawlid al-Barzanji and Quranic recitations (Figure 2.3). Furthermore, during the early 1930s, and listed in a catalog alongside a plethora of Indonesian performing artists specializing in genres like “Blues Kroncong” and “Rumba Kroncong,” Machmoed was advertised as an Arabic-speaking artist catering specifically to the interests of Muslim consumers: “For Muslims, Machmud Saad Mekka is no longer a stranger. Many people have learned the Quran from him and also his records” (see Appendix I). Yet when Sayyid ‘Uthman penned his rulings on the phonograph, the

global phonograph industry had yet to make headway into Java, while the phonograph itself entered the gig economy associated with musical instruments like the qanbus, the latter which Sayyid ‘Uthman identified under the legal rubric, “instruments of amusement” or equivalently (at least his his view), an “instrument of drinking [alcohol].”



Figure 2.3. Recordings for the Beka (Germany) phonograph company made by Machmoed Saad Mekka in Java, 1920s and 1930s. They feature Quran recitation (top left), Mawlid al-Barzaji recitation (top right), Hejazi strophic song form majrur performed on the plucked lute qanbus (bottom left), and a recording of the Friday sermon (bottom right). Courtesy of Department of Special Collections, Davidson Library, University of California, Santa Barbara.

The Bard and the Orientalist: A View from Hadhramaut, c. 1890s

During the 1890s, a Hadhrami musician who played the qanbus named Said Awad offered a glimpse of this Indian ocean gig economy as a performer on one of its so-called “instruments of amusement,” doing so in an interview with the Swedish orientalist Carlo Landberg (d. 1924). Said Awad became acquainted with Landberg when the latter traveled to Aden in 1894 to continue his studies of Arabic philology. Landberg became enamored with the Hadhrami Arabic dialect after befriending Awad, which he, in characteristic fashion of a nineteenth century philologist, felt was more timeless and pure than the Syrian dialect he previously studied. Like many orientalists of his time and perhaps many cultural scholars today, Landberg considered orality as a signpost of cultural authenticity, claiming that Hadhrami dialect was closer to “original” Arabic since it was associated with a largely illiterate and un-Westernized Arabian society, and furthermore that Said Awad’s music and poetry were exhibitions of this authenticity. Because travel to Hadhramaut was dangerous for European foreigners, Landberg decided to take Said Awad with him to Cairo where they lived the better part of 1894 together, renting a house in Helwan. Perhaps reflecting significant differences between the musical aesthetics of Said Awad’s music, associated more with musical and poetic repertoires circulating on the Indian Ocean gig economy, and those contemporary to him in Egypt and the Levant, Landberg recalled attending a concert in Cairo with Said Awad featuring the renowned nineteenth-century Egyptian singer Abdu Hamouli, and that Said Awad was repulsed by Hamouli’s “howling” and compared it unfavorably with his own style of singing (Landberg 1895:7-20). Indeed, in an era before the global expansion of European and American phonograph firms in places like Egypt, no less Yemen or Indonesia, Said Awad had not been

previously exposed to Egyptian music as later qanbus players from Arabia, such as Beka's Machmoed Saad Mekka mentioned above.

In the third volume of his *Critica Arabica* (1895) published in Leiden the following year, Landberg provided a transcribed interview he conducted with Said Awad in Hadhrami dialect, printed in Arabic script with a phonetic transliteration as well as a French translation of the interview. The text was included in a section of *Critica Arabica* entitled "Professions of Hadhramout [sic]" or "Les Metiers de Hadramut," the first of which was "the singer" or "*al-mutrib*" (21). Yet clearly the "profession" Said Awad described was not merely the repetition of a timeless oral tradition, as Landberg characterized it, but a craft that required innovation and novelty to incur profits within a gig economy that extended from Arabia to littoral societies throughout the Indian Ocean.

Said Awad noted that travel was an important aspect of life as a gigging musician and poet in Hadhramaut during the nineteenth century. He also said that it was not an easy living, and that many qanbus players "travel from town to town, at random and at the mercy of God, seeking fickle fortunes." Awad learned to play the qanbus from a renowned virtuoso back in his hometown of Shibam, located in the interior of Hadhramaut. He would visit this unnamed singer everyday until he mastered the repertoire and "stole his job," developing his own personalized style and later buying his own qanbus for three *qirsh* (about fifteen francs at the time). "As you've heard about me, I'm no fool when it comes to singing, unless I've got a cat in my throat, and I'm no gut-scraper on the oud," he told Landberg.¹ By the time Awad met the orientalist he had long been a gigging musician, having moved to the Hadhrami coastal city of Mukalla where

¹ Sa'id Awad used the terms *qanbus* and *'ud* interchangeably in the transcribed interview. Landberg was more familiar with classical Arabic terms for lutes (*al-'ud*), harp (*qanun*), and bowed stringed instruments like the *rababa*, which Said Awad told him did not exist in Hadhramaut. Landberg translated the Hadhrami word *mkharabish* (مخرابيش) to the French *racleur de boyaux*, which translates to English as *gut-scraper*, an archaic term meaning "fiddler" dating back to when violin strings were still made with animal gut. Here, the term in translation is used pejoratively to refer to an amateur instrumentalist.

he claimed to be more well known, and then later to the bustling British-Indian colonial port of Aden (21-22).

Awad stated that every qanbus player carried their own notepad or notebook (*karash*) of poems (*qasa'id*) that they'd collect "here and there" during the course of their travels and interactions with other poets and musicians. This indicates that what Said Awad was describing was not entirely oral tradition, with some literate singers carrying around physical texts of written song lyrics for reference during performances, and even though Landborg claimed that Said Awad was illiterate. As such, Awad may have been using the Hadhrami word for notebook, *karash*, to refer more generally to the repertoire a qanbus player would accumulate over time, whether in text or by memory. Regardless, Awad also emphasized that an important part of his craft was finding the appropriate melody (*sawt*) to fit the meter of the Arabic poem the singer wished to perform, thus demonstrating that his profession required musical innovation in addition to lyrical novelty through a personalized repertoire "notebook." As for the lyrical content performed by qanbus players, Said Awad simply stated it was "all about passionate love and affection" (*'ashq wa hawa*), although, as will be noted below, songs performed by qanbus players could also entail political commentary. This comprises what I suggested above were the more "extra-religious" performance practices, i.e., those not directly associated with Islamic spiritual congregations, circulating on the Indian Ocean gig economy.

While he claimed to represent a lower class of musicians, Awad spoke of a noble-born tribe from the Hadhramaut called the BaAtwa that effectively ran something of a family guild that dominated the singing and poetry professions. He noted that lay singers like him would actually "buy good poems from them" to add to their own repertoires or "notebooks." The BaAtwa themselves were traveling freelancers across the Indian Ocean, visiting illustrious

Hadhrami families such as the Al Kathir or “some wealthy proprietor” in India and Java, reciting and singing praise poetry to them for a fee, although often without the accompaniment of musical instruments. Awad also noted that music, or *tarab*, defined by the use of musical instruments like the qanbus, was not accepted by many jurists and members of the sayyid nobility. This ostensibly required some singers to leave their qanbus behind for certain gigs whether in Hadhramaut, India, or Java. Regardless, the BaAtwa were usually paid well for their performances; however, if they weren’t, their praise poetry (*al-madih*) would be reverted to slander (*al-shahatha*’) and sung at evening jam sessions (*samrat*) later on (23-24).



Figure 2.4. Photograph taken and published by Landberg (1895) of Said Awad posing with his qanbus.

During the 1930s, the British agent and explorer Freya Stark (1940) witnessed musicians in Hadhramaut singing poetry composed by the BaAtwa as well as songs by a Hadhrami poet named Saleh Ahmad living in Hyderabad, revealing the sustained importance of the BaAtwa family and Indian Ocean networks to the production of music and poetry in Southern Arabia later in the twentieth century (42-44). When Stark asked the unnamed musician how he was able to learn such a range of poems and melodies originating with composers everywhere from Hadhramaut and India, she stated that “the singer smiled, and scratched the air with his hand; it is his business to steal them as quickly as he can” (44). Interestingly, this is a statement that echoes that noted above in Said Awad’s relating of how he learned to play the qanbus via oral instruction from a mentor who he ultimately “stole” the musical profession from. Further pointing to both a wider textual and oral circulation of the musical and recitational practices of the Indian Ocean gig economy, at the end of Said Awad’s interview transcription, Landberg noted that there were at least forty members of the BaAtwa active in Hadramout during 1894 and that “they only leave the country to go to India, Java, and Sawahil (eastern coast of Africa), where they find rich Arabs who generously reward them for their *qasidas*” (Landberg 1895:27-28). Yet if Said Awad noted that poetry could easily revert to slandering the gig economy’s patrons of well-to-do Hadhramis and Arabs who were not properly compensating performers like himself throughout the Indian Ocean, then the music performed by Awad on the qanbus could, like the example of the Mawlid al-Barzanji in Kenya noted above, take on a political character.

In a later section of *Critica Arabica*, Landberg published a poem composed by a certain Nasir BaAtwa from Shibham. Said Awad was personally acquainted with Nasir and sang the poem while playing his qanbus for Landberg. Yet rather than being about “passionate love and

affection,” Said Awad explained to Landberg that Nasir BaAtwa’s qasida was an ode to the the Yafa‘ai and Kathiri soldiers who fought and resisted the English-backed al-Qu‘aity Sultan, ‘Awad b. ‘Umar, in Mukalla and Shihr after his arrival from the Nizam of Hyderabad to settle debts between himself and the Yafa‘i naqib of Mukalla, ‘Umar Salah. Awad stated that the conflict led to an English naval bombardment of Burum and ‘Umar Salah’s subsequent banishment to Zanzibar, which Said Awad explained were events referenced in the song (68-85). This reveals that some of the musical and poetic repertoires circulating within the gig economy could take on an explicitly political character with an awareness of the political geography of the Indian Ocean, something that would have concerned Dutch colonial administrators in Java like Christiaan Snouck Hurgronje. As the following chapter suggests, it was Hurgronje’s desire to understand social sentiments circulating within the sphere of musical custom or *‘adat* that inspired his phonograph recording project in the Hejaz during 1906-1909, which featured many poems sung by Hejazi qanbus players. The recordings also reveal some poems composed by the BaAtwa family, further indicating the literary guild’s influence in other regions of Arabia during the late nineteenth and early twentieth centuries. As these primary sources and others suggest that the Hejaz was an important region for popularizing qanbus playing around the Indian Ocean region in places like Java during the nineteenth century, perhaps in equal measure with Hadhramaut. As ethnomusicologist Larry Francis Hilarian (2005, 2006, 2007) and even Jaap Kunst (1973[1933]:373) noted, throughout Indonesia and Malaysia there remain varying distinctions made between “Hadhramaut” and “Hejaz” qanbus or gambus, either referring to the physical build of the instrument itself or style of performance.

Turning to the issue of Islamic law, Said Awad mentioned in the interview that music performed on the qanbus was considered reprehensible by some Islamic jurists, who justified

their denunciations by arguing that the qanbus was a “distraction from prayer.” Yet he mentioned that many other scholars and noblemen “enjoy it [the qanbus] because it is pleasing to the heart,” while the political purchase of sung poetry was no doubt widely valued too (21-22). By further explaining that the BaAtwa would sing and recite poetry without instrumental accompaniment for some of their patrons overseas, Awad was noting how the opposing rationales underlying Islamic legal discrepancy on the appropriateness of the qanbus and other performance styles influenced and dictated the manner of a gig according to the occasion and audience.

Furthermore, and reflecting a wider social awareness beyond the elite literate and textual circles of Islamic law, Said Awad was able to understand and relate these legal discrepancies to Carlo Lanborg even though he was ostensibly illiterate: a dynamic that was also active with the circulation and transfer of literate political sentiment to oral and or public arenas through the performance of qanbus songs or in the recitation of the Mawlid al-Barzanji.

In any case, and as demonstrated here with a contemporary example from Hadhramaut in the 1890s, varying legal positions about musical instruments, singing, and recitational practices accompanied their circulation within the gig economy back and forth between Arabia and the Indian Ocean region, forming repertoires of legal rhetoric about these performative practices. These repertoires often drew on long standing debates within the context of Islamic law over musical instruments and entertainment customs, but, as will be seen now, rhetorically reframed them in specific contexts in debates regarding custom or *adat*. Across the Indian Ocean in Java, Sayyid ‘Uthman was one such Hadhrami scholar who looked down upon qanbus performances making their way to Southeast Asia from Arabia, perceiving them as a frivolous distraction that posed a barrier to cultivating a pious Muslim community. Indeed, such accusations were a general theme of his career during the late nineteenth century, which, not only involved

spreading his views throughout Java and the Indian Ocean arena, including to qanbus musicians like Said Awad, but also landed him a job with the Dutch colonial government and established the groundwork for his rulings on the phonograph later in 1899.

Law, Musical Instruments, and ‘Adat: Sayyid ‘Uthman before the Phonograph

In a preface discussing the practice of Islamic law in his German translation of Sayyid ‘Uthman’s phonograph fatwa, Snouck Hurgronje (1900) spoke of legal contestation over musical instruments in Java in order to highlight the polemical and social contexts that characterized Islamic legal debates he observed there during the nineteenth century. Indicating similarly opposing legal rationales as those relayed by the Hadhrami qanbus player Said Awad, Hurgronje stated that disputes about singing and musical instruments in Java often revolved around disagreement about whether or not performances fell in line with customs that were considered frivolous distractions and thereby Islamically taboo–reprehensible (*makruh*) or forbidden (*haram*)—or within the realm of permissible exception (*mubah*) (393-427). Although he considered Islamic law as a stagnant tradition of transmission with little room for creative interpretation or independent reasoning, Hurgronje (1900) nonetheless revealed considerable rhetorical contours in legal deliberation over musical instruments, which could at times border on drollery if not be extremely creative.

In one case, a Javanese Islamic jurist packed up a gamelan instrument and lugged it all the way across the Indian Ocean to the Hejaz in order to get an opinion from a mufti in Mecca regarding the gamelan’s permissibility. After arriving in Mecca, the Javanese scholar cooked up a meal for the mufti, served it to him in one of the bronze bells of the instrument, and then asked him if its use was “permissible” to coax a favorable ruling (14). Indeed, he was perhaps taking

advantage of the fact that the Meccan mufti may have never seen a gamelan before. As for the qanbus, Hurgronje noted that despite its widespread popularity among Hadhrami Arabs in Java during the nineteenth century, Sayyid ‘Uthman, a Hadhrami nobleman and Sufi himself, was an opponent of qanbus performances (14). As will be seen here, Sayyid ‘Uthman’s aversions to qanbus music and other public entertainments were part and parcel of his polemical career leading up to his phonograph fatwa in 1899. Spanning a similar geography to that covered by the Indian Ocean gig economy, Sayyid ‘Uthman’s career was shaped by chains of transmission and the circulation of Islamic legal repertoires between Java, Hadhramaut, and Mecca during the nineteenth century.

Sayyid ‘Uthman was born in Batavia (Jakarta) in 1822 to a mother of mixed Egyptian and Javanese parentage and a father who hailed from the Ba‘Alawi family of Hadhrami sayyids who traced their lineage to the Prophet. Although their noble lineage was geographically connected to Hadhramaut through the Ba ‘Alawi line, Sayyid ‘Uthman’s father and grandfather were both natives of Mecca and were raised there. Sayyid ‘Uthman’s father returned to Mecca when he was still a young boy, thus obliging Sayyid ‘Uthman to remain in Java and be raised by his mother and maternal grandfather, a renowned scholar from Egypt who had migrated to Java in the 18th century. It was with him that Sayyid ‘Uthman learned to read, write, and memorize the Quran, as well as begin his education in Islamic law and theology. After his mother’s death in 1841 Sayyid ‘Uthman returned to his ancestral Arabia, joining his father in Mecca to continue his education. In 1847 he moved from Mecca to Hadhramaut where he studied for the next fifteen years before traveling to Cairo, Istanbul, and then returning to Batavia in 1862. In 1869, Sayyid ‘Uthman obtained a lithographic printing press, ostensibly from Singapore, and began a

prolific publishing career printing polemical works in Arabic and Malay admonishing Muslims throughout Java, the wider Malay Archipelago, and elsewhere (Kaptein 2014:1-71).

Sayyid ‘Uthman’s biographer Nico Kaptein (2014) has demonstrated that ‘Uthman’s “activist and puritan” brand of Islam that he brought back to Java was inspired by the education he received in Arabia. One of his teachers in the Hejaz, Ahmad b. Zayni Dahlan (d. 1886), had been appointed by the Ottoman authorities as the head mufti for the Shafa‘i legal school and supervisor of legal scholars in Mecca (61). Although an avid chain smoker, Dahlan is also reprimanded pilgrims for unruly behavior while listening to mawlid hymnals sung on the Prophet’s birthday in Mecca, and issued fatwas forbidding the use of “vocal tricks” in hymnal recitation that resemble singing that occurs in places of entertainment (Laffan 2013:40; Kaptein 1997:52). One of Sayyid ‘Uthman’s teachers in Hadhramaut, ‘Abdullah b. Tahir, was a scholar who advocated a strict adherence to Islamic law and the rejection of local customs or *‘adat* that breached the letter of the *shari‘ah*. Sayyid ‘Uthman carried on his mantle attempting to reign in the behaviors and norms with the textual orthodoxy of Islamic law, reprinting and distributing Tahir’s legal works in Java later in the nineteenth century (Kaptein 2014:65). Another influential Hadhrami mentor to Sayyid ‘Uthman was ‘Abdullah b. ‘Umar b. Yahya (d. 1849), who had also traveled from Hadhramaut to Java and had a career similarly characterized by the admonishing of worldly customs that he believed contravened the holy law. A manuscript (Figure 2.5) containing ‘Abdullah b. Yahya’s legal rulings at Leiden University include condemnations of the *‘Ashura*’ festivities associated with Shiism and the *dabus* rituals associated with the Rifa‘i Sufi order, which involved self mutilation accompanied by beating drums and chanting (Or. 7212:470-477). Many bystanders also attended the *dabus*, forming a large audience for an event that was regarded with equal distaste by Dutch colonial agents with Protestant moral

predilections such as Wolter Robert van Hoevell, who observed the dabus in Java during 1849 (Laffan 2013:103-105). Abdullah b. Yahya also condemned “prolongation” (*tamtit*) and vocal elaboration in the recitation of a mawlid hymnal as forbidden, and specifically in the context of using musical modes (*angham*) for recitation (Or. 7212:502-504).

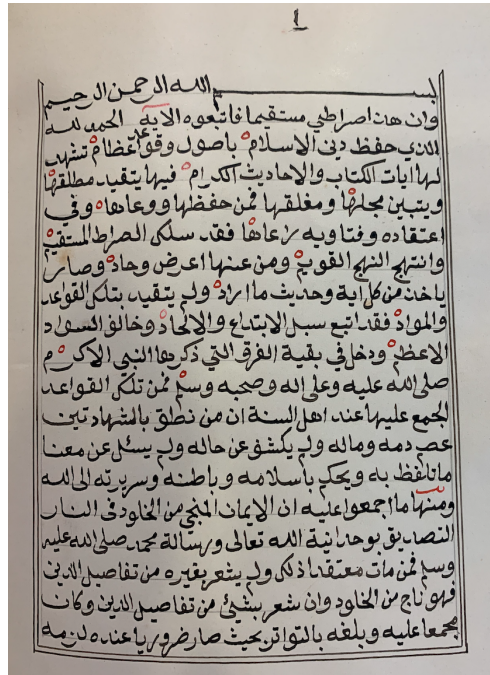


Figure 2.5. Introductory page of Abdullah b. ‘Umar b. Yahya’s manuscript (Leiden University Or. 7212)

Given his teachers’ aversions to customary norms that overstepped what they believed to be the boundaries of holy law, and particularly with regard to public performances and recitational practices, it’s no surprise that when Sayyid ‘Uthman returned to Java in the 1860s one of his first undertakings was exposing the quackery of an Arab sayyid who claimed to reach a state of ecstasy during the singing of a mawlid hymnal, perhaps the *Sharaf al-Anam* or the *Mawlid al-Barzanji* (Kaptein 2014:74). Sayyid ‘Uthman also spent considerable efforts condemning the qanbus, later singling out his fellow sayyid Muhammad b. Tahir al-Haddad for attending qanbus performances during 1888 (Or. 895 E 11). This led to an argument that resulted

in Sayyid ‘Uthman publishing several texts, which specified the moral standards that the elite Alawi sayyid nobility and Sufi orders should uphold as an example to common folk (*al-‘awam*), who Sayyid ‘Uthman believed had a penchant for worldly digressions. Sayyid ‘Uthman would continue to reference these texts throughout his career, receiving statements of approval (*taqrīd*) by his mentors and colleagues in Mecca and Syria. In an earlier Arabic legal tract (Or. 895 E 3) printed in 1880 entitled *The Pink Apple from the Noble Muhammadan Gardens Containing Pleasant Admonitions (al-Tuffaha al-wardiyya min riyad al-sharifa al-Muhammadiyya fi l-nasiha al-murdiyya)* and endorsed by his Meccan mentor Ahmad b. Zayni Dahlan, Sayyid ‘Uthman condemned the qanbus and argued that stringed instruments were directly linked to sinful debauchery caused by drinking alcohol (Figure 2.6). This was an equivalence stipulated in many premodern legal works, such as that of al-Ghazali, which Sayyid ‘Uthman would continue to reference in future writings condemning the qanbus.²



² I am basing my English translations for the titles of Sayyid ‘Uthman’s publications on those given in Kaptein (2014), or copying them directly.

Figure 2.6. Cover Page for Sayyid ‘Uthman’s text *The Pink Apple* (1880) that condemned qanbus performances (Leiden University Or. 895 E 3)

Before passing a harsh judgment on the qanbus, “an instrument of drinking,” Sayyid ‘Uthman’s *The Pink Apple* quoted hadiths from various classical and contemporary legal tracts denouncing alcohol consumption: “the drinker will rise from his grave on judgment day with the bottle in one hand and the tanbur [a stringed instrument] strung around his neck,” and another that added the pleasantries that a drinker will rise with “snakes and scorpions crawling through his flesh and will wear sandals of fire while his brains boil and his grave turns into a flaming pit of hell” (Or. 895 E 3:32).³ At the introduction of *The Pink Apple*, Sayyid ‘Uthman provided a chart listing all of the legal texts and treatises he referenced in the work for his ruling, thus demonstrating the textual sources of his legal repertoire that he would have studied with his mentors in the Hejaz and Hadhramaut. Included in this textual legal repertoire were texts by the renowned eleventh century sufi theologian and philosopher Abu Hamid al-Ghazali (d. 1111) and the sixteenth-century Meccan jurist Ibn Hajar al-Haytami (d. 1566), both of whom whose works would be frequently referenced by Sayyid ‘Uthman in other fatwas. As we will see in the following chapter, the legal texts of al-Ghazali and Ibn Hajar were also heavily referenced in Muhammad Ali al-Maliki’s diatribes against the phonograph, published in a fatwa in Jeddah later during 1911.

Here and elsewhere throughout his career, Sayyid ‘Uthman drew on these textual repertoires, especially Ibn Hajar’s polemical writings against musical instruments, which themselves appear to have been largely based in reference to al-Ghazali’s writings, to argue that there was a direct equivalence between picking up a musical instrument and the debauchery and

³ According to Sayyid ‘Uthman’s classification of musical instruments, which he outlined in a preamble in his ruling on the qanbus, the *tanbur* was a two stringed lute.

breakdown of pious comportment caused by drinking and drunkenness. This was something that other Islamic scholars in Java were reported to have indulged in during this time, such as a certain Shaykh Muhammad of Banten who “was quite prepared to have a glass of wine with the local Dutchmen on festive occasions” (Laffan 2013:114). Needless to say, there were many other Muslims, including the noble sayyid and scholar Muhammad b. Tahir al-Haddad, who weren’t convinced that their brains were going to boil on judgment day, and could probably draw on their own repertoires of legal texts and interpretive tracts (*tafsir*) to argue as much. Considered in this light, Sayyid ‘Uthman’s fire and brimstone statements were not an inevitable assertion of rigid Islamic tradition, as Snouck Hurgronje characterized them, but more a rhetorical and reactionary admonishments of activities that he felt were all too ubiquitous among Muslims in Java, including other Sufi authorities. Similarly, his condemnations were fueled by physical texts of legal repertoires whose newfound circulation was enabled by the modern age of steam and print, which also propelled the performance practices of the Indian Ocean gig economy.

Indeed, after Sayyid ‘Uthman took Muhammad b. Tahir al-Haddad to task for attending qanbus performances later in 1888, the latter responded, “I understand your palatable oratory and thinly veiled reproach, but I frankly smell the odor of rhetoric,” before going on to elucidate ‘Uthman’s fallacies in rhymed prose while referencing what appears to be a scholastic text on rhetoric. Al-Haddad also rebuked ‘Uthman, stating that he should consider publishing his statements with commentary in the margins to elucidate his motivations and the scholarly precedents that supported his arguments, again doing so in rhymed prose (Or. 895 E 11:2-3). Clearly agitated by such an eloquent critique, this is exactly what ‘Uthman did in the resulting publication from the exchange, *Assistance to Those who seek Guidance in Understanding Religion (l’anat al-mustarshidin ‘ala fahm al-din)*, which included extensive commentary in the

margins of every page. *Assistance* was followed soon after by ‘Uthman’s *The Instrument for Knowledge and Transmission on the Distinction between Saintliness and Sin (Matiyyat al-diraya wa-l-riwaya fi tafriqat bayna al-wilaya wa-l-ghanaya)*, a text that further admonished the sayyids and the sufis to uphold the morality of society by setting an example to common people attracted to vernacular and potentially digressive worldly customs, especially qanbus gatherings. ‘Uthman’s *Assistance* and *The Instrument* also attacked the charlatanry of shaykhs who Sayyid ‘Uthman claimed merely donned the apparel of pious leaders. In one notable instance, he accused them of doing nothing more than reciting and ad libbing (*talfif*) poetry about union and love with the divine to amaze commoners who could hardly understand such verse, yet nonetheless shouted in approval upon hearing such erotic and lustful metaphors.⁴

Advocating pious behavior, admonishing worldly transgressions, and exposing sufi quackery continued to be themes in Sayyid ‘Uthman’s writings on the phonograph, weaving a central thread between his writings on qanbus performances, recitational practices, and later the modern technology that reproduced them. This common thread also relates to the fact that qanbus repertoires, mawlid hymnals, Quran recitations, and later the phonograph itself were all connected to the Indian Ocean gig economy that traversed routes of pilgrimage and trade between Java and Arabia. For Sayyid ‘Uthman, the sacred recitational practices taken up by this economy risked being co-opted by charlatan preachers, singers, and reciters who worked simultaneously in a sphere of inappropriate and potentially depraved public entertainments. In a later text *Distinguishing the Truth from Evil and Elevating it above Wrongful Acts (Tabyin al-haqq min al-dalal wa-tanzihuhu min su’ al-fi’al)* published in 1907 (Or. 878 E 43), Sayyid

⁴ The entirety of this exchange, including the correspondence between Sayyid ‘Uthman and Muhammad b. Tahir al-Haddad as well the two texts mentioned in this paragraph, are contained in Or. 895 E 11 at the Leiden University archives. Also see Kaptein (2014:118-119), who explains that these writings were a part of Sayyid ‘Uthman’s larger project of attacking various Sufi orders leading up to his formal collaboration with the Dutch administration.

‘Uthman republished statements of approval he received from scholars in the Hejaz and Syria for his publications *Assistance* and *The Instrument* in order to further prove their judicial integrity. He also added that some of the worst transgressions of the qanbus gatherings was the fact that they mixed music with sacred recitational practices, which, as demonstrated in the above example with Machmoed Saad Mekka’s later recordings with the Beka label, could be performed by the same person: “the most heinous occurrence is the base rhythms of qanbus playing in the *majlis* where the mawlid of the Prophet is recited, and the greatest transgressions and most evil of innovations being the outcries when Quranic verses (*al-ayat*) are recited during the qanbus playing, as if it is divine intervention (*al-waridat al-alihyyah*)” (22).

In this regard, it should be noted that one of Muhammad b. Tahir al-Haddad’s defenses of the qanbus was that historically renowned and pious sayyids had attended qanbus gatherings throughout history. One of them al-Haddad claimed was his ancestor, the renowned fifteenth- and sixteenth-century Hadhrami Sufi al-Habib Abdullah al-Haddad, who composed the collection of litanies (*ratib*) associated with the Alawi tradition of sufism sung throughout the Indian Ocean region until today, the *Ratib al-Haddad* (see Bang 2014). Of course, Sayyid ‘Uthman denied that such claims were true, arguing that the renowned piety and illustrious career of al-Habib Abdullah al-Haddad was enough to dispel any idea that he had associated with qanbus gatherings. In a later commentary on the renowned seventeenth-century text *The Irrigating Fount* by the Meccan scholar of Hadhrami ancestry Muhammad b. Abi Bakr al-Shilli (d. 1682) documenting the genealogies, biographies, and great deeds of the Ba ‘Alawi Sayyids from Ethiopia to Sumatra (see Ho 2006:117-118), Sayyid ‘Uthman tried to argue that noble sayyids had a long history of condemning “instruments of amusement,” thus attempting to distance his noble ilk from the historical spread of qanbus gatherings throughout the Indian

Ocean region (Or. 897 F 75:42-49). Nevertheless, ‘Uthman’s exchanges with al-Haddad reveal that there were other scholars and jurists who did not see the mixing of such religious (*dini*) and worldly (*dunyawi*) practices as problematic, nor conceptualize such a refined bifurcation in regards to the status of qanbus gatherings, hymnals and litanies like the *Ratib al-Haddad*, or Quran recitations as practices comprising morally reprehensible customs or *‘adat*.⁵

Yet it is important to emphasize as Nico Kaptein (2014) has done in reference to Anne Bang’s (2003) work on contemporary nineteenth century Hadhrami scholars and preachers in East Africa, that Sayyid ‘Uthman’s doctrinal puritanism cultivated in the Hejaz and Hadhramaut, in addition to not being shared by many of his contemporaries, was also different than the Wahabi extremism that emerged from central Arabia (*Najd*) during the eighteenth and early nineteenth centuries (Kaptein 2014:66). For one thing, the piety, morality, and missionary zeal characteristic of Sayyid ‘Uthman was firmly entrenched in a tradition of Alawi sufism that embraced mawlid celebrations, visits (*ziyarat*) to the graves of saintly individuals, and even the singing and recitation of litanies and hymnals given such activity did not contravene the parameters of pious comport and behavior. Tomb visitations, mawlid celebrations, and saint worship are regarded as apostasy in Wahabi doctrine. Furthermore, it was none other than Sayyid ‘Uthman’s Meccan mentor, Ahmad b. Zayni Dahlan, who published some of the most influential and lasting condemnations of Wahabism after the first Saudi-Wahabi invasion and occupation of Mecca during the early nineteenth century. Furthermore, Sayyid ‘Uthman often tried to discredit and slander his modernist salafi and anti colonial opponent Rashid Rida by labeling him a “Wahabi” (Kaptein 2014:177-189). This was despite the fact that they both shared the reformist

⁵ Sayyid ‘Uthman accused Muhammad b. Tahir (see Or. 895 E 11) for being too lenient with his Muslim contingents and deciples in Java when they made transgressions both the religious (*dini*) and worldly (*dunyawi*) affairs of their lives. Such a distinction, between religious and worldly in regards to vocal recitation and singing, was something the phonograph business perhaps only later helped to reify as a global entertainment industry that began to propagate qanbus music, Islamic hymnals, and Quran recitations, thus formally placing the production of such religious recitational practices in the hands of a global entertainment industry.

salafi proclivities that lended themselves to accusations of “Wahabism,” with Sayyid ‘Uthman’s publications commonly referring to the Ba‘Alawi sufi ancestors as the “pious forefathers” (*al-salaf al-salih*) who should be emulated along with a strict adherence to the letter of the holy law as it was relayed in the Quran and *hadith*.⁶

A look at the introduction of the fatwa manuscript at Leiden University composed by Sayyid ‘Uthman’s mentor ‘Abdullah b. Yahya (Or. 7212, Figure 2.5), a text that Sayyid ‘Uthman frequently referenced throughout his career, reveals another way to qualify this Alawi brand of puritanical orthodoxy. It also further points to the rhetorical quality of Sayyid ‘Uthman’s legal repertoire, so critiqued by Muhammad b. Tahir al-Haddad in their dispute about the qanbus. Abdullah b. Yahya prefaced his work with a statement claiming that no Muslim who commits a sin, even a grave one that could render them an apostate or heretic, can be held responsible for that sin if they commit it in ignorance. Only a Muslim who rationally understands why a sin is a sin according to Islamic law can be held responsible for committing one. In other words, only by understanding the rationale (*hujjah*) of holy laws will a Muslim take them to heart and put them into practice, and thus leave behind reprehensible practices condoned by custom or *‘adat* (Or. 7212:1-5). Throughout his career, Sayyid ‘Uthman often referred to the evils of ignorance in his deliberations on the qanbus and other vernacular entertainments, reflecting an adherence to the reformist and missionary tradition of his mentor, which tried to enlighten Muslims with a better understanding of the holy law while speaking out against transgressions caused by an embrace of

⁶ After his exchanges with Rida beginning in the late 1890s, Sayyid ‘Uthman appears to have adopted modern salafi jargon in his own rhetoric, urging his constituents to return to the ways of the pious forefathers and even invoking Rida’s modernist notion *ijtihad*, urging Muslims in Java and especially the ‘Alawi sayyids to pursue the study of jurisprudence and law on their own accord, which he believed would help revive the forgotten authentic tradition. A good example of this is his text *Bunnat al-jalis wa-qahuwa al-anis* (Or. 895 E 6), which was printed in 1897 after his quarrels with pan-Islamists and specifically admonishes his fellow Ba‘Alawi noblemen to set a good example for Muslim commoners, and particularly through investigating the texts of holy law themselves by reading the works of pious Ba‘Alawi ancestors like al-Habib Abdullah al-Haddad and Abu Baker al-Adani al-Aydarus, whom he calls “*al-salaf al-salih*.”

frivolous *'adat*. More importantly, it also suggests that Abdullah b. Yayha and Sayyid 'Uthman's brand of Alawi puritanism preferred the power of the word over the sword to get Muslim communities to rationally understand and follow the "straight path" and deliver them from ignorance (*al-jahal*), a method that, although making use of harsh language, rarely called for actual violence (at least against the Dutch). Instead, it drew on legal repertoires for deliberation and the power of persuasion, with a good dose of fire and brimstone, to confront its adversaries and especially those that condoned customs that were believed to encourage forbidden and reprehensible acts. As it happens, such missionary zeal became valued by the Dutch colonial authorities to combat what they also thought were potentially subversive entertainments and public gatherings coming into Java from Arabia.

As Michael Laffan (2013) has shown, increased mobility by steam travel to and from the Hejaz made Mecca an important metropole for scholarly and legal authority in the Malay Archipelago during the nineteenth century, especially in Java. The Javanese ruling class's control over Muslim affairs greatly diminished after the capture of Prince Diponegoro at the end of the Java War in 1830 and the subsequent expansion of Dutch rule, colonial policing, and modern bureaucracy that stripped other local rulers of authority, and particularly over judicial affairs. This created a vacuum of Islamic legal authority that the holy city of Mecca across the Indian Ocean, with its printing presses, schools, and large contingent of legal scholars and jurists, was well suited to fill (48, 102-103). Because of the relative anarchy in terms of a stable and central Islamic judicial authority in Java, the newfound circulation of print materials, scholarly discourses, and legal repertoires from Arabia to Southeast Asia resulted in various and often competing orthodoxies such as that embraced by Sayyid 'Uthman, orthodoxies whose appeal, popularity, and legitimacy was aided greatly by the new medium of print (52-64).

Yet there was much else that came with Mecca's new social, cultural, and political pull in Southeast Asia. As Laffan (2013) also explains, new connections to the Muslim holy land also led to the expansion of Sufi orders such as the Naqshbandiyya and Qadiriyyah in Southeast Asia. While Mecca's elite and literate scholarly milieus filled a vacuum for people like Sayyid 'Uthman, semi-institutional *tariqa* or *tarekat* sufism filled a communal void for everyday people seeking new modes of social belonging after colonial upheaval. This was offered by easier contact and communication with the Hejaz and other Muslim societies during the nineteenth century, especially those within the Ottoman empire, which, as noted above in connection to the Mawlid al-Barzanji, actively began to pursue a pan-Islamic political policy during the late nineteenth century utilizing global sufi networks. Because of its appeal to the largely illiterate masses and everyday customs, as well as its ability to mobilize its constituents at the "supra-local level" in public gatherings, celebrations, and other functions like the recitation of the Mawlid al-Barzanji that could potentially become politicized, Muslim reformers like Sayyid 'Uthman and colonial administrators like Snouck Hurgronje held a common prejudice towards the vernacular forms of Islam embodied by the *tarekat* making headway into Java from the Hejaz (Kaptain 2014:111; Laffan 2013:109-117).

Similar to Sayyid 'Uthman, Hurgronje dealt with the fear of political subversion through accusations of charlatanry aimed at an array of ostensible quacks from Mecca, especially shaykhs and preachers who migrated to Java in the nineteenth century. As he noted in *Mekka* (1931 English translation), originally published in two volumes during 1888 and 1889:

On their side the Mekkans lose no opportunity to increase the advantages to be sucked from the Jawah lands. The "shiekhs" [sic] send out their agents in all directions to recruit pilgrims for the next pilgrimage [. . .] As guest princes and regents, they live for some time a pleasant life and return home with rich booty or as representatives of learning and mystics they get plentiful gifts from lower class people [. . .] In any case the credulity of the masses in Jawah lands enables foreign Moslems too easily to seduce them into

religious-politics movements and if the agitators are Arabs, they can always be sure of a certain amount of success.” (219)

For Hurgronje, imposture and swindlery were directly related to potentially subversive political exchanges between the Hejaz and Java, which is why he “converted” to Islam and traveled to live in Mecca for two years during the early 1880s and subsequently provide the above account. There are similarly palpable sentiments in Hurgronje’s description in *Mekka* of a qanbus gathering in the Hejaz in the early 1880s, which rather than being an “objective” ethnographic account, is perhaps more reflective of his shared biases with Sayyid ‘Uthman against charlatans and the morally subversive common elements of Muslim society, whether in Java or in Mecca:

After enjoying their favorite dishes, as for instance the meat balls called *mabshur* and the pieces of roast meat with rice and condiments called *salat*, they seek to the tomb of Our Lady Memunah for delights forbidden by Islam. That they should on this spot read out profane anecdotes and sing wordly ballads, as is their custom, is not quite regular, but much worse is their habitual accompaniment of song with musical instruments: especially the *qabus* [sic.], a four stringed instrument with resembles the *kemenjeh*, only that its strings are gut instead of horse hair, and also the well known *qanun* (guitar). It can pass comparatively decent if those present under cover of hand clapping sing to this music short, mostly erotic ditties; but the *jeunesse doree* requires besides beautiful beardless boys clad in half feminine dress to excite by song and dance those passions which in Arabic are called after the prophet Lot. (Hurgronje 1931:44)

Although recalling events that had occurred a few years earlier back in Mecca, Hurgroje wrote and published this account during a time (1888-1889) when he was trying, successfully, to solicit for himself a position in the Dutch administration in Java, while publicly advocating that Sayyid ‘Uthman’s legal opinions should be regarded by the colonial government (see below). This ultimately landed Hurgronje a position as Advisor on Native Affairs at Batavia later in 1889, and where he thereby established a more formal working relationship with Sayyid ‘Uthman.⁷

⁷ It should also be noted that the earlier Padri War (1803-1837), fought between the Dutch and armed resistance by Sufi organizations in West Sumatra, and the ongoing war against the Sultanate of Aceh (1873-1913) during Hurgronje’s tenure with the colonial government formed a significant backdrop to Dutch anxieties about subversive activity within networks between Arabia and Southeast Asia during the nineteenth century, including Hurgronje’s residence in Mecca, then technically under Ottoman administration.

Because of Dutch colonial interests in Islamic law and modernist attraction to legal orthodoxies, Sayyid ‘Uthman had already caught the attention of colonial administrators in Java before Snouck Hurgronje’s arrival. One was L. W. C. van den Berg, who used Sayyid ‘Uthman’s writings to argue in scholarly publications that authentic Islam prioritized text-based traditions of holy law over “customary” *adat* law (Kaptein 2014:104). As historian Nurfadzilah Yahya (2020) has demonstrated, an ever more present bifurcation between “Islamic law” and “customary” *adat* law came to fruition as Arab jurists like Sayyid ‘Uthman throughout Southeast Asia increasingly collaborated with colonial administrations to extend their authority and curb the influence of morally reprehensible customs. The refined bifurcation between social norms derived from custom (*adat*) and the rule of Islamic law (*shari‘a*) was amiable to Dutch missionary and colonial policies of the nineteenth century that attempted to assert more standardized and bureaucratic legal orthodoxies on Muslim subjects, which coincided with a long standing colonial presumption that the customs of Malay peoples did not represent “true” Islam (Laffan 2013:96-97). Although Hurgronje challenged and attempted to falsify this idea, he nonetheless codified the legal category of *adat*, derived from Sayyid ‘Uthman’s jurisprudence, as *adatrecht* in Dutch colonial law as formally distinct from Islamic law or *shari‘ah*, a bifurcation that Hurgronje claimed to “discover” himself. Although existing primarily as oral tradition, the colonial project initiated by Hurgronje to ethnographically study and compile *adatrecht* as a textual tradition amiable to modern bureaucratic governance inspired other Dutch colonial administrators, particularly those who became increasingly sympathetic to the racial and culturalist ideologies of Indonesian nationalism or, like Cornelius van Vollenhoven (d. 1933), saw Islam as a foreign threat, to assert that *adat* law should be preferred over *shari‘ah* in the governance of colonial subjects in the Dutch East Indies (Hallaq 2009:91). This ultimately came

to fruition in 1927 when *adatrecht* was adopted as normative law: a time when, not coincidentally, Jaap Kunst was working as a lawyer for the Dutch colonial government while studying in his free time what he called Javanese “musical ‘*adat*” (1973[1933]:xii), which was a legalistic characterization of musical norms practices that he would translate as “musical tradition” when coining the field of ethnomusicology (see Kunst 1959).

In any case, and although Snouck Hurgronje coined the colonial legal category of *adatrecht* derived from Sayyid ‘Uthman’s Islamic jurisprudence regarding “custom” or ‘*adat*, he was still partial to the doctrinal and Islamic legal fundamentalism of Sayyid ‘Uthman, considering it a valuable tool for Dutch colonial ambitions and quelling the Naqshibandis who were responsible for disturbances in West Java during the 1880s. These came to a head with the massacre of Dutch colonial officials and their Javanese employees in Cilegon during 1888. “The *shaykhs* [of the tarekat sufism] and their followers are the most dangerous enemies of the Dutch authority in the Indies,” Hurgronje wrote in the *Nieuwe Rotterdamsche Courant* in October of 1886 before going on to argue the usefulness of an alliance with Sayyid ‘Uthman: “One Arab like Othman ibn Jahja [sic] is more valuable to us than many ‘liberal,’ wine-drinking Regents,” he stated in reference to less orthodox Javanese associates of the Dutch (Kaptein 2014:113).

In fact, it was Sayyid ‘Uthman’s own determination that would eventually finalize a working relationship between him and the colonial government. He wrote a letter in Arabic to Hurgronje in Leiden during 1886 asking if the colonial authorities could support his publications while praising “Dutch justice” in Batavia (Kaptein 2014:112). In further anti-tarekat polemical writings published in Malay and Arabic, including his *Assistance* (1888) and *The Instrument* (1888) resulting from his debate about qanbus gatherings with Muhammad b. Tahir al-Haddad, Sayyid ‘Uthman would continue to condemn qanbus performances, ostentatious recitational

practices, and drumming in public places, revealing that he associated these performances with Sufi organization and other customary movements between Arabia and Southeast Asia.

After working informally with the Dutch for a few years, in 1891 Sayyid ‘Uthman was appointed as Honorary Advisor for Arab Affairs in the colonial administration and continued his career printing, preaching, and admonishing with a stipend from the Dutch government (Kaptein 2014:120-140). Working intimately with Hurgronje, he advised on Muslim affairs and legal matters in Java, aligning his agenda with that of the colonial government. The reason it is crucial to elucidate in some detail these developments is to highlight the fact that in 1899 when Sayyid ‘Uthman published his rulings on the phonograph he did so while working as a mouthpiece of the Dutch authorities while denouncing vernacular *‘adat*, not as a disgruntled luddite berating Western technological and colonial modernity. In fact, he viewed Dutch colonialism and their accompanying technologies as an ally to his own goals of sequestering worldly custom and the influence of popular Sufi assembly that cultivated what he considered reprehensible customs, including those involving qanbus performances and ostentatious Quranic and hymnal recitations. In an 1886 publication in Malay, Sayyid ‘Uthman even praised what he thought to be the benevolence of the Dutch government for funding mosque construction, policing, introducing the telegraph, and facilitating quick transportation by train and steamship (Kaptein 2014:115-116). Yet the phonograph for Sayyid ‘Uthman played no part in this heralded technological modernity facilitated by the Dutch colonial government. For him, the phonograph was more the purview of quacks and charlatans squeezing profits out of the hapless masses by peddling frivolity and phony sufism, and all the while continuing to corrupt the pious comportment stipulated by Islamic law by playing wax cylinders of Quran recitations at places of public amusement.

Bad Fidelity and Frivolous Custom

Given his track record condemning musical entertainment, by 1899 Sayyid ‘Uthman had perhaps softened a bit with old age. Indeed, throughout the forty or so pages (Or. 8206 F 6) of legislation he wrote on the phonograph he never condemned the technology itself as neither reprehensible nor forbidden, and even stated that listening to recordings of musical instruments and the voice of a songstress was permissible albeit under the condition that it did not generate lustful passions for those listening. As noted in the introduction, the main problem about the phonograph for Sayyid ‘Uthman was the production and public display of wax cylinder recordings that featured Quran recitations. Interrogating this problem, Sayyid ‘Uthman recognized that the phonograph was an entertainment phenomena already global in scope, which intersected with the public gatherings of hymnals, qanbus performances, and other vernacular *‘adat* associated with the Indian Ocean gig economy. Similarly, his deliberations inspired by the phonograph’s world wide dissemination showcase equally global exchange in the sphere of Islamic law about the new technology’s relationship to existing dilemmas of public amusement, recitational practices, and even the theology of Quranic revelation. This is reflected in Sayyid ‘Uthman’s exchanges with other Islamic scholars in the Middle East and Southeast Asia, specifically in Singapore and Tripoli (then in Ottoman Syria) during the course of his deliberation on the phonograph.⁸

The invention of the Edison Improved Phonograph in 1888 facilitated the phonograph’s increased popularity and circulation around the globe. This was due to its better construction, fidelity, and other factors that made it more commercially marketable. Still, even in the United

⁸ Or. 878 E 43 at the Leiden University archives contains the entirety of Sayyid ‘Uthman’s writings and exchanges on the phonograph. It is divided into three documents: his initial fatwa on the phonograph, his response to the unnamed Singaporean mufti, and then an addendum of Husayn al-Jisr’s ruling. Given there is no continuous numbering of all pages in the document, I will cite the document as either “Fatwa,” “Response,” or “al-Jisr,” and give the corresponding page number as it relates to the content of each three sections.

States, it was mostly showcased in places of public entertainment or academic settings, such as university lecture halls, theaters, and arcades, with the invention of the coin slot phonograph being particularly conducive to the latter venue (Suisman 2009:95-96). In 1892, a certain Douglas Archibald gave a series of phonograph demonstrations on a tour through Singapore and Java (Suryadi 2006). Hying the demonstrations, *The Straits Times* (1892) provided extensive coverage on the life of Thomas Edison, “the modern miracle worker,” as well as Archibald himself, an Oxford alumnus who was accompanied by a staff retinue and business manager on his global phonograph tour. “THE PHONOGRAPH. A Startling Exhibition: Voices from the Grave” read one headline with the sub text “Full bands, Mauri Records, English Song Birds, Church Choirs, American Colored Jubilee Choir, &c, &c, &c . . . will be actually reproduced with marvelous fidelity!” As the same newspaper later reported, audiences at Archibald’s Singapore demonstration comprised natives, Chinese, Indians, and Europeans, who were reportedly stunned by the variety of speeches, sermons, and songs played by the phonograph.

Recognizing the technology’s entertainment value, an Arab Sayyid in Batavia bought a phonograph and started turning a profit by peddling phonograph concerts during the 1890s, albeit showcasing recordings of Islamic hymnals and Quran recitations in addition to music that overlapped with the repertoires drawn on by performers working in the Indian Ocean gig economy. Snouck Hurgronje’s “Islam und Phonograph” (1900) noted that these included Arabic and Malay songs, the call to prayer, and the *Fatihah* of the Quran. The phonograph peddler’s audiences were also reportedly composed of Arabs, Chinese, and natives as well as men and women. Sympathetic to Sayyid ‘Uthman’s disdain for vernacular custom comprising things like qanbus performances and phonograph demonstrations, Hurgronje (1900) stated that “scrupulous people and scribes as a rule remain away from such exhibitions, if only because of their dislike

of a company composed of so many elements.” He also suggested that Sayyid ‘Uthman’s pious condemnation of the public display of a phonographic Quran would be in vain “for the best Koran reciters are far from being distinguished by their piety,” alluding to many Quran reciters’ proximity to worldly custom in the sphere of public entertainment.⁹

If the addition of phonograph peddling to the Indian Ocean gig economy between Arabia and Java was another stepping stone in the existing problematic between worldly custom and pious comportment, then for Sayyid ‘Uthman the phonograph’s place in the pantheon of frivolous *‘adat* was guaranteed by the fact that, to him, the technology did not work very well for its intended purpose. In other words, the phonograph had terrible fidelity and was a technology hardly deserving of the wonder and amazement it received from its audiences, let alone a medium appropriate for the transmission of God’s word. He outlined this sentiment in his initial fatwa on the subject, which was subsequently challenged by another jurist in Singapore. Sayyid ‘Uthman began the ruling with a brief preamble, acknowledging that the phonograph was used to reproduce a Quran recitation performed with musical modes (*angham*) as well as performances of songs and musical instruments. He also acknowledged the peddler quality of phonograph demonstrations, stating that phonograph owners could take the technology wherever they wanted to turn a profit from audiences. Addressing the issue of technological modernity, ‘Uthman also took stock of the wonder and novelty that attracted audiences to such demonstrations, indicating that such feeling could be directed toward other new inventions of the time such as x-rays, electric lamps, trains, and other technologies. The initial questions Sayyid ‘Uthman was asked to provide a legal decision on were, 1. using the phonograph to make a profit, 2. whether or not one would receive heavenly reward for listening to a phonographic Quran recitation, and 3. whether

⁹ I am quoting verbatim *The Moslem World*’s English translation (1915) as it reflects a style and register contemporary to Hurgronje’s (1900).

or not it is forbidden (*haram*) to listen to recordings of a female singer or a musical instrument (Or. 8206 F 6, Fatwa:2-5).

After his preamble and outlining these questions, Sayyid ‘Uthman attempted to quell the astonishment of the so-called miracles of modern technology that attracted people to phonograph demonstrations. He noted that, while Muslims of the age concentrated on living this life for thereafter, many non-Muslims were focusing on worldly endeavors that helped them invent new technologies:

. . . because of the absence of cooperation between them, there are few Muslims in our time that endeavor in exploration and investigation to produce curious inventions, such as there are non-Muslims who endeavor with their bodies and souls to achieve their worldly ends through exploration, investigation, and cooperation in order to contrive novel inventions, among them this box [the phonograph] and the other aforementioned inventions [x-rays, electricity, steam trains, etc], which are the sum of their learning. So what I have summarized in these three points is to provide perspective, and to quell the awe and dazzlement. (Fatwa:5)

From this view, the phonograph is not the work of “a modern miracle worker,” as the Singapore newspaper *The Straits Times* would earlier characterize Thomas Edison, but simply the natural result of worldly investigation taking place among non-Muslims. As such, the phonograph is certainly nothing to gawk about, being merely the expected result of such worldly investigations. The statement also reveals Sayyid ‘Uthman’s awareness that the merits and faults of technological modernity were established rhetorical motifs at the time, even for himself. He had previously applauded the Dutch authorities for introducing steam travel and the telegraph, and even used technological metaphors in his writings that advocated for Muslim reform (Kaptein 2014:204). On the other hand, Sayyid ‘Uthman could also negatively characterize technological modernity, stating that a Quran recitation had no place among the noise and cacophony caused by “depraved modern instruments” (*alat al-muhadithah al-dalaliyyah*) such as the phonograph (Fatwa:7). Here however, and particularly taken in the context of his previous statement about

electricity, X rays, and steam travel, Sayyid ‘Uthman was acknowledging that wonder so often afforded to technological modernity could play into the trickery of the phonograph peddler seeking to turn a profit from gullible audiences, making them believe the phonograph was more spectacular than it actually was.

For Sayyid ‘Uthman, the phonograph’s contribution to the depraved noise and cacophony of technological modernity was related to the fact that it was an invention that didn’t work very well, unlike the steam engine or light bulb. Unaffected by sentiments propagated by industry advertising or the earlier publicity generated by Douglas Archibald’s phonograph demonstrations throughout the Archipelago or the Arab phonograph peddler in Java, Sayyid ‘Uthman argued that a listener can not receive heavenly reward (*thawab*) listening to a phonographic Quran recitation because the voice that is audible is not a real voice (Fatwa:6). Such a conclusion is perhaps all the more telling since Sayyid ‘Uthman admitted to listening to the phonograph using Edison ear tubes, an early precursor to modern headphones invented by the Edison Company in an attempt to improve the phonograph’s fidelity (Fatwa:2). Sayyid ‘Uthman ruled that God commanded the Quran to be recited by the vocal organs of the human body and that Muslims should listen to it as such. Thus, a phonographic recording of the Quran can not be a legitimate recitation because the audible pronouncements of the Quran’s Arabic letters do not emanate from human bodily organs, and therefore there can be no reward for the Muslim listener who hears a phonographic Quran recitation (Fatwa:6-7). Although not stating it explicitly until his second fatwa, the “established character” (*sifah muqarrarah*) referred to by Sayyid ‘Uthman was the proper way of reciting Quranic Arabic that would be distorted by wax cylinder recordings, which to him were in no way analogous to the properties and abilities of the human speech organs. Furthermore, Sayyid ‘Uthman ruled that the phonograph’s capabilities were in no way analogous to the acts of writing

and reading the Quran. Indeed, these were rulings that a mufti in Singapore would vehemently disagree with.

Nonetheless, for Sayyid ‘Uthman the problem of the phonograph’s poor fidelity was also connected to the problem of worldly entertainment, turning a profit on it, and the pious comportment it could potentially corrupt. In concluding his first fatwa on the phonograph, he emphasized that there were established rules for reciting the Quran stipulated by the holy law so that the clarity of the Quran’s Arabic letter is not abandoned, something stipulated in the Quranic verse 39:28: “It is an Arabic Quran, without any crookedness that they [Muslims] may guard themselves against disbelief.” In quoting the verse, Sayyid ‘Uthman used the Quranic Arabic term “crooked” *al-‘auj* (pl. *‘aujaj*), also rendered in English as “distortion” or “deviation” to refer to the noise and distortion caused by a phonographic Quran recitation. Sayyid ‘Uthman stated that, while the Quran must be recited eloquently, it must also be received astutely and piously by listeners and audiences. In regards to making profit from phonograph demonstrations of the Quran, Sayyid ‘Uthman ruled that the phonograph peddler is free to do so as long the demonstration occurs away from entertainment venues and for a Muslim-only audience listening with correct manners, defined particularly by the absence of lust and desire. These were conditions that Sayyid ‘Uthman also applied to making a profit from, as well as listening to, phonograph recordings of music and songstresses. Interestingly, he made an analogy with previous legal consensus (*ijma’*) among Shafa‘i scholars that it is permitted to view a face of a “foreign” or “unrelated” woman (*mar’ah ‘ajnabiyyah*) through a mirror, as long as no lust or desire is present for the viewer. However, if the phonographic Quran is listened to without pious comportment and with lust (*shahuwah*) and non-Muslims present, then it qualifies as a mockery and denigration of God’s word, which is heresy (Fatwa:7). However, it is important to emphasize

that Sayyid ‘Uthman’s initial ruling conditionally allowed the recording of, listening to, and making a profit from a phonographic Quran recitation, while his main objection was that Muslim listeners will receive no heavenly reward for listening to one.

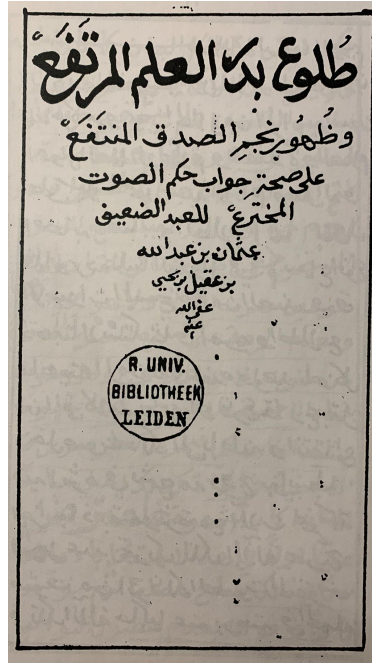


Figure 2.7. Cover page for Sayyid ‘Uthman’s *Rising of the New Moon* (Leiden University Or. 8206 F 6)

Yet Sayyid ‘Uthman’s second and more extensive deliberation on the phonograph published a few months later showed less leniency. The hardening of his position was inspired by challenges to his initial statements from an unnamed mufti in Singapore, and Sayyid ‘Uthman outlined the mufti’s challenges at the beginning of his second ruling, *The Rising of the New Moon of Venerated Knowledge and the Appearance of the Star of Useful Truth about the Answer Regarding the Judgment on the Invented Voice* (*Tulu’ badr al-‘ilm al-murtafa’ wa-zuhur najm al-sidq al-muntafa’ ‘ala sihhat jawab hukm al-sawt al-mukhtara’*) (see Kaptein 2014:195-197). Contradicting Sayyid ‘Uthman’s initial ruling, the mufti in Singapore claimed that the phonograph’s fidelity is equivalent to the human voice, while the engravings on the wax cylinder of a Quran recitation could be equally venerated as the written word of the Quran. Thus, the

Quran reciter who records his voice, like the scribe who writes the Quran, will unconditionally receive heavenly reward. Given that the phonographic Quran is equally venerated as a Quran recitation performed by the human voice, the Singaporean mufti stated that a Muslim is allowed to prostrate when hearing a wax cylinder recording of a Quran recitation, just as they will receive heavenly reward for listening to one. In making this argument, the mufti invoked a position on Quranic revelation similar to that made by Muhammad Bakhit al-Muti‘i seen in the last chapter by claiming that the written word in Arabic of the holy text (*kitab al-mashaf*) is not the Quran’s original written form, but was rather “generated from” (*muwaladah ‘anha*) another original written form: an apparent reference to *Sifat al-kalam* and God’s eternal mental speech expounded upon by al-Muti‘i’s 1906 fatwas explored in the previous chapter. The Singaporean mufti also argued that respect for the Quran stems from understanding its exalted meanings, not the veneration of the Quran as a physical object. He added that a believer is ultimately able to demonstrate this respect through understanding the Quran’s exalted meaning through the power of cognizance, not by the power of sight. In this regard, the mufti pointed to blind Muslims who were able to listen to and recite the Quran without the ability to see the written physical letter. Here, the mufti seemed to be arguing that the “spirit” of the Quran’s letter is in essence voiced pronouncements and audible sound, with its written form being a secondary event in revelation. Regardless, he continued that, if the phonographic Quran could stand in for a live recitation, and furthermore that it is permitted to prostrate when hearing the phonographic Quran, then a recording of the call to prayer could be just as appropriate as one performed by the human voice. Furthermore, the mufti ruled that listening to phonograph recordings of female singers and musical instruments is also unconditionally permitted (Response:3-6).

Given that the Singaporean mufti contradicted Sayyid ‘Uthman’s initial ruling in practically every possible way while making notable references to philosophical *kalam*, Sayyid ‘Uthman responded with a detailed rebuttal that more deeply engaged the textual sources of his own legal repertoire, thus clarifying and hardening his position that the phonograph was essentially a frivolous amusement with bad fidelity. Before doing so however, he built up his rhetorical ammunition by writing to a colleague in the eastern Mediterranean port city of Tripoli, then in the Ottoman province of Syria, to get support for his opinions. That man was Husayn al-Jisr, a prominent nineteenth century mufti in the Ottoman Empire who had reformist, modernist, and orthodox tendencies not unlike those of Sayyid ‘Uthman. After the phonograph affair, al-Jisr would later issue statements of approval for Sayyid ‘Uthman’s publications, *Assistance* (1888) and *The Instrument* (1888) that were inspired by ‘Uthman’s debate with Muhammad b. Tahir al-Haddad over qanbus performances. Al-Jisr later published his response to Sayyid ‘Uthman’s phonograph inquiry in his journal, *Majalat al-Tarabulis* (1899), which Sayyid ‘Uthman copied and attached as an addendum at the end of *Tulu’ al-Badar* in response to the Singaporean mufti’s objections (8206 F 6, al-Jisr:1-15).

Husayn al-Jisr agreed with Sayyid ‘Uthman that the phonograph was a mundane mechanical invention whose sole purpose was for amusement. For al-Jisr, the recording process of engraving a wax cylinder was not a technological wonder, but an emblem of frivolity:

It seems that the engraving of the Quran in this aforementioned instrument is not permitted, because the Holy Quran was revealed to our Prophet Muhammad, peace be upon him, to be recited with the fear and apprehension of God in sound contemplation and with complete respect. A recitation must also be listened to with concentration and astuteness (*al-’istima’ wa al-’ansat*) and with complete contemplation and respect. A reciter delivering the sound of his recitation into this instrument to trace pronouncements of the Quran resembles a form of play and amusement. As one can observe when sound is recorded, a cylindrical wax apparatus is placed on a rod connected to the instrument that spins the rod, then the needle that traces the sound is placed on the wax, then the horn is put on top, into which the speaker places his mouth and speaks as the apparatus

spins while the needle engraves his pronouncements on the wax cylinder, quivering with the shaking sound. It is apparent that this resembles play and amusement contradicting the deserved respect of a Quran recitation. (al-Jisr:4-5)

Al-Jisr also commented on the phonograph's questionable fidelity with its corrupted and distorted reproduction of the Arabic language:

From what I have witnessed of this phonographic instrument, the pronouncements engraved on what spins so that you may hear them are not all sound pronouncements, free of garbling and mispronunciations. Some of the letters are cut off and their characteristics are altered, which are particular to the Arabic tongue. Many of the letters articulated in a similar way become replaced by one another. [. . .] Assuming that one could recite the Quran for this instrument and was careful to properly exhibit the letters to overcome the deficiencies and contraventions of the instrument's performance, I do not think that every reciter will be able to do so. (al-Jisr:7)

Here, Husayn al-Jisr explicitly critiqued what ethnomusicologist Mark Katz (2010) has defined as “the phonograph effect,” i.e., the way that a wax cylinder recording altered the sound of an original performance while altering the very nature of the original performance. This is because musicians, singers, and announcers during the late nineteenth and early twentieth centuries had to change the way they performed during phonograph recording sessions to accommodate the technology's limitations. Al-Jisr feared this would similarly be the case for a Quran reciter's performance for the phonograph to make a wax cylinder recording, a process which could corrupt their pious bodily comportment:

He who recites the Quran into the horn could very well prepare himself by adhering to the required manners of recitation, mastering contemplation and the careful study of its meanings. But his body would be nothing but a wanton corpus. Nothing would concern him other than to make pronouncements from his mouth and engrave the cylinder with the needle. Assuming that one reciter produces a recitation for the horn and adheres to the total respect, contemplation, good manners, and everything else required of him, then every other reciter who wants to engrave his recitation would need to adhere to the same level of respect shown by the former. Yet I assume it will be most difficult for them, as the entire affair is one of amusement. (al-Jisr:6)

That the phonograph's mechanical workings, recording process, and playback capabilities were technologically shoddy processes that, in addition to making it difficult to properly perform a

Quran recitation, resulted in nothing but noise and frivolity was a point that Sayyid ‘Uthman reiterated in his rebuttal to the Singaporean mufti. Thanks to Husayn al-Jisr’s detailing the problem of the “phonograph effect,” Sayyid ‘Uthman was able to come back to the ring well prepared, composing his *The Rising of the New Moon* (1899).

Sayyid ‘Uthman began the text by summarizing his initial position while adding some qualifications to his negative opinion regarding phonographic fidelity. He rephrased Husayn al-Jisr’s perhaps more eloquent detailed technical description of the phonograph before comparing the technology’s poor fidelity to that of the telephone’s:

. . . whoever exhibits his speech or produces a tapping close to it [the phonograph], the sound will enter inside it and engrave its trace on rounded wax through a controlled apparatus composed of parts that attract and trace the sound. Then if this apparatus is moved, the sound is reproduced by the talking device in its entirety by tracing the engraved sound, but it is not as clear as its original form. One does not hear anything except a voice as if it is far away, like a telephone, and not a single letter pronounced properly according to the rules of Quranic recitation. (Response:3)

Certainly, Sayyid ‘Uthman had no gripe with the telephone itself, but was rather pointing to the fact that its technological fidelity, like the phonograph’s, was unsatisfactory for the ordained guidelines of performing and listening to a Quran recitation. The remainder of *The Rising of the New Moon* consisted of eight “topics” or *mabahith* (s. *mabhath*) syllogistically outlining this argument. The topics interrogated issues such as the character of phonograph performances, rules guiding the respectful performance of a Quran recitation, appropriate behavior required while observing a Quran recitation, the definition of “recitation” or *tajwid*, the rules of prostration upon hearing a Quran recitation, and even theological tracts on textual revelation and the Quran’s varying legitimate “existences.” On the latter, and to refute the Singaporean mufti’s assertion that the written Quran was a secondary event in revelation, Sayyid ‘Uthman cited the Islamic scholar al-Khalili (?) to argue that what reveals the exalted meaning of the Quran in the mind of the

worshiper is vocal Arabic pronouncements, whose letters (*huruf*) emerge from the bodily vocal organs but are ultimately derived from the Arabic script. He stated that, just as it is not permitted to recite the Quran in foreign languages (*‘ajamiyyah*), it is not permitted to derive Quranic pronouncements from any other medium than the Arabic letter, especially not the engravings on a phonograph wax cylinder (Response:12).¹⁰ It is worth mentioning here that, in line with more conservative variants of the Ash‘arite theological tradition, Sayyid ‘Uthman would later publish a ruling condemning the translation of the Quran to Javanese, arguing that it would corrupt the exalted meaning of God’s word that is strictly tied to the Arabic letter (Kaptain 2014:197-201). Yet in the case of the phonograph, for Sayyid ‘Uthman the problem of vocal and textual fidelity was also linked with that of entertainment and amusement.

In the first topic, Sayyid ‘Uthman developed Husayn al-Jisr’s argument that the phonograph’s production and consumption were entirely for amusement. In doing so, he provided some interesting details about the phonograph peddler’s audience: the “elements” of Javanese society that Hurgronje said were avoided by “scrupulous persons” such as Sayyid ‘Uthman:

It [the phonograph] is a matter of entertainment, astonishment, comedy, and mockery. The value of it to the owner is making a profit from the onlookers who are a mix of men, women, Muslims, Christians, and Chinese who are, most of the time, gathered in places of entertainment and amusement. The value of it for the onlookers is to watch, listening to what is produced by these engraved sounds including the voice of a singer, musical instruments, and the sound of a Quran recitation expressed musically (*bil-’anghām*). They applaud that which they enjoy from these sounds and laugh jokingly at what they do not. (Response:7)¹¹

¹⁰ al-Khalili stipulated that the four existences of the Quran were 1. In a non-physical form in God’s eternal essence, not resembling speech that reaches the “heart of the listener” or that which is written on paper, 2. As meaning inside the mind of the worshiper, 3. In expressive physical form through Arabic pronouncements, and 4. in written form using the “script of ‘Uthman” i.e. Arabic script.

¹¹ As Kaptain (2014) notes, Sayyid ‘Uthman used the Arabic term *majus*, historically a designation for Zoroastrians, to refer to non-Muslim and non-Christian Chinese people in Java (Ibid:210).

In topic four where Sayyid ‘Uthman outlined the appropriate audience behavior and comport required during a recitation, he noted that the laughing, smoking, and intermingling of males and females and Muslims with non-Muslims was utterly contrary to scholarly consensus concerning appropriate comportment and behavior during a Quran recitation. In making these arguments, he drew again on *Revival of the Religious Sciences* by Abu Hamad al-Ghazali, a text by the thirteenth century jurist and grammarian Yahya b. Sharaf al-Nawawi, and a work by a contemporary modern Hadhrami scholar and sayyid Ahmad b. Zayn al-Habashi (Response:13-14).

For Sayyid ‘Uthman, audience comportment was also tied to the mental and bodily comportment of the reciter, especially the bodily organs enabling their voice. In the second topic, Sayyid ‘Uthman made a direct contrast between “the art of the phonograph” and the “art of recitation” or *tajwid*, arguing the two were incompatible and contradictory. He stated that *tajwid* is an art that safeguards the human tongue and vocal organs from making grammatical and annunciatory mistakes when reciting the word of God. Citing a treatise on Quran recitation published in 1889 by an Egyptian scholar, Muhammad Makki Nasr al-Jarisi, ‘Uthman defined *tajwid* as a science dealing with the interaction between air and the human speech organs like the throat, tongue, and lips that enable the pronunciation of the Quranic text and the conveyance of its meaning to the listener. Contrary to the phonograph’s purpose, the purpose of *tajwid* is to reach the ultimate level of mastery in pronouncing the Quran: the most universally eloquent and highest form of speech revealed by God to the Prophet Muhammad (Response:7-9).

Quoting from al-Jarisi’s 1889 treatise on *tajwid*, Sayyid ‘Uthman lamented that many Quran reciters of his time were themselves indulging quackery, contravening the rules of Quran recitation in order to entertain audiences and distinguish themselves for profit. This resulted in a

problematic overlap with musical performance and singing, which, as Sayyid ‘Uthman would also complain, could be performed in the same places as mawlid hymnals, litanies, and Quran recitations. As he quoted from al-Jarisi (1889):

Know that today’s reciters devise a number of new and unpermitted innovations, overstepping or undermining the limits of what has been established [for recitation], and this is through the use of musical modes (*angham*) to divert the attention of listeners, who intently listen (*al-isgha’*) to them as if they are the airs of song. It is forbidden for one to perform a recitation outside the established frame, likening the word of our Dear Lord to song. (Response:14)¹²

As mentioned earlier in this chapter, Sayyid ‘Uthman’s Hadhrami mentor Abdullah b. Yahya had similarly condemned the use of musical modes (*angham*) in the context of the mawlid hymnals sung on the Prophet’s birthday, while Sayyid ‘Uthman himself also condemned the musical flourishes and embellishments employed during the performance of Islamic hymnals and Quran recitations in polemical works throughout his career, including the intermingling of these recitational practices with qanbus performances. In this context, it is also worth pointing out that Sayyid ‘Uthman had previously mentioned European musical entertainment, particularly theatrical comedy with the “tunes of music” (*naghmat al-musiqā*), in *The Instrument* (1888) among the other suspect amusements indulged by his fellow Sufi authorities in Java. This suggests that European-derived concepts of musical entertainment in both Egypt and Java were influencing the way Sayyid ‘Uthman viewed the problem of entertainment, although he and other jurists writing fatwas on the phonograph at this time never used the term “music” or *al-musiqā* as a legal category.

Nevertheless, as Quran reciters were blurring the lines between worldly musical entertainments and the venerated art of recitation through the use of musical modes, Sayyid

¹² The original text by al-Jarisi (1889) is called *Nihayat al-qawl al-Mufid fi ‘ilm al-tajwid*. The quote here cited by Sayyid ‘Uthman exists in a newer edition of that text, accessed 3/18/2022 at https://archive.org/details/tajweed_20131222_1024/, page 34.

‘Uthman also argued that the phonograph’s poor fidelity resulted in a similar problematic mixing of musical and recitational registers and tonalities. At the conclusion of his second topic, he stated that the various wax cylinder recordings of songs, musical instruments, and Quran recitations played on the phonograph imitated, or were similar, to one other (*yahasalu shay’ min al-mahakah tilik al-aswat*) (Response:9). He was pointing to the fact that, due to the phonograph’s poor fidelity and the use of musical modes in both musical performance and Quran recitation, audiences might not actually be able to tell whether or not a wax cylinder recording was playing a song or sura. Sayyid ‘Uthman had quite a valid concern here. Indeed, not being able to audibly distinguish what was on a phonograph recording in religious contexts would continue to be a problem during the early twentieth century, and not just for Muslims. In this regard, a January 1913 article in the American trade publication *The Talking Machine World* reprinted a telling news column by C. L. Edson, “An Arkansas Man on Broadway.” Edson recalled how his uncle Jimmy Honeycutt would often bring his phonograph to their town prayer meetings in Arkansas with a single wax cylinder, which “sounded like the sobbing and wailing of repentant sinners at the mourners’ bench at some great revival.”

When this record was played at our prayer meeting it had a highly religious effect on us, and we would shout “Amen!” “Preach on, brother!” “Ain’t it the truth! Hallelujah!” [. . .] Uncle Jimmy thought it must be the record of the mighty Henry Ward Beecher converting the multitudes. (Bill 1913:11)

One day, a traveling “stranger from the city” attended a prayer meeting and recognized the recording, which was so garbled and distorted that the townsfolk were seriously mistaken about its content. The record was, in fact, a commercially-produced parody of a recently defeated boxer in Nevada entitled “The Lament of James J. Corbett in His Dressing Room After the Battle with Fitzsimmons at Carson City.” “Corbett was a prize fighter and Fitzsimmons whipped him,” the urbanite stranger told uncle Jimmy (11).

If the shouting and yelling of comical parody could be mistaken for the sobs of suppliant sinners in the United States, then the phonograph continued to garble the varying registers of singing, music, and Quran recitations for Muslim consumers around the globe, leading to similar states of disorientation and confusion caused by bad fidelity. In one notable instance, the Cairo-based reformer whom we met in the last chapter, Rashid Rida, received a question in 1911 for his periodical *al-Manar* from a concerned Muslim in Kazan, Russia, inquiring if it was permissible to use gramophone recordings to learn and study Quran recitation, especially since many Muslims in Russia were not able to travel to Egypt or the Hejaz to do so. Just as Sayyid ‘Uthman feared, the Kazani Muslim had mistakenly taken a recording of popular Egyptian music with a phonograph recording of a Quran recitation. The Kazani questioner stated that they would like to learn to recite the Quran from the gramophone by listening to the “ecstatic Arabian musical modes [*angham*]” and cultivate “amazing voices, as if we were Abi Salama Hijazi” (*al-Manar* 12 1911:907). Shaykh “Abi” Salama Hejazi was one of the most famous singers in Egypt and, as noted in the last chapter, was ostensibly paid a whopping 8,000 dollars (nearly 250,000 dollars today) by the American executive of the International Talking Machine Company F. M. Prescott to record a corpus of discs for Odeon records. As the *al-Manar* piece indicates, these 78 rpm disc recordings had reached Muslim audiences in places as far as Kazan by the late 1910s, where the musical modes of Salama Hejazi’s singing were mistaken for the recitational practice of using musical modes (*angham*) in a Quran recitation. As such, Rida was compelled to clear up this audible confusion for the Kazani questioner, stating that, “please note that Shaykh Salama Hejazi is not a reciter, but a singer” (908). As also mentioned in the previous chapter and this one with the example of Machmoed Saad Mekka, as the early gramophone industry took off globally, many Muslim entertainers contracted in places like Egypt or Southeast

Asia would often make recordings of musical songs in addition to Quran recitations. This conflated both the professional and sonic boundaries between musical entertainment and Quran recitation in ways that jurists like Sayyid ‘Uthman accurately pointed out. This fact also complicates the neat distinction, professionally at least, between “reciter” and “singer” posited by Rida, as many Quran reciters were also singers and could be inspired by the musical *angham* widespread in popular musical practices, a problem Sayyid ‘Uthman’s acknowledged in his reference to al-Jarisi’s 1889 treatise on *tajwid*.

The problem of reciter-cum-entertainer also echoes what Hurgronje (1900) noted in the conclusion of his German translation of Sayyid ‘Uthman’s initial fatwa on the phonograph. It is a statement that clearly draws a connection between the worldly sphere of frivolous custom or *‘adat* entrenched within the existing Indian Ocean gig economy where musical performances, Quran recitations, and, by then, phonographic Quran recitations were produced and consumed.

Meanwhile the sayyid, who first traveled around Java with his phonograph has made a good business of it, and many of the Javanese have since introduced the phonograph into their drawing rooms. The only result of these *fetwas* [sic] has been that those who consider themselves especially pious refrain from listening to phonographic records of the Koran, but even this will not prevent their use in this respect, for the best Koran reciters are far from being distinguished by their piety. (*The Muslim World* 1915:165)

For Hurgronje, who was generally sympathetic to Sayyid ‘Uthman’s views on Muslim charlatanry, the inevitability that the phonograph would continue to be used for Quran recitations was connected to the fact that many Quran reciters were themselves impious quacks, turning God’s word into frivolous amusement through the use of musical modes or *angham*. Indeed, the potential market value, if not entertainment value, of hymnals, songs, and Quran recitations was something that early record company executives like F. M. Prescott explicitly acknowledged in their efforts to capitalize on Muslim consumers around the globe in the decade following Sayyid ‘Uthman’s phonograph fatwa. During this time Rashid Rida’s *al-Manar* in Cairo would receive

continued inquiries about the phonograph from audiences in Java as the technology continued to grow in popularity. Like his interactions with Muslim readers in Kazan, Rashid Rida's engagement with Arabic speaking audiences in Java during the following decade on topics regarding musical instruments, recitation, and the phonograph is reflective of the fact that early international phonograph companies had tapped into the "intermediate" sphere of capital propelled by the Indian Ocean gig economy, turning profits on the established patterns of transaction revolving around qanbus players, Quran reciters, and phonograph peddlers.

The Columbia Company to *al-Manar*: Global Capitalism Intercedes with the Gig Economy

If Sayyid 'Uthman was critical of other sayyids and shaykhs in Java making a suspect profit off the pilgrimage to Mecca, phony sufism, and peddling entertainments and phonograph recordings, then by 1912 it was yet another "Arab of power and high standing in his community" named "Sech [Shaykh] Abdullah bin Saleh bin Motlik" in Surabaya who signed a contract to become an overseas distributor for one of the biggest names in American record company history, The Columbia Phonograph Company (currently Columbia Records). *The Talking Machine World* (1913) published a feature article on Shaykh "Sech" Abdullah, "one of the largest operators in piece goods and other kindred lines" in the Malay Archipelago, along with his photo: a significant privilege in early trade publications usually reserved for company executives and very famous artists. Tellingly, *The Talking Machine World* stated that Shaykh Abdullah's connections to Mecca via the pilgrimage made him the ideal agent for what was then the premier media entertainment firm in the United States:

He is a "Hadji," or one who has made the sacred pilgrimage to Mecca, and, as such, wields great influence among native men of business in this section of the world, who are largely of this high caste. [. . .] He bears a most enviable reputation for fair dealing and

big heartedness, and is a most public-spirited patron of all enterprises calculated to contribute to the success and well-being of his people.

The contract with Sech [sic] Abdullah involves the manufacture of a large list of Malay, Indian, and Arab records of wide scope, and many thousands of dollars' worth of machines and other Columbia product, and calls for the fitting out of a special record-making expedition which will cover fields never before penetrated. (Bill 1913:30)

As might be expected, one of those market fields “never before penetrated” was the Indian Ocean gig economy. Thanks to Shaykh Abdullah, some of the earliest qanbus recordings were made by The Columbia Phonograph Company and were manufactured in New York City for distribution to Arabic speaking and Muslim consumers in Southeast Asia. According to *The Talking Machine World*, Shaykh Abdullah’s contract was a part of a larger multi-million dollar effort taken by Columbia’s San Francisco office to expand markets in China and the Philippines in addition to the Malay Archipelago, in which “no effort or expense is to be spared in securing the very best native talent and the finest list of selections yet made” (30). According to the article, this was The Columbia Phonograph Company’s earliest set of recordings produced for “native” markets in Southeast Asia.

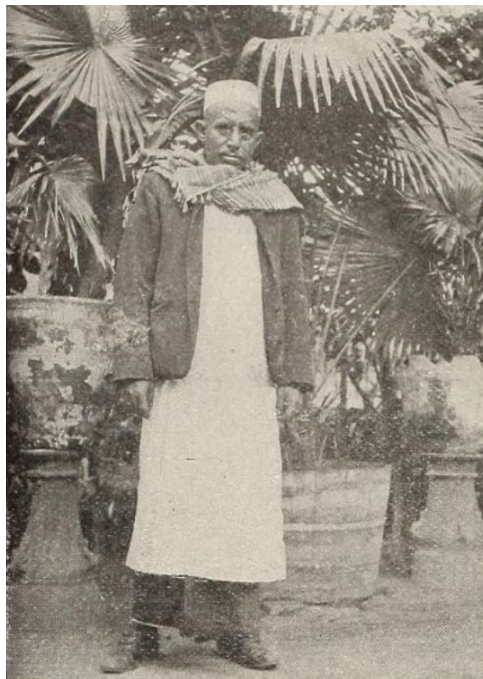


Figure 2.8. “*Sech Abdullah bin Saleh bin Motlik*” as pictured by *The Talking Machine World* (1913).

A selection of the 78 rpm discs produced under Shaykh Abdullah’s contract with Columbia is kept by ethnomusicologist Ahmad AlSalhi in his personal archive in Kuwait, and I am fortunate and deeply thankful that he allowed me to digitize and study these and a number of other similar recordings there during Spring of 2020. Although Shaykh Abdullah also oversaw the production of music for Malay and Indian markets in Southeast Asia, the records in AlSahi’s collection, which he purchased from an antique gramophone record dealer in Indonesia, exclusively feature sung Arabic poetry performed on the qanbus.¹³ Furthermore, preliminary study of the record label titles, written in Arabic, as well as their musical and lyrical content identified by Ahmad AlSalhi and myself, reveals that Shaykh Abdullah’s religious and business connections to Mecca touted by *The Talking Machine World* are reflected in the qanbus musicians he hired. Information written on the record labels regarding the musical modes or *angham*, song titles, and style of the performance indicate that they are almost exclusively associated with the Hejaz. For example, the Hejazi musical modes or *angham*, such as *Mashauwarik*, *Hirab*, and *Rakbi*, written in Arabic on the Columbia discs are correspondent to the Hejazi *angham* identified by Christiaan Snouck Hurgronje in his notes and analysis of the phonograph recordings he commissioned in the Hejaz between 1906 and 1909, a subject explored further in the following chapter.

¹³ The timing of *The Talking Machine World*’s exposee on Shaykh Abdullah (Bill 1913:30) and Pekka Gronow’s (1981) corroboration that Columbia’s initial excursions into the Malay Archipelago were in 1912, thus strongly suggests the production of these recordings was that year. Still, further documentation regarding a precise date for these recording sessions would be ideal, in addition to exploring further avenues for research on The Columbia Phonograph Company’s dealings and correspondences with Shaykh Abdullah.



Figure 2.9. Columbia “Arabian Soerabaja” disc featuring an unnamed singer (pictured) performing a Hejazi strophic song form *majrur* in the Hejazi musical mode *Rakbi*. The disc was likely produced in 1912 under the supervision of Shaykh or “Sech” Abdullah b. Motlik. Courtesy of Ahmad AlSalhi.

Yet Columbia’s early ventures into Java and capitalizing on the qanbus repertoires from the Hejaz was not a watershed moment. Ahmad AlSalhi’s personal archive holds a number of additional Yemeni and Hejazi 78 rpm discs produced in Southeast Asia before the First World War whose labels can be identified and corroborated in the work of Philip Yampolsky (2013). They showcase a number of other major international record firms in Southeast Asia capitalizing on qanbus songs, hymnals, Quran recitations, and even recordings of the call to prayer. Among such firms were His Master’s Voice and the Gramophone Company among others. As early as 1906, F. M. Prescott’s Odeon firm recorded qanbus players in Singapore. One such recording features a song style called “*majrur Hijazi*” as well as a sung poem, or *qasida*, to the musical mode “*rasd*” or *rast*. Both performances were by a certain “Haj Sanusi” (Figure 2.10). As the name indicates, this was a musician affiliated with the Sanusi family or Sufi order based in North Africa that, due to their resistance to the French colonialism in Algeria, the Dutch feared would make headway into Southeast Asia via Mecca during the nineteenth century (see Kaptein 2014

and Laffan 2013). Still, whether or not this recording would have been considered subversive is a subject of further research.

Another early qanbus recordings by the Odeon firm in Singapore features musical repertoires similar to the Hejazi recordings but is sung in Malay, revealing how Arabian musical styles could be vernacularized for Malay speaking audiences. Similar recordings of Arabian qanbus music sung in both Arabic and Malay were also made by the British Gramophone Company between 1908 and 1913, and even exhibit some elements of South Asian influences through the use of the harmonium and Indian tabla as well as the qanbus (Figure 2.11). This is demonstrative of other linguistically-specific marketplaces and aesthetic milieus that the Arabian Peninsula-centered Indian Ocean gig economy examined here could overlap with. Such overlap is also suggested by the fact that the Columbia Company hired Shaykh Abdullah to produce “Malay” and “Indian” records “of wide scope” in addition to “Arab” ones. For Muslim consumers in Singapore, the German firm Lyrophon also made recordings of sufi litanies and the call to prayer, with “Mecca” written on the record labels to indicate the origin of their content (Figure 2.10). According to Yampolsky (2013), these “Islamic” Lyrophon recordings were hugely popular and sold rapidly in Southeast Asian markets according to a contemporary German source, and would probably have been played at festivals and celebrations or used for educational purposes. This included teaching Muslims how to recite the Quran properly, and in the case of Lyrophon, “proper” according to the standards of recitation and melodic development common in the Hejaz and Mecca (85). Similar commercial identification with the Hejaz was seen earlier in this chapter with the example of Machmoed Saad Mekka, who was advertised in Java by the Beka phonograph firm during the early 1930s as someone from Mecca who taught Muslims how to recite the Quran.



Figure 2.10. Lyrophone (left) recording featuring a “Mecca” call to prayer and an Odeon recording featuring “Haj Sanusi” performing a “gambus song” or “lagu kambus” (Malay), c. 1906. Courtesy of Ahmad AlSalhi.



Figure 2.11. Qanbus or “gambos” recording in Malay produced by the Gramophone Co., c. 1908-1913. Courtesy of Ahmad AlSalhi.

Given such activities, it’s perhaps no surprise then that by 1907, Rashid Rida’s *al-Manar* received requests from other upstanding Arabs in Java about the phonograph, with one stating with some concern that it was as if Muslim consumers were literally “going crazy” (*wa ka’anahum yasibu li-l-janun*) over gramophones, phonographs, and recordings of Quran

recitations (*al-Manar* 10, 1907:439-442). In 1911, *al-Manar* was asked by a certain Haj Abdullah Ahmad in Java not only to evaluate the arguments for forbidding musical instruments, but to also give a ruling whether or not it was recommended (*halal*) or forbidden (*haram*) for one to make a profit from the phonograph “professionally” (*‘ala yad al-muhtarif*) (*al-Manar* 9:14:670). Haj Abdullah could have had phonograph peddlers in mind like the one put under scrutiny by Sayyid ‘Uthman earlier in 1899, but also individuals like Columbia’s Shaykh Abdullah who by this time had actually signed a professional contract with international recording companies, receiving thousands of dollars of equipment and resources. Earlier in 1906, *al-Manar* received a detailed set of questions from an anonymous person in Java on playing the qanbus and, not coincidentally, asking Rashid Rida to evaluate every single one of the arguments that Sayyid ‘Uthman had initially made back in 1888 in his debate with Muhammad b. Tahir al-Haddad over the qanbus. Specifically, Rida interrogated evidence cited by Sayyid ‘Uthman used to justify his rulings, especially the texts of al-Ghazali and Ibn Hajar. Rida concluded that, given that the phonograph’s fidelity was analogous to the human voice, there were no grounds for condemning Quran recitations and making a profit professionally from the phonograph. Interestingly, and citing the opinion of the medieval Andalusian jurist Ibn Hazem of the Zahiri school of jurisprudence, Rida also stated that he could identify no reason (*wajh*) to forbid the listening and playing of musical instruments in neither the Quran, hadith, nor the consensus (*ijma’*) of the four Sunni legal schools. The only exception to this, he noted, was if such activity involved sin and debauchery (*al-Manar* 9, 1906:35-51). Thus, Rida, unlike Sayyid ‘Uthman, did not posit an equivalence between sinful debauchery, particularly drinking and drunkenness, and the acts of performing and listening to musical instruments, whether they were

ones like the qanbus or even modern Western brass instruments such as those that Rida noted often accompanied public state events in Egypt at the time (1906:35-51).

Such a liberal assessment of musical entertainment, including European-styled brass bands, made by a foundational figure of modern salafi fundamentalism is striking, but nonetheless can be adequately explained in historical context and particularly taking into account Rashid Rida's adversarial relationship with Sayyid 'Uthman beginning in the late 1890s. As noted earlier, Sayyid 'Uthman was intensely and harshly criticized by Rashid Rida for his alliance with the Dutch colonial government. As evidenced by the number of questions received by *al-Manar* from Java, many of Sayyid 'Uthman's adversaries there began to look to Rashid Rida for rhetorical support in their controversies with Sayyid 'Uthman, and to delegitimize Sayyid 'Uthman's previous rulings. As Kaptain (2014) and Laffan (2013) have shown, many Arab and Muslim literates in Southeast Asia, while earlier in the nineteenth century looked to the scholarly milieus of Hadhramaut and the Hejaz, in the early twentieth century started to look at the reformist anti-colonial movement spearheaded by individuals like Rashid Rida and Muhammad Abdu in Cairo, especially with rising discontent over Dutch rule. The Arabic press of Egypt and other Arab nations was read in Java, with the Leiden University archives housing an interesting collection of an Egyptian newspaper subscribed to by Arabic-speaking readers in Java during the 1910s, *al-Mu'ayid*, that criticized the practice of discrimination against Arabs in the Dutch colonial administration (Or. 18.097 S 1.10).

Rashid Rida's *al-Manar* condemned Sayyid 'Uthman for helping legitimize a colonial European government that carried out such a policy, no less doing so within the framework of Islamic law. In a response to these criticisms penned in 1900 entitled *Closing of the Gate on Slander and Alienation (Sadd al-bab 'an zann al-su' wa-l-ightirab)*, Sayyid 'Uthman stated that

it was not he who was the cause of such tribulations facing Arabs in the East Indies, but rather the Arab community's own continued transgressions against what was stipulated by Islamic law. Rehearsing what he thought to be such reprehensible worldly acts, Sayyid 'Uthman again brought up qanbus gatherings, which he reemphasized led to drinking, inappropriately entranced audiences, charlatanry among Muslim leaders, and all while corrupting the etiquette of Friday prayer (864 G 41:9-10). Later in 1906, Rashid Rida provided a second detailed evaluation of Islamic legal arguments condemning musical instruments requested by another reader from Java, arguments that Rida again deemed illegitimate. In the introduction of the ruling, Rida noted that he was told by many of his colleagues in Egypt that it was somewhat useless to probe the matter of musical instruments so extensively because there was barely an Islamic scholar in Egypt who forbade them absolutely. Rida responded that he had many readers outside of Egypt, and that the issue needed further clarification in places like Java because of "the stagnancy in many countries due to the imitation of bankrupt scholars" (al-Manar 9:2, 1906:141-147). This was a jab clearly aimed at Sayyid 'Uthman, with his mere "imitation" (*taqlid*) of what Rida thought to be an irrelevant tradition of Sufi scholarship. Rida's criticisms and contrary ruling on musical instruments here is what agitated Sayyid 'Uthman to write *Distinguishing the Truth from Evil and Elevating it above Wrongful Acts* (1907), wherein he further condemned the qanbus's contextual association with the recitation of Islamic hymnals and the Quran (Or. 878 E 43).

In any case, all this goes to show that, despite Sayyid 'Uthman's reservations about phonographic fidelity and his extensive condemnation of vernacular amusements throughout his career, the Indian Ocean gig economy continued to thrive into the early twentieth century, comprising not only an "intermediate" sphere of capital, but also social relations and forms of public assembly galvanized by popular Islam that were intertwined with the genesis of the early

phonograph industry, and thereby modern capitalist media industry. Similarly, during this time the consumers of these worldly entertainments associated with sufi networks between Arabia and Java found a curious ally in the salafi reformer Rashid Rida, who perhaps held equal faith in phonographic fidelity as he did contempt for Sayyid ‘Uthman’s Sufi doctrines and collusion with the Dutch colonial authorities and people like Snouck Hurgronje.

Conclusion: the Legacy of Sayyid ‘Uthman’s Phonograph Fatwa

In 1915, the American periodical that was a mouthpiece for European colonialism and Christian missionary activity in the Middle East, *The Moslem World*, published a partial English translation of Hurgronje’s German translation, “Islam und Phonograph” (1900), of Sayyid ‘Uthman’s initial phonograph fatwa (1899). In a pejorative introductory statement to the translation, the editor stated “The decision given in Java is typical. In spite of all fetwas [sic], however, the phonograph and the cinematograph are over-running the Muslim world everywhere, and for good or ill Islam must reckon with them as with Western civilization in general” (159). At the conclusion, the editor also stated that Sayyid ‘Uthman’s response to the Singaporean mufti “quotes the familiar Moslem tradition: ‘The most evil things are those that are newly invented. Every new invention is heresy, every heresy is error, and every error leads to hell-fire!’” (165). While *The Moslem World*’s article received widespread circulation in the American press after its publication, it notably did not receive any in phonograph trade publications such as *The Talking Machine World*, which a decade earlier celebrated and touted the veracity of Muslim phonograph consumers around the globe.

As such, *The Moslem World*, and perhaps deliberately, mischaracterized Sayyid ‘Uthman’s phonograph fatwa. While the above quote about heresy and hell-fire was incorrectly

attributed to Sayyid ‘Uthman (it was in fact a statement made by Husayn al-Jisr in *Majalat al-Turabulis*), the editor failed to clarify that the suspect “innovation” it was referring to was not the phonograph itself, but rather the potential changes and corruptions the technology would cause in the recitation of the Quran. In other words, the innovation was not the phonograph itself, but what Katz (2010) called “the phonograph effect,” i.e., how the technology’s poor fidelity would alter the sacred vocal transmission of the Quran. Furthermore, this problem of phonographic fidelity was connected to existing debate over musical entertainments circulating with a gig economy propelled by singers, poets, qanbus players, and Quran reciters traveling between Java and the Hejaz. Sayyid ‘Uthman felt that many of the musical and recitational practices of this gig economy comprised behavioral norms and patterns of popular consumption, implied within the legal sphere of *‘adat*, subversive to public morals and piety. This was a missionary and reformist stance that aligned with Dutch colonial designs, including policing and monitoring the Hajj to Mecca and other associated and newly invigorated forms of Muslim assembly in Java. As such, the phonograph was “over-running” Muslim markets in Java, but not on the heralded steeds of “modernity” and “Western civilization,” but rather on the waves of the Indian Ocean gig economy, something further reflected by the fact that the capitalist record industry tapped into this economy with the aid of Muslim traders, business people, performers, and, of course, consumers. This was despite Sayyid ‘Uthman’s many fatwas, but especially despite the fact that his writings formed parallel legal discourses circulating across a similar Indian Ocean geography, which the Dutch colonial authorities tried to adapt in order to control and police potentially subversive customs or *‘adat*. In this process, the notion of *‘adat*, a legal category from Sayyid ‘Uthman’s jurisprudence, was adopted into Dutch colonial law by Snouck Hurgronje as *adatrecht*. Furthermore, Sayyid ‘Uthman’s relationship with the Dutch was

condemned by Rashid Rida who, as a result, was sympathetic to consumers of musical entertainments throughout Java, and particularly qanbus performances. Rida issued rulings that not only condoned the phonograph, but also the qanbus that circulated within the Indian Ocean gig economy, thus attempting to delegitimize Sayyid ‘Uthman’s previous rulings and his voice of authority among Muslim publics throughout Southeast Asia.

Yet even for Rida, the phonograph’s problem of poor fidelity was inescapable, reflected by his interaction with Muslim readers in Kazan, Russia who thought phonograph recordings of the Egyptian singer Shaykh Salama Hejazi were phonograph recordings of a Quran recitation. These dynamics are reflective of how the phonograph’s place as a technological emblem of “modernity” was still being globally negotiated at the time, especially among people like Sayyid ‘Uthman who weren’t convinced the technology functioned well for its intended purpose. It would take statements like that penned in *The Muslim World*, published over a decade and a half after Sayyid ‘Uthman’s fatwas on the phonograph, to grant a technological narrative of conflicting Islamic and Western modernities lasting purchase. Media technologies like the phonograph, radio, and television continue to be signposts of “the West” in historical or contemporary study of Muslim “reckonings” with modernity (Larson 2011), even in studies that claim the creation of Quranic TV content is a “decolonization of mass media” (Moll 2020). To the contrary, the dawn of the global capitalist media industry propelled by international phonograph firms during the early 1900s was greatly aided by the worldwide appeal of phonograph recordings of Quran recitation among Muslim consumers. Similarly, and rather than being an imperial arm of Western capitalism, the phonograph industry capitalized on markets, or what Rajat Kanta Ray (1994) identified as “intermediate” spheres of capital, that were a part of an existing Indian Ocean gig economy. While Sayyid ‘Uthman’s influence and opinions in

posterity have had relatively little effect on the performance of these repertoires in modern Indonesia, being primarily a legacy of colonial governance housed at the Leiden University archives, his fatwa on the phonograph has perhaps had a different sort of afterlife in the annals of scholarly publications regarding technology and modernity in Muslim societies. Like *The Muslim World's* (1915) characterization of 'Uthman's fatwas on the phonograph, scholars—and often ironically in the name of postcolonialism—continue to perpetuate this colonial and missionary logic, framing the spread and adoption of modern media across Muslim societies as a response or reckoning with Western civilization and colonialism more broadly.

Chapter Three

The Fidelity of Custom between Java and the Hejaz: the Phonograph, Ethnography, and “Instruments of Amusement,” 1906-1911

Introduction

Exploring a period from 1906 to 1911, this chapter shifts focus from the Dutch East Indies to the Ottoman Hejaz: the other end of the circulation of musical instruments, recitational practices, and poetry explored in Chapter Two, which I argued comprised an Indian Ocean gig economy that traced maritime routes of “customary” Islam. While Chapter Two also explored how customary Islam and the Indian Ocean gig economy characterized early Muslim consumption of the phonograph, this chapter will consider how the impulse to police and monitor popular ‘*adat*’ or custom was the motivation for Snouck Hurgronje’s ethnographic studies with the phonograph after he finished working with the colonial government in 1906. Despite Sayyid ‘Uthman’s reservations about the phonograph and stipulations against the plucked-lute *qanbus* and certain recitational practices, Snouck Hurgronje commissioned one of the earliest ethnographic recording projects conducted with an Edison phonograph in the Arabic-speaking world, which, due to Hurgronje’s interest in monitoring and documenting ‘*adat*’, traced the pathways of the Indian Ocean gig economy outlined in the previous chapter. The project began in Batavia (Jakarta) in September 1906 after Snouck left Java to return to the Netherlands and later continued in Mecca that December into 1907. The recordings, ostensibly completed at the Dutch consulate in Jeddah during 1909, feature *qanbus* players singing Arabic poetry and a variety of other performance styles of music and vocal recitation from the Hejaz, including various performances of Quran recitation. Exploring little studied documentation that

reveals new insights about this early media ethnography, and particularly letters written in Arabic to Hurgronje in the Netherlands by his associate in Batavia, Muhammad Taj al-Din, the first section of this chapter will explore how Hurgronje relied upon similar human and technological networks connecting the Hejaz to Java to complete this project: the very networks that enabled the movement of musicians and Quran reciters throughout the Indian Ocean. However, due to the limitations of phonograph technology, Hurgronje was forced to supplement the recordings with notated and written transcriptions of the music and Arabic poetry featured on the recordings, which ultimately faded into obscurity until the 1980s (Kesting 1993; Urkevich 2015:219-221).

Still, this early use of the phonograph in the service of ethnographic intrigue was by no means a watershed moment for the global proliferation of the technology, even though such instances are often characterized as such. This is reflected by the fact that, through the duration of Snouck Hurgronje's phonograph recording project between 1906 and 1909, lively debate among legal scholars about the phonograph continued throughout the Hejaz as it did elsewhere throughout the Middle East and the Indian Ocean region. As with Sayyid 'Uthman's fatwa on the phonograph explored in the previous chapter, legal debate in the Hejaz during this time reveals that the phonograph had already enmeshed itself within the everyday Arabian musical and poetic customs that Snouck Hurgronje and his partners were attempting to document with the technology. This is a striking yet widely acknowledged historical dynamic in histories of the phonograph and sound recording wherein an early ethnographic use of the technology was intertwined with its widespread use and entanglement within the customs of the people it was supposed to document. Furthermore, Hurgronje's recording project was conducted almost solely by local people from the Hejaz and Java with relatively minor oversight from himself or his Dutch partners, who only analyzed and studied the content of the wax cylinder recordings

afterwards. Yet even this was not without considerable difficulty. While Snouck Hurgronje faced the problem of fidelity in terms of adequately *hearing* the circulations of musical and recitational practices between Java and the Hejaz that were sent back to him in the Netherlands on wax cylinders, phonographic fidelity and its potential to accurately reproduce the sounds of music and recitation was being debated in novel ways among scholarly elites throughout the Islamic holy land. This is something that the second half of this chapter will explore, examining a fatwa on the phonograph printed in Jeddah (1911) and written by a jurist from Medina named Muhammad ‘Ali al-Maliki.

Like the Dutch colonial context explored in the last chapter, the appeal of textual orthodoxy and modern reform had widespread appeal throughout Ottoman Arabia among scholarly and social elites who looked down upon customary practices embraced by lower classes of society, including *qanbus* performances and phonograph concerts.¹ Similarly, many scholars from the Hejaz like Muhammad ‘Ali (b. Husayn) al-Maliki migrated and lived for periods of time in the Dutch East Indies and wrote legal opinions about musical instruments for Javanese audiences, thus reflecting similar legal concerns and geographical movement to that seen in Sayyid ‘Uthman’s earlier career. As noted in the previous chapter, Sayyid ‘Uthman himself similarly derived his orthodox, reformist, and elitist tendencies from his education in Arabia at places like Mecca, studying with jurists like Ahmad b. Zayni Dahlan who earlier during the nineteenth century had admonished pilgrims for engaging in recitational practices that too closely resembled musical entertainment. While reflecting a similarly elitist polemic against the phonograph as an element of popular custom, debate explored in this chapter between Muhammad ‘Ali al-Maliki and another scholar from Yemen named Muhammad ‘Abd al-Qadir

¹ The Hejaz and the Islamic holy cities of Mecca and Medina were formerly part of the Ottoman Empire until its dissolution at the end of the First World War.

al-Ahdal reveals a novel spin on the issue of phonographic fidelity as it related to recitational practices and musical entertainment in the Hejaz during the early 1900s. Just as the phonograph gained its appeal as a tool for ethnography by ostensibly reproducing “real” sounds of music, poetry, and vocal recitation, al-Maliki’s legal argument similarly posited that the phonograph reproduced genuine and authentic representations of musical instruments, and could therefore be forbidden as being analogous to an “instrument of amusement.” This was his response to al-Ahdal’s more philosophically inspired position, which permitted listening to recordings of musical instruments on the phonograph by claiming that sounds produced by the technology were analogous to images in the mirror: reflections, but not the authentic original form.

Law, Custom, and “Musical Culture”

Building on previous colonial and imperial histories regarding the “ethnographic state” and modern governance, I suggest that increasingly refined legal conceptualizations of custom (or *adat*) as broadly defining movements, behaviors, and leisurely habits of everyday people went hand in hand with expanding modern state bureaucracies, whether in the colonial Dutch East Indies or in imperial Ottoman Arabia. During the late nineteenth and early twentieth centuries, the concept of “custom,” and later “culture,” developed as much as a tool to define, locate, and control populations in legal contexts (Islamic law being no exception) as it did in scholarly academic discourse (see Burke 2014; Dirke 2001). As in the Dutch East Indies, where, as explored in the last chapter, Islamic law could literally serve as an appendage of colonial law, reformist legal discourses in the in the Hejaz were similarly intertwined with expanding imperial bureaucracy as the Ottomans tried to extend their control over what was a relatively independent region governed by the Sharifate families that had ruled Mecca and the Hejaz for centuries. As in

Java, the push and pull between centers of authority, in this case between Mecca and Istanbul, in a relatively autonomous region such as the Hejaz resulted in competing orthodoxies as various scholars, religious leaders, and Ottoman government officials all attempted to assert their own agendas of reform in the Hejaz, which included everything from public sanitation to suppressing leisurely habits such as drinking alcohol or controlling and monitoring popular entertainments and gatherings (see Low 2020). The latter included rituals and congregations formally associated with the pilgrimage but also more every-day entertainments like *qanbus* performances, which, as we saw in the last chapter, were described by Hurgronje in his account of the Hejaz during the 1880s, *Mekka* (1888-89), wherein he noted they were looked down upon by many scholarly elites and scrupulous persons. Not coincidentally then, Islamic legal debate in the Hejaz regarding the phonograph as it pertained to public moral and behavior was happening simultaneously to Snouck Hurgronje's ethnographic recording project there, which stemmed from a desire to further monitor and understand customary links between Java and the Hejaz: the very connections he previously spent a career as a colonial agent trying to understand and control through a formal institutionalization of the Islamic jurisprudential distinction between '*adat* law, or *adatrecht*, and Islamic law or *shari'ah*.

In terms of the history of ethnomusicology, the career of Snouck Hurgronje, and particularly his musicological interests explored here, serves as a insightful comparison to that of a later Dutch colonial agent and founder of the field of ethnomusicology, Jaap Kunst, who was employed as both a lawyer and musicologist in the Dutch colonial civil service in Java during the 1920s and 1930s. While Snouck's career was driven primarily by a desire to understand Islam and Arabic literature as a colonial administrator and later as a professor of Arabic at Leiden University, Kunst's tenure in the Dutch colonial government inspired an interest to study what he

believed to be authentic Indonesian culture and music, which is reflected in his work for The Committee for the Development of Javanese Culture and The Java Institute, as well as his collaborations with Prince Mangkunegoro VII (see Djajadiningrat and Brinkgreve 2014). This was in contrast to a few decades earlier during Snouck Hurgronje's tenure, when understanding social and political links to Arabia were of more importance to colonial governance in Southeast Asia, hence his collaborations with the likes of Sayyid 'Uthman. More hermetically-sealed and nationalist notions of Indonesian "culture" and "custom" shaped the colonial and academic career of Jaap Kunst beginning in 1919, and especially with the increasing Dutch colonial preference for *'adat* law or *adatrecht*, which became normative law in the Dutch East Indies in 1927, around the same time Kunst was appointed as "musicologist" in the colonial civil service. As such, and although he admitted that much of the "Arabian" influence in Javanese music was galvanized by the Muslim pilgrimage to Mecca (Kunst 1973[1933]:357), Kunst's *Music in Java* made no acknowledgement of Snouck Hurgronje's previous studies of Javanese music made with the phonograph, and ostensibly because Arabian musical traditions circulating between Java and the Hejaz that were the primary focus of Hurgronje's work were considered by Kunst to be "alien Easterling" musics: a characterization of musical culture in Java that Kunst, who was a lawyer, derived from the legal status of Chinese and Arab subjects in the Dutch East Indies. However, and as Wael Hallaq (2009:89-93) has outlined, it was Snouck Hurgronje who, in addition to showing preference for the legal orthodoxies of scholars like Sayyid 'Uthman, also subsumed the Islamic legal distinction of *'adat* into Dutch colonial law as *adatrecht*, thereby initiating ethnographic colonial efforts to document social norms and traditions surrounding Javanese customs, thus turning *'adat* law into a written body of legal codes and norms that could also be streamlined in the service of colonial governance. Thereafter, a distinction between "customary

law” and “Islamic law” was made in the Dutch East Indies, while the former gained increasingly more preference over the latter during Jaap Kunst’s time in colonial service, which is reflected directly in his use of the term “musical adat” in the original preface to *Music in Java* (1933), noted in the introduction.

In any case, and reflected in the increasing colonial preference for ‘*adat* or customary law in the Dutch East Indies, by the 1920s ideas of race, ethnicity, and culture originating in the nineteenth century had become more formalized in government bureaucracies around the world, particularly as nationalist ideologies gained a foothold in emerging constitutional postcolonial states, which later became the favored “field sites” for Western anthropologists. Similarly, as David Suisman (2009) has shown, by the 1920s increased proliferation of phonograph technologies and entertainment industries enabled an accepted abstraction of “music,” as a notion that encompassed various ideas regarding entertainment and art, and thereby patterns of production and consumption that could be characterized as custom or culture. As Jaap Kunst stated, “Ethnomusicology could never have grown into an independent science if the gramophone had not been invented” (1959:12). As such, the fatwas explored in this dissertation reveal that it also wasn’t until about the 1920s that a universalized notion of “music” began to be debated in the context of Islamic substantive law as a legal category, something I will explore further in the following chapter. Before this time, Islamic legal debate hinged on various concepts regarding musical modality (*angham*), melody (*lahn*), “instruments of amusement” (*al-alat al-lahu*), and performance context, which had not yet been abstracted together into the catch all term *music* or *al-musiqa* in Islamic legal discourse.

Nonetheless, if Snouck Hurgronje laid the groundwork for his future counterpart in Dutch colonial governance Jaap Kunst to formalize an ethnographic notion of “musical tradition,”

derived from the Islamic-cum-colonial legal distinction of *'adat* or *adatrecht*, then contemporary Islamic debate in the Hejaz and elsewhere during this time laid the foundation for institutionalized Islamic legal conceptualizations of music as a notion defined by both technological consumption and leisure entertainment. Indeed, as Jaap Kunst was aiding Dutch colonialism by helping institutionalize nationalistic orthodoxies of custom and culture in Java during the 1920s via organizations like The Committee for the Development of Javanese Culture, then the new Saudi government in the Hejaz was at the same time (c. 1924-1932) implementing its own fundamentalist Wahabi legal regimes that outlawed a modern notion of music through the religious police or The Council for Commanding Right and Forbidding Wrong, and did so by forbidding music's technological mediums like the phonograph and musical instruments. Furthermore, whether in modern colonial Indonesia or in early Saudi Arabia, expanding state bureaucracies and their institutionalized legal regimes began to greatly restrict the previously fluid movements and identities of people under the rubrics of race, ethnicity, and nation, which more discretely defined and parceled custom between "Indonesian," "Arab," and other legal-cum-ethnographic abstractions during the late nineteenth and early-twentieth centuries. In many ways, the fidelity of custom, culture, and music became more refined by these discursive categories, which were shaped by the extending influence of technological media and entertainment industries, ethnographic study, and legal bureaucracies of the modern state (see Hochman 2014; Miller 2010). These are dynamics that will be explored in more detail in the next chapter on colonial Aden during the 1940s. For now, I will now explore how Snouck Hurgronje and Islamic jurists like Muhammad 'Ali al-Maliki were coevally implicated in the global development of the ethnographic state, and particularly at a time when both law and modern technology were employed to render the cultural customs of subject populations with greater

fidelity. This chapter thus explores both the ethnographic and legal implications of the phonograph in the Hejaz during the early 1900s, revealing historical entanglements between the early development of ethnomusicology and modern Islamic law at the heartland of Islam.

The Phonograph Recording Project at Batavia and Mecca, c. 1906-1909

While previous scholarship on the phonograph recordings commissioned by Snouck Hurgronje has given insightful musicological and poetic analysis of their content, the purpose of this section here is to place them in historical time with the other source materials examined in this dissertation (see Lambert and Regourd 2017; van Oostrum 2012, 2020; van Zanten 2021). Keeping in mind the historical links between legal regimes, ethnography, and technology, it is relevant to note that the formal musical and literary analysis engaged by these previous studies relies on nationalistic and ethnic categorizations that had yet to be institutionalized at the time these recordings were made, and thus have a dubious relevance to the people who produced or were featured on the recordings. Thus, while analyzing the musical or poetic content of these recordings based on contemporary standards of what defines “Arab” or “Indonesian” may be helpful from a contemporary ethnomusicological perspective, for the historian it risks anachronism. Furthermore, formal analysis of the recordings and their documentation, including “correcting” the inventories of poetry produced by the Taj al-Din brothers according to more recent canonized standards of Arabic literature, tells little about the people who made the recordings—almost entirely non-Dutch or non-European agents—or the historical contingencies that situated their actions, especially regarding how they themselves cataloged, documented, and classified what was recorded (see Lambert and Regourd 2017). Furthermore, contemporary scholarship on the recordings, divided between Middle East “Arab” and Southeast Asia

“Indonesian” specialists, reflects a scholarly bifurcation in geography and culture that did not exist so starkly in Snouck Hurgronje’s time, nor for the economic and social lives of his associates that helped him complete the recording project. Certainly, I am not innocent to the trappings of such anachronisms, especially considering that I am a scholar trained only in Arabic and English, with relatively little knowledge of Indonesian and Southeast Asian languages.

Nonetheless, through a closer study of the primary documentation relating to this recording project in the Leiden University archives, a more clear and detailed picture of how the recordings were made can be reconstructed, and thus provide valuable historical context for what is one of the earliest ethnographic recording projects undertaken in Southeast Asia or the Arab world. Furthermore, by moving away from formal analysis and attempting to parcel the recordings and their accompanying documentation into ethnically or nationally defined “genres” to exploring *how* they were produced, the recording project can be seen as not only an important moment in the history of media ethnography and ethnomusicology, but also as a product of the ethnographic state and Dutch colonial documentation of custom, or *‘adat* and *adatrecht*. Lastly, and by similarly viewing the recording project as coeval to the activities of early international recording firms and Islamic legal discourses about the phonograph in the Hejaz and elsewhere, we can understand better how early media ethnography was connected to both commercial industry and vernacular customs in the areas it took place, rather than being simply taken as watershed moments for the proliferation of modern media in so-called “frontier” regions at the hands of white European and American agents.

If Snouck Hurgronje sought out the orthodox legal rhetoric of Sayyid ‘Uthman to help police and control unruly *‘adat* coming to Java from the Hejaz, then he employed the help of the very people enabling these customary movements across the Indian Ocean in order inscribe and

document them with a phonograph in the Hejaz after he left Java in April 1906. While previous literature on the phonograph recordings (Van Oostrum 2012, 2020) has assumed that Hurgronje himself began making recordings of Hejazi musicians at his home in Batavia before leaving the phonograph with the Dutch consulate in Jeddah during his return to the Netherlands, this narrative is difficult to corroborate after further study of documentation relating to the project . Particularly revealing are letters written in Arabic to Hurgronje by Muhammad Taj al-Din, an associate of Hejazi origin based in Batavia who ran a steam shipping company that specialized in transporting Muslim pilgrims between the Hejaz and Java. Containing valuable insights into the early stages of the recording project during 1906 and 1907, the Taj al-Din letters reveal that Snouck Hurgronje was not present at Batavia when recording sessions featuring Hejazi musicians began. Indeed, having left Java in April 1906, he had been back in the Netherlands for at least four months before the initial recording sessions that rendered a small corpus of wax cylinders featuring *qanbus* players and Arabic poetry took place in Batavia during September of 1906. Similarly, the Taj al-Din letters and other documentation suggest that Hurgronje coordinated the recording project entirely from the Netherlands via Java by communicating with Muhammad Taj al-Din and his own predecessor in the Dutch colonial administration, G. A. J. Hazeu. The latter also employed the help of a Dutch musicologist named A. J. G. A. Wiemans, who was in Batavia during September 1906 and transcribed some of these initial wax cylinder recordings into musical notation.² The project's subsequent continuation in the Hejaz was carried out by Muhammad Taj al-Din's brother Jamal, who was based in Mecca at the time and was ultimately responsible for making phonograph recordings there beginning in late 1906 and continuing through spring of 1907.

² While Muhammad Taj al-Din stated that he did not know the Dutch musicologist's name when he was present at the initial recording session in Batavia, Anne van Oostrum (2012) has identified him as Wiemans.

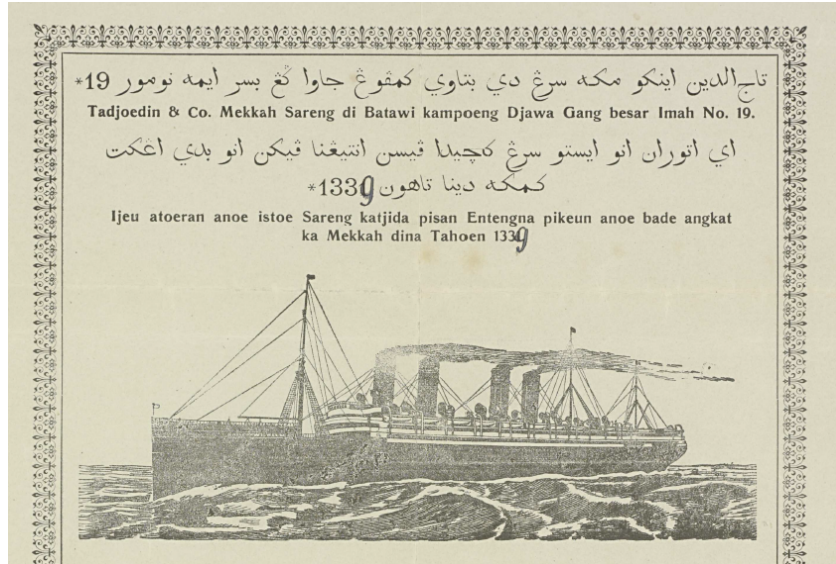


Figure 3.1. Poster in Malay and Jawi for the Taj al-Din or “Tadjoedin” brother’s shipping agency, which transported pilgrims from Java to Mecca (Leiden University 8952 A 993).

After the initial recording session in Batavia during September of 1906, Muhammad Taj al-Din transported the phonograph to the Dutch consulate in Jeddah via steamship, where it was thereafter collected by Jamal Taj al-Din and taken to Mecca where he began recording that December. There are several instances in the letters where Muhammad suggests Hurgronje should send instructions directly to his brother Jamal in the Hejaz for quicker communication, rather than sending instructions to Java whereby they would need to be forwarded on to Mecca, thus significantly prolonging communications. For the historian’s sake, we can be thankful that, in some instances, Hurgronje appears to have chosen the more precarious route for sending directions. When Snouck decided not to communicate directly with Jamal in Mecca, Muhammad Taj al-Din was obliged to forward letters he wrote to Jamal back to Hurgronje the Netherlands for the sake of transparency. These copied letters contain valuable details about the recording project, including instructions for Jamal about making wax cylinder recordings, how to take care of the phonograph, what songs and poems to record, which musicians to record, and how to catalog information regarding the performance and performer on the wax cylinder containers.

What follows here is a summary of the letters, eleven in total (contained in Or. 8952 A 995 and A 996), written by Muhammad Taj al-Din to Snouck Hurgronje and Jamal Taj al-Din between September 1906 and July 1907.³ They will be discussed in conjunction with associated documents in the Leiden University archive, including a letter sent to Hurgronje by the World's Phonograph Company in Amsterdam (Or. 18.097 S65.1), musical and poetic analysis by Snouck and A. J. G. A. Wiemans of the initial corpus of wax cylinder recordings made in Batavia during September 1906 (Or. 18.097 S65.2 and S65.3), and a numbered manuscript catalog written in Arabic (ostensibly by Jamal Taj al-Din) for the first one hundred and thirty three wax cylinder recordings made in Mecca from December 1906 to April 1907 (Or. 6980). In addition to valuable information on how the project was undertaken, the Taj al-Din letters also provide interesting details on the musicians and performance repertoires that circulated and were subsequently recorded between Batavia and Mecca. As such, the overall documentation also reveals how the phonograph recording project was embedded within existing consumption and circulation of phonograph technologies and musical practices across the Indian Ocean during the early twentieth century: consumptions and circulations that were criticized by Hejazi legal scholars like Muhammad 'Ali al-Maliki, whose fatwa on the phonograph will be explored after a look at the phonograph recording project conducted by the Taj al-Din brothers and Hurgronje's Dutch counterparts.

³ It is important to note that, in addition to updating Hurgronje on the recording project, Muhammad Taj al-Din's letters provide ethnographic and geographical tidbits about the Hejaz that were undoubtedly of interest to Hurgronje as a recently appointed professor of Arabic at Leiden University. The letters also provide Hurgronje with updates on the manuscripts and books collected from the *Kitab Khana* (library) in Mecca, which Jamal Taj al-Din was procuring for him while making headway with the phonograph recordings.

The Taj al-Din Letters and other Documentation, 1906-1907

The earliest documentation examined here is correspondence between the World's Phonograph Company in Amsterdam and Snouck Hurgronje on August 8th, 1906 (Or. 18.097 S65.1). Consisting of pamphlets regarding a scientific study in German of the Bettini recording method, Bettini product information in French, and a letter in English written to Hurgronje by the Company's representative, the documentation reveals that Hurgronje had sent a query to the company from the Hague about methods of field recording before recording sessions began. They also reveal that he had previously requested a large order of wax cylinder blanks. Bettini was a company that developed phonograph products, including a phonograph carrying arm and sapphire needle that was "the best method for recording in India," according to the Company's correspondent in Amsterdam. This was because it could accommodate for loud noises if used with "soft" wax cylinder blanks. The Company's correspondent also noted that, should Hurgronje choose to use the Bettini method, he may face playback complications when trying to play wax cylinders if he used Edison products, since the sapphire needle manufactured by Bettini was larger than Edison needles. While it appears that, for at least the early period of the recording project explored here between 1906 and 1907, Hurgronje did not send any Bettini phonograph parts to Java or the Hejaz from the Netherlands, Muhammad Taj al-Din would later report that some wax cylinders had been "altered" during an initial recording session, revealing similar technological complications. Such alterations during recording may have stemmed from the incompatibility between the Edison phonograph used for field recording, ostensibly obtained somewhere in Java, and the cylinders Snouck ordered from Amsterdam. The "alterations" Muhammad Taj al-Din referred to may have also occurred while the cylinders were being transported, potentially having been exposed to heat, collisions, or other damaging incidents. In

any case, the Company's letter noted that Hurgronje's requested wax cylinder blanks were in their final stages of manufacture, and that preparations were being made to send them overseas by the shipping firm, Messers Meyer & Co. Although not listing their destination's address, subsequent letters sent by Muhammad Taj al-Din to Snouck reveal that the order consisted of 100 cylinder blanks and that they were sent to the Dutch consulate in Jeddah, and later picked up there by Jamal Taj al-Din and taken to Mecca to make recordings there.



Figure 3.2. Page concerning phonograph micro-diaphragms from booklet on Bettini products and recording method sent to Snouck Hurgronje in 1906 by The World's Phonograph Co., Amsterdam (Leiden University Or. 18.097 S65.1).

Contained in file Or. 8952 A 995 at the Leiden University archives, the first letter by Muhammad Taj al-Din to Snouck Hurgronje (then still in The Hague) was sent September 7th, 1906, just shy of a month after Snouck's initial correspondence with the World's Phonograph Company. Tellingly, Muhammad begins the letter by congratulating Hurgronje on his "new grand

employment,” apparently referring to the latter’s appointment as professor of Arabic at Leiden University, while wishing him continued success. Muhammad continued, reporting details about the initial stages of the recording project, and that a singer named Muhammad Abdulaziz, “who has a voice like the Prophet David,” arrived in Batavia from the Hejaz on the 24th of August. With wax cylinders obtained by “Dr. Hazeu,” or G. A. J. Hazeu, they were able to make twenty recordings despite the fact that the cylinders were significantly “altered” (*mghayirrah*).

Muhammad further specified what was recorded during this initial recording session, revealing a cross section of Hejazi and Iraqi Arabic-language repertoires performed by singers in Java at the dawn of the twentieth century. He reported that the recorded performances featured on the cylinders included fifteen Hejazi musical modes or tunes (*angham*), three Iraqi tunes, one of *Fur ‘Ali*, which he specified was a type of singing special to people from the Wadi Fur‘a region along the road to Medina, and one *Hadari* song, which he specified was a style of singing from the Ta’if region in the Hejaz. Muhammad also wrote that eleven cylinders remained, but they were so “altered” that Hazeu needed to employ the help of “a friend” (whom he revealed in subsequent letters was the Dutch musicologist Weimans) to fix the cylinders, however with little success. Muhammad suggested that, had they been informed of the arrival of Muhammad Abd al-Aziz ahead of time, whom Muhammad Taj al-Din viewed a superior singer, and known that the cylinders were “altered,” they would have been able to make preparations for a more successful recording session. “Alas, we will make up for this with what will be recorded in Mecca,” he wrote. Muhammad also reported that he suggested to Hazeu that the phonograph should be sent by steamship to Jeddah. He wrote that he personally consulted the Dandlas (?) Company (*dandlas kumbaniyyah*) and they agreed to place the phonograph in the care of the

captain on a ship leaving the following day (September 8th) until the ship reached Jeddah, where the Dutch consul would receive it.

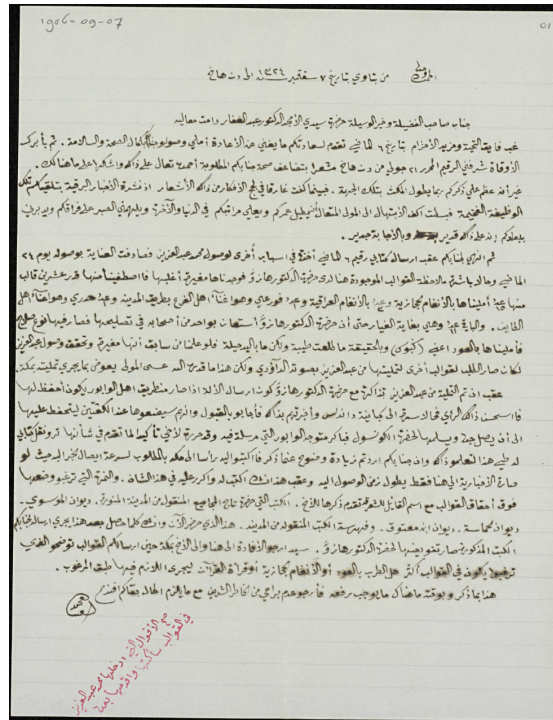


Figure 3.3. Letter written by Muhammad Taj al-Din to Snouck Hurgronje regarding the initial recording sessions of the project at Batavia, September 1906 (Leiden University Or. 8952 A 995)

In the meantime, Muhammad indicated that they would be sending the aforementioned twenty or so cylinders they had just recorded in Batavia back to Snouck in the Netherlands, including a few additional recordings featuring Muhammad Abd al-Aziz. Once they arrived, Snouck was asked to respond whether or not he would like more *qanbus* players, Hejazi tunes, or Quran recitations recorded at Mecca, and to indicate as much in letters to both his brother (Jamal) in Mecca and to himself in Batavia. In a short note in red ink at the end of the letter, Muhammad also noted that he would write down the poems that Muhammad Abd al-Aziz recently sang and send them to Hurgronje, which seems to have resulted in a document that appears to be page 36 in Or. 18.097 S65.3, a list of poems in handwriting that closely resembles Muhammad Taj al-Din's. The poetry written in this document also corresponds to the other list of

poems and transcriptions relating to the preliminary recordings made in Batavia in files Or. 18.097 S65.2. Indeed, and partly due to the phonograph's poor fidelity, having only the wax cylinder recordings was not sufficient for studying the Arabic poetry and music featured on the recordings. Here as in later stages of the recording project, Hurgronje was compelled to request written documentation, consisting of Arabic transcriptions and transliterations as well as musical transcriptions, in order to further analyze and comprehend the content of the wax cylinders. To be rendered with greater fidelity in a scholarly context, the sounds of Hejazi musical and poetic customs circulating across the Indian Ocean and inscribed by the phonograph had to be rendered in writing.

In any case, for clarification Muhammad attached a copy of a letter he had recently sent to Jamal in Mecca, which gives instructions for Jamal once he obtained the phonograph from the Dutch consulate in Jeddah. In the letter, Muhammad emphasized taking great care of the phonograph and cylinders and to place them carefully back in their boxes before mailing them to Europe after the project's completion. Muhammad also relayed detailed instructions on what to say at the beginning of each recording, which reveals insights into what standards and stylistic categories the Taj al-Din brothers were using to catalog the recorded materials:

. . . once you've placed the cylinder (*qalib*) on the instrument [the phonograph], the first thing you say in a loud voice is the name of the reciter of the poem (*qasidah*) that will be placed on that cylinder—something like “this is a poem by Abd al-Wahad al-Juhari,” in the case the poem's author is known. If this is not known, then indicate whether the poem is composed by either some Arab or Yemeni poet, or whatever region its author is from. If none of that is known, then simply state “this poem is *Sana'ani*, *Sharaqayn*, *Urudman*, or *Zanjibar* (Zanzibar).” Once this is done, the poem can begin. Please note that if the performer (*qa'il*) is known, there's no need to state the type of melody, whether it is *Sana'ani* or otherwise; it is enough to only state the name of the poet.

To store the completed recordings, Muhammad continued that Jamal should write the name of the poem and its author on the lid of each wax cylinder, and if the author was not known that

only the style of melody should be labeled: otherwise information corresponding to that which would be announced at the beginning of each wax cylinder recording session. Names like *Sana‘ani* and *Yamani* listed here more obviously refer to Yemen, and particularly the country’s modern capital of Sana‘a. Yet considering that the current nation-state of Yemen (formally unified in 1990) did not exist at the time of these recordings, it is important to consider what such terms may have signified colloquially in the Hejaz at the turn of the century. Indeed, and as Lambert and Regourd (2014) have noted, the term *Yamani* did not necessarily have nationalistic connotations, and thus serve as a signifier for poetic and melodic styles that originated in what was then the Imamate of Yemen and certainly not the modern-day Republic of Yemen. Although it is a subject needing more research, it is at least clear that the term *Yamani* retained a variety of meanings at the turn of the century. One was to indicate a stylistic milieu of poetry, whose development and production mirrored diasporic movements of peoples who originated in Yemen, but was not necessarily tied to the geographical region or to poets who traced their lineage to Yemen. In a Hejazi context, it is also important to keep in mind that *Yamani* could also mean “southern,” a meaning also reflected in the name of the Ka‘aba’s southern facing corner, “the Yamani corner” or *rukan al-yamani*, or the southern quarter of the city of Jeddah (see Freitag 2020:172). While little is known about the meaning of stylistic titles *Urudman* and *Zanjibar*, other than that they may broadly indicate connections to poetry or musical traditions in East Africa and South Asia, perhaps they were used in a similar fashion as *Yamani*: indicating broader milieus of poetic and literary production centered around people originating, but not necessarily tied to, these geographical regions. Similarly, as ethnomusicologist Lisa Urkevich has noted (2015:225-241), the term *Sana‘ani*, as it is used in the Hejazi *danat* song tradition, does not necessarily signify direct origin in the Yemeni capital of Sana‘a, but rather refers to a

compositional style in the Hejaz characterized by a rhythm called “*Sana ‘ani*.” Indeed, more research is needed in regard to the historically situated meanings of these terms used by the Taj al-Din brothers to catalog the recordings, but perhaps a place to start would be studying contemporary poetry volumes or diwans produced in the Hejaz at this time, which had a vibrant print culture and printing presses located in Jeddah, Medina, and Mecca. Nevertheless, what can be surmised here is that these terminologies used by the Taj al-Din brothers to catalog music and poetry in the Hejaz retained fluid meanings at the time, and were not as bound to the letter and geography as they would seem when viewed through the lens of recent nation-state, ethnic, and culturalist paradigms.

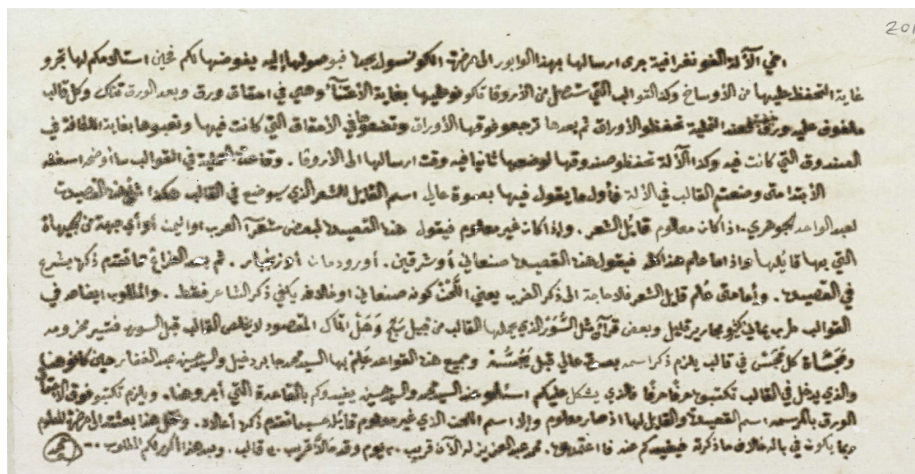


Figure 3.4. Letter from Muhammad Taj al-Din to his brother Jamal in Mecca describing how to record and document singers and reciters in the Hejaz with the phonograph he sent from Batavia. (Leiden University Or. 8952 A 995)

Indeed, the difficulty of understanding the historically situated meanings of these labels is perhaps compounded by the fact that they were, rather than being timeless static categories, themselves the products of fluid regional Indian Ocean movements and even more global exchanges occurring during the nineteenth and early twentieth centuries throughout the Hejaz. In fact, global Indian Ocean movement is explicitly audible in the digitized corpus of wax cylinder recordings taken in Mecca by Jamal Taj al-Din, who happened to record a certain “Shaykh

Muhammad Nur Afandi” telling—in Arabic—of his travels from the Hejaz to Burma in 1888 (1306 h.):

“ . . . I left from the Hejaz in the year 1306 [1888] to the port (*bandar*) of Bombay. I stayed in Bombay for three months, taking in the country and its people. Bombay to *Mushanja* (?) is eighteen [. . .]. Then I went from Bombay [. . .] to the port (*bandar*) of Calcutta during the time the [. . .] was held, who is the ruler (*hukumdar*) of all Indian people (*umum al-hind*). In Calcutta I stayed eight [. . .], then was released (*infasaltu*) [. . .] from Calcutta to pay my respects to the [. . .]. When I entered Calcutta I was in good health, and all the people and sects, Muslims, Hindus, and Europeans, all came in attendance at the station to greet the ruler of their country (*hukumdarikum*), who went in a great [. . .] to the government house of the English state in Calcutta. Then I went from Calcutta to Rangoon in an English steamer. Rangoon is a place in the country of Burma. In Rangoon there are six thousand [. . .], and the trade is [. . .]. Its people are pagan and worship idols. There is all sorts of people there, Muslims, [. . .], Indians, and others. Then I went from Rangoon [. . .] to the port (*bandar*) of *Minmandra* (?), which is the capital of all the Burmese kings.” (CD 1, 11, Track 34)

While certainly more work needs to be done to get an accurate transcription and translation of this recording, this preliminary listen and translation of Shaykh Muhammad Nur’s travels in 1888, relayed from his own voice via the phonograph recording made by Jamal Taj al-Din, gives us a general outline of his travels and what he saw. Interestingly, he seems to have arrived in Calcutta on December 10th (after an eight-day quarantine or an eight-day sickness perhaps) just as the newly appointed Viceroy of India Lord Lansdowne, who had previously served as the Viceroy of Canada, had arrived in the capital of the British Raj: an event in Calcutta which the elderly Shaykh can be heard describing on the phonograph recording. Furthermore, he refers to the British Viceroy using the Ottoman-Turkish term, “*hükümdar*,” while ostensibly using other non-Arabic words and references of either Persian (*bandar* as “port”), English, Hindi, or other linguistic origin to describe his travels; hence my inability to completely transcribe and translate Shaykh Muhammad Nur’s words here. Regardless, it was within these sorts of Indian Ocean and even more global milieus of movement and exchange that Jamal Taj al-Din was making and documenting these phonograph recordings. This is a fact that is further highlighted by the fact

that some of the qanbus players initially recorded at Batavia were also present for the recording sessions conducted by Jamal Taj al-Din back in the Hejaz at Mecca and Jeddah.

In the letter Muhammad sent to Jamal noted above, he clarified what Hurgronje desired for further recordings, thereby mentioning the names of the two other musicians who had been involved in the initial recording session in Batavia along with Muhammad Abd al-Aziz. They were Sayyid Muhammad Jabir Dakhil and Sayyid Hussain Abd al-Ghafar. Interestingly, he also indicated that they would be back in the Hejaz from Java to help Jamal with the phonograph if he faced any complications.

It is also requested that the cylinders are filled with lots of *Yamani* (Yemeni) music, a few *Majarir* (s. *Majrur*), and some verses (*sura*) of the Quran that can be contained on a cylinder, such as *Sabah* and *Hal Atak*, the purpose being so that the cylinder does not finish before the verse. The sir [Snouck] has also indicated that for the *Majisat* (s. *Majis*), each reciter should state his name in a loud voice before his *majis* begins, and that what is recorded on each cylinder be written down letter for letter. Sayyid Muhammad Jabir Dakhil and Sayyid Hussain Abd al-Ghafar learned of all these procedures when they were here [in Batavia], so if you confront any problems ask them about the procedure followed here.

Muhammad Taj al-Din concluded the letter to Jamal by noting that he is forwarding their communications to Snouck in the Netherlands, and that the other singer, Muhammad Abd al-Aziz had been in Batavia nearly twenty days and had recorded around thirty wax cylinders. These were additional to those recorded by Sayyids Hussain ‘Abd al-Ghafar and Muhammad Jabir Dakhil before they made their way back to the Hejaz from Java shortly after. It is important to note that, in regards to the stylistic categories noted in this excerpt, *Majrur*, *Majis*, and *Sharqayn* (mentioned in the first excerpt from the letter) are all recognized regional genres and styles of Hejazi music today. For example, *Majrur* is a style of strophic song performed in the Hejaz, and *Majis* is a style of non-metric vocal improvisation characterized by the use of Hejazi musical modes (anham or maqamat), similar to the *mawal* in Egypt or the Levant region,

although using styles of modal development specific to the Hejaz (see Urkevich 2015:225-241 and Hurgronje's notes on the Hejazi musical modes or *angham* (Or. 18.097 S65.3: "Transcripties en aantekeningen," 37-38). As observed in the previous chapter, these same styles of Hejazi music were also recorded and distributed in Java by American and European phonograph firms like Columbia, Odeon, and His Master's Voice between 1906 and 1913. As the recordings made in Mecca by Jamal Taj al-Din reveal, the musical modes used to sing *Majis* and *Majrur* could also be employed in Quran recitations (Disc B, 14, Track 38), reflecting what was for jurists like Sayyid 'Uthman a problematic blurring of the lines between God's word and musical entertainment. This was a dynamic further amplified by early international recording firms, who would often hire a single performer to both record songs and Quran recitations, and particularly in Southeast Asia where Quran reciters from the Hejaz could also be renown musicians and qanbus players, like the later example from the 1920s and 1930s of Machmoed Saad Mekka mentioned in the last chapter.

As also seen in the last chapter, Sayyid 'Uthman leveled criticism at quack Sufism embodied by the Arabic poetry associated with forms of Sufi assembly, which he stated included questionable but difficult erotic motifs that were used to falsely impress common elements of Javanese society. Erotic motifs that directly invoked religion were also a part of the poetic repertoires sung by qanbus players like Sayyid Muhammad Jabir Dakhil, who sang the following verses from the poem by the second Umayyad Caliph, Yazid Bin Mu'awiya (d. 683), *arak turuban*, or "filled with ecstasy" or "emotion," for the initial phonograph recording session in Batavia, which was later transcribed by Snouck Hurgronje in file Or. 18097 S65 2:

If not for the fear of God and my life,

I would have embraced her between Hatim and Zamzam

Her arm would be my pillow as I kissed her lips,
Halal for me even if forbidden.
God has forbid adultery in His book,
but not kissing and necking at the mouth.
If someday the religion of Ahmad forbids it,
then take it by the creed of Jesus son of Mary.

Mu‘awiya’s poem directly invokes the Kaaba in Mecca, referring to its lower wall “Hatim,” where the Rock of Ismael is located, and the well of Zamzam about twenty meters away. Furthermore, the vicissitudes of Islamic legal doctrine and law are notably alluded to with the claim that kissing is not considered adultery, along with the quip that, if one day it would be deemed as much by Islamic law, then why not become Christian for a fleeting moment? If poems like *arak turuban*, which is still performed today throughout the Arabian Peninsula, could allude to forsaking religion for worldly love, then it is little wonder that scholarly elites like Sayyid ‘Uthman had reservations about such songs circulating from the Hejaz and performed in more “base” vernacular contexts. Nonetheless, the transcriptions of these early recordings give a more vivid insight into the music and poetry that came under legal scrutiny, as well as the traveling *qanbus* players like Sayyid Muhammad Jabir Dakhil who sang this song.

The next letter Muhammad Taj al-Din wrote to Snouck Hurgronje was at the end of that month on September 27th. He confirmed that Hazeu sent back the first batch of wax cylinders made at Batavia featuring Muhammad ‘Abd al-Aziz to the Netherlands. Muhammad also reported that Hazeu confirmed with him that Hurgronje had sent one hundred cylinders from the Netherlands to the Dutch consulate at Jeddah, which appear to have been the cylinder blanks referred to in the World’s Phonograph Company’s correspondence discussed above. Once the

phonograph arrived in the Hejaz from Java, Jamal would collect the machine and the cylinders from the consulate and take them to Mecca to begin recording. Muhammad attached his follow up letter to his brother, which provided further instructions for taking care of the phonograph, how to safely store the wax cylinders, and a report on the initial recording session at Batavia. Expressing hope that the phonograph arrived safely, Muhammad instructed Jamal how to keep the phonograph and wax cylinders clean after using them. Additionally, and so that Jamal would not duplicate any of the songs already being sent back to Snouck in the Netherlands, Muhammad also provided an updated account of everything that had been recorded in Batavia by the singers Muhammad ‘Abd al-Aziz, Muhammad Jabir Dahkil, and Hussain Abd al-Ghafar, with a list of the titles of over 43 poems the three singers had performed for the recording session(s) at Batavia. These poems match those sung by Muhammad ‘Abd al-Aziz in the document written and sent to Hurgronje by Muhammad Taj al-Din (page 36 of Or. 18.097 S65.3) as well as the analysis and transcription by Hurgronje and the musicologist Weimans of the initial wax cylinder recordings made in Batavia (Or. 18.097 S65.2), a document discussed by Van Oostrum (2012, 2020). Muhammad also informed his brother that Snouck desired an additional 35 cylinders of Yemeni songs (*tarab yamani*), 25 cylinders of Hejazi styles such as Majrur, Hadari, Fara‘i, and, if possible, some wedding songs (*zafa*) performed by Binat Abu Yemen.⁴ Five cylinders of *Bisha* singing, sixteen *Majisat* (s. *majis*), fourteen Quran recitations, and ten cylinders featuring reciters of praise odes (*madihin*) were also requested in the letter, with Muhammad adding to Jamal that for “the rest record what you see fit, especially new and strange occurrences.” As we noted above, one of the latter recorded by Ahmad Taj al-din was Shaykh Muhammad Nur Afandi’s telling of his travels from the Hejaz to Burma back in 1888.

⁴ The meaning of Binat Abu Yemen (lit. “daughters” or “women of Father Yemen”), including whether it was the title of a particular female group that sang for weddings or just a general term to refer to women singers of Yemeni origin is not clear.

On November 1st Muhammad Taj al-Din sent another update to Hurgronje, which indicated that, although the Dutch consul at Jeddah had arrived after a leave of absence, Jamal heard nothing about the arrival of the cylinders from the Netherlands. Muhammad told Hurgronje that this was possibly because the consul was exhausted from travel, and or perhaps because Jamal was still in Mecca at the time of the consul's return to Jeddah. Muhammad also expressed his desire for Hurgronje to continue writing directly to him, rather than privileging communications to his Dutch partner in colonial administration, Hazeu, who appears to have often been a third party communicator between Hurgronje and Muhammad at this time.

By December 11th, Muhammad wrote another update to Hurgronje, further expressing what was apparently frustration for the latter's lack of direct communication, and despite the fact that Hurgronje sent him an update the previous month about the arrival in the Netherlands of the initial cylinders recorded at Batavia. Regarding those, Muhammad stated that he was sorry to hear that the recordings of Muhammad Abd al-Aziz, who in his opinion was a superior singer, did not turn out as desired. He noted that this was perhaps due to the quality of the cylinders, which may have been "altered" during recording, and not necessarily due to the phonograph itself. As such, Muhammad referred to the presence of the Dutch musicologist Wiemans during the initial recording session in Batavia, whom he noted was a friend of Hazeu's "with skill in music," and that he had repaired some of the cylinders. It appears likely that Weimans also prepared the musical transcriptions of the wax cylinder recordings around this time or shortly after, which are archived along with Hurgronje's transcriptions and notes on the Arabic poems featured in the initial recording session at Batavia (Or. 18.097 S65.2). Indeed, it is unclear based on the current literature concerning Snouck Hurgronje's wax cylinders whether or not these initial recordings made in Batavia, whose content is visible in written form in the resulting

documents from the Leiden University archives noted here, exist with the digitized corpus of wax cylinder recordings. In any case, Muhammad noted that his brother had retrieved the phonograph and cylinders—sent from Java and the Netherlands respectively—from the Dutch consulate in Jeddah by October 20th, and assured Snouck that he would take great care while making the subsequent recordings in Mecca. “I hope that most of them will turn out agreeably, if not all of them,” Muhammad concluded in reference to the wax cylinders.

In a letter dated January 3rd of 1907, Muhammad informed Snouck that Jamal had begun recording in Mecca the previous month according to his instructions. In the next letter on March 27th, Muhammad stated that Jamal would return the phonograph to the Dutch consul in Jeddah before the latter left for Europe, indicating that the project was wrapping up. In a subsequent letter written on May 23rd, Muhammad stated that Jamal had completed the recording project in Mecca during early April and had returned the phonograph to Jeddah, and that he expected that the phonograph and cylinders should have, by that time, reached Hurgronje in the Netherlands. Muhammad also provided a concluding synopsis of what Jamal recorded in Mecca: 9 Yamani melodies accompanied by the *tar* drum, 15 Bisha songs, 13 Majrur, 9 Hadari songs, 5 Fara‘i songs, 4 Yamani songs, and a variety of other styles of song and recitation. Providing further details about contingencies and difficulties, Muhammad stated that Jamal reported that 21 of the cylinders Hurgronje sent from the World’s Phonograph Company were “altered” after recording. Jamal was compelled to purchase others, although they were a different make than those previously sent by Hurgronje. As will be seen shortly with the fatwas explored in this chapter, phonographs and cylinders would have been available for purchase in the Hejaz at cities like Mecca during the early 1900s, so that Jamal perhaps would not have great difficulty in procuring replacement cylinders. This also indicates that the recording project was not a watershed moment

for the introduction of phonograph technologies in the Islamic holy land at the time. In any case, Jamal “filled” these new cylinders and added them to the original corpus, thus completing the collection of 100 cylinders to be sent back to the Netherlands. “Perhaps my brother can further clarify for you what was accomplished with this project. Let us know if there is anything else we can do,” Muhammad concluded.

Indeed, there was more Jamal Taj al-Din was asked to do for Hurgronje regarding the recordings. In the following letter dated July 24th, Muhammad expressed that he was pleased to hear that the cylinders Jamal procured for Snouck at Mecca had arrived safely in the Netherlands and were mostly in good condition. Yet rather than keeping the cylinders and phonograph in Europe, the letter reveals that Hurgronje had decided to return the wax cylinders and phonograph to the Hejaz despite having only just received them. This was so the content of the recordings, the poetry in particular, could be transcribed to paper, which was ostensibly done thereafter by Jamal Taj al-Din. Indeed, what appears to be the resulting document of this request, Or. 6980 is a catalog written in Arabic listing numerically one hundred and thirty three of what appear to be the initial wax cylinder recordings taken at Mecca by Jamal Taj al-Din from December 1906 to April 1907. Lambert and Regourd (2017) have also hypothesized that this catalog manuscript was written by Jamal Taj al-Din, as much of its content can be matched with the corresponding digitized recordings of the wax cylinders: something I have also been able to accomplish myself for a few recordings; however, as Van Oostrum (2012) has noted, much more painstaking work is needed to match the digitized recordings with the written catalogs and source materials, including the labels on the wax cylinder boxes. In any case, the contents of the manuscript catalog also correspond to what Muhammad listed as the sum of the initial recordings produced

in Mecca in his letter dated May 23rd, 1907, thus further demonstrating that the manuscript Or. 6980 is a catalog for the early batch of field recordings made in Mecca.

In the letter dated July 24th, Muhammad also acknowledged Snouck's desire for additional cylinders to be recorded featuring Sayyid Muhammad Jabir Dakhil, who, as mentioned previously, had been present during the very first recording session at Batavia when he sang the sensuous poetry of Yazid b. Mu'awiyya's *arak turuban*. While Muhammad Taj al-Din seems to have consistently preferred Muhammad Abd al-Aziz, who he claimed "has a voice like the Prophet David," Hurgronje appears to have developed an appreciation for Sayyid Muhammad Jabir Dakhil after hearing his wax cylinder recordings. Indeed, this Sayyid Muhammad appears to be the qanbus player pictured in the only surviving photograph taken of the recording project, which pictures "Sayyid Muhammad" performing for a later phonograph recording session in 1909 at the Dutch consulate in Jeddah (see Urkevich 2015 and van Oostrum 2020). Thanks to Muhammad Taj al-Din's letters to Snouck, it seems that Sayyid Muhammad's full name has been revealed, Sayyid Muhammad Jabir Dakhil, in addition to the fact that he was a qanbus player who traversed across the Indian Ocean, being present for recording sessions in both Batavia and Jeddah during the course of the project. Still, there is no indication in the documentation examined here whether or not he or the other individuals featured on the wax cylinder recordings received financial compensation or otherwise.

While further research on the recording project, which lasted until 1909, needs to be done, I have nevertheless demonstrated here how Snouck Hurgronje relied on the very people and networks enabling the circulation of musical, recitational, and poetic repertoires between Batavia and Mecca during the late nineteenth and early twentieth centuries to successfully execute the project during its initial stages. The Quran recitations, wedding songs, qanbus

performances, poetry, and stories of nineteenth-century steamship travel captured on the wax cylinder recordings were a product of economic and cultural movements throughout the global Indian Ocean arena during this time. The Taj al-Din brothers themselves were involved in the business of steam travel, thus placing them in an ideal position to facilitate the transport of not only the phonograph from Java to the Hejaz but also the musicians featured on the recordings. Among them were Sayyid Muhammad Jabir Dakhil and Sayyid Hussein Abd al-Ghafar who, as made evident by the Taj al-Din letters, were traveling qanbus performers who were recorded in both Batavia and Mecca during the course of the project. This echoes patterns of movement in a gig economy of freelance musicians between Arabia and Southeast Asia noted by the Hadhrami qanbus player Said Awad, who, as we noted in the previous chapter, spoke of such traveling musicians and poets to Swedish orientalist Carlo Landberg during the 1890s. It is also reflective of later qanbus players from Mecca like Machmoed Saad Mekka who would sign for the German Beka phonograph firm in Java later during the 1920s. The risqué and suggestive poetry sung by musicians like Sayyid Muhammad Jabir al-Dakhil also reflect a sphere of worldly amusement deemed vulgar by the likes of Sayyid ‘Uthman, who spoke out against lewd poetry and other performance practices that he associated with Sufi charlatanry.

Yet while Snouck Hurgronje may have, for a time, helped legitimize and institutionalize Sayyid ‘Uthman’s legal opinions and doctrinal biases by putting him on the colonial government’s payroll, he clearly did not agree entirely with Sayyid ‘Uthman on what sorts of public gatherings or performance practices were reprehensible. As Van Oostrum (2012) has shown in reference to Hurgronje’s later publications, he hosted his own gathering of qanbus musicians at his home in Batavia before he quit working for the colonial government in Spring of 1906, which ostensibly sparked his interest in obtaining recordings of the music for academic

study.⁵ Nevertheless, Snouck's career was driven by a desire to understand the history and customs of Islam in Arabia and Southeast Asia to aid what were broader colonial designs to modernize Indonesia under Dutch supervision. This resulted in what appears to be in hindsight a somewhat contradictory approach of cultivating a more Western-educated or "liberal" class of Javanese subjects amiable to European rule, while also employing the more "conservative" elements of the Islamic clergy like Sayyid 'Uthman to help quell subversive forces of popular mass mobilization outside the colonial government's control, particularly Sufi organizations that thrived on networks of trade and pilgrimage with the Islamic holy land. Thus, while Sayyid 'Uthman looked down upon musical performances and certain recitational practices as subversive to public moral and even Dutch rule, Hurgronje, as an academic who studied Islamic law, history, and the Arabic language to better inform Dutch colonial policy, clearly appreciated these musical and recitational practices as objects of ethnographic fascination. Still, this was deeply intertwined with a career in colonial administration managing Native Affairs in Java, and thereby legally managing the island's populations via increasingly orthodox and legalist approaches, highlighted in his institutionalization of *'adat* law and *shari'ah* law.

In this regard, it also comes as no surprise that, as the phonograph project continued into 1908, Snouck Hurgronje asked another Islamic jurist in Java, a colleague of Hejazi and Moroccan origin Abdullah al-Zawawi, to write a legal opinion on the phonograph during 1908. A document that has been recently published, translated, and analyzed by Jan Just Witkam (2019), al-Zawawi's fatwa on the phonograph was written as a private letter to Hurgronje, and thus appears not to have been intended as a public statement on the phonograph unlike the other

⁵ Here, and while Oostrum (2012) reveals that Hurgronje did host qanbus performers in his home in Batavia, the primary sources she cites provide no evidence that phonograph recordings were taken during those gatherings. As I have demonstrated here through the Taj al-Din letters, the phonograph recordings of qanbus musicians in Batavia, referenced and analyzed in file Or. 18.097 S65.2, began after Hurgronje had already arrived back in the Netherlands.

rulings examined in this dissertation. Rather, it was an exercise in fatwa writing composed in the medium of a written letter to Hurgronje who had already subjected Sayyid ‘Uthman’s phonograph fatwa to academic scrutiny in the article “Islam und Phonograph” (1900). As someone who was attempting to document popular musical and recitational customs in the Hejaz with the phonograph, and who was aware of Sayyid ‘Uthman’s opinions regarding the phonograph’s associations with music and entertainment, it would appear that Hurgronje still puzzled over how the new technology appeared in the eyes of Islamic law, hence his effort to get a second opinion from al-Zawawi when the recording project was taking place in the Hejaz.

Interestingly, it was al-Zawawi’s family that, among other Meccan and Dutch partners, helped Hurgronje vacate his belongings including his camera and photography materials from Mecca back in 1885 when the Ottoman authorities obliged him to leave. Hurgronje had also discussed the issue of photography with his Hejazi counterparts having taken a great corpus of photographs during his stay there (see Witkam 2021:84-87). As ostensibly the second person to bring photography into the Islamic holy land after the Ottoman army engineer Muhammad Sadiq Bey (d. 1902), these interactions clearly sparked Hurgronje’s interests in how modern media technologies would be received by Islamic jurists. Sadly, and after he would later return to the Hejaz from Java, Abdullah al-Zawawi was killed in a massacre at the town of Ta‘if in 1924 at the hands of the invading Saudi-Wahabi forces, who also ran a campaign of smashing phonograph records in Mecca and confiscating gramophone needles: events discussed in the following chapter.

Yet unlike photography during the 1880s, by the end of the first decade of the twentieth century the phonograph was ubiquitous in many places throughout the Arabian Peninsula, with Snouck Hurgronje hardly being one of the first people to facilitate the phonograph’s introduction

to the Hejaz. We have already seen how, in 1906, the International Talking Machine Company executive F .M. Prescott cited “Arabia,” in addition to markets in “Egypt,” “Turkey” and “Asiatic territory,” as one of the global Muslim regions where there Quran recitations and hymnals “sell freely” (Bill 1906:21). Regarding phonograph consumers in the Hejaz, F .M. Prescott’s claim is confirmed by the account of the British officer, Arthur John Byng Wavell (1913), who made the pilgrimage to Mecca from his station in East Africa disguised as a pilgrim during 1908. Wavell (1913) described his compartment in the Hejaz railway, which he had boarded in Damascus, as it made its way into the Islamic holy land:

Next to us on the other side of the carriage were two Turks, father and son, whose only luggage appeared to consist of a gramophone. This ubiquitous instrument is very popular in the Hedjaz [sic.], and many Arabic records for it are now to be obtained—among them even passages of the Koran! I have never lost an opportunity of pointing out the impropriety of this, having always entertained a strong objection to this invention of the Evil One. (Wavell 1913:55)

As Wavell later noted, the only two female pilgrims in his carriage “spent most of the time intoning what is known as the ‘Maulid’ [sic], a poetical work describing the birth of the Prophet” (56). Stuck in a train carriage on the Hejaz railway filled with the sounds of phonograph records and mawlid recitations, Wavell’s Protestant and Victorian moral predilections seem to have made him an equally staunch opponent of the phonograph, “an invention of the Evil One,” as Muslim elites like Sayyid ‘Uthaman (1899) or Muhammad Ali al-Maliki (1911). Indeed, al-Maliki’s fatwa even reveals that, by 1911, phonographs were purchased and rented out to musicians throughout the Hejaz, and furthermore adding further cacophony to the sacred streets of Mecca.

As such, if phonograph consumption and enjoyment could occur within the proximity of mawlid recitations on the Hejaz railway, then debate in the Hejaz about the phonograph during the early 1900s, occurring through the public medium of a printed fatwa by Muhammad ‘Ali al-Maliki, further reveals that the phonograph had become enmeshed in the production and

consumption of musical and poetic custom in the Hejaz: the very things Hurgronje was attempting to document with the technology between 1906 and 1909 with the help of the Taj al-Din brothers. While Hurgronje was ultimately obliged to send the first batch of wax cylinders he received in the Netherlands from Mecca all the way back to the Hejaz so that they could be rendered with greater clarity through catalogs and transcriptions of their content written in Arabic, fatwas on the phonograph written c. 1906-1911 resulting from an exchange between Muhammad ‘Ali al-Maliki and Muhammad ‘Abd al-Qadir al-Ahdal reveals a parallel legal debate over the practical limitations of phonographic fidelity. As in the last chapter, the problem of fidelity was connected to the technology’s association with the vernacular customs of musical entertainment and amusement. Yet rather than arguing as Sayyid ‘Uthman did, that the phonograph’s poor fidelity connected it to spheres of base and worldly entertainment, al-Maliki took for granted that the phonograph reproduced “real” sounds of Quran recitations and musical instruments. In fact, al-Maliki explicitly stated that the issue of phonographic fidelity was irrelevant to establishing that the technology was analogous to an “instrument of amusement” because for him, it certainly had good enough fidelity to be considered one. As he explained in his fatwa, the good or bad quality of phonographic fidelity merely determined how much enjoyment a listener obtained from the technology. Furthermore, al-Maliki provided justifications for his legal opinion based on what I am labeling “ethnographic” observations of the phonograph’s relationship to popular custom in the Hejaz, and particularly the sorts of musical entertainment targeted by Hurgronje’s recording project in Mecca and international phonograph companies back in Java during the exact same time.

Amusement and Fidelity: al-Maliki and al-Ahdal on the Phonograph, c. 1906-1911

Muhammad ‘Ali b. Hussain al-Maliki (1870-1948) hailed from a scholarly Meccan family of Moroccan origin: his grandfather migrated from Morocco to Cairo where his father Husayn was born. Husayn eventually studied and taught at Al Azhar University in Cairo before migrating to Mecca, where al-Maliki was born in 1870. When al-Maliki was only five years old, his father passed away. Thereafter, he was raised by his older brothers who schooled him in Maliki jurisprudence, Quran and *hadith* exegesis, and Arabic linguistics before he became a teacher and scholar in his own right, teaching from his home and at the Masjid al-Haram (the great mosque that houses the Ka‘aba in Mecca). In 1922, when al-Maliki was about fifty two years old, he assumed the position as the official Maliki juristconsultant (mufti) in Mecca, then under the rule of King Husayn and the Kingdom of the Hejaz. Perhaps due to the invasion and occupation of the Hejaz by Saudi-Wahabi forces a few years later in 1924 and 1925, al-Maliki migrated to Southeast Asia where he lived for a time in Java and Sumatra serving as a mufti for adherents of the Maliki school of jurisprudence. After eventually returning to the Hejaz, al-Maliki appears to have continued serving as a Maliki jurist in the Kingdom of Saudi Arabia (est. 1932), eventually passing away in 1948 at Ta‘if (Atallah 2020).

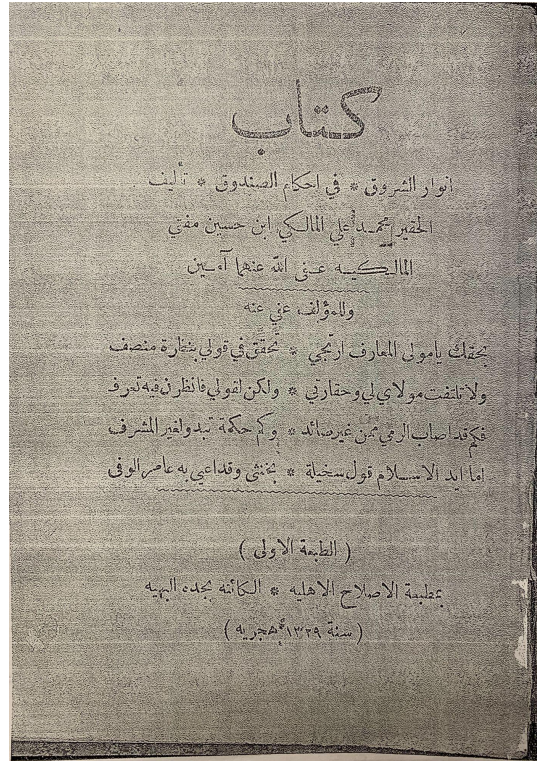


Figure 3.5. Muhammad ‘Ali al-Maliki’s Illuminations of the Sunrise on Rulings concerning The Box published in Jeddah (1911). Courtesy of the National Library of Israel.

As a member of the literate and scholarly elites in the Hejaz and in Southeast Asia, al-Maliki’s career mirrors that of Sayyid ‘Uthman’s a generation earlier. Unfortunately, I was unable to conduct a more comprehensive study of al-Maliki’s publications as I did with Sayyid ‘Uthman’s, which are readily available in the Leiden University archive. Nonetheless, a close reading of al-Maliki’s fatwa on the phonograph and a later ruling, composed for a Javanese audience, about conducting the call to prayer with a drum, reveals that he held many similar biases towards popular custom and activities associated with entertainment and “instruments of amusement.” Thus, and regardless of difference in Sunni schools of jurisprudence, with Sayyid ‘Uthman being a Shafa‘i and Muhammad ‘Ali al-Maliki a Maliki (hence the title “al-Maliki”), Muslim scholars could share similar agendas and ideological stances due to affinities with ideas outside the purview of *madhhab*. Indeed, al-Maliki’s fatwa on the phonograph was published in

1911 by the Civil Reform Press (*matba'ah al-islah al-ahliyyah*) in Jeddah, and it was a response to a previous ruling penned by the Shafa'i scholar Muhammad 'Abd al-Qadir al-Ahdal, who not only permitted listening to music and Quran recitations on the phonograph but also musical instruments, particularly the oud. Beginning around 1906, al-Ahdal composed at least two rulings on the matter in response to other scholars who stipulated that the phonograph amounted to forbidden magic and paranormal activity (al-Qadah 2007).

As in the other cases explored thus far in this dissertation, context appears to have been a more significant deciding factor than legal school in establishing a ruling, which was more often determined by factors such as a jurist's existing rapport with other jurists or relationship to state authorities or, in this case, an affinity for "civil reform." As suggested in previous chapters, a ruling often hinged upon how a jurist rhetorically responded to and activated these relationships while drawing on written legal precedents and repertoires. Furthermore, and like the extending influence of Dutch colonial bureaucracy and policing in Java during the nineteenth and early twentieth centuries, the Hejaz also experienced imperial Ottoman attempts to extend bureaucratic administration into the Islamic heartland.⁶

As Michael Christopher Low (2020) and Ulrike Freitag (2020) have shown, the Ottomans pursued administrative and legal reform, particularly under the rule of Sharif 'Awn al-Rafiq (1882-1905), in order to improve sanitation to fight ruthless cholera epidemics, improve road and water infrastructure, and initiate social reforms surrounding congregations associated with the pilgrimage. Ottoman efforts to extend more authority over Hejaz also stemmed from fears that British Indian Muslim subjects, both pilgrims and those who settled in the Hejaz, would be

⁶ It should be noted that, during the first half of the nineteenth century, the Hejaz was formerly under the suzerainty of Cairo in Khedivate Egypt. In 1840, it was placed back under the administration of the Ottoman government in Istanbul.

conduits for further British colonial intrigue in Arabia.⁷ Additionally, to better administer populations and implement these reforms, the Ottoman government bureaucracy also attempted classifying schemes to label and define populations in the Hejaz based on varying ethnic, nationalistic, and urban-rural distinctions (Low 2020). Still, the Ottoman government often faced pushback from the ruling Sharifate families, especially the al-‘Awn and Dhu Zayd families, who historically ruled the Hejaz from Mecca often used their influence to counter Ottoman efforts to extend legal authority during this time (Freitage 2020; Low 2020).

Yet despite such complex dynamics in the jockeying for power and influence with the extension of Ottoman state power in Arabia, the state’s reliance on paper and text to legitimize the extension of legal bureaucracies appears to have had a similar influence on the practice of Islamic law in the Hejaz as it did in the Dutch East Indies during the nineteenth and early twentieth centuries. The push to control and reform the behaviors and customs of large populations is reflected in the simultaneously elitist, reformist, and orthodox critique of the masses embraced by many Islamic scholars during this time, including Sayyid ‘Uthman as well as Muhammad ‘Ali al-Maliki. Circulating legal sentiment regarding public reform can also be traced in scholarly networks as well as those of personal relation: Sayyid ‘Uthman’s fellow Islamic jurist, colleague, and ally, Ahmad al-Khatib, would settle in Mecca and marry one of the daughters of the reformist Sharifate ruler, ‘Awn al-Rafiq, during the late nineteenth century, where he would stage attacks against what he considered to be Sufi charlatanry and degradation throughout the Islamic holy land (Laffan 2011:180-181). Furthermore, the title of the publishing house in Jeddah that printed Muhammad ‘Ali al-Maliki’s fatwa on the phonograph, *Civil Reform Press (matba‘ah al-islah al-ahliyyah)*, suggests an audience that would have been concerned

⁷ By the early twentieth century, the British Empire had suzerainty over much of the Arabian Peninsula’s coastline, directly controlling the Aden protectorate and having entered into exclusive treaty relations with the Sultan of Oman (since 1799) and Gulf Shaikhdoms.

with civil matters as they pertain to governing people's everyday lives according to Islamic law. The Civil Reform Press also published classical and modern Islamic texts in both Arabic and Javanese (Jawi), indicating a readership that reached audiences in Arabia as well as Southeast Asia. As I suggested earlier, the extension of legal bureaucracy, whether in the context of Islamic or civil law, into everyday life helped give rise to ethnographic thinking, and as such I consider al-Maliki's writing on the phonograph as an attempt to define, analyze, and ultimately control popular custom in the Hejaz that was coeval to Snouck Hurgronje's attempts to do so in a colonial administrative and academic setting.

Published in 1911 and running well over fifty pages, Muhammad 'Ali al-Maliki's fatwa on the phonograph was in many ways a reappraisal of what was by then over ten years of global deliberation and debate about the technology among Islamic scholars. Yet for the fatwa literature examined in this dissertation, al-Maliki's ruling is the only one to argue that the phonograph was analogous to a musical instrument. Although drawing on many of the same textual repertoires as Sayyid 'Uthman, and particularly the antagonistic opinions of al-Ghazali and Ibn Hajar towards musical instruments, al-Maliki made no attempt to appraise the phonograph based on its own technological merits or shortcomings as scholars before him did. Rather, he purely appraised the technology based on the social and consumer contexts within which he observed it, thus ultimately drawing his analogy based on what I am broadly defining in a legal context as "ethnographic" observations of what he believed were reprehensible worldly customs and musical entertainments.

Unfortunately, during the course of my research I was unable to find biographical sources regarding the scholar whose opinion on the phonograph al-Maliki was responding to, Muhammad 'Abd al-Qadir al-Ahdal. While many passages from al-Ahdal's fatwa on the

phonograph (much of them in poetic verse) were quoted in al-Maliki's fatwa, the manuscript text of a secondary ruling composed by al-Ahdal was republished online in the Saudi periodical, *Jaridat al-Riyad* (2007), by a manuscript collector named Turki b. Mutlaq al-Qadah who was kind enough to transcribe the manuscript in its entirety as well as provide preliminary bibliographical information and description of the handwritten manuscript. Furthermore, and based on information contained in al-Maliki's fatwa, it can also be surmised that al-Ahdal was a Shafa'i jurist, which, for al-Maliki, resulted in important differences in how Shafa'i and Maliki scholars settled previous legal cases for precedents in their rulings about the phonograph. These included differences in how the case of beholding an unrelated woman in the mirror was settled, which we saw in the last chapter was a legal analogy drawn by Sayyid 'Uthman. Al-Maliki also cited jurisprudential differences between Maliki and Shafa'i schools as being important to appealing to personal experience, defined as sensorial perception (*al-ihsas*) in the context of Islamic law, to provide justification for a ruling: a philosophical issue that recalls those regarding intellect, truth, and divine law explored with Muhammad Bakhit al-Muti'i's fatwa in Chapter One.

On the latter point of establishing a ruling based on experience and sense perception, al-Maliki (1911) cited a commentary on the Arabic translation of the *Isagoge* (*Isaghuji*), an introduction to Aristotle's *Categories* written by the great Roman philosopher Porphyry (d. 305), by a founding figure of the Shafa'i school of law and the field of Islamic jurisprudence, Abu 'Abdullah Muhammad b. Idris al-Shafa'i (d. 820) or Imam al-Shafa'i (36). Although al-Maliki was not a Shafa'i, he produced the reference to demonstrate that no mufti can simply argue that something is permitted, in this case the phonograph, just because they themselves have witnessed no reprehensible acts associated with it. Interestingly, in a debate over the sensorial experience of

sound and fidelity pivoting around the first sound-playback media technology, al-Maliki drew upon the very intellectual foundations of appraising the merits and shortcomings of sensory experience as a source of objective knowledge for Western and Islamic traditions alike. As such, al-Maliki's reference to Imam al-Shafa'i's commentary on Porphyry reflects the mind-body distinction, shared by historical philosophers from Avicenna (Ibn Sina) to René Descartes, that intellect is a gift from God and therefore a source of knowledge that is superior and distinct from that gained from the corporeal experience of physical reality. This was a position outlined explicitly within *The Epistles of the Brethren of Purity*, which posited that only the human intellect, not bodily sensation, would be able to comprehend a truth like Euclid's theorem or the theoretical concept of an infinite line.⁸ It was this sort of rational "certainty" (*yaqin*) derived from the powers of intellect that Muslim jurists like Muhammad 'Ali al-Maliki historically strived for in the practice of fatwa writing, albeit relying primarily on the textual sources of divine revelation: Quran and *hadith*.

Illuminations of the Sunrise on Rulings concerning The Box (Anwar al-shuruq fi ahkam al-sunduq), is the title of Muhammad 'Ali al-Maliki's ruling published in 1911. The booklet features a lengthy introduction establishing an analogy between the phonograph ("the box") and various musical instruments, which is followed by two chapters. The first discusses listening to recordings of the Quran and the second covers listening to recordings of musical instruments, both of which al-Maliki condemns as forbidden (*haram*). The chapters are followed by a conclusion that summarizes the five rulings of Islamic law (mandatory, recommended, permissible, reprehensible, and forbidden), as well as statements of approval of his ruling written by other Hejazi jurists. In the preamble, al-Maliki also noted that he will also evaluate recording

⁸ Interestingly, the *Epistles* also relay philosophical dialogues about which senses, whether sight or hearing, are closer to the divinely granted powers of intellect and thus ultimate truth.

spoken “news” with the phonograph, including any associated harm or benefit to be gained from such a use of the technology.

Although primarily a response to al-Ahdal’s previous rulings, al-Maliki introduced the fatwa as a further contribution to the existing fatwa literature condemning the phonograph, noting that his contribution was novel because it sought to forbid the technology by way of a direct analogy with musical instruments. This was to refute al-Ahdal’s position on the phonograph, which was 1.) the unconditional permitting of music (*tarab*) “captured on glasses in the box,” as long as it does not resemble “original delectation” (*al-ladha al-asaliyyah*)--ostensibly connected to original sin, and 2.) permits the “capturing” or recording of the Quran as long as there is no degradation or debasement in the process. Based on the dates of other manuscripts in a collection that contained al-Ahdal’s second phonograph ruling, al-Qadah (2007) surmises that al-Ahdal’s follow-up ruling was written around 1906. Although this is at best an estimation, al-Maliki (1911) stated that much of the fatwa literature in the Hejaz regarding the phonograph that came before was in response to al-Ahdal’s rulings, indicating that al-Ahdal’s opinions listed above had been in circulation and discussed among scholars in Arabia for at least a few years before al-Maliki’s *Illuminations*. Indeed, in 1908 another Islamic scholar in the Yemeni port city of Hodeida with the pen name “al-Fawanis” composed a fatwa condemning the phonograph, disputing the claims of another unnamed jurist who dispelled the claim that the phonograph was a paranormal phenomena (*min al-khawariq*) (Melis 2012). The unnamed jurist challenged by al-Fawanis could have very well been al-Ahdal, whose initial ruling was entitled *Evaluating the Claim that the Talking Box is a Magical Contrivance* (*Ghayat al-intisar li-kawn al-sunduq al-natiq kisan min al-ashar*). Al-Ahdal’s secondary ruling was entitled *Admonition for the Rightly Guided Sayyids that The Box is Equivalent to the Mirror*

(*Tanbih al-sadah al-huda 'ala an al-sunduq shaqiq al-miraah*), which is the text republished and dated to 1906 by al-Qadah (2007). This document reveals the title of al-Ahdal's first ruling, the title of which was not mentioned in al-Maliki's fatwa. Although more research is needed, and particularly the analysis of an original manuscript or print version of al-Ahdal's rulings, for now it can be estimated that al-Ahdal's initial ruling, *Evaluating the Claim that the Talking Box is a Magical Contrivance*, was probably composed between 1906 and 1908. Thereafter, it was widely discussed among jurists throughout Arabia leading up to al-Maliki's response published with The Civil Reform Press in 1911, *Illuminations of the Sunrise on Rulings regarding The Box*.

Before discussing al-Maliki's condemnation of the phonograph, it's worth taking stock of al-Ahdal's opinions expressed in his second ruling, *Admonition for the Rightly Guided Sayyids that The Box is Equivalent to the Mirror*, which is the only complete fatwa on the phonograph by al-Ahdal I was able to study thanks so al-Qadah's (2007) republication of it online. Al-Ahdal introduced the fatwa by stating that his previous fatwa ruled that the phonograph was analogous to the mirror in order to dispel the claim that it was magic. As a mirror simply reflects an image of what stands in front of it, the phonograph simply reflects or "relates" (*hak*) the sounds or voices that are spoken into it. The purpose of *Admonition* was to further justify the analogy, drawing a semantic distinction between "talk" or "speech" (*natq*) and "relate" (*hak*), noting that another jurist who critiqued his opinion—perhaps al-Fawanis from Hodeida—argued that, since the phonograph is an inanimate object that can "speak" eloquently, it therefore amounts to a paranormal phenomena. Indeed, and as we saw in Chapter One, that the phonograph could be viewed as "speaking" or "talking" in this regard may have been derived from how the title, "The Talking Phonograph" or *al-funugraf al-natiq* was translated and marketed in Arabic language contexts during the early 1900s. In Chapter One we saw Muhammad Bakhit al-Muti'i who,

rather than concluding that it amounted to the paranormal, analogized the term “the talking phonograph” title with the Islamicized Aristotelian conception of the human subject as a “rational” and thereby “speaking animal” or *haywan al-natiq*. Yet for al-Ahdal, the phonograph’s so-called “talking” was more of an allegorical definition (*majaz*) of what it actually did, which was “relate” or “imitate” (*hak*) sounds and voices.⁹

Al-Ahdal emphasized this point by way of a passage in a longer poem at the end of his *Admonition* criticizing the phonograph’s naysayers. Strikingly, the verses reference the work of the renowned twelfth-century Muslim theologian and philosopher Fakhir al-Din al-Razi (d. 1209). This was apparently to point out that jurists who think the phonograph is paranormal because it “talks” are placing it in the world of the unseen or *‘alam al-ghayb*: the realm of spirits, angels, and other unseen entities and more occult “likenesses” expounded upon in al-Razi’s treatises, including al-Razi’s Quranic exegesis, *Keys to the Unseen (Mufatih al-ghayb)*:

If they knew its [the phonograph] quality and its design,

they would quickly motion to permit it.

But they presume it amounts to,

what has been stipulated in the theology (*kalam*) of Fakhir al-Din.

But the likeness (*surah*) mentioned

in Fakhir does not constitute this one,

because it is an independent quality,

talking in any instance.

⁹ The Arabic root word, *hak* (*h a k*), implies vocal “relation” via narration or storytelling. *Hikayah* means “story” in Arabic, while *haki* or *hakiyyah* (f.) means narrator. Al-Ahdal rhetorically plays with the semantic meaning of the root term, applying it to relation in the field of vision (*basr*), which he acknowledges is the perception of the interaction between light and material bodies. According to various Arabic dictionaries and encyclopedias, *hak* or *haki* in varying contexts has historically signified various sound producing and play-back media technologies, including the phonograph, gramophone, radio, and telephone. Here, al-Ahdal tries to analogize it with the field of optics.

Without a touch, it speaks what it wills,

while The Box talks when it is moved

allegorical speech (*natqan majazan*) that is unquestionably an imitation (*haki*).

So observe, those of you with discretion,

who know it's design and are thereby informed,

distinguishing speaking (*al-natq*) from relation (*al-hikayyah*).

According to al-Ahdal, establishing that the mirror and the phonograph are in principle analogous by way of metaphor with the term “relation” or *hak*, falsifies accusations that the phonograph constitutes the paranormal. After all, al-Ahdal wrote that no one could rationally claim that reflections in the mirror, which are caused by light illuminating (*ishraq*) material bodies (*ajsam*), constitute magic. Here, al-Ahdal also noted an important distinction between the relation (*hakiyyah*) of images and sounds, in that material bodies are inherently more dense than sounds, which are characterized by buoyancy (*litafah*). In certain strains of classical Arabic thought, and again something clarified by *The Epistles of the Brethren of Purity*, whose writings would have been known and read by scholars in the Hejaz and Yemen, acknowledged that sound was buoyant because it was carried by air particles in waves that rippled away from the point of collision between material bodies. In any case, and to address the issue of musical entertainment and amusement, al-Ahdal stated that listening to music is generally permitted “by God’s mercy for his worshippers,” and that occasional permissible recreations can surely be allowed. “Our devoutness [as Muslims] is not begat by squandering our hearts and souls, . . . and it is futile to argue and suggest otherwise,” he concluded on this point.

Interestingly, for both opposing positions represented in al-Ahdal’s fatwa, that the phonograph is a paranormal phenomena or that it merely “relates” or reflects sound as a mirror

does for images, the problem of fidelity is mostly settled. On the one hand, that the phonograph could be considered magic because it actually speaks eloquently takes for granted that the technology is actually producing “real” voices and sounds. On the other hand, al-Ahdal’s counter argument comparing the fidelity of the phonograph to the fidelity of an image reflected in the mirror, also presumes that the phonograph is reproducing authentic “relations” of voices and sounds. Furthermore, and in the preamble to his response to al-Ahdal’s position, *Illuminations of the Sunrise on Rulings regarding The Box* (1911), al-Maliki explicitly stated that the issue of fidelity is irrelevant to establishing a legal ruling on the phonograph, being something that only determines the amount of enjoyment a listener obtains from it. For al-Maliki, the phonograph was essentially an instrument of amusement, whether one considers its sound as being equivalent to the original sound or not (4). Furthermore, he acknowledged that the quality of phonographic fidelity, and thereby the enjoyment and entertainment listeners obtained from it, was determined by the quality of its manufacture, just like the the quality and enjoyment obtained from a musical instrument is determined by the quality of its manufacture. Drawing on established legal precedents regarding musical instruments, particularly the opinions of al-Ghazali and Ibn Hajar as well as his own observations of how the phonograph was consumed in the Hejaz, al-Maliki argued that the technology encouraged corruption, lustful pleasure, and obscenity. It is important to note, however, that al-Maliki’s *Illuminations* does not reference the content of al-Ahdal’s *Admonition* discussed above, but rather his first ruling, *Evaluating the Claim that the Talking Box is a Magical Contrivance*.

Rather than appealing to the unseen and the paranormal, the grounds for forbidding the phonograph were all too visible for Muhammad ‘Ali al-Maliki. Although his personal observations on the phonograph’s use in the Hejaz are the most historically interesting parts of

Illuminations, his critical observations of popular custom were clearly informed by his reading of al-Ghazali and Ibn Hajar. The extensive introduction to *Illuminations* outlines these scholars' condemnation of musical instruments for nearly twenty five pages, including a few counter arguments. To begin, al-Maliki lists a large list of musical instruments deemed reprehensible in various legal literatures, including the *kamanja*, 'ud, *tanbur*, *rabab*, *hanq*, *santur*, *mizmar 'iraqi*, *kuba*, *darij*, and the *sanj*. Without detailed explanation, he asserts the phonograph is analogous to what the sixteenth century jurist Ibn Hajar al-Haytami identified as the *santur* and the *sanj*, the former being a box-shaped chordophone, or harp, and the latter being hand-held brass cymbals, which al-Maliki notes could be tied with a string to carry and play them.¹⁰ It appears that al-Maliki selected these two instruments for his analogy because, 1.) there was a legal precedent for condemning them, and 2.) because they resembled the phonograph: the *santur* harp resembling the phonograph's box-like wooden manufacture and musical character, and the *sanj* cymbals resembling the phonograph's brass horn as well as perhaps what could be taken negatively as its "noisy" character. In any case, al-Maliki's introduction continued with a long demonstration of legal arguments for forbidding these instruments, which included evaluations of their questionable social contexts, often involving illicit sexual activity or drunkenness, and whether they amounted to apostasy (*kufir*), debauchery (*fisug*), or disobedience (*'asiyan*): categories determining whether or not a transgression was a minor (*sagha 'ir*) or grave (*kaba 'ir*) sin in Islamic law.

Particularly noteworthy in this regard were al-Ghazali's stipulations on forbidding musical instruments in his *Revival of the Religious Sciences*, which al-Maliki seems to have mostly drawn from Ibn Hajar's treatises that drew significantly from al-Ghazali's text. According to these al-Ghazalian precedents, certain musical instruments, and particularly the stringed

¹⁰ Ottoman brass bands in the Hejaz during this time would have employed various cymbals.

variety, led to drinking alcohol and perversion. As seen in the Chapter Two, al-Ghazali was frequently referenced by Sayyid ‘Uthman in his diatribes against the *qanbus*. For al-Ghazali, even if there is no drinking occurring at a musical gathering, it still will lead to debaucherous activity and thus inevitably resemble a drinking party, which brings us to one of the most widely cited stipulations cited by al-Ghazali in the fatwa literature explored in this thesis: that resembling or behaving similarly to debaucherous drinkers (*tashabuh bihim*), even ostensibly if one is not drinking, is forbidden (*haram*) (al-Maliki 1911:8). In other words, it would seem musical instruments and their users are guilty by association. On this point, al-Maliki referenced Ibn Hajar’s refutation of the hard core legalist Zahiri jurist Ibn Hazem’s opinion on permitting music, which not only permitted musical instruments, but also claimed that the Prophet’s companions had also listened to musical instruments such as the *mizmar* (11). As such, al-Ghazali’s anecdotes about drinking parties and musically induced debauchery occurring in the eleventh century formed the standard by which scholars like al-Maliki would legally appraise and thereby “ethnographically” observe the musical entertainments occurring in the Hejaz during the early twentieth century.

Another notable passage in al-Maliki’s introduction is where he acknowledges exceptions made to permit music and musical instruments in various Sunni schools, which pivot around conceptual differences between “listening” and “hearing.” One example al-Maliki noted was how certain scholars of the Shafa‘i school permit music based on a hadith attributed to the Prophet’s companion Ibn ‘Amir, who relayed an anecdote of the Prophet covering his ears as they passed a troupe playing the instruments *mizmar* and *shababah* in the streets of Mecca. Al-Maliki continued by relating an argument proposed by Shafa‘i scholars who refuted the claim that this *hadith* proves that musical instruments are forbidden, pointing out that the Prophet did

not tell Ibn ‘Amir to cover his ears, which he certainly would have if it was forbidden to hear such things. Furthermore, the Prophet probably covered his ears simply not to get distracted from his thoughts by loud sounds caused by the instruments (13-14). Al-Maliki cites another Shafa‘i scholar who suggested that the Prophet covered his ears simply because the *mizmar* players they passed by were musical amateurs who had not studied their craft, including the musical modes (*naghmat*) that many scholars claim potentially lead to lustful passions (14). He continued to elaborate on other legal claims regarding instruments of amusement, including that the *hadith* established a precedent for the distinguishing between “listening” (*al-istima‘*) and “hearing” (*al-sama‘*) such instruments, with the former being forbidden because it signifies concentration and intent to enjoy and thereby be emotionally moved by their sound, and the latter being permitted by indicating ambivalence to their sound (15). Al-Maliki also notes that his own school, by and large, permits the use of drums at wedding celebrations, but otherwise mostly considered them “emblems of perverts” or “homosexuals” (*sh‘ar al-mukhanidhin*). Here, al-Maliki again references a passage from al-Ghazali’s *Revival* on the predisposition of a listener’s heart toward what is heard, which, for al-Ghazali, is a requisite for distinguishing between permitted and forbidden emotional responses to religious hymnals and dance during Sufi ritual. For al-Maliki, appraising the social context of musical instruments, or “instruments of amusement,” and entertainment according to what al-Ghazali stipulated regarding situations of worship, celebration, and recreation is important to determining whether or not an individual’s “heart is in the right place,” so to speak, when it comes to musical and recitational performance.

Referencing his own observations of the social context of the phonograph’s use in the Hejaz, al-Maliki refuted al-Ahdal’s interventions stipulated in his initial ruling, *Evaluating the Claim that the Box is a Magical Contrivance*, that the phonograph was not an emblem of

perverts and drinkers and that it was never intended to be played like a musical instrument. In this regard, it should be noted that in al-Ahdal's second ruling discussed above, *Admonition for the Rightly Guided Sayyids*, he referred to the phonograph's merits as a device that could be used to bear witness or testimony, similar to Muhammad Bakhit al-Muti'i's assertions *vis-à-vis* Plato explored in Chapter One. Nonetheless, and referencing a statement by Ibn Hajar that any object which emits pleasurable melodies that induces a state of ecstasy (*tarab*) is forbidden, al-Maliki noted that most people in the Hejaz used the phonograph for singing, and that its presence was usually accompanied by musical instruments. He noted that people at gatherings where a phonograph was present would at one moment listen to a live musical performance by the musicians present, and then at another be listening to singing on the phonograph. This indicates how the phonograph was already enmeshed within musical production and consumption throughout the Hejaz by the early 1910s. Al-Maliki continued that, for some enthusiasts, the phonograph alone is enough to entertain their musical cravings as they spend most of their evenings in utter enjoyment, *tarab*, and pleasure. For al-Maliki, such observations unequivocally demonstrated that the phonograph was an instrument of amusement, and perhaps even more fundamentally so than even the *'ud* or *tambur*. At least, he noted, actual musical instruments (*alat al-tarab*) require a person with experience who plays and sings well, so access is more difficult for those who want to hear music (22-23). Yet with the phonograph, all someone needs to do is switch it on and let the amusement begin. Al-Maliki continued that he heard reports of some wives listening to and enjoying the phonograph with their husband, who left it with them for their own pleasure after he left (23).

Even more suspect for al-Maliki was the economy of the phonograph in the Hejaz. He observed that phonograph owners not only host gatherings so people can listen to musical

instruments, but they also pay a fee to singers to make cylinders, which indicates there was perhaps a Hejazi tin-pan-alley of sorts in operation during this time, with phonograph owners paying musicians to make recordings, which would then ostensibly be redistributed to other phonograph owners (24). Al-Maliki continued that absurd sums of money were spent to purchase a phonograph, and that he'd heard multiple reports of people buying a phonograph for two-hundred pounds (perhaps Egyptian pounds). Even more, after purchasing it, they would rent the phonograph to singers who would make their own recordings or use it for their own enjoyment, which al-Maliki emphasizes is all unequivocally forbidden activity given that it was established that the technology was an emblem of drinking and debauchery. To conclude the introduction, al-Maliki added the curious anecdote, ostensibly referencing a previous question discussed among Islamic jurists in the Hejaz, that recording spoken "news" (*akhbar*) must be subject to further investigation, but that listening to a recording of adulterers having intimate relations is forbidden (24).

In any case, if for al-Maliki the phonograph was an instrument of amusement on which someone could potentially listen to anything from musical entertainment to illicit sex, then it was certainly unsuitable for a Quran recitation. This was the subject of the first chapter of al-Maliki's fatwa, which began by acknowledging and reiterating al-Ahdal's position on the subject, apparently stipulated in *Evaluating the Claim that the Talking Box is a Magical Contrivance*. Al-Ahdal ruled that one must keep in mind that a wax cylinder, which he called a "cup" (*ka's*), that contains a recording of a Quran recitation is its own entity, and is detached from other wax cylinder recordings that contain a musical performance. Thus, according to this position, the appropriateness of a recorded Quran must be appraised based on the content of that particular wax cylinder recording, not the phonograph nor other wax cylinders that potentially contain

more base musical performance or other non-religious content. “I’ve heard The Box’s relating of the Quran, and found nothing but an eloquently chanted reading on a musical mode that is pleasing to the soul,” stated al-Ahdal (25). Yet al-Maliki stated that he witnessed the opposite, again noting the broader social context where he observed the phonograph’s consumption. He noted that, after a Quran recitation is recorded, it is subsequently placed in a jumble of other cylinders that contain songs. “The owner places it [the phonograph] in the presence of those who wish to hear singing, and they say to him, ‘take this Quran cylinder off and put on a cylinder of Yemeni or Egyptian singing.’ This type of situation is the most common, since most who use The Box are those who love amusement (*ahl al-lahu*)” (27). According to al-Maliki, such observations of the Quran cylinders being jumbled together and played along with musical cylinders in the same setting demonstrate that al-Ahdal’s own conclusions, based on personal observation, are incomprehensive and do not apply universally to the phonograph.

The subject of sense perception and establishing a ruling was more extensively elucidated by al-Maliki in his much lengthier second chapter. By and large, the chapter responded to al-Ahdal’s claims that listening to music on the phonograph was not equivalent to listening to a live performance, since an emotional state of *tarab* was not induced. As noted above, this was because, for al-Ahdal, listening to musical instruments played on the phonograph was analogous to beholding the image of a non-related woman in a mirror: a “relation” or “imitation,” but not the real thing. Furthermore, al-Ahdal claimed that what occurs for onlookers of the phonograph is merely a sense of wonderment (*‘ajab*), which is hardly grounds for condemning the phonograph considering that the occurrence of what are perceived to be wondrous happenings in the world is entirely natural (31-32). Yet al-Maliki again cited his own experience to refute these claims, stating that he heard multiple reports of people silencing others in the presence of the

phonograph when it was playing songs in order to enhance the enjoyment of the music.

Al-Maliki continued that, since there were multiple reports, this was a repeated phenomenon that contradicted al-Ahdal's own observations (36). When returning to this point later, he cited a quote from the Imam al-Shafa'i's commentary on Porphyry's introduction to Aristotle's *Categories*, the *Isogogue*, in that deductions derived from sensory experience and without textual evidence or established legal precedent, is acceptable only if both parties in a dispute share that same experience. Al-Maliki notes that, since he experienced and heard reports that contradict al-Ahdal's observations about the phonograph, then al-Ahdal's position, apparently only derived from his personal observations without textual evidence to back it up, is insufficient for establishing his conclusions.

Interestingly, on this point al-Maliki also pointed out that one's enjoyment and experience of phonograph recordings depends on the technology's fidelity, which is determined by the quality of its manufacture. Thus, according to al-Maliki, al-Ahdal did not witness emotional and embodied states of *tarab* being induced by the phonograph simply because the phonograph he witnessed was not a good one. Al-Maliki continued, "In Mecca, I've seen a phonograph ("box") whose sound was so loud you could hear it from eighty paces away. Its cylinders (*qawalib*) were large and could keep singing for nearly six minutes, and its belt was so big that six cylinders could be placed on it when recording, and there's ones even more advanced than that!" (37). Like musical instruments, there were weak, mid-range, and powerful sounding phonographs, which were levels of fidelity that depended on quality of manufacture. In addition to these more technological aspects, al-Maliki also noted that the circumstances of consumption also determined the level of enjoyment and entertainment gained from the phonograph, or "the situations" or "contexts of the listeners" (*ahwal al-sama'in*). Although he pointed out the

possibility that a listener could ambivalently “hear” music or other recorded sounds coming from the phonograph, al-Maliki again cited al-Ghazali’s stipulations regarding contexts where stringed musical instruments were played, in that they inevitably led to reprehensible if not downright sinful emotional and embodied states of *tarab*. Furthermore, for al-Maliki, the phonograph’s fidelity was analogous to musical performance in that its manufacture determined the quality of performance just as the skill of a musician and the quality of their musical instrument would determine theirs. Thus, the music, or *tarab*, coming from the phonograph is equal to the original performance, and can not be analogized with established Shafa‘i precedent about beholding a non-related woman in the mirror. Al-Maliki notes that this is permitted in al-Ahdal’s Shafa‘i school of jurisprudence based on the claim that the likeness of a woman in the mirror does not stir the passions of the heart as beholding her in person (41). In any case, al-Maliki noted that his own school of jurisprudence takes the original and reflection as being one and the same in essence, while the central matter of concern for the phonograph being an instrument of amusement is the quality of musical modes (*angham*) it produced. If musical modes could be rendered with such quality and fidelity to activate such excitement and pleasure for onlookers and listeners, then the phonograph is certainly an “emblem of musical instruments” (*sh‘ar alat al-tarab*), which are themselves emblems of debauchery, obscenity, and the general breakdown of pious comport, a slippery slope argument that al-Maliki draws directly from al-Ghazali and Ibn Hajar.

Al-Maliki concluded his fatwa by reiterating and defining the five rulings of Islamic law: obligatory (*wajib*), recommended (*mandub* or *muhtasub*), permissible (*mubah*), reprehensible (*makruh*), and forbidden (*haram*). He emphasized that any innovation must be appraised according to apparent evidence and established legal precedent to establish whether it is

permitted or forbidden. Al-Maliki also gave examples from *hadith* for each possible ruling, demonstrating how the Prophet and his Companions dealt with innovation according to each of them. Given the context and content of the fatwa, al-Maliki was concerned with innovations in the field of social custom and popular consumption, and specifically regarding new commodities like the phonograph. I suggest that al-Maliki's clarifying of the methods and procedure of Islamic law was part and parcel of his and the Civil Reform Press's penchant for "civil reform" (*al-islah al-ahiliyyah*) by way of controlling everyday life and custom in the Hejaz through the assertion of textual legalism. Furthermore, and the previous and current chapter suggest, efforts to use Islamic law as a means to reform everyday customs and patterns of consumption were connected across imperial geographies, in this case between Dutch and Ottoman administrations. Such connection is observable in the common legal repertoires drawn from the texts of Ibn Hajar and al-Ghazali, but also in the careers of jurists like Muhammad 'Ali al-Maliki and Sayyid 'Uthman, who moved between Dutch and Ottoman administrations. It is also visible with the Hejazi publishing house the Civil Reform Press that printed al-Maliki's fatwa on the phonograph, which also printed many works in Jawi intended for a Malay Muslim readership.

In any case, the modernist no less elite nature of critiques leveled at the phonograph throughout the Hejaz was echoed in statements of approval (*taqrīd*) printed at the end of al-Maliki's fatwa. Among those that provided a *taqrīd* was the head Hanbali jurist at the Mosque of the Prophet in Medina and a Meccan scholar Muhammad Abd al-Hayy al-Kitani. Al-Maliki also briefly quoted a fatwa on the phonograph issued earlier by the Nadji scholar, Shaykh Muhammad al-Najdi al-Sharqawi, the Imam of the Old Qiblah. Al-Sharqawi stated that, while listening to musical instruments would be forbidden only if the recording had good fidelity, listening to the phonographic Quran, while not being forbidden in and of itself (*haram li-l-dhat*),

would inevitably have to be forbidden based on to the disdainful contexts where the phonograph is listened to: in coffee houses, on roadsides, and other “lowly” places where common people gather. In other words, the phonograph was associated with the vernacular places that elite jurists like al-Maliki and his counterparts thought needed to be more extensively policed and reformed according to orthodox legal procedure of the modern state.

Conclusion

In this chapter, I have attempted to bring documentation regarding Snouck Hurgronje’s ethnographic phonograph recording project in the Hejaz (c. 1906-1909) into generative conversation with fatwa literatures about the phonograph issued in the Hejaz during the same time by Muhammad ‘Abd al-Qadir al-Ahdal and Muhammad ‘Ali al-Maliki (c. 1906-1911). As I have tried to demonstrate, while Hurgronje employed the help of individuals like Muhammad and Jamal Taj al-Din to successfully document musical and poetic custom in the Hejaz with a phonograph, including their Indian Ocean circulations between Arabia and Java, the phonograph at the same time had already become implicated in the production and consumption of the very musical and poetic customs Hurgronje hoped to document with the technology. Muhammad ‘Ali al-Maliki’s legal appraisal of the phonograph, *Illuminations of the Sunrise on Rulings regarding The Box*, is particularly revealing in this regard, and I have considered his observations of social custom in the Hejaz surrounding the phonograph as being “ethnographic” in the sense that they were motivated by similar forces that inspired Hurgronje’s scholarly interests during the late nineteenth and early twentieth centuries: expanding state bureaucracy, the preference for legal orthodoxies and written law, and the need to more closely monitor and control the behaviors and social norms of large populations. Furthermore, and while Hurgronje was eventually obliged to

render the performances of Hejazi musical and recitational practices he was hearing on wax cylinder recordings in writing, thus enhancing the fidelity of custom in a Western academic setting, al-Maliki proved the phonograph's status as an emblem of musical entertainment by observing and critiquing the social customs and patterns of consumption within which he observed the phonograph, doing so through the lens of Islamic legal texts by al-Ghazali and Ibn Hajar. As such, while the phonograph became a tool for ethnography, it also became the object of ethnographic observation, being likened to the reprehensible behaviors and musical instruments outlined in premodern traditions of Islamic law.

I have also attempted to show that Snouck Hurgronje's phonograph recording project featuring Hejazi performers, Hejazi and Yemeni poetic styles, and Arabian musical instruments like the *qanbus*, rather than being simply an innocent and detached academic interest, was inspired by Hurgronje's tenure with the Dutch colonial government trying to understand and control the circulations of Islamic custom between Arabia and Southeast Asia during the late nineteenth century. Having partnered with Sayyid 'Uthman, Hurgronje was also aware of contention over the circulation of music and poetry between Arabia and Java among Islamic legal scholars, which continued while the phonograph was introduced into social customs and "intermediate" spheres of capital that propelled the Indian Ocean gig economy. Furthermore, the phonograph recordings produced by Muhammad and Jamal Taj al-Din feature musicians like Muhammad 'Abd al-Aziz, Sayyid Muhammad Jabir Dakhil, and Sayyid Hussain 'Abd al-Ghafar, musicians who traveled within the parameters of the gig economy and were physically present both in Java and the Hejaz during the early stages of the recording project.

Indeed, a similar geography that shaped the career of Muhammad 'Ali al-Maliki a generation later, who traveled from the Hejaz to Java, Sumatra, and back again during the early

twentieth century. Additionally, al-Maliki's response to Muhammad 'Abd al-Qadir al-Ahdal's fatwa on the phonograph reveals that, by the time Jamal Taj al-Din was wrapping up the recording project for Hurgronje around 1909, the phonograph itself was already imbedded within the production and consumptions of the musical and poetic customs that Snouck Hurgronje was documenting with the phonograph. This was in addition to the fact that, as seen in the last chapter, international recording firms were capitalizing on similar repertoires of music and poetry for Muslim markets in Java and Singapore by 1906, the year that Snouck Hurgronje's recording project began. As such, this chapter has also suggested that this early media ethnography was intertwined with the expansion of the global commercial media industry. It was also inseparable from legal attempts to control popular spheres of custom and performance within which new entertainments like the phonograph thrived. As the next chapter will explore, by the interwar period and the onset of the Second World War, the forces of law, technology, and commercial entertainment had become even more ubiquitous in Arabia, thus forming the mechanics—the “man behind the curtain” so to speak—working the modern legalist teleologies of “custom,” “tradition,” and “culture,” especially as they were connected to emerging modern notions of “music” and “the musical arts” galvanized by the phonograph industry.

Chapter Four

“The Art of Music” in Arabia: New Legal Contestations in the early Saudi State and Colonial Aden, c. 1924-1945

Introduction

While the last three chapters have explored how Islamic legal deliberation over phonographic fidelity before the First World War occurred *vis-à-vis* precedents regarding Quranic revelation, recitation, musical instruments, and singing, this chapter will highlight how, by the mid-twentieth century, debate regarding the philosophical and technological implications of phonographic sound reproduction and fidelity had, by and large, faded away. What replaced the concern for technological fidelity was the wider social implications of what had become the primary product of the phonograph industry: music. As David Suisman (2009) has demonstrated, in order to maximize profits, phonograph and musical instrument industries in the United States played a central role in coining the modern notion of “music,” not only as a consumer product but also as a part of a universalized notion of “the arts” that could be incorporated into public education. As the music industry became more ubiquitous it “slipped into the unremarkable background of everyday reality,” while its commodities “took on a quasi-magical power by obscuring the social and economic relations intrinsic to their production” (204). In other words, as the fidelity of phonograph technologies became normalized and accepted, it became possible to abstract a modern notion of “music,” and thereby a notion of musical “tradition” or “culture,” from the industrial and commercial processes enabling it.

Yet there was a legal component to such discursive and conceptual transformations too. The fatwa literature explored in this dissertation seems to reveal a similar pattern, in that the modern notion of “music” (*al-musiqa*) or “the musical arts” (*al-fan al-musiqa*) were not debated in the context of Islamic substantive law as legal categories until around the 1920s. Given that global Muslim consumers were actively targeted by international record companies since the early 1900s, it is reasonable to assert that this shift in legal discourse was similarly due to the increasing ubiquitousness of the products of phonograph companies and musical instrument manufacturers in places like Egypt, the Hejaz, Indonesia, and Yemen. Still, while the problem of fidelity became moot, the material yet often subjective reality of these technologies’ disembodied sounds and the contexts of their consumption continued to be lively subjects of debate. Such debate included whether or not music or what types of music were condoned by Islamic law, but also what types of music could or should be ascribed to nationalist, ethnic, and racial identities, which were increasingly channeled and defined by the letter of legal bureaucracy. As such, newer Islamic legal debates during the late colonial period over the modern concept of “music” were intertwined with existing contestations over authority and legitimacy within expanding public spheres and state bureaucracy, which, by the mid-twentieth century, had institutionalized more circumscribed legal demarcations of religion, ethnicity, nationality, and race.

Shifting focus to the British colonial entrepot of Aden in the southwestern Arabian Peninsula (currently in Yemen), this chapter unpacks an Islamic legal debate about “the art of music” that occurred around the mid 1940s. By doing so, it highlights how the increasing influence of colonial legal bureaucracy and phonograph entertainment industries in Aden not only galvanized legalist readings of “music” in the context of Islamic law, but also more legalist

readings of musical production in the public sphere, which became politically charged and defined by the nationalistic, ethnic, and racial categories of colonial administration. Specifically, the chapter will explore a fatwa stipulating music's permissibility composed by a nobleman, writer, and popular lyricist named Ahmad Fadil al-'Abdali, whose poetry was widely performed and distributed by local singers and phonograph recording companies. Entitled *A Decisive Statement on Permitting the Oud and the Rabab*, al-'Abdali's fatwa is a striking example of an elite member of Adeni society—who was neither associated with the colonial government's magistrate nor the local clergy—using his prestige and popularity to intervene in a Islamic legal debate regarding the permissibility of music.

Building on Scott Reese's seminal work (2018) on Muslim community, law, and authority in Aden during British Indian colonial rule (1839-1937), I demonstrate how al-'Abdali's *A Decisive Statement* not only concerned "the art of music," then a relatively novel concept within Islamic legal discourse, but also how the fatwa employed universalist and civilizational appeals to global Islamic nation (*umma*) and statehood (*dawlah*) in order to make a case for the musical arts. I argue that such universalist cultural appeals to Islamic tradition to establish authority within Aden's local Muslim community were intertwined with wider concerns regarding rights and representation in colonial civil society. As members of Aden's ethnically and denominationally Muslim populace could petition the colonial state to advocate for reforming and "improving" public morality and associated rites of Islamic congregation, so could other factions and advocacy groups form based on circumstances that did not necessarily invoke religion. While the British colonial administration actively governed Muslim subjects based on their religious identity, thus obliging imperial subjects to often self consciously couch their appeals to the state as being on behalf of a "cohesive" Muslim community, Adenis were also

governed and divided by caste and later race during the late colonial period. As anxieties surrounding Muslim community permeated the public sphere, so did anxieties caused by the legal inequities of caste and race spill over into debate about cultural industries, resulting in contention over who had the rights to build and own movie theaters as much as what type of music local musicians should perform. As this chapter will show, this was particularly reflected by anxieties among some Adenis about the foreign influence of Egyptian, Kuwaiti, and especially Indian popular music and film on local Adeni composers and lyricists, which I argue stemmed from discontent with a legal system that economically and socially privileged Indian and other foreign subjects over locally-born Arabs. As such, al-‘Abdali’s fatwa is demonstrative of how the increasing reach of state bureaucracy was intertwined with negotiations between public religion, popular consumption, and media industries, while legalist thinking permeating discourse about religion and popular consumption galvanized hardline ideological positions, whether regarding doctrinal purity or cultural authenticity.

Before discussing these dynamics in colonial Aden however, the chapter will begin by exploring regional and global developments during the interwar period, exploring how a more universalized notion of “music” gained traction just as as more legalist and orthodox approaches to Islamic law were gaining wider appeal, being increasingly applied to modern state governance. Particularly important was the influential rise of modern Saudi Arabia during 1924-1932 and its sponsorship and legal implementation of Wahabi doctrine, which explicitly outlawed “music” (*al-musiqā*) as a legal category identifying specific customs and forms of consumption, especially those surrounding musical instruments and phonograph and radio technologies. This properly sets the historical stage for the second half of the chapter, which explores British colonialism and its localized context in Aden, showing how, like the Dutch and

Ottoman contexts explored in Chapters Two and Three, Muslim interactions with the British colonial state since the nineteenth century galvanized more legalist approaches to Islamic law and doctrine in places like Aden later during the twentieth century. Such textual legalism was a common thread weaving through the varied and often loosely defined strains of secular, Sufi, Salafi, and Wahabi reformist thought during the nineteenth and early twentieth centuries. Thus, when approaching modern legalist readings of “music” in the context of Islamic law, I strive to move historical analysis away from categories like “traditionalist” and “modernist,” or “liberal” and “conservative,” and focus more on how the extending reach of both state bureaucracy and global media industries changed the way popular consumption and entertainment were conceptualized legally. These shifts were also intertwined with the increasingly centralized and circumscribed practice of Islamic law, which in the context of Aden’s colonial civil society, became a rhetorical tool to control and regulate public life under culturalist rubrics of Islamic “world” and “civilization.” As such, the chapter will conclude with an analysis of Ahmad Fadil al-‘Abdali’s fatwa on music, which not only drew on universalist ideals about art, but also universalist ideals regarding Islamic civilization and culture to argue that there was, in fact, no grounds in Islamic law for forbidding “the art of music” (*al-fan al-musiqa*). Furthermore, the wider context of al-‘Abdali’s fatwa suggests that Islamic legal debate about “the art of music” in colonial Aden, which occurred strictly in the public press and thereby the sphere of print capitalism, had become distant from the rigorous scholasticism that characterized previous fatwas on the phonograph and was defined more by the rhetoric of civil society.

“Music” Under Scrutiny: Modernists, Wahabis, and the Early Saudi State

In the fatwa literature composed before the First World War explored in the last three chapters, there are a few examples of the Arabic term “music” (*al-musiqā*) being used. As noted in Chapter Two, Sayyid ‘Uthman referred to European theater accompanied by “music” when attacking frivolous entertainments that should be avoided by Sufi authorities in Java. Sayyid ‘Uthman’s modernist Salafi opponent Rashid Rida in Cairo also invoked the term “music” to refer to modern marching bands and brass bands accompanying official events and celebrations. Although such examples demonstrate the term *al-musiqā* had been present in Islamic legal writings globally since the late nineteenth and early twentieth centuries, its meaning and usage was much more limited. Particularly, *al-musiqā* at this time signified performance practices and instruments associated with European imports and modern music education, which were conceptualized within a broader spectrum of performances practices involving other social, customary, and market milieus, or “gig economies,” with different types of instruments such as the oud, qanbus or different styles of singing and recitation such as those circulating across the Indian Ocean between Java and the Hejaz explored in the last two chapters. Put simply, instruments like the oud, rabab, tanbur and qanbus were not considered under the rubric of “music” in Islamic law during the early twentieth century, but rather under a broader rubric of amusement and entertainment as “instruments of amusement.”

By the end of the interwar period however, *al-musiqā* appears to have taken on a more universalized meaning in Islamic substantive law, signifying all performance styles and singing accompanied by musical instruments, including the oud and the rabab as well as military and brass-ensemble music. This perhaps reflects a modern concept of music broadly shared throughout “the Islamic world” identified by ethnomusicologists, defined specifically by the

presence musical instruments and more specifically tonal musical instruments like strings (ouds, guitars, violins etc) and horns (trumpets, tubas etc), or venues and instruments broadly associated with modern entertainment (Frishkopf 2008, 2013). Here, I suggest that the rise of the modern Kingdom of Saudi Arabia (1924-1932) and the implementation of Wahabi law in the Hejaz played an important role in the adoption of a more universalized yet legalist notion of “music” in the context of Islamic law, having regional and global reverberations. More specifically, I suggest this discursive shift was propelled by a new Saudi legal regime, backed by the development of a modern state apparatus, that actively policed and suppressed the musical and recitational customs circulating across the Indian Ocean, including the customary “instruments of amusement” like the qanbus and the phonograph. The early Saudi state also forbade performances associated with modern brass band “music,” which were lumped together with customary “instruments of amusement.” Thus, modern Saudi law helped establish a legal precedent for classifying all performance practices utilizing musical instruments, whether they were European derived or not, under the rubric of *al-musiqā*. Yet, in an interesting twist on David Suisman’s (2009) argument about how the American phonograph and music industries universalized of a modern concept of “music,” in the Hejaz it was the prevalence of modern brass bands that facilitated the adoption of a universal idea of *al-musiqā* as a legal category. Rather than being harbingers of the modern notion of “music,” phonograph technologies had previously been relegated to the vernacular spheres of popular custom and consumption as “instruments of amusement” with the precedents set by Muhammad ‘Ali al-Maliki, who, as shown in Chapter Three, was writing in the Hejaz under Ottoman rule. Thus, in the Hejaz, it appears that only later was the phonograph associated with the modern legal category of *al-musiqā* with newer precedents set by the modern Saudi state.

Indeed, the Hejaz saw many changes during the early twentieth century from the era explored in previous chapters. The vicissitudes of the First World War saw the breakup of the Ottoman Empire and the establishment of the independent Kingdom of the Hejaz under Sharif Husayn Ibn Ali al-‘Awn, an Ottoman-appointed ruler of Mecca and the Hejaz who defected to the Arab revolt under British influence. While Sharif Husayn’s sons, Faisal and Abdullah, would go on to establish the ruling Hashemite dynasties in the modern states of Iraq and Jordan respectively, the Kingdom of the Hejaz (c. 1916) ultimately fell to the Saudi-Wahabi forces led by Abd al-‘Aziz Ibn Al Sa‘ud, or Ibn Saud, after they invaded the Hejaz and occupied Mecca in 1924. As Sharif Husayn’s economic policies had alienated much of the elite Hejazi merchant class, the latter called on him to abdicate thus passing on rule to Husayn’s son Ali, who thereafter governed what remained of his father’s kingdom from the port city of Jeddah until it was taken by the Saudis in 1925 (Freitag 2020).

The reverberations of the Saudi invasion and occupation of the Hejaz, and the influence of the modern Saudi state on Sunni doctrine around the world in subsequent decades, can hardly be overstated. Dating back to the eighteenth century, the rise of the Saudi state went hand in hand with the rise of Wahabism. This was because the ancestors of the current Saudi royal family, who originated in the region of central Arabia called Nejd, allied themselves with a fundamentalist preacher and radical reformer in order to extend their power and influence throughout the eastern Arabian peninsula, which culminated in the first Saudi state called the Emirate of Diriyah (1727-1818). That reformer’s name was Muhammad Ibn ‘Abd al-Wahab (1703-1792), after whom the doctrine of Wahabism is named. Based on a strict legalist reading of the Quran and Hadith and inspired by earlier fundamentalist approaches to Islamic doctrine and jurisprudence established by scholars like Ahmad Ibn Hanbal and Ibn Taymiyyah, Wahabism essentially

considers all other approaches to doctrine and law as forbidden innovation, superstition, and heresy. This includes practices associated with Sufism, particularly the practices of saint veneration, tomb visitation, and singing and recitation, as well as the varying sects and strains of Ibadhi and Shiite Islam.

When the Saudis invaded the Hejaz again in 1924, backed by their famously militant wing of tribesmen called Ikhwan or the Brotherhood, many renowned tombs and shrines that were sites of visitation that were important elements of the pilgrimage for Muslims world-wide were again destroyed. Even the tomb of the Prophet himself was a target, and continued to be a target throughout the twentieth century for hard-line Wahabi reformers. The British traveler and convert to Islam Eldon Rutter, who published a travelog about his pilgrimage to Mecca shortly after the Saudi occupation, saw fellow Indian pilgrims reduced to tears after witnessing what had happened to tomb sites throughout the Hejaz (Rutter 1930). As for the recitational and musical practices that circulated within Sufi networks from the Hejaz to places like Java throughout the Indian Ocean region, in 1925 an unnamed destitute pilgrim from Java sought refuge in Jeddah, then still governed by King ‘Ali al-‘Awn, and reported to the surviving monarchy’s newspaper *Barid al-Hijaz* that he was forced to flee Mecca after Wahabi enforcers had violently dispersed an entourage of Javanese pilgrims reciting hymnals (December 1924, 3). It was also reported that Ikhawan elements opened fire on the brass band accompanying the Egyptian *mahmal* caravan that annually transported the Ka‘aba’s cloth covering (*kiswah*) to Mecca: a tradition that gained traction during the Ottoman and Khedivate periods (Freitag 2020; Urkevich 2015:7). Furthermore, British intelligence reveals that phonographs and 78rpm records and needles were confiscated and publicly smashed in Mecca (IOR/R/15/1/446 and 568). To demonstrate his commitment to enforcing Wahabi law, the first Saudi King himself, Ibn Saud, symbolically

handed over a phonograph he purchased in Kuwait to the Ikhwan so they could add it to the rubble (Urkevich 2015:7).



Figure 4.1. Font page announcement in 1931 in the early Saudi newspaper Umm al-Qura (Mecca) about the new covering for the Ka'aba or kiswah made by the Saudi government's Dar al-Kiswah, which supplanted the long-held tradition of bringing the kiswah on the mahmal from Egypt accompanied by musicians (University of Leiden).

As Lisa Urkevich (2015:6-8) has indicated, although Ibn Saud ultimately suppressed the more radical and violent Ikhwan elements in an armed conflict during 1929, the enforcement of Wahabi doctrine in the Hejaz galvanized lasting stigmas against musical practices that resonate throughout Muslim societies worldwide until today, along with other aspects of Wahabi

ideology.¹ As Ulrike Freitag (2020:321-327) has also demonstrated, this was connected to a sustained enforcement of a modern legal regime inspired by Wahabi doctrine via an increased police presence, and particularly the establishment of the religious police, The Council for Commanding Right and Forbidding Wrong. As Freitag notes, such unprecedented levels of policing led to the eventual disappearance of many customary practices associated with Sufism and popular assembly in the Hejaz by depriving them of social context, thus altering the very nature of custom itself in the Islamic holy land (326). Indeed, such drastic changes in the Hejaz during the 1920s were watched closely by Muslim observers world wide, while the enforcement of Wahabi state-policy was deeply controversial to say the least. The first Saudi newspaper in the Hejaz, *Umm al-Qura*, was established shortly after the occupation of Mecca in 1924, becoming the first official mouthpiece of modern Saudi Arabia. A look at early issues of the newspaper, comprehensively archived at Leiden University (Figure 4.1), reveals insights into how the early Saudi state responded to critics of their Wahabi policy as well as justifications for its enforcement, including preventing pilgrims from visiting tomb sites, participating in Sufi dhikr, celebrating and singing mawlid hymnals on the Prophet's birthday, as well as legal justification for forbidding "music" or *al-musiqa*. Due to regional outrage towards the early Saudi state over the attacks on the *mahmal* brass band and its subsequent suppression, on May 28th, 1926 *Umm al-Qura* published a legal ruling issued by the Grand Mufti of Egypt and the head Sheikh of Al Azhar University in Cairo, Abd al-Rahman Qara'ah and Muhammad Abu al-Fadil, who offered legal support for the Wahabi decrees of outlawing the visiting of tomb sites (*al-qubur*), smoking (*al-dukhan*), and music (*al-musiqa*) that accompanied the *mahmal*.

¹ This is despite the fact that state-sponsored jurists in Saudi Arabia like Adil al-Kalbani have more recently issued verdicts that permit singing and the playing of musical instruments, which of course is in accordance with recent Saudi policies of cultural liberalization and "opening" (*infitah*).

With regard to brass bands, it should be noted that, in addition to the band that accompanied the *mahmal*, the Hejaz itself had an established Ottoman tradition of brass bands that, although attached to government and bourgeoisie affairs, performed in public settings for many to hear. Travelers to the Hejaz during the Arab revolt and later during Sharifian rule recalled the presence of such bands. The Syrian writer and publisher Khayr al-Din al-Zarkali (1920) visited the Hejaz to make the pilgrimage and meet King Husayn after escaping French-occupied Damascus, and noted that the King was fond of his brass band that played a mix of European and Ottoman repertoires. He also noted that it was reported that, during the war, Husayn ordered the band to continue playing even as Ottoman artillery bombarded his palace in Mecca (al-Zarkali 1920:68, 140). Earlier during the Arab revolt that expelled the Ottomans from the Hejaz, British agent T. E. Lawrence (1935) noted that, shortly after his arrival in Jeddah, he and his British counterparts were telephoned by Sharif Husain who “laid the receiver on the table of his reception hall, and we, called solemnly one by one by one to the telephone, heard the band in the Palace at Mecca forty-five miles away” (58). Sharif Husain explained to them that the band had previously performed daily for the Ottoman governor, but its members were later taken into custody after Arab rebels captured Ta‘if from the Ottomans. The band was subsequently placed into the service of the Sharif and “held in Mecca to give music to the victors” (Ibid.). When the Sharif later sent the band to Jeddah to perform for his British liaisons, Lawrence was pleasantly surprised to hear the band playing some German repertoire, including Haydn’s “Deutschlandlied” or “Deutschland Über alles” and the melody of a hymnal composed by Martin Luther, “A mighty fortress is our God” (60). This time, it was the Sharif that telephoned from Mecca to hear his captured prize. As revealed by the early-nineteenth-century account (1803-1807) of the Hejaz and the first Saudi-Wahabi occupation of Mecca written by the Spanish

republican agent of Napoleon Bonapart, Domingo Francisco Jorge Badía (who went by the alias ‘Ali Bey al-‘Abbasi), musical troupes accompanying the *mahmal* were targeted and banned by the Saudi-Wahabis during the early 1800s, much as they were later during the 1920s. As Ziad Fahmy’s (2020) recent work on brass bands in Egypt shows, debates over noise and public order revolving around brass bands were regional by the early twentieth century, something further demonstrated by the Al Azhar ruling republished in *Umm al-Qura* (1926) in support of the early Saudi state’s ban on “music” in the Hejaz.

If the airs of the Protestant reformation composed by Martin Luther had made their way to the Hejaz on the winds of modern brass instruments by the early 1900s, then the 1920s saw the return of the ultra-protestant Wahabi establishment, and it was no friend to hymnals no less brass bands parading into the heart of Mecca with the *mahmal*. As the editor of *Umm al-Qura* (May 28th, 1926) wrote in a commentary after relaying the verdicts on smoking, tomb visitation, and music issued from Al Azhar:

As with music [*al-musiqā*], we forbid it not according to the fancies of our soul. If we submitted to fancy, indeed the soul would take pleasure in the playing [of instruments] and singing. But it is to rise above such trifling and amusement, particularly in this Holy land, that moves us to inhibit the soul and mandate believers to remember the Lord, raising their voices to Him devotedly, submissively, compliantly, and calmly.

Wahabi policy and its precedents on *al-musiqā* were clearly intertwined with existing legalist and reformist trends elsewhere, including those among the Al Azhar ulama published in the article.

As the editor continued addressing the Saudi state’s critics:

Many have criticized us for these decrees, and they refer us to various legal Schools [Imams] in doing so. What will they say after this candid and clear fatwa? Perhaps they will accuse the Grand Mufti of Egypt and the Shaykh of Al Azhar of being aligned with Wahabism? Or what else might they say?? [double question marks in original]

Although the *Umm al-Qura* (May 27th, 1926) synopsis did not elucidate which legal tracts were drawn upon for the Al Azhar ruling, thus enabling comparison with the legal repertoires used previously by scholars like Sayyid ‘Uthman and Muhammad ‘Ali al-Maliki explored in Chapters Two and Three, the verdict was nonetheless a novel legal case where the category “instruments of amusement” was being analogized with the practice of modern military and brass band “music.” Thus, by forbidding music or *al-musiqa* by equivocating it with the older legal classification “instruments of amusement” (signifying instruments like the oud, tanbur, and rabab), the Al Azhar jurists set a precedent for a universalized rubric of “music” that was adopted by the early Saudi juridical establishment. This represents a clear shift where, in the Hejaz, *al-musiqa* could encompass not just performance practices associated with formal European derived practices like brass bands, but those that were associated with everyday religious and social customs, including instruments like the oud, qanbus, or even the phonograph, that had all been previously condemned by some scholars as “instruments of amusement.”² Thus, it is no coincidence that *Umm al-Qura*’s editor invoked passive and stoic vocal prayer as something that should take place instead of the “trifles” and “amusements” associated with music, including other religious practices that perhaps too closely resembled musical entertainment for the Wahabi establishment. In any case, now there was an actual legal precedent for associating all performative “entertainments” with the legal category, “music,” which extended to phonograph technologies too.

While the early Saudi state’s attitude towards the phonograph was made clear upon taking Mecca in 1924, early radio also became a target under the new legal regime. As such, a

² As noted above with Rashid Rida’s earlier fatwa (1906), modern brass ensembles and instruments were invoked as evidence to permit “instruments of amusement,” thus resulting in a reverse analogy to permit musical instruments. However, such an analogy was not invoked to determine the status of “music” per se, as was the case with the Al Azhar opinion published by *Umm al-Qura*.

statement in *Umm al-Qura* (December 31st, 1926), which published announcements regarding new laws and the early Saudi constitution, reveals that the importation of wireless sets which “transmitted speech or the sounds of music” were outlawed by official decree in 1926. This may have been an effort to suppress frivolous entertainments as much as it was an effort on the part of the early Saudi government to have a monopoly on the transmission of news information. Nonetheless, British intelligence in the India Office Records housed at the British Library also reveals that bans on phonograph and wireless sets remained in Saudi Arabia during the early 1930s, and apparently did so until around the beginning of the Second World War, by which time radio was undoubtedly considered a necessity given the global ramifications of Allied and Axis power radio propaganda campaigns in Arabic. By 1940 the Hejazi periodical, *Sawt al-Hijaz*, was advertising American manufactured radio tubes and wireless sets in its pages, revealing the official 1926 ban on importing radios had ostensibly been lifted by the Saudi government.³ Still, legal stipulations, backed up by strict modern-state penal measures, in early Saudi Arabia against phonograph technologies engendered widespread social stigmas against the technology, now associated with the wider legal rubric of *al-musiqa*. Even Rashid Rida, who had previously held an amiable stance towards musical instruments and the phonograph, backtracked somewhat on his earlier rulings as he became an ever ardent supporter of the early Saudi state (Halavi 2019). As such, Saudi precedent on entertainment and technology appears to have set a trend regionally, with British intelligence revealing that Gulf states like Bahrain and Kuwait later implemented phonograph bans during the early 1930s, although they appear to have been lifted by the time of the Second World War (IOR/R/15/2/297). Furthermore, reports are contradictory in the India Office Records regarding phonograph bans in the Gulf, perhaps revealing unevenness in the way such laws were enforced. While the king of Bahrain told the Advisor, Charles Belgrave, that he

³ See, for example, the March 14th, 1940 edition of *Sawt al-Hijaz*.

desired a ban on gramophones in 1931, a Bahrain administration report (1931-1934) also reported that phonographs were prevalent in public coffee houses and other places, and even that the technology had been permitted by “Islamic authorities” (IOR/R/15/2/297). Interestingly, the British colonial government in Bahrain also enforced measures against the phonograph, placing a ban on them during the month of Ramadan during the 1930s (IOR/R/15/2/1928-1942).

Yet despite early Saudi Arabia’s strict legal policies towards music and smoking, British intelligence reveals that members of the Saudi royal family were not as sincere about the regulations they enforced over their citizenry. Despite the fact that Ibn Saud had earlier made a public example of his own phonograph giving it to the Ikhawan to be smashed, intelligence in the India Office Records reveals that the King and his entourage were restocking their supply during a visit to Kuwait in 1936:

The town was a fete and the shopkeepers found it a financial windfall very much to their liking, because this Wahabi party bought up every bottle of scent in the bazaar, much silk, 40 gramophones, every record available, tobacco in great quantity, many mounds of coffee, all Ford spares, and so much petrol there was none left in Kuwait.
(IOR/L/PS/12/3861)

Even though this report reveals a significant number of phonographs being available at one time in Kuwait’s bazaar, other British reports reveal that there were also bans in Kuwait during the 1930s. Kuwaiti historian ‘Abdullah Khalid al-Hatim (1962) noted that bans had been placed on phonographs since the rule (1917-1921) of Salim al-Mubarah al-Sabah (113; al-Salhi 2018:37). Still, conflicting reports from Kuwait during the interwar period suggests that phonographs were widely available despite such measures: yet another indication that there was unevenness in the way phonograph laws were enforced. Thus, it appears that the new Saudi government had generally more strict penal measures against phonograph technologies than the Gulf principalities under British Indian jurisdiction. This was reflected by the fact that gramophones,

rather than being openly imported and sold in local bazaars, were among objects reported to be smuggled into Jeddah via the Gulf, with the above example of the royal family not being the only reported incident. There were also reports of Saudi customs actively blocking the importation of gramophones as illegal paraphernalia during this time (IOR/L/PS/12/3757).

Still, and as the above reports indicate, Wahabi-derived legal policy and the power of the state was not all encompassing, even though it did have a lasting perhaps more detrimental effect on musical custom in the Hejaz, by generating social stigmas via the enforcement of penal measures stipulated by law. As such, modern *al-musiqa*, whether it was defined by military-styled brass bands, regional musical singing styles performed with the qanbus and oud, or phonograph technologies, was a concept that continued to be adopted and reformulated throughout the Arabian Peninsula during the 1930s and 1940s, whether it was associated with newly prescribed social taboos or, conversely, with positive expressions of nationalism. For example, the British administration and ruling family in Bahrain supervised the composing, performing, and recording of Bahrain's first national anthem or *nashid*, which utilized a military band composed of personnel from the British Raj. Due to the popularity of phonograph technologies in the Gulf at the time, the British administration also wanted to record the anthem with a phonograph company in order to popularize it among the local populace, although it is not clear what became of such plans (IOR/R/15/1/353). There was certainly no exception to the importance and appeal of anthems or *anashid* (s. *nashid*) and military music to projects of modern state building throughout the Arabian Peninsula, including in Saudi Arabia. Thus, it appears that a balance was often struck between modern legalist interpretations of music and entertainment in Islamic law, including their enforcement under modern penal codes, while also

employing music as a tool of popular sentiment and mass mobilization via national anthems and nationalistic poetry and song.

A striking example of this is given by Ahmad al-Salhi (2018) in his book on the early recordings of one of the most popular singers in the Gulf and regionally throughout the Arabian Peninsula during the 1930s and 1940s, ‘Abdullatif al-Kuwaiti. In a recording session in Syria with the record company Sodwa c. 1939 and later in a recording session in India with the Bombay Record Company c. 1945, al-Kuwaiti recorded two *nashid* in praise of Ibn Saud, including one written by the renowned Kuwaiti poet and intellectual, Fahad al-‘Askar (132). Even more telling is the fact that Ibn Saud himself bankrolled the entire recording session with the Bombay Record Company (Figure 4.2), which was then a subsidiary of the National Gramophone Company of India. ‘Abdullatif al-Kuwaiti was apparently on a recording and performing tour in India at the time but needed finances, and so sent a letter to the Ibn Saud asking for money. The king obliged and transferred 1,000 rupees to his agent in Bombay, who then paid al-Kuwaiti to record the “Anthem for His Majesty King Abd al-‘Aziz Ibn al-Sa‘ud” among other selections with the Bombay Record Company (al-Salhi 2018:137-141).

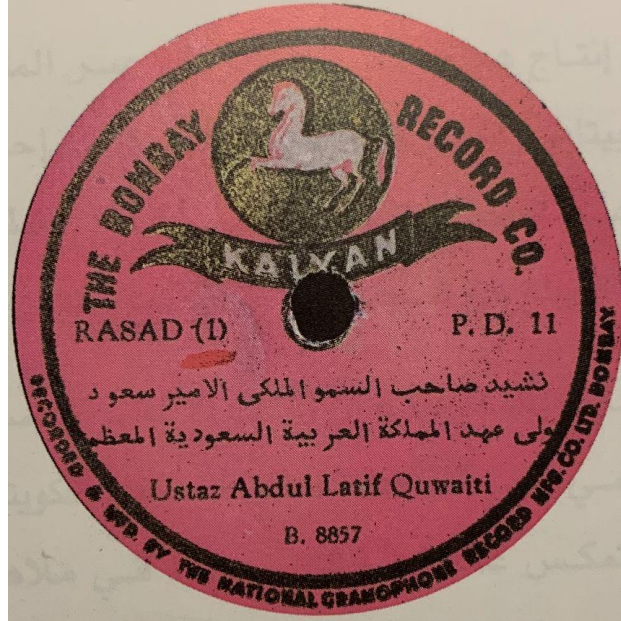


Figure 4.2. ‘Abdullatif al-Kuwaiti’s anthem for Ibn Saud recorded and manufactured by the Bombay Record Company (from al-Salhi 2018:142).

Yet, as can be seen with the Al Azhar establishment’s support for the Saudi general ban on music in the Hejaz, existing modernist and reformist movements elsewhere paved the way for the establishment of Wahabi law throughout the early Saudi state. As seen in previous chapters, Muhammad Ali al-Maliki and Sayyid ‘Uthman had both condemned, albeit to different degrees, the phonograph as an instrument of amusement associated with suspect vernacular customs. Although neither of them were Wahabis, the logic of their verdicts was adopted later by jurists at Al Azhar and enforced by the early Saudi state. Even more, the strict legalist approach to Islamic law and doctrine of unity espoused by the Wahabis found allies in modernist reformers in Muslim societies around the world, who felt that division and superstition among Muslims had led to the fall of Islamic civilization in the face of European imperialism. As Freitag (2020) has pointed out, the enforcement of Wahabi law in the early Saudi state and its subsequent adverse effects on religious and social customs must be contextualized within the global context of state modernization, “which converged with the discourse on religious reform” (326). Freitag also

notes how strict doctrinal law coincided with the implementation of state-wide cultural policies in early Saudi Arabia such as public dress codes and more circumscribed citizenship laws codifying national identity (311-321). As such, debate over an increasingly universalized notion of *al-musiqa* in the context of Islamic law was intertwined within this convergence of modernist Enlightenment thought regarding nation, progress, and morality, and Islamic reforms touting the purity of doctrine. In the British colonial context of Aden, such dynamics are also reflected in Ahmad Fadil al-‘Abdily’s fatwa *A Decisive Statement on Permitting the Oud and the Rabab*, which drew on universalized notions of “the art of music” as well as appeals to Islamic civilization and nation. Yet the global and localized contexts of the British empire, including in Aden, played a huge role in the build up of legalist rhetoric in the practice of Islamic law during the nineteenth and early twentieth centuries. As in Ottoman and Dutch imperial and colonial contexts explored in the last two chapters, such developments were correlated with the expansion of modern state law into everyday life, and the bureaucratic need for scriptural precedents to streamline a centralized bureaucratic administering of Islamic law.

British Imperialism, Muslim Subjects, and Islamic Law

As explored in Chapter Two, although Sayyid ‘Uthman’s career was defined by discourses of reform reverberating between the Hejaz, Hadhramaut, and Java, it was also informed by Protestant missionary zeal and the subsequent expansion of the Dutch colonial state in Southeast Asia. The colonial state’s expanding reach over predominantly Muslim subjects galvanized efforts among Dutch missionaries and administrators to identify a pure, authentic, and legalist version of Islam to assert greater control. As observed with Sayyid ‘Uthman’s eventual alliance with Snouck Hurgronje, such efforts happened parallel to and were even intertwined

with the Muslim legalist reforms rippling across the Indian Ocean between Arabia and Southeast Asia. Even in the contemporary context of the Hejaz, Chapter Three noted how Ottoman efforts to assert greater state control intertwined with legalist efforts to reform Islam. This is reflected with Sharif ‘Awn al-Rafiq’s efforts to curb the public spectacles of tomb visitation and other Sufi practices as well as the Ottoman appointed jurist Ahmad Zayni Dahlan’s stipulations against musical instruments and the recitation of mawlid hymnals that too closely resembled singing and “instruments of amusement.” As with most modern states and empires ruling over diverse populations during this time, the assertion of written legal orthodoxy was intertwined with “ethnographic” efforts to locate more circumscribed racial and ethnic identities for state subjects, which was linked to population management and control.

Yet one of the greatest historic players in the interplay between imperialism and Islamic reform was the British Empire, under which over half the world’s Muslim population lived during the nineteenth and early twentieth centuries. As Cemil Aydin (2017) has demonstrated, the British imperial context was central to the birth of essentialized notions of Islam and a “Muslim world” among British colonizers and Muslim subjects alike. This led to a confluence between racialized assumptions about Islamic unity and struggles for reform among Muslim elites at the expense of long-existing vernacular “polyvocal” Islamic traditions (9-10). Particularly foundational in this regard was the Sepoy Rebellion or Mutiny of 1857-1858. Although sometimes couched as India’s “First War of Independence,” the rebellion that began among the religiously diverse ranks of the East India Company’s army was not to establish a state of “India,” but an effort to reestablish the supremacy of the Mughal Empire and the last Muslim ruler of its dynasty, Bahadur Shah II. As such, at the end of the war Company prosecutors like Major Harriot accused Bahadur of being the apex of global “Musalman intrigues

and Mohammadan conspiracy” everywhere between Istanbul, Mecca, and Delhi to overthrow the British imperium and replace it with Mughal power (Dalrymple 2006:439-440).⁴ Although at the time considered an absurd accusation, even by contemporary British observers, narratives like Harriot’s that posited essentialized no less universalized ideas of Islam and global Muslim unity gained traction, informing popular opinion as much as British colonial policy for the remainder of the nineteenth century. Still, the aftershock of the rebellion saw the dissolution of the East India Company whose possessions were handed over to the British Crown, thus marking the beginning of the Indian Empire or British Raj that lasted until 1947.

After the 1857 Rebellion, fears of “Wahabi” and other so-called fanatical Muslim intrigues abounded among British administrators for the rest of the nineteenth century. As Aydin (2017) notes, Indian Civil Service agent William Wilson Hunter published the book, *The Indian Musalmans: Are They Bound in Conscience to Rebel Against the Queen?* (1871), which stemmed directly from post-Rebellion debates among British colonial officers about whether or not Muslim Indian subjects were inherently less loyal than Hindus (56). Yet many Muslims throughout colonial India saw themselves as loyal to Britain, and aimed to push back against European “narratives of racialized inferiority” while, to varying degrees, advocating for their rights as imperial subjects (56-57). Among such individuals were Sayyid Ahmad Khan, who founded the influential Muhammadan Anglo-Oriental College in 1875, later Aligarh Muslim University (56-57). Among the ranks pushing back against European ideas of Muslim fanaticism as well as Christian missionary work was Rahmatullah Kairanwi, who publicly debated the

⁴ As Dalrymple (2006) demonstrated, although there were calls for jihad by Muslim clerics throughout India against the Company during the Rebellion, the rebels themselves comprised a great diversity of Hindu, Muslim and other actors, while the conflict itself was sparked in regiments of primarily Hindu sepoys who were angered over having to load their guns with powder cartridges lined with pig fat. As Dalrymple (2006) also shows, this was within a context of increasingly antagonistic and coercive Christian missionary policies engaged by Company agents throughout India during the early to mid nineteenth century, causing mass animosity towards the British among Hindus and Muslims alike.

German evangelical missionary Carl Gottlieb Pfander in Delhi before the 1857 Rebellion. Versed in Islamic doctrine and modern European Biblical criticism to challenge the validity of scripture and the Trinity, the diverse resources of Kairanwi's sparring with Pfander eventually resulted in the publication of his work in Arabic, *Izhar al-Haq* (1864), whose eventual publication in Istanbul was sponsored by the Ottoman Sultan Abdülaziz (57), who we saw in Chapter Two had a manuscript of the Mawlid al-Barzanji dedicated to him in Lamu, Kenya during the 1880s, including praise of his global efforts to defend Islam.

Yet the continuing importance of the British colonial milieu saw the rise of “modernist” Muslim reformers like Jamal al-Din al-Afghani, Muhammad Abdu, and Rashid Rida, who were particularly important for the Arabic speaking world. These were also individuals who, influenced by European enlightenment thought, advocated for stamping out irrational superstitions and customary practices associated with scholastic Islamic education and Sufism. Al-Afghani and Abdu, after running awry with British authorities in Egypt, would together cultivate their thought while exiled in Paris, establishing a journal called *al-urwa al-wuthqa* (the Firmest Bond) that kept tabs on European and Muslims affairs world wide (Aydin 2017:71). As such, the pioneering historian of this intellectual period, Albert Hourani (1982[1962]), would describe the likes of al-Afghani, not as a scion of timeless Muslim tradition, but rather the founder of a movement that was a “blend of religious feeling, national feeling, and European radicalism” (108). Recent scholarship on Muhammad Abdu and Rashid Rida has continued to reveal that translations and dialogue between modern biblical criticism, social theory, and Euro-American intellectual milieu more broadly, continued to inform “modernist” Islamic reform with Anglophone British imperial networks being an important nexus for such exchanges (Katman 2019; Riyad 2009). Furthermore, recent historical work on modern Islam everywhere

between British India, Egypt, and the United States has demonstrated the continued importance of Euro-American Christian missionaries for catalyzing Muslim reform movements and revivals well into the twentieth century, whether it was Sufi organizations in India or the Muslim brotherhood in Egypt (Green 2014; Baron 2014).

Still, historians like Seema Alavi (2015) and Nile Green (2011) have complicated this picture somewhat, showing how the technological and ideological forces of modernity galvanized movements and reform in many other directions, whether it was Sufi or “customary” Islam in Bombay, or the movement of elite Muslim intellectuals on the “colonial grid” whose activities did not necessarily align with polemics revolving around European imperialism. As Alavi (2015) also notes, Muslim interactions with the expansion of British colonial legal and state bureaucracy catalyzed legalist thinking in many different contexts. As seen throughout this dissertation, legalist thinking would inspire Salafi-like rhetoric among Sufis like Sayyid ‘Uthman, who advocated a return to “pure” Sufi doctrine, to those like Rashid Rida directly engaging Western enlightenment thought, who advocated for a return to a more universalized and pure doctrine of Islam.

Indeed, while fears of fanatical anti-imperial Wahabism abounded among British colonial administrators, scholars like Sayyid ‘Uthman and his Meccan mentor Ahmad Zayni Dahlan would decry the doctrine of Wahabism in their own polemical writings. As such, Sayyid Uthman would condemn Rashid Rida, whose enlightenment brand of Islamic reform rejected Sufi “superstitions” like saint veneration, as a “Wahabi.” Furthermore, many European observers, including British observers like Wilfred Scawen Blunt (d. 1922), would look favorably upon the ultra-protestant zeal of Wahabism as not only embodying “true” Islam, but as a doctrine that aligned with their own views on societal reform cultivated in European contexts (Hourani

1962:155; Laffan 2011). Not only would this occur in the nineteenth century, but also in the twentieth with British agents like Wilfred Thesiger (d. 2003) and St. John “‘Abdullah” Philby (d. 1960), and even the secular-oriented Lebanese-American Christian, Amin Rayhani (d. 1940), who wrote the first modern history of the early Saudi state and a biography of Ibn Saud during the 1920s, where he analogized Wahabi doctrine with the liberal principles of Enlightenment thought (al-Rayhani 1926).

Yet while legalist thinking permeated various approaches to social reform and Islamic jurisprudence, political realities of the colonial era often pitted competing agendas of reform against one another, while similarly engendering varied attitudes towards Islam among European colonizers themselves. The latter is something highlighted in recent scholarship on the Hajj during the nineteenth and early twentieth centuries, which has shown how British colonial policy, while at times galvanizing racist and essentialized notions about Islam, also accommodated the reality of governing a majority of the world’s Muslims by framing the empire as a patron of Islam (Slight 2015). Furthermore, while the Hajj itself was one of the primary veins that British administrators thought bred “Musalman intrigues,” Snouck Hurgronje was greatly responsible for dispelling such fears after living in Mecca during the early 1880s, and thereafter advocated a much more accommodating and supportive approach to the Hajj within Dutch and British colonial policy (Lowe 2020). But the British colonial context, particularly in India, also proved formative for legal efforts to better control and monitor Muslim community, which, like in the Dutch East Indies, became intertwined with legalist reforms spearheaded by scholars and jurists operating in parallel contexts. In Aden particularly, the British administration obliged subjects—Muslim or otherwise—to couch their appeals and interactions with the colonial state by using its own language, which had important implications for not only for how Islamic

law interacted with everyday life but also the way administrative categories of caste and race did so too.

Law, Cultural Industries, and Caste and Race in Colonial Civil Society

The Aden Colony and Protectorate, which included much of what is now southern Yemen, was formerly a part of British India's Indian Ocean empire for nearly a century, 1839-1937. After 1937, governance was transferred from the Raj to the British Crown, and more specifically the Foreign and Colonial offices based in Britain. Although Scott Reese (2018) has argued that this caused notable shifts in how Aden was governed, i.e., increasingly through the lens of Middle East "Arab" affairs and via an increased presence of ethnic Arabs in local government over Indians, the remainder of this chapter suggests that Indian business and cultural industries continued to play an important role in the Aden Protectorate after it was severed from Indian administration. Indeed, the official currency in Aden continued to be the rupee until 1951 (four years after Indian independence), while many Indian businessmen continued to retain economic advantages over local Arabs, which later was an impetus for the expulsion of Indian nationals from Aden.

Nonetheless, Reese (2018), drawing on the work of Scott Kugle (2001), has demonstrated how precedents for dealing with the governance of Muslims were adopted by colonial administrators in Aden. Specifically, "Anglo-Muhammadan Law" emerged within the colonial government of India as a means to streamline the practice of Islamic law as "a code that could provide quick, clear-cut direction to magistrates and judges when deciding civil issues among Muslims" (Reese 2018:96). Although Anglo-Muhammadan Law dealt primarily with domestic issues like marriage and divorce, it nonetheless codified Islamic law in a way that was foreign to

existing practices of Islamic jurisprudence, which, as noted in the introduction, was historically context driven and decentralized. Echoing Dutch efforts of textual canonization in Southeast Asia and attempts to find more archaic and “authentic” texts, Anglo-Muhammadan law was similarly codified based on what were believed to be authoritative classical texts, which “were wrongly believed to constitute the core of Muslim jurisprudence” (96). Thus, a select few legal tracts became authorized to universally define Islamic law while “stripping it of important nuances, such as the advisory vs. prescriptive nature of the *shari‘a* or the legal commonplace of consulting multiple schools of law in an effort to arrive at an equitable decision that best fit a given situation” (96). Looking at the implications of Anglo-Muhammadan law in local context, Reese (2018) has shown how Indian-born and trained lawyers like Sayyid Rustom ‘Ali working for Aden’s colonial magistrate became embroiled in turf wars with the local Islamic clergy. Trained in colonial British law and a streamlined application of Anglo-Muhammadan law therein, Indian magistrates in Aden attempted to assert their own legalist readings of the law against those established by the local Arab qadis. Yet Reese (2018) also demonstrated that the agendas of both salafi-minded qadis and British-trained magistrates, not to mention the British colonial officers presiding over them, would align on issues regarding the reformation of public life, and particularly customs of entertainment, popular religion, and music.

Just as the early Saudi state was initiating its own bans on saint veneration, amusements, and music that ultimately deprived many long standing popular customs in the Hejaz of their social context, so too was the colonial state in Aden, albeit with a less even hand due to the nature of colonial civil society. Still, and as Reese (2018) has revealed, such legalism inspiring social reform of the public sphere brought together a vast array of actors of varying intellectual and social backgrounds who desired to curb the popular entertainments and performance customs

like the *zar* cult, *mawlid* festivals, or even a popular musical practice associated with the African Jabarti class, the *tambura*. Unlike the modern Saudi state, however, Reese (2018) demonstrates that such reformers, whether they had more secular or salafi inclinations (or more often a combination of both), had to reach a compromise with these established customs. This was primarily because festivals associated with Sufi *mawlid*, including associated musical performances such as the *tambura*, were for many Adenis a vital source of income: a marketplace operating within the sphere of religiously-inspired assembly that has its parallel with the gig economy elucidated in Chapter Two. An exception was the *zar* cult, a practice that was mainly performed by women of African descent that was ultimately banned from the Aden Colony with support from many legal centers of Adeni Muslim authority, including local muftis, magistrate judges, and even “Enlightened” liberalist Adenis like the man of letters and lawyer, Muhammad ‘Ali Luqman (Reese 2018:109-137).

Legal turf wars and social reforms surrounding anxieties (mostly on the part of elites) about popular custom and consumption, which I argue was seen as conspicuous consumption, continued in Aden into the 1930s, especially with the local rise of modern film and phonograph industries. These media industries, as elsewhere in the world during the early twentieth century, perpetuated selective consumption and differentiation among members of Aden’s colonial civil society based on religious, racial, and nationalist lines. This is particularly observable in the diversity of phonograph record labels, musical styles, and talkie films available for Adenis to consume, and how this plethora of choice in commodities galvanized public disputes related to their conspicuous consumption. By the eve of the Second World War, Aden was home to no less than five movie theaters in addition to three phonograph record labels that produced hundreds of 78rpm recordings for local and regional consumption. While debate stemming from conspicuous

consumption within civil society was implicated in the sphere of Islamic law in debate about music and public morality, it also stemmed from anxieties caused by legal prescriptions of caste and race in colonial Aden, which were a source of inequality but equally a source of inspiration for rising Arab nationalist sentiments.

If the nineteenth and early twentieth centuries saw the arbitrary codification of Islamic law via Anglo-Muhammadan Law throughout the British empire, then the process was intertwined with imperial efforts to design governance increasingly on “ethnographic” policies of ethnic, racial, and caste discrimination. In the context of Aden’s transfer from Indian administration to the Crown and “His Majesty’s Territories in the Near and Middle East,” when the 1938 “Annual Report on the Social and Economic Progress of the People of the Colony of Aden” was drafted, the “caste” categories officially dividing Aden’s populations previously under Indian administration were changed to “race,” with some telling amendments to the categories. Previously, the demarcations of caste was seemingly a mix of ethnicity and religion, with Aden colony’s population being divided into “Arabs,” “Indian Mohammedans,” “Somalis,” “Hindus,” “Jews,” “Parsis,” “Native Christians,” and “Europeans.” Yet when these categories of caste were changed to racial ones after 1937, “Indian Mohammedans” and “Hindus” were changed to “Indian (Moslems)” and “Indian (Hindu)” respectively (IOR/R/20/B/579). While recognizing both Muslim and Hindu subjects as “Indian,” perhaps due to increasing sentiments of Indian nationalism, the Aden government nonetheless administratively identified them as distinctive “races” based on religious affiliation. A similar phenomenon is notable with the demarcations between Aden’s “Arabs” and “Jews.” This was despite the fact that the report noted elsewhere that local Jewish schools taught classes in Arabic, but used the Hebrew alphabet in writing Arabic phonetically (IOR/R/20/B/580). As with Muslim-Hindu divides garnered under

the auspices of the India Office on the Subcontinent, this was perhaps tied to British colonial policy, formulated within the Colonial and Foreign Offices, in Palestine that divided Arabs and Jews based on racial lines, which was entangled with developing Arab and Zionist nationalist ideologies.

The enlightened Adeni lawyer, writer, and social reformer, Muhammad ‘Ali Luqman, who had previously aligned with salafi qadis and magistrate judges to ban the performance of *zar* in Aden, indeed spoke of the economic inequities that stemmed from caste and race in the newspaper he founded in 1940 with support from the colonial government, *Fatat al-Jazirah* (e. 1940). In an article entitled “We the Adenis” (*Nahnu al-‘Adanyyin*) published in December of 1940, Luqman noted that Arabs struggled to get ahead in Aden’s international port economy, which privileged, firstly, Europeans, and then Indians. Yet Luqman, who had recently obtained a law degree in Bombay and became the first locally born Arab lawyer with a practice in Aden, did not advocate for the dismantling of the colonial state, but rather suggested it was the Arabs themselves who needed education and social reforms to progress economically as they were, by and large, less educated than Indian subjects. Moreover, and reflecting his desire to enliven Arab nationalist feeling in Aden, Luqman claimed that Adeni Arabs lacked the “virtue of unity” to cooperate with each other to start companies and industrial and agricultural projects like their European and Indian counterparts (1940:1).



Figure 4.3. Luqman’s article “We the Adenis” on the front page of *Fatat al-Jazirah*, December 1940 (British Library).

Yet Adenis who were classified as Arabs by the colonial administration were indeed making headway in the cultural industries. Interestingly, in 1937 two prominent Adeni merchant brothers, Husayn and ‘Ali al-Safī, established two phonograph record labels: a local branch of the international Odeon label and an independent label called Aden Crown Record. Another label had also been established in Aden around the same time called Jafferphone, although it was owned by an Adeni of Indian or Persian descent from the Ali Jaffer family, Khan Saheb Hamoodi, Mr. Ahmed Hamood, or “Mr. Hamud” as he was often referred to by Adeni singers. According to Doreen Ingrams (1970:5), the Ali Jaffer family was “well known in Aden for supplying responsible, loyal civil servants,” thus revealing their affluent status in colonial civil society. In any case, and as I have noted recently (2021), the dawn of commercial recording in Aden led to increasingly standardized ways of classifying musical performances based on

emerging nationalistic and ethnic categories such as “Indian,” “Somali,” “Kuwaiti,” “Egyptian,” as well as more regionally based identities of “Lahiji,” “Sana‘ani,” “Hadhrami,” and, later, “Adeni.” Here, I suggest that such categorizing and inventory practices of commercial industry were intertwined and informed by the increasing reach of state bureaucracy and the divisions of caste and race. Thus, debates among Adenis surrounding the conspicuous consumption of media industries converged with anxieties stemming from the discriminatory policies of state administration.

For example, in the early 1940s during the war, Muhammad Ali Luqman’s brother (?) Hamza Ali Luqman would lambaste Adeni musicians and music for being too influenced by “Indian” music in an article he wrote for *Fatat al-Jazira* called “Adeni Music and Song” (1943). While accusing singers in Aden of not correctly pronouncing classical Arabic poetry according to established grammatical rules and employing “degenerate” and “monotonous” melodies that were what he considered careless amalgamate of Indian, Egyptian, Lahiji, and Sana‘ani tunes, Hamza ‘Ali Luqman also decried the wide influence of Indian cinema on local Adeni musicians. Music, he claimed, reflected a nation’s “psychology” (*nafsiyah*) and was symbolic of its peoples’ character, and that Aden’s melting pot exemplified tastelessness and banality. Particularly, Hamza ‘Ali Luqman critiqued the practice of taking songs from Indian films like *Kisi Se Nah Kehna* (1942) and *Duniya Divani* (1943), and adapting their melodies to colloquial and classical Arabic poems or *qasa’id* (s. *qasida*): a practice still common throughout Yemen and the Gulf today. Even over a decade later, musicians and cultural critics like Muhammad Murshid Naji (1959) would similarly decry the influence of modern Indian music and cinema on musicians throughout South Arabia, explicitly linking the widespread influence of Indian music and cinema to “Indian colonization.” Reflecting the rising appeal of pan Arab nationalism thought in Aden,

music critics like Hamza Luqman (1943) and Muhammad Naji (1959) would call on Adeni musicians to look to Egypt for inspiration rather than to India. Thus, while criticism of Indian music in Aden was no doubt fueled by rising Arab nationalist sentiments in Aden, it should be kept in mind that appeals to pan Arabism and Arab unity was in part a conscious reaction to the economic and social inequalities stemming from Aden's previous association with the British Indian Empire and the resulting inequalities of caste and race in colonial governance.

If the widespread popularity of Indian films in Aden were, according to some observers, negatively influencing the production of popular music, then such anxieties extended to debates and contention surrounding movie theaters themselves. In Aden's center alone there were four movie theaters by 1938, while others were popping up in the surrounding suburbs. Revealing how caste and race were important to the way Aden's citizens appealed to colonial governance, a group of "Arabs, Indians, Somalis, Parsis, Jews, and Hindus" in 1935 submitted a petition to the colonial government to establish a movie theater open to the local populace, noting that the only existing theater was segregated for Europeans (IOR/R/20/A/2766). Later during 1937, Ahmad Muhammad Khalil, the older brother of the famous Adeni singer Khalil Muhammad Khalil, made several complaints in English to the colonial government for denying his application to build a movie theater to cater to Arab audiences by showing Arabic (i.e. Egyptian) films. As he noted in one of the complaints:

Excuse me to say that there are 2 cinemas at Aden of Indians: one foreigner, Native of India, & one Sayed Jafer & Bros: Indian of Aden. I am surprised to say that the aforesaid Sayed Jafer & Bros recently applied for erection of cinema at Tawahi and immediately permission was granted, without delay or etc. When the Arab merchants of Aden applied for Arabic cinema and permission was delayed, as a fact we Arabs think that preference will be given to us, as per the promise in his Excellency the governor's [Sir Bernard Riley] speech when Aden was transferred from India to the Colony. Our Arab merchants applied for this cinema about 10 months ago, and no permission as yet was granted—reason unknown perfectly. (IOR/R/20/B/288)

The quote is indicative of its time, when Aden's new colonial government, now under the jurisdiction of the Foreign and Colonial Offices, promised Arabs, who constituted the vast majority of the Protectorate's population, that their economic and social well being would be given preference after Aden's separation from Indian administration under the India Office. With continued complaints about the dominance of Indian cultural industries like film and music throughout the 1940s and 1950s, it was perhaps difficult to shift the balance of such inequities in a colonial economic system that had evolved for nearly a century in the context of the Indian Empire.



Figure 4.4. "Advertising the Cinema at Aden," 1937 (Bernath Mss 50; Department of Special Collections, Davidson Library, University of California, Santa Barbara).

In another vein, debate over cinemas also revolved around turf wars between cinema owners and notables representing local neighborhoods. As these reveal, debate about Aden's emerging cultural industries drew on enlightenment ideals of progress, respectability, and morality in a public civil society, which, as we noted earlier, merged with the rhetoric of Islamic reform. Neighborhood protests against the establishment of new movie theaters are particularly

revealing in this regard, with claims that movie theaters brought with them crowds, noise, moral depravity, and crime, which was claimed to have a particularly negative impact on young people.

As a certain Muhammad Kassim put it when protesting the establishment of another movie theatre by the well-to-do Parsi firm in Aden, Cawasjee Dinshaw & Bros in March of 1938:

The M. C. C. Talkies of Mr. Ahmad Hamood in the vicinity has already proved a great nuisance and a menace to the house-holders living near and the intended talkie cinema of Messrs Cawasjee Dinshaw & Bros' premises will further aggravate the sufferings of the people. Particularly in summer it will become a veritable pandemonium because it is well known that "Talkies" shows pictures which do not tend to be a good moral tone amongst the majority who visit them. (IOR/R/20/B/288)

Kassim continued, drawing on a language that echoed an al-Ghazalian tradition of Islamic legalist rhetoric about the perils of entertainment and amusement that inevitably lead to sin and debauchery, which blended nicely with a liberalist rhetoric surrounding education and public morality.

These places of amusement lead people to drinks and debauchery and even children learn to steal and smoke. The noise that is made and prevaricate at the end even whilst the pictures are going one some time must disturb the sleep of peaceful family and it is likely that some vagabonds will interfere with women passing [. . .]

The encouragement of cinemas or theaters in Aden is utterly against the public interest and it will deprive the children in following their education or attending to their moral duties, and on the contrary it will poison their mind to all sorts of immoral purposes. (IOR/R/20/B/288)

As it happens, that same month (March of 1938) the Syed Jaffer & Bros firm owned by Khan Saheb Hamoodi or "Mr. Hamud" was going through considerable licensing troubles in transferring one of their movie theaters to a property they recently purchased next to the Indian Infantry Officers Mess in Crater (Aden's central district). Adding to the ordeal was a petition signed by more than thirty residents from the surrounding area led by a certain Mohamed Yusuf Khan, protesting the move of Sayyid Jaffer's cinema into their neighborhood.

We beg to state that we are all respectable persons residing in the immediate vicinity of

this plot. We have large families who live with us. The establishment of a Talkie Cinema in our midst will cause us continuous annoyance, discomfort, loss of sleep at night by the noise which cannot be separated from a Talkie Cinema. There will be a continual string of people on foot & in cars passing our houses before & after the show thus robbing us & our families of rest & comfort which is our due after a hard day's work. The Maidan [square] opposite this plot will be used by all kinds of persons to our great annoyance. The ground nearby will be fouled by outsiders who will assemble near the cinema. [. . .] Now-a-days in cinemas Gramophone records are played through a radio. These will cause no less annoyance before the commencement of every show. (IOR/R/20/B/288)

After another group of neighbors submitted a counter petition three days later, the former owners of the estate bought by Syed Jaffer & Bros chimed in, submitting their own grievances. As it happens, the complaint was filed by Sayyid Ahmad Rustom Ali, the son of the former magistrate mentioned above, Sayyid Rustom Ali, who helped ban *zar* performances in Aden. Ahmad Rustom Ali claimed that the quietness his neighborhood enjoyed “would be destroyed forever” by the Jaffer firm’s new cinema, which would invite a cacophony of undesirable activity and people:

The constant loitering of loafers, the hooting of the motor horns, the noise and clappings inherent to the people of Aden, the loud callings of the hawkers who frequent these cinemas, and the noise of the Talkie from 9 to 1 p.m. every night would simply make our existence miserable. Before the commencement of the show, radio-gramophone records are usually played in order to attract the public, and the sound is so disturbing that it is enough to wake the dead from his grave. (IOR/R/20/B/288)

Rustom Ali continued that such media entertainments had become ubiquitous in Aden, particularly in the city’s center: “We are much surprised that the Aden Settlement should allow three ‘Talkies’ to be installed within the radius of 200 yards. Aden in itself is a small place and ordinarily two ‘talkies’ would have been quite sufficient, but it seems that permission is being given for these ‘talkies’ indiscriminately, thus converting amusement in Aden into a constant nuisance to the public.”

Yet while the media industries of phonograph and film could be couched as a public and moral nuisance, they could also be seen as aids to social and moral progress, and even to the

cause of Arab nationalism in a system of caste and race that historically privileged Indian and European subjects over Arabs. This is highlighted in other *Fatat al-Jazirah* articles published during the early 1940s about a new movie theater called Regal Cinema owned by a Muslim businessman of Indian descent “Mr. Ihsan al-Haq.” The article was anonymous, and thus ostensibly penned by editor Muhammad ‘Ali Luqman in January 1943. Luqman praised the Regal Cinema for making an effort to show Arab films, and that the previous week they had shown the Egyptian film *Layla the Schoolgirl (Layla bint al-madaris)* (1941). The crowd was amazed with the movie, “a robust critique of modern life,” while it was preceded by a short documentary film (*film ikhbari*) in Arabic. Referring to the practice of playing gramophone records by the cinema before and after the show noted by cinema’s detractors above, the author was proud to report that only Arabic records were played that evening. “This is what we’d like to see from cinema owners, who through such actions demonstrate respect for our Arab tastes.” In an earlier anonymous *Fatat al-Jazira* op ed titled “On the role of cinema,” an author—ostensibly Muhammad Ali Luqman again—responded to the many critics of the talkies and what they believed to be its morally corruptive influence. The article stated that cinema owners were providing a beneficial service and, if it wasn’t explicitly “beneficial,” at least it was a public service. In this regard, the article claimed that even cinema owners themselves are perhaps ignoring the potential of cinema to “enculturate” the public, thus inspiring an “renaissance in artistic tastes.” Yet even more unfortunate, the author claimed, was that the “Adeni nation” (*al-’umma al-’adaniyyah*) lacks the public opinion necessary for such engagement.

Such elitist critiques of Adeni society revolving around modern cinema appeared in another anonymous *Fatat* article (December 29th, 1940) entitled “On Music,” which demonstrates how the modern notion of “music” could be implicated in societal progress. The

author described attending the recently released American film *It's A Date* (1940) and began the article describing the actress Deanna Durbin's performance of Franz Schubert's "Ave Maria" in the film, "a piece of absolute genius sung by a woman whose face and voice are of the greatest conduits to the heart and ears." "But here I'd like to admit that my longtime knowledge of Schubert and that my readings about him increased the effect on my emotions, and that I keep up with Dramatic Music that tugs at one's feelings, stirs the emotions, and works its magical deeds on every type of human misfortune," the author continued, perhaps distinguishing himself from the Adeni masses. The author recalled that, as he looked around at the audience in the theater, he noticed few others having a similar understanding of the music. "It is perhaps excusable if we Easterners cannot understand Western symphonies and operas that envisage the dramatic Western character." Still, the author continued that Western music is more capable of displaying authentic emotion while discovering the hidden truths of the world, quoting an Arabic translation of Leo Tolstoy's novella *The Kreutzer Sonata* (1889). "Are all listeners able to understand music, carrying them to the same mental state of the person who composed it, tasting their happiness or misfortune?"

Taken with the article by Hamza 'Ali Luqman noted above about the negative influence of "Indian" music on Adeni musicians, it can be seen here that the universalized notion of or *al-musiqa* was implicated in public discourse about national identity and anxieties induced by caste and race as well as a talking point about enlightenment and progress. Such dynamics surrounding the consumption and appreciation of music also intersected with those surrounding cinema, with the above examples showing instances where theaters became an axis where grievances and contentions about race, Arab nationalism, public morality, the arts, and progress could be voiced. It should also be noted that a common theme weaving through perhaps all of

these examples was a further anxiety among elite Adenis about conspicuous consumption—and specifically of phonograph and film media industries—among the more common elements of society, a problem onto which other grievances could be projected. Indeed, other articles in *Fatat al-Jazirah* (June 4th, 1944) during the early 1940s accused Adenis of over indulgent spending on wedding celebrations and other pastimes, something that some commentators thought particularly inexcusable during the World War. It is within such a context that debate about conspicuous consumption of phonograph and cinema, including their influence on societal progress and public morality, when a novel Islamic legal debate about the appropriateness of music occurred in Aden during the early 1940s.

Ahmad Fadil al-‘Abdily’s *A Decisive Statement*

Indeed, it was in Aden’s first newspaper, *Fatat al-Jazira*, that debate over the permissibility of “the art of music” started, ultimately resulting in the publication of Ahmad Fadil al-‘Abdali’s fatwa, *A Decisive Statement on Permitting the Oud and the Rabab*. On September 7th, 1941, *Fatat* published an article about one of Egypt’s most famous composers, Muhammad Abd al-Wahab, praising him for his modern innovations in Egyptian music, blending genres like the foxtrot, tango, and rumba with more traditional melodies and styles of colloquial and classical Arabic poetry. “It’s amazing that so many thought that the Easterner does not enjoy listening to Western music, having neither taste, understanding, nor comprehension of it. The work of modern musicians [like ‘Abd al-Wahab] has been a new opening and a tremendous victory. It is neither purely Eastern nor Western, bringing together the two worlds and blending the two palates, thereby reviving Eastern music and occasioning an artistic revolution.” Again, the author positioned the musical arts as a beacon of societal and civilizational progress while looking to Egyptian artists as a model. Contributing to the general celebration of music was a

poem published on the same page called “The Oud” written by Prince Ahmad Fadil al-‘Abdali “al-Qumandan,” who, as we noted earlier, was a renowned lyricist whose songs were widely featured by Adeni record labels during this time:

Oh oud, who are those who would forbid you?
Who in doing so fail to understand you?
Most have intoned your praises and written verse
And fortified you with the rabab and song.

The poem continued by invoking the Prophet David, who would receive heavenly reward from God if he recited and chanted the Torah with his oud. If this is what God commanded to one of His prophets, then how could it be forbidden by religious law?

He [God] has reformed people according to what is fine and well,
so there is no punishment for the art of music (*fan al-musiqā*).
Sing! For the oud is truly *halal* (permitted),
And forbidding it will bring nothing but *dalal* (error).

Al-‘Abdali concluded the poem with stanzas expressing that anyone who says otherwise is certainly not of the rationalist legal tradition established by foundational Sunni legal scholars, including the great Imam al-Bukhari, “For the decisive statement lies with intellect (*al-‘aql*).” Although certainly fitting for the spirit of celebrating the musical arts and progress in this particular issue of *Fatat al-Jazirah*, it appears that this was the second time al-‘Abdily had published the poem in the paper, with the first appearing in *Fatat al-Jazira*’s 83rd issue in 1940 (see Abdullah, January 1941). Perhaps it was the regional momentum at the time building around Islamic legal arguments condemning a modern notion of “music” that was al-‘Abdily’s initial inspiration for publishing the poem. In any case, the poem was seemingly the start of the debate

that ultimately resulted in al-‘Abdily’s *A Decisive Statement*, a title inspired by the final line of his poem that highlights the importance of reason and intellect for generating a ruling, or “decisive statement” (*fasil al-khitab*), in Islamic jurisprudence.

First however, it’s best to reemphasize that Ahmad Fadil al-‘Abdali “the commander” or “al-Qumandan,” was one of the most popular lyricists and songwriters in Aden and the surrounding regions at the time, including his home principality of Lahj surrounding the Aden Protectorate. Ahmad Fadil al-‘Abdali, a Prince, was the brother of the Sultan of Lahj ‘Abd al-Karim al-‘Abdali, who reigned for nearly half a century (1915-1947). The Lahji sultans were the historic rulers of Aden and the surrounding regions, and had been propped up by the British Indian government as a tactic of indirect rule since Aden was occupied in 1839. Yet despite the fact that he came from the ruling family historically favored by the British Indian colonial government, many contemporary observers regarded Ahmad Fadil al-‘Abdali’s songs as a beacon of cultural authenticity at a time when Indian and Egyptian cultural industries dominated the Adeni music scene. Music critics like Hamza ‘Ali Luqman would often point to the “Lahji” style coined by al-‘Abdali as a model for developing the Adeni music and cultural scene on Arab (particularly Egyptian) nationalist lines. This cultural movement surrounding Lahji music at a time of rising Arab nationalist sentiment occurred hand in hand with the establishment of local record companies in Aden, including the branch of the Odeon firm and the local Aden Crown label mentioned above. Both of these labels recorded and produced countless songs written by al-‘Abdali, performed by renowned singers like Muhammad Fadil al-Lahji. Record labels featuring al-‘Abdali’s songs were also categorized with the “Lahji” title written on them, thus signaling a musical style that could be defined and consumed in distinction to the “Indian,” “Egyptian,” “Hadhrami,” or “Kuwaiti” labels written on other releases: yet another indication

that debate about cultural authenticity was also about how caste, race, and nationalism was implicated in the conspicuous consumption of music and cinema. The father of the Adeni enlightenment himself, Muhammad ‘Ali Luqman, similarly praised the local musical renaissance galvanized by the Lahji Prince, writing an introduction for al-‘Abdali’s collected lyrics, *Diwan of Lahiji Songs* published in 1937. When the book was republished a few years later, the Adeni writer ‘Abd al-Rahman Jurjurah also praised al-‘Abdali’s Lahji style in a manner not unlike the *Fatat al-Jazirah* article about the Egyptian composer Muhammad Abd al-Wahab noted above, praising the socio-cultural advancements that Lahiji music inspired by incorporating global popular genres like rumba: “Music points to the progress of the umma [nation] and the elevation of its people’s feelings. The Prince’s music is overflowing with dancing ecstatic joy, like the rumba, stirring the emotions of us Yemenites, Hadhramis, and our Arab brothers” (al-‘Abdali 1983[1943]:10).



Figure 4.5. One of al-‘Abdali’s songs, “The Eyes of a Beautiful Woman Pierced My Heart,” performed by Fadil Muhammad al-Lahji for the Odeon firm in Aden, c. 1930s and 1940s (Department of Special Collections, Davidson Library, University of California, Santa Barbara)

Yet if music and phonograph industries and the musical arts could be seen as uplifting the Adeni nation by inspiring spirit of patriotism and progress, there were others who just as easily saw them as potentially frivolous distractions from building a modern society based on Islamic principles, which was similarly connected to anxieties about leisure and conspicuous consumption. Throughout the following year after the initial publication of al-‘Abdali’s poem “The Oud” in *Fatat al-Jazirah*, members of Aden’s Muslim community irked by his permissive attitude towards music published their own articles in response, thus sparking a lively debate in the pages of *Fatat al-Jazirah* throughout 1941 and 1942. Although I was unable to locate any articles written by al-‘Abdali’s detractors, I was still able to obtain their arguments by reading al-‘Abdali’s rebuttals, which acknowledged and quoted the arguments made by his opponents. In any case, and rather than citing texts by al-Ghazali or Ibn Hajar condemning lustful pleasures or “instruments of amusement,” al-‘Abdali’s detractors attempted to prove music was a forbidden form of frivolous consumption by drawing evidence directly from the Quran. Indeed, the verse they pointed to, rather than explicitly outlawing music, seems to have rather been taken in the modern context as a critique of conspicuous consumption: “And from among the people who buy distracting amusements [lit. “amusement of speech”] to mislead from the path of God without knowledge and make a mockery of it, for them there will be a humiliating torment [in Hell]” (31:6 Surat Luqman). As others have noted, and perhaps out of any other statement from the Quran or Prophetic *hadith*, in modern times this proclamation has been one of the most widely debated within Islamic jurisprudence regarding the permissibility of music or *al-musiqqa* (al-Mardini 2001:11-12). While my translation of the verse here, relying on various Islamic education websites, has perhaps given preference to more recent “Salafi” interpretations of the verse, which explicitly seek to use it as pretext for outlawing music, it should be noted that

contention about the verse's meaning revolves mostly around the Arabic verb *ishtara* (lit. "to buy") and the term *lahu al-hadith* (lit. "amusement of speech"), which has been translated into English as "distracting amusements" as well as "idle talk." As in the case featuring al-'Abdali's fatwa here, much of the problem in interpretation is based around not only what *lahu al-hadith* actually means, but also whether or not it can directly imply *al-musiqā* by analogy, which is a modern Islamic legal discrepancy (*khilaf*) based on varying opinions derived from the *hadith* regarding the historic context of the verse's revelation.

Although I was not able to locate articles written by al-'Abdali's opponents in the issues of *Fatat al-Jazirah* held on microfilm at the British Library, I did find an article entitled "Music and Singing in Islam" written a certain Hashim 'Abdullah in January 1941, who seemed to be attempting to strike an intermediate position between the opposing verdicts of al-'Abdali and his detractors. Abdullah stated that through the prophetic reports, or *hadith*, it was well established that the Prophet Muhammad had been tolerant of singing (*al-ghina*). When the Prophet migrated back to Medina, otherwise known as the *Hijra* in Islamic history and the beginning of the Islamic calendar, he was welcomed by women singing the renowned poem "Ashraq al-badr 'alayna," or "The moon has risen upon us," while they played frame drums (pl. *dufuf*). 'Abdullah continued that one of the Prophet's companions, Hasan Bin Thabit was a renowned poet and singer and would sing and recite his compositions for all in the city of Medina to hear. 'Abdullah further emphasized that women in the Hejaz were also respected reciters and singers at the time of the Prophet, and even performed at gatherings of the Prophet and his Companions. Perhaps in an effort to accommodate the opinion of al-'Abdali's detractors, who advocated a circumscribed literal reading of the Quranic verse 31:6, 'Abdullah conceded that the verse was absolutely clear in its meaning and was in no need of exegesis (*ta'wil*).

However, he added the caveat that, while the verse clearly rules that anything that is purposed as a distraction from following the teachings and rituals of Islam is forbidden, which at times can entail activities with singing, the verse does not imply that the act of singing itself is forbidden. ‘Abdullah argued that this was because, according to a *hadith* report relayed by the Prophet’s companion Ibn ‘Abbas, the verse was revealed because someone named al-Nadir b. al-Harith was attempting to cajole early Muslims into apostasy by persuading them to listen to the music of songstresses rather than the recitation of the Quran. Thus, according to ‘Abdullah, while certain contexts of singing (*al-ghina* ‘), and thereby “music,” are forbidden, the act of singing itself is not forbidden in essence: something made clear by other *hadith* reports that demonstrate the Prophet’s toleration of it.

Still, others in Aden were not convinced, and apparently due to discrepancies over the implication of al-Nadir Bin al-Harith’s actions reported in the *hadith* literature. Did the term *lahu al-hadith* (“amusement of speech”) in the verse specifically refer to the act of singing and the songstresses purchased by al-Harith? Or did it generally refer to any intentional act whose purpose was to lead Muslims to apostasy? Although it is not possible to know specifically what his detractors argued, Ahmad Fadil al-‘Abdali later published an article in *Fatat al-Jazirah* during September 1941, responding to another article that argued that verse 31:6 unequivocally forbid “the art of music” by claiming that the Quranic term *lahu al-hadith* specifically implied the act of singing mentioned in the *hadith* report about al-Nadir Bin al-Harith. Al-‘Abdali retorted in the article that even the eminent Andalusian Sufi scholar, Abu Bakr Ibn al-‘Arabi (d. 1148), permitted a man to listen to his singing concubines. He also stated that other scholars of the strictly literalist Zahiri legal school like Ibn Hazim noted that there is no textual precedent in the Quran, neither by esoteric (*batin*) nor exoteric (*zahir*) exegesis, that explicitly forbids singing

(*al-ghina'*). This is in stark contrast to Quranic admonitions against eating pork, blood, and non-halal meat, which are explicitly clear to the letter and require no interpretation (*tafsir*) nor exegesis (*ta'wil*). Furthermore, even if canonical Sunni legal scholars like the Imam al-Bukhari (d. 870) or Muslim Ibn al-Hajjaj (d. 875) transmitted *hadith* reports that suggested singing and musical instruments are forbidden, it does not mean that such reports are entirely reliable or valid according to what can rationally be concluded through the powers of intellect. After all, as al-'Abdali noted according to legal tradition, Islamic legal scholars must relay all reports—weak or otherwise—regarding a particular legal issue when composing legal tracts. It seems this was an important point for al-'Abdali to make since, as Reese (2018) and Hallaq (2009) have noted, consulting multiple opinions from a variety of schools of law and establishing a verdict based on context was common pre-modern practice in Islamic law, but was discouraged with modern-state approaches that advocated a streamlined literalist approach. “Forbidding the Fine Arts (*al-funun al-jamilah*) like music and painting that are essential to life without clear textual precedent or reason requires, in this modern age, an unadvisable audacity,” concluded al-'Abdali in his 1941 *Fatat al-Jazirah* article. Interestingly, al-'Abdali identified himself at the end of the article as a graduate of the Massawa Islamic University in Eritrea, thus seemingly an attempt to demonstrate his credentials to speak on such issues while revealing that he had previously studied Islamic law and doctrine in East Africa.

Yet if for al-'Abdali the modern world was premised on the supremacy of reason and an appreciation of the arts, then for many it was equally characterized by frivolous and immoral distractions, among them the *al-musiqah* that permeated society by way of media like phonographs and films, themselves objects of conspicuous consumption and temptation that the Quran, for some, explicitly forbids as “distracting amusements” (31:6). Yet still, it is important

to note that the opinion that phonographs, radios, musical instruments, and therefore “music” itself could be forbidden was *a priori* to the Quran and hadith literature, based more on external anxieties regarding public morality and conspicuous consumption that were themselves galvanized by the expanding influence of media industries and state law. As a person who was a central figure in the mass consumption of phonograph records in Aden, and whose musical movement was a harbinger of rising nationalist sentiments among cosmopolitan Adeni consumers and music fans, al-‘Abdali had obvious reason to vehemently disagree with such interpretations of verse 31:6. Sometime after he published his response in *Fatat al-Jazirah* in September 1941, al-‘Abdali published a more complete ruling in the pamphlet, *A Decisive Statement on Permitting the Oud and the Rabab* (n.d.). He noted at the introduction that he saw yet another article in *Fatat al-Jazira* arguing that music was forbidden according to Islamic law, and again by referencing the same verse (31:6) about buying “distracting amusements” or engaging in “idle talk” (*lahu al-hadith*). In addition to referencing canonical legal tracts composed by al-Bukhari and others that demonstrated the Prophet’s tolerance of singing and playing musical instruments, al-‘Abdali addressed the lexical problem of equating the word “talk” or “speech” or “*hadith*” with “singing” or *al-ghina*’. According to his argument, given the number of valid reports about the Prophet tolerating singing and musical instruments, how could anyone reasonably argue through exegesis or interpretation that “speech” or “idle talk” (*lahu al-hadith*) necessarily implies “singing”?



Figure 4.6. A later cover (1980s?) for A Decisive Statement on Permitting the Oud and the Rabab. Al-‘Abdali portrait is featured in the cover art. Courtesy of Ahmad AlSalhi.

Returning to the Prophetic report or *hadith* about al-Nadir Bin al-Harith’s singing concubines and the revelation of verse 31:6, al-‘Abdali cited the renowned twelfth-century theologian and jurist Fakhir al-Din al-Razi (d. 1209) and the tenth-century historian, geographer, and traveler Abu al-Hasan al-Mas‘udi (d. 956), who both stipulated that the verse was condemning apostasy (*kufir*) and making a mockery of Islam, not singing. According to this narrative based on other *hadith* reports that reveal further details about events alluded to in this verse, supposedly al-Harith had purchased books about Persian myths and origin stories, and then purchased singing concubines to recite the written texts for audiences of the Prophet’s tribe, Quraysh. He thus made a mockery of the Quran, telling his audience that Persian myths were just as good as anything the Prophet was reciting to them at the time: “If Muhammad is telling you about ‘Ad and Thamud, then I’m going to tell you about Rustam, Isfandiyar, and the

Achaemenids, and buy singing slave girls to transmit these tales to those who are drawn to Islam, and thus turn them away,” so it was claimed al-Harith said in one *hadith* report relayed by the geographer and historian al-Mas‘udi (al‘Abdali n.d.:3-4). As this report makes clear, it was the act of trying to lead Muslims into apostasy that verse 31:6 condemns, not the act of singing itself, even though it was involved in al-Harith’s blasphemous schemes. As such, and repeating a line of thought posed by Hashim ‘Abdullah in the “Music and Singing in Islam” article in *Fatat al-Jazirah* (1941) discussed above, singing is an act that can not be forbidden on its own; rather, its appropriateness should be determined by the contexts in which it occurs.

While al-‘Abdali referenced Imam al-Bukhari’s canonical text, *Mukhtar al-Suhah*, to demonstrate valid *hadith* reports that the Prophet tolerated musical instruments and singing, he also quoted extensively a more recent legal tract composed by an Imam from Yemen, Muhammad al-Shawkani (d. 1834), who composed the prolific *Nil al-Awtar*: a commentary on an extensive legal tract composed by Ibn Taymiyyah’s grandfather, Abu Barikat Ibn Taymiyyah. Indeed the text evaluates over 5,000 *hadith* reports relayed by Taymiyyah, noting how different Sunni legal schools and sects evaluate and interpret each report. The text would have been one of the most comprehensive tracts on almost every issue of concern to Islamic law leading up to al-Shawkani’s time during the eighteenth century. Al-Shawkani noted that, according to the scholars who permitted singing and musical instruments, many of the *hadith* reports that explicitly forbid music are weak, being relayed from an unreliable chain of transmission leading back to the time of the Prophet. Furthermore, al-Shawkani stated that this is a fact acknowledged by scholars from a variety of legal schools such as the Zahiri, Maliki, Shafa‘i and even the historically more puritanical Hanbali school. Al-Shawkani also noted that this is what the great Sufi scholar and theologian Abu Bakr Ibn al-‘Araby also thought: that reports about forbidding

singing and instruments were weak and unreliable. In addition to al-Shawkani's tract, al-'Abdali's *A Desicive Statement* also cited al-Ghazali's more favorable comments regarding singing in his *Revival of the Religious Sciences* to argue that music was permitted, even though, as seen in previous chapters, that same text was cited by Muhammad 'Ali al-Maliki and Sayyid 'Uthman to forbid the playing the *qanbus* and listening to the phonograph.

No matter, and given the immense legal precedent in favor of singing, musical instruments, and thus "the musical arts" relayed by al-Shawkani and others, al-'Abdali suggested that it was no surprise that many contemporary Muslim scholars and leaders from Egypt to India had no objection to music. Notably, al-'Abdali refers to the prevalence of marching bands he witnessed throughout Muslim lands during his diplomatic travels, while also referring to previous Islamic legal debates about phonographic and technological fidelity:

Even in this age, 'ulama of Al Azhar attend concerts to preach after concerts where music is played by all sorts of instruments. I myself attended a concert with some of the [Al Azhar] 'ulama. It was hosted by Ahmad Zaki Pasha in his own house in Giza, where we listened to Sami Shawa play his violin. I also attended a concert honoring His Majesty the Crown Prince of the Saudi Kingdom at the home of the Great Pious Imam of the Ismailis in Bombay, and we heard plaintive melodies from musical instruments. These instruments [ostensibly referring to brass instruments] are also played in Yemen for the valiant Yamani soldiers, and the King [Imam Yahya] also listens to them along with the prince, Sayf al-Islam, as well as many of the 'ulama. Even the general Muslim public [in Yemen] march behind them listening as they make their way to the mosque to worship God all mighty. Most 'ulama of our time listen to these instruments, and even those who forbid singing listen to musical instruments on the phonograph or the radio and say that it is permitted because it is an echo, but what is an echo but merely the reflection of a real sound in the ether (*al-'ithir*)? In the entire Islamic umma, ninety nine percent [of the 'ulama] permit listening to singing and instruments in every single nation; it is an unprecedented legal consensus (*ijma'*). (13)

As seen earlier in this chapter about the Al Azhar establishment's support for the early Saudi state's banning of the "music," al-'Abdali's assessment here about the 'ulama's resounding acceptance was optimistic. Furthermore, and at the time, it was widely known that the Imam Yahya, King of Yemen, had forbidden musical instruments like the *qanbus* and *oud* that were

historically used to perform Sana‘ani music and poetry performed in Yemen’s capital. This obliged some singers from the north of Yemen, like Muhammad and Ibrahim al-Mas, to pursue their craft in the British-occupied south, where they made recordings of Sana‘ani poetry and song with early phonograph companies in Aden (Ghanem 1980:27-46; Lavin 2021). Still, perhaps al-‘Abdali’s optimism about the permissive attitude toward music and singing among members of the Yemeni and Saudi royal families was an acknowledgment that calls to forbid musical instruments and singing in the context of Islamic law were largely circumstantial. Thus, for al-‘Abdali, it seems that music as an “art” was universal, transcending the particular circumstances where scholars argued it was forbidden.

Reflecting this attitude, in conclusion al-‘Abdali emphasized that the universal nature of the arts was in harmony with the universal nature of Islam, including the religion’s doctrinal legacy as an apparatus to state power, which was perhaps a projection of al-‘Abdali’s own royal patronage of music, poetry, and Aden’s phonograph industry: “The issue of forbidding music was regarded of little importance by Islamic nations. Art progressed as Islamic states built conservatories and schools, and it spread among people naturally, so that no one could stop it no matter who they were” (3). “The art of music needs neither victor nor defender, for it advances like a powerful storm sweeping away to the sea all who stand in its path” (14). “To forbid the easing of the heart with musical instruments, especially what does not offend religion, goes against a human’s natural moral inclinations” (14). If the arts were an embodiment of the enlightenment humanist ideals of progress and civilization, then al-‘Abdali saw Islam, an “eternally universal religion,” as something in harmony with those ideals, of not their harbinger. Indeed, for him, one does not need to look for further proof than in the legal traditions of Islam or at contemporary attitudes among reputed leaders of the Muslim world or *umma*, which by the

1940s was diluted with the sounds of brass bands, radios, and phonographs: the technologies and industries enabling a modern concept of “music.”

Conclusion: Between Cultural Authenticity and Doctrinal Purity

Through examples from the early Saudi state and colonial Aden, this chapter has demonstrated how a universalized notion of “music” emerged as a legal category in Islamic substantive law from the 1920s through the interwar period. As such, previous debate about technologies like the phonograph and musical instruments, or “instruments of amusement,” rather than themselves being the categories under scrutiny, fell into a broader, more abstract, and universalized legal category of *al-musiqā*. Similarly, debate about the merits and faults about phonographic fidelity transformed into the merits and moral danger of *al-musiqā*, which could be associated with liberal ideas about societal progress and enlightenment or, conversely, degradation and immorality. This was a process intertwined with the increasing global ubiquity of phonograph technologies and musical instruments as leisurely pastimes throughout Muslim societies, but also the increasing ubiquity of the modern state in everyday life. Furthermore, the conspicuous consumption of modern commodities engendered anxieties among ruling elites, Islamic authorities, and, in the case of Aden, ordinary literate citizens, who began to critique everyday life through the legal categories that increasingly governed it. The modern state also became increasingly seen as an apparatus for Islamic reform, where efforts to streamline Islamic law became intertwined with enlightenment projects surrounding nationalization, societal progress, and public morality. As seen particularly with the case of Aden, debate over what shape and form Islam should take in public life was intertwined with the administrative categories of caste and race engendering anxieties over the inequities of colonial society, which were projected

on to the cultural industries of film and phonograph. Thus, public debate over doctrinal purity was supplemented by increasingly refined notions of cultural purity revolving around circumscribed notions of not only Islamic “civilization” and culture, but equally racialized and nationalistic conceptualizations of Indian, European, and Arab musical cultures.

As seen with the early Saudi state’s rulings about “music” prompted by the brass band accompanying the *mahmal* to Mecca, the efforts of the Wahabi police state, while widely criticized, were also widely supported throughout the Muslim world. This was reflected by the supporting fatwa published in the first Saudi newspaper *Umm al-Qura* written by leading scholars of Al Azhar University, who demonstrated support for the Saudi government’s position on grave visitations, smoking, and playing music. Thus, Wahabi fundamentalism, including its attitude towards music, was aligned with existing reformist and modernist trends that sought to reform public spaces and morality while gaining similar momentum from ideologies derived from European enlightenment thought. Again, this is partly because the increasing appeal of scripturalism and legalism across the ideological spectrum was tied to the practical implications of the expansion of modern state bureaucracy and law into everyday life. In colonial Aden this was clearly visible in the case of the *zar*, discussed by Reese (2018), where Western-educated magistrates and more traditionally educated qadis banded together to forbid and curb popular musical custom and consumption. Yet, as a colonial civil society that provided limited avenues for citizens to influence local governance, the hand of the state was less even handed than it was in the Saudi-ruled Hejaz, where the new authoritarian government stripped many of the musical and recitational customs associated with the Indian Ocean gig economy of their social context. Colonial civil society in Aden provided the city’s diverse Muslims to voice their disagreements about Islamic doctrine and law, but also other pressing matters that didn’t necessarily invoke

religion, such as the inequities of caste and race engendered by colonial governance. Thus, increasingly legalist readings of the modern notion of “music” within the context of Islamic law were connecting to increasingly legalist readings of the cultural industries under the legal rubrics of caste and race, which were connected to rising racial ideologies underpinning Indian and Arab nationalism. Furthermore, these categories were produced as much by the colonial state as they were reproduced by the commercial phonograph industries on record labels the distinguished “Indian,” “Arab,” “Egyptian,” “Lahiji,” and other legal-cum-commercial categories. Contention engendered by legal categories of caste and race as well as legalist readings regarding “the musical arts” in Islamic law were thus tied to general anxieties about conspicuous consumption among Adenis, who could either buy or perform a plethora of Indian, Arab, and African musical styles or attend any number of European, Indian, or Egyptian talkie films at Aden’s many local cinemas.

The diverse products generated by the film and phonograph industries in Aden galvanized nationalistic debates about what type of music should be produced and consumed by Adenis as well as novel exegesis of particular Quranic verses (31:6) in order to wrangle the holy text into a critique of what was seen by some as the morally subversive consumption of modern media. As such, religious and social debate surrounding the modern concept of “music,” enabled by the technological cultural industries, reveals a bridge point between modern contestations over cultural authenticity and doctrinal purity, and the legalistic impulses of the modern state that enabled them. Lastly, such contestations explored in this chapter through appeals to the colonial magistrate or through the public medium of print, exemplify how the practice of Islamic law became increasingly subsumed within the rhetoric of colonial civil society, removed from the scholastic spheres of rigorous deduction and syllogistic argument seen in previous fatwas on the

phonograph explored in this dissertation. Thus, print media, including Islamic legal writings, was also one of the increasingly available commodities to Adeni consumers (see Reese 2018), who, even without a traditional scholastic education in doctrine and law, would read and interpret these texts according to existing polemics in civil society.

Conclusion: Global Entanglements and the Long Afterlife of Abu Hasan al-Ash‘ari

This dissertation has been a study of fatwas on the phonograph issued roughly between 1899 and 1945 in places that, although at the time under imperial Ottoman and European colonial rule, are now within the modern nation-states of Egypt, Indonesia, Saudi Arabia, and Yemen. By exploring how modern technology, the materiality of sound, vocal recitation, and musical entertainment were discussed and deliberated in fatwa literatures across various Muslim societies during the early twentieth century, I have demonstrated how the global proliferation of early media technologies and changing contexts of Islamic substantive law amplified long-standing debate about musical instruments and vocal recitation. I have also shown how these debates helped galvanize shifts in how musical entertainment, public assembly, and popular consumption were viewed within jurisprudential discourse and wider social contexts throughout the Middle East and the Indian Ocean region.

Chapters One, Two, and Three explored fatwas written during the late nineteenth and early twentieth centuries between 1899 and 1911, and they reveal that the phonograph, rather than being the cause of sensorial rupture or cultural “disequilibrium,” was either seen as confirmation of long-standing philosophical and theological proofs regarding language, sound, and divine revelation, or subsumed into equally long-standing controversy over the appropriateness of musical entertainment, melodious Quran recitations, and their association with public assembly and popular consumption. Moreover, these early fatwas on the phonograph reveal that deliberation over the new technology’s relationship to standing theological proofs or potentially immoral entertainments and customs pivoted around the fundamental problem of phonographic fidelity, i.e., whether or not the phonograph reproduced authentic sonic

representations of the original musical, recitational, or speech performances that were recorded. As seen in these chapters, what was viewed as either the good or bad quality of phonographic fidelity could be rhetorically spun, through the use of Aristotelian-Avicennian logic and syllogistic argument, in a plethora of ways to either legally permit the use of the phonograph or to curb and forbid its use.

As highlighted in Chapter Four however, by the early 1940s legal debate about phonographic fidelity and its connection to existing controversies about entertainment, recitation, and musical instruments had largely faded away, being subsumed within deliberation over “music” or “the musical arts” as an explicit legal category. I argued that this adoption of the universalized category of “music” in Islamic legal discourse, and particularly in the substantive arena of fatwa writing, was related to the increasing ubiquitousness of the phonograph as a global commodity exclusively purposed for the mass consumption of musical entertainment, and moreover a media technology whose fidelity became increasingly less questioned. As I also explored in this chapter, the increasing ubiquitousness of “music” as a legal category, consumer commodity, and cultural notion connected to “the arts” and “progress,” coincided with the increasingly fundamentalist textual approach to Islamic law in the context of modern-state governance and colonial civil society in the city of Aden. As such, Islamic legal debate about the modern notion of music was intertwined with broader debates about conspicuous consumption and the role of phonograph and cinema in public life, which were colored by anxieties stemming from circumscribed legal categories of caste and race in colonial civil society.

Chapter Four also demonstrates how Islamic legal debate about music in Aden’s civil society was driven by an increased availability of print materials and legal literatures to Muslims outside of the traditional scholarly networks and institutions of juridical authority seen in

Chapters One, Two, and Three. Thus, by occurring predominantly among literate laymen in the sphere of print capitalism with local Adeni pamphlet publishers and newspapers, Islamic legal debate about “music” became distant from the rigorous Aristotelian-Avicennian scholasticism associated with traditional centers of Islamic legal training. In doing so, Quranic and hadith interpretation and readings of Islamic legal theory, while having always been influenced by novel and external historical circumstances, became more exclusively intertwined with the rhetoric of modern civil society, in this case defined by public anxieties about the state-sanctioned legal categories of caste, race, religion, and national identity, including their implication in the conspicuous consumption of phonograph and cinema. As such, while literacy as well as the democratization of commercial print and mass media technologies became more widespread within Adeni civil society, so did musical practices, popular customs, and other facets of everyday life become increasingly reduced to two-dimensional textual legal and commercial categorizations, whether in the context of Islamic law, modern state law, or among local Adeni literates and commentators themselves: a process of “segregating sound” that has its parallels in many other regions of the globe during the early twentieth century, including throughout Europe and North America (see Miller 2010).

Yet I have also suggested throughout this dissertation that this impulse for literate elites, jurists, and colonial administrators to observe and critique popular custom and mass consumption, and thereby reduce them to written, textual jurisprudential and scholarly pursuits, is related to processes of state modernization and centralization extending well back into the nineteenth century. As such, I have situated fatwas on the phonograph as a window into a much wider global debate about public reform and morality as it relates to state centralization and the expansion of modern legal bureaucracy in everyday life during the nineteenth century. In Muslim

societies, this also involved negotiation and conflict between institutions of the modern state and the networks of authority within which Islamic law was traditionally practiced. As modern imperial and colonial states increasingly sought to control public noises and nuisances associated with popular custom, including forms of public assembly and entertainment, so was Islamic law used as a supplement to aid this process by scholars and government administrators. As such, the modern resurgence of more “orthodox” or “fundamentalist” Islamic legal doctrines, which were by and large antipathetic to popular Islam and decentralized Sufi authority, was catalyzed by Muslim interactions with European enlightenment values underpinning the legitimacy of modern bureaucratic state rule, including a text-based and streamlined administration of justice and widespread enforcement of penal measures. This was a process also highlighted in Chapter Four with the rise of the modern Saudi-Wahabi state. Moreover, and as seen in Chapter Three, the legal underpinnings of the bureaucratic expansion of the modern state into everyday life was also intertwined with the ethnographic monitoring and study of imperial and colonial subjects. Such “ethnographic” no less juristic and administrative tendencies were also present in Islamic legal discourse, with Muslim jurists like Sayyid ‘Uthman and Muhammad ‘Ali al-Maliki seen in Chapters Two and Three observing and critiquing popular custom, entertainment, and mass consumption within a strict al-Ghazalian legalistic framework.

Alternatively, and again in Chapter Four, we saw how the poet and songwriter Prince Ahmad Fadil al-‘Abdali appealed to Islamic civilization and nationhood as well as a jurisprudential tradition of reason and intellect (*‘aql*), versus the transmission of textual precedent (*naql*), to claim that “the art of music” was not forbidden by Islamic law (although al-‘Abdali did so without recourse to the more rigorous scholastic approaches of fatwas on the phonograph explored in Chapters One, Two, and Three). Furthermore, in chapter two we also

saw how the modern salafi reformer Rashid Rida gave a resoundingly acceptive legal endorsement of musical instruments and musical entertainment associated with the phonograph by way of appealing to Ibn Hazem's ultra-legalist Zahiri ruling on *sama* ' , which was a part of Rida's broader efforts to counter what he saw as the stagnant al-Ghazalian Sufi orthodoxy embraced by Sayyid 'Uthman. These modernist and legalist appeals to reason and textual precedent to Islamically permit musical instruments, entertainment, and the arts greatly complicate the salient historical assumption within ethnomusicological literature on the *sama* ' polemic as being one split between amiable Sufi "mystics" and conservative Hanbali-oriented "legalists." As seen throughout the chapters of this dissertation, both mystical and legalist doctrines held equal potential to be pitted in favor of or against musical entertainment.

In addition to the context of expanding modern state bureaucracy in urban areas around the world, fatwas on the phonograph are emblematic of globalization occurring during the late nineteenth and early twentieth centuries in three other respects. Perhaps the most poignant of these is the early global proliferation of phonograph technologies and industry. This already had begun in the 1890s when the phonograph became a spectacle of arcade entertainment and a boon to mobile entertainment peddlers, but became significantly more pronounced during the early 1900s with the global expansion of American and European phonograph firms that explicitly and deliberately targeted Muslim consumers worldwide. As such, I have positioned early fatwas on the phonograph as scholarly responses to the global capitalist targeting of Muslim consumers throughout the Middle East and Indian Ocean arena, a process that depended and relied on vernacular economies and markets of entertainment. As I argued in Chapter Two, an Indian Ocean gig economy that was enmeshed within Muslim "economies of enchantment" centered around the pilgrimage to Mecca and holy sites in the Hadhramaut and involving markets for sung

poetry performed on the *qanbus* or recitational practices like the *Mawlid al-Barzanji* and Quranic *tajwid*. Markets centered around these performance practices circulating across the Indian Ocean enabled the flow of an “intermediate” sphere of capital that the early phonograph industry tapped into in order to cater to Muslim consumers. This is a process that began in the 1890s with Arab phonograph peddlers in Java that contributed to this gig economy by turning a profit playing wax cylinder recordings of musical *qanbus* performances, Sufi *dhikr*, and Quran recitations, and later culminated during the early 1900s when American phonograph firms like Columbia actually hired elite Arab members of Java’s Muslim community as agents to further “penetrate” these vernacular markets of performance practices. While jurists like Sayyid ‘Uthman (1899) thought that these circulating forms of entertainment and consumption amplified by the phonograph to be reprehensible, an opinion reinforced by his low opinion of phonographic fidelity, Muhammad Bakhit al-Muti‘i’s (1906) positive assessment of phonographic fidelity and his endorsement of the technology’s use to reproduce a Quran recitation received notable attention in the world’s debut trade publication *The Talking Machine World* that same year, becoming a point of positive publicity for the phonograph industry back in the United States. Due to such early global entanglements involving the phonograph’s early spread, the technology was not appraised within Islamic law as a “Western” nor inherently “modern” technology during this time, but as a media technology whose status as an object of modernity was being explicitly debated by way of its association with existing Muslim markets for entertainment and forms of public assembly.

The second aspect of globalization discernable in the fatwas on the phonograph explored here is within the sphere of Islamic substantive law and specifically the process of fatwa writing itself. This is, again, highlighted particularly in the early rulings penned by Sayyid ‘Uthman in Batavia (Jakarta) during 1899. His fatwas on the phonograph involved a dispute with another

unnamed jurist in Singapore and correspondence with a mufti in Ottoman Syria, Husayn al-Jisr, who, prompted by Sayyid ‘Uthman’s query from Java, published his own ruling on the phonograph in Tripoli (in current-day Lebanon). Al-Jisr’s ruling published in Tripoli was subsequently circulated back to Sayyid ‘Uthman in Java in the following months, who then copied and republished it with his lithographic printing press as an addendum to his rebuttal to the Singaporean mufti. As exemplified by this exchange, fatwa writing itself was intertwined with the increasing global circulation of print materials, “the Age of Steam and Print,” which saw the wide circulation of not only fatwas but also texts of legal theory, jurisprudence, and even texts completely etic to the tradition of Islamic law, the latter particularly demonstrated in chapter one with Muhammad Bakhit al-Muti‘i’s reference to *al-Muqtataf*’s Arabic translation of the American periodical *Scientific American*. Even more, Islamic jurists like Sayyid ‘Uthman and Muhammad Ali al-Maliki were themselves mobile scholars obtaining an education and practicing law during careers that spanned across the Indian Ocean between the Hejaz, Hadhramaut, and Java. This reflects a circulation of jurists and legal repertoires that was propelled by similar technological, economic, and social forces that enabled the Indian Ocean gig economy so critiqued by the equally mobile legal tradition of ‘Uthman and al-Maliki.

As such, a third and final layer of globalization that I suggest was active in the context of fatwas on the phonograph was of an intellectual and philosophical variety, spurred on by the more tangible technological, textual, and legal forces of globalization noted above. Furthermore, and if globalization is fundamentally, as I consider it here, the exchange, translation, and adaptation of texts, institutions, and ideas across what are conventionally demarcated as cultural and geographical boundaries, then this particular layer of globalization is one that simultaneously exists in a much deeper temporal frame of philosophical time and the history of ideas. In this

regard, this globalization of mind observed in fatwas on the phonograph comprised two intersections: one between ideas and institutions that were galvanized with the more modern forces of steam, print, modern bureaucracy, and media technology, and another between millenia-long philosophical and theological traditions that have formed the basis for what is often hastily partitioned in sound studies as the “Western” or “Judeo-Christian” tradition and a “non-Western” or “Islamic” tradition.

This is exemplified by Muhammad Bakhit al-Muti‘i’s ruling discussed in Chapter One, which cited figures like Plato, logical concepts derived from Aristotle, and Asha‘rite theology to prove that the phonographic Quran was Islamically permissible. It is also revealed in Chapter Three with the legal theory of the eighth and ninth-century founder of Islamic jurisprudence, Imam al-Shafa‘i, drawn from his commentary on the Roman philosopher Porphyry’s *Isogogue* and addressing the problem of establishing rationale for a legal argument based on sense perception rather than intellect. This was cited by the Hejazi scholar Muhammad ‘Ali al-Maliki in his 1911 rebuttal to another jurist who permitted the use of the phonograph based on contexts within which he observed, and thus sensed, its consumption. As such, the global proliferation of the phonograph reactivated these age-old and shared theological and philosophical assumptions in seemingly distant regions of the world. Another example of this was seen in chapter one, where I noted parallel arguments made by Muhammad Bakhit al-Muti‘i in 1906 and John Philip Sousa in 1908 about the soul’s attachment to the human voice, and therefore a person’s legal subjectivity, in order to claim that a Quran reciter or musical performer could justifiably accrue heavenly or financial rewards with subsequent plays and distribution of their phonograph recording. Furthermore, the problem of written doctrine, law, historical and social change, and therefore the need to either repurpose and reinterpret an authoritative text’s meaning was also

something that Islamic law shared with Western legal traditions, particularly highlighted in the problem of letter and spirit, which I suggest is analogous to the Islamic jurisprudential distinction between textual transmission (*naql*) and the rational powers of intellect (*'aql*) to interpret or repurpose the intent of the letter. As such, the tension between *naql* and *'aql* is a fundamental dynamic of the Quranic exegesis and *hadith* interpretation observed in Chapter Four with Ahmad Fadil al-'Abdali's arguments about the permissibility of "the art of music." This was because no such concept of "music," heralded in the twentieth century by entertainment media industries, exists in the Quran nor in the canonical literatures of hadith and Islamic legal theory, and furthermore, according to sources examined in this dissertation, did not exist as a legal category in Islamic substantive law until about the 1920s.

Already touched on above, more novel layers of intellectual and philosophical globalization observed in this dissertation were invigorated by the nineteenth and early twentieth-century context of the expanding modern state as well as the increasing ubiquity of commercial phonograph industries, including the ever global acceptance of phonographic fidelity and a modern notion of "music." As such, I suggest here that the philosophical problems surrounding truth, language, sound, text, and orality underlying the tension between letter and spirit moved from a more ancient theological context to a modern sociological and ethnographic one: an entangled process equally informed by the forces of written law and commercial media industries. Such entanglements are particularly highlighted in the intertwined careers of Sayyid 'Uthman, Snouck Hurgronje, and Jaap Kunst in the colonial context of the Dutch East Indies, whose careers witnessed successive entanglements between law and phonograph.

As seen in chapters Two and Three, Dutch colonial administrators in Java adopted the Islamic jurisprudential distinction between behaviors and norms prescribed by Islamic law

(*shari‘a*) and those prescribed by custom (*‘adat*). Sayyid ‘Uthman and his mentors in the Hejaz, Hadhramaut, and Java used this distinction for missionary-like tactics to assert greater authority over Muslims—whether in Arabia or Southeast Asia—who ascribed to an array of customs deemed either permissible or reprehensible according to Islamic law. For scholars like Sayyid ‘Uthman, the latter was an explicitly textual tradition based in divine revelation that prescribed a clear set of norms and behaviors. As seen with Sayyid ‘Uthman’s alliance with the colonial government, Dutch administrators in Java attempted to appropriate this textual orthodoxy in efforts to streamline and modernize the governance of Javanese Muslims. During Snouck Hurgronje’s tenure, this involved adopting the Islamic legal distinction between norms and behaviors prescribed by *shari‘a* and those by custom or *‘adat*. Yet while it was implied in Sayyid ‘Uthman’s jurisprudence that the social norms prescribed by custom *‘adat* were largely oral in nature, in contradistinction to behavioral norms prescribed by the textual sources of Quran and hadith in Islamic law, Snouck Hurgronje laid the groundwork for making *‘adat* law, or *adatrecht*, an explicitly textual tradition within the framework of modern colonial governance through the study and documentation of the traditions and customs of Javanese and Malay societies (Hallaq 2009). As we saw in chapter three with the early phonograph ethnography initiated by Snouck Hurgronje in Java and the Hejaz, his interests in Javanese musical custom was deeply intertwined with his interests as an Arabist and scholar of Islam, particularly revolving around Java’s political, social, literary, and musical connections to the Hejaz.

Yet while Hurgronje’s career between Java and Arabia reflected broader Dutch colonial interests and concerns of the late nineteenth century, Jaap Kunst’s legal no less ethnographic interest in the musical traditions and customs of “native” Javanese culture during the 1920s was emblematic of a shift in Dutch colonial policy revolving around the distinction between *‘adat*

and *shari'a* law derived from Sayyid 'Uthman's jurisprudence. As noted in chapters two and three, increasingly nativist and nationalist sentiments throughout Java and the wider Dutch East Indies were intertwined with shifts in colonial policy, and particularly an increasing preference for *adat* law over *shari'a* law. This was because Islamic law was seen as a threat if not a "foreign" tradition to what many colonial administrators believed to be the authentically non-Islamic character of Javanese culture (Hallaq 2009). This culminated with the adoption of *adatrecht* in the Dutch East Indies as normative law in 1927, which, not coincidentally, was the year before Jaap Kunst went from working as a lawyer for the colonial administration to being appointed as a musicologist in the colonial civil service. As such, Kunst explicitly couched his work at the time, aided by collaboration with the Solonese Prince Mangkunegoro VII, as efforts to not only study Javanese "musical adat (tradition)," but to, ironically, protect them from what he thought to be the evils of Westernization. As Kunst outlined in his *Music in Java* (1973[1933]), "native" Javanese music was historically derived from a cultural synthesis between Hindu and Malay cultures, while the influence of what was broadly defined as "Arab" and "Chinese" music was couched as "alien Easterling" etc to this more authentic Hindu-Malay synthesis. Furthermore, Kunst's ideas of tradition derived from *adatrecht* were also connected to racialized notions of culture, and particularly theories of mind that saw different races of people throughout the world as being more or less apt for different kinds of philosophical thinking. In other words, Kunst's justification for the need to study musical tradition more broadly relied on a denial and antipathy of precisely the types of intellectual and philosophical globalization I am emphasizing were taking place during this time. This is perhaps another irony, as I demonstrate here that Kunst's own thinking on "musical tradition" or "custom" was historically derived from his work as a legal advisor in the Dutch East Indies and within a legal system that derived its

notion of “custom” from discourses of Islamic jurisprudence circulating with jurists like Sayyid ‘Uthman across the Indian Ocean during the nineteenth century.

As such, while Sayyid ‘Uthman would see the phonograph as a technology that had become immersed within the spheres of frivolous *‘adat* he was trying to reform among Javanese and Arab Muslims alike throughout Southeast Asia, Jaap Kunst would later see the phonograph as a technology that was the boon to “objectively” documenting musical *‘adat* around the world. Additionally, while Sayyid ‘Uthman’s assertions of Islamic legalism relied on a philosophy of textual inimitability stipulated in Ash‘arite theology, which took the letter of the Quran and *hadith* to be fixed with God’s eternal essence and therefore a meaning fixed to the visible and audible manifestation of that letter, Jaap Kunst’s cultural legalism derived from *adatrecht* relied on a philosophy that, conversely, advocated that the authenticity of custom should be tied to the letter of the law as well as in practices of ethnography and folklore documentation purposed to control and regulate cultural difference in an increasingly globalized world. Like Abu Hasan al-Ash‘ari’s (d. 936) teleological theology of the Arabic language, timeless and untranslatable, Jaap Kunst along with many other contemporary anthropologists and folklorists, imposed a cultural teleology onto human customs and traditions increasingly controlled and regulated by modern-state law, which drew on the ideologies of nationalism based on assumptions of racial and cultural purity. As shown in the introduction with a discussion and critique of sounds studies and ethnomusicological literatures on Islam, similarly racialized theories of mind continue to find purchase within modern cultural studies, even when they ironically claim to be doing so in the name of the postcolonial aims of privileging and respecting “non-Western” perspectives. This is a dynamic that I posit here has its parallel in Ash‘arite theological exegesis of the Quran and hadith, particularly reflected in the theology of sunna proposed by Jalal al-Din al-Siyuti in seen

in Chapter One, proposing that the meaning of the text is bound explicitly to the Arabic letter. This philosophy has perhaps been reamplified by modern Geertzian interpretive anthropology or certain trajectories of modern critical theory, which explicitly advocate a study of culture as a “text” that can be “interpreted,” or that cultural texts can be critically unpacked to a single immovable significance, or that translation across cultures and languages is insurmountable. As noted in the conclusion of Chapter Two, interpretive appeals to cultural specificity and “emic” perspectives can sometimes risk reproducing the very logic of colonial policies and legal mechanisms of indirect rule, which defined the career of Jaap Kunst.

As such, and rather than taking the course of modern history as fundamentally a friction and conflict between “emic” and “etic” or “Western” and “non-Western” cultures and civilizations (as many European colonial administrators once did), the discursive and physical assertions of power and violence during the colonial era can be taken as occurring in the context of global legal, technological, intellectual, and socio-political entanglements. From this perspective, the study of music, Islam, and Islamic law for the ethnomusicologist is not so much a problem of compromise between contending cultural ontologies in the late twentieth and early twentieth centuries, between scholars and their “interlocutors,” but a continuing entanglement between global intellectual milieus that are often incorrectly assumed to be existing between cultural vacuums. Additionally, I suggest that this continuing philosophical dilemma of letter and spirit as it relates to the study and writing of cultural difference can perhaps be smoothed by a more widespread recognition that ideas of cultural difference, and indeed the culture concept itself, are not timeless and inevitable but rather the contingent products of global history. As historian Vanessa Ogle (2015) argued, nationalist ideas of racial and cultural difference, or otherwise what Evans-Pritchard called “imagined communities,” did not occur within the

vacuum of the nation-state during the nineteenth and early-twentieth centuries; rather, they happened within a global context of movement and communication and were shaped by subsequent anxieties stemming from an acute awareness of globalization, whereby contemporary actors sought to curb, regulate, and control the global movement of ideas and people within their own legal, scholarly, and administrative contexts. As such, and as historian Cemil Aydin (2017) suggested, efforts to overcome the essentialist tendencies of the culture concept, particularly as it relates to a problematic assumption of a unified “Muslim world,” should make an explicit move to study the global historical contexts within which these essentializations arose.

Lastly, I’d like to point out that what anthropologist Johannes Fabian (1983) identified as the “coevalness” of the anthropological and sociological academic tradition (in this case specifically the fields of ethnomusicology and Islamic studies) and other traditions of thought around the world (in this case Islamic jurisprudence) can be observed in the varying degrees of personal relation and social interaction between the different people discussed in this dissertation. Most obvious is that between Snouck Hurgronje and Sayyid ‘Uthman, who were intimately connected through collaboration in Dutch colonial administration in Java. Furthermore, Sayyid ‘Uthman’s fatwas on the phonograph and musical entertainment saw him collaborating with and debating a variety of people from Southeast Asia to the Middle East, including Husayn al-Jisr in Tripoli and Rashid Rida in Cairo. In turn, we saw Rashid Rida attacking Muhammad Bakhit al-Muti‘i for what he thought to be the latter’s use of a stagnant scholastic tradition in a positive legal appraisal of the phonograph. This line of thinking was integral to Rashid Rida’s contributions to the development of modern Salafi thought, which advocated an application of a “pure” Islamic legal and doctrinal tradition to modern society through the reassertion of textual fundamentalism and the principle of *ijtihad* over the

Aristotelian-Avicennian methods scholasticism. Furthermore, and even though Sayyid ‘Uthman was an enemy of Rashid Rida, we saw that the Sufi variant of textual fundamentalism and al-Ghazalian orthodoxy embraced by Sayyid ‘Uthman was connected to the circulation of legal discourses and repertoires between Java and Arabia, something implicated in Muhammad ‘Ali al-Maliki’s condemnation of the phonograph and musical entertainment in the Hejaz later in 1911. While espoused among Sufis, these legal stances and logics were later adopted by the modern Saudi state in the Hejaz, which Rashid Rida would later show adamant support for. As the rise of the Saudi state later in the 1920s explored in chapter four reveals, although they were not immune to quarrel, these varying strains of Salafi, Sufi, and modern enlightenment textual orthodoxy circulating between the Middle East and the Indian Ocean arena paved the way for the application of fundamentalist Hanbali and Wahabi doctrine to modern-state governance: something observable in the parallel rationale between Muhammad Ali al-Maliki’s fatwa on the phonograph published in the Ottoman Hejaz in 1911, which used the texts of al-Ghazali to condemn it as being equivalent to a musical instrument or “instrument of amusement,” and the Saudi-Wahabi legal precedent a decade later for outlawing a universal notion of “music” or *al-musiqa*, which had become a substantive legal category that concompassed all norms and customs associated with singing, musical performance, instruments, and the consumption of media technologies like the phonograph.

These developments and shifts in Islamic legal discourse were not only coeval but entangled with the development of the academic field of Islamic studies and, as already noted, the field of ethnomusicology. While Snouck Hurgronje would initiate the field of Islamic studies as a modern academic field through the compilation of *The Encyclopedia of Islam* and studies of Islamic law based on his work with Sayyid ‘Uthman after his tenure in the Dutch East Indies, he

would also correspond and collaborate with the British Arabist and musicologist, Henry George Farmer, who composed the seminal text *A History of Arabian Music* (1924). This text has played a great historiographic role in shaping modern historical studies of Arabic music in the West no less across the Arab world, having long been translated into Arabic and used as a textbook at modern Arab music conservatories. Farmer would also be one of the many European musicologists, including Béla Bartók and Curt Sachs, present at the 1932 Congress of Arab Music in Cairo, who, similar to colonial administrators, lawyers, and cultural scholars like Jaap Kunst in Java around the same time, would rationalize their activities at the Congress as an effort to protect and preserve timeless pre-modern Arab musical tradition from Westernization. From this light, these musicologists were less the responsible advocates of authentic and real Egyptian and Arab musical culture (see Racy 1991, 2015), and more scholarly agents who were promoting the very ideologies and assumptions underlying contemporary European colonial policies used to marginalize and control colonial subjects and keep them from operating on an equal playing field. Indeed, it is within such a context that the Egyptian oud player and composer Muhammad al-Qasabji, famous for his collaborations with Umm Kalthum, would blast Curt Sachs in the Egyptian press during the Congress for his views that “Western” instruments should not be used in Arab music: “it’s as if he’s saying, ‘there’s nothing better than the state of ignorance you’re in, so keep at it’” (Sahab 2008:72).

As seen in Chapter Three, one of the earliest ethnographic projects conducted with the phonograph to document musical and poetic tradition in the Arab world was initiated by Snouck Hurgronje in 1906. Although by that time the phonograph was already entangled with the consumption of popular musical customs that Hurgronje sought to document with the technology, such uses of the phonograph would deeply shape the later philosophy of Jaap Kunst

and his counterparts at the 1932 Congress of Arab Music, who saw the phonograph as an essential element to the development and propagation of ethnomusicology as a field to study the musical traditions of the world “objectively.” Yet, and as I have suggested throughout this dissertation, underlying that qualifier “objective” was a faith in phonographic fidelity: something equally important to the development of discourse in Islamic substantive law and ultimately the adoption of a similarly universalized concept of music or *al-musiqā* as a substantive legal category.

In conclusion then, I’d like to suggest that further studies in historical ethnomusicology should consider global history as a field and method that can help alleviate some of the teleological and essentialist tendencies of the culture concept or “musical culture,” and particularly by investigating how perceptions of musical difference and sound have changed in certain historical periods and why. Moreover, I also advocate for additional consideration of how legal regimes and commercial industry around the world have historically both changed and normalized categories of cultural difference by attempting to physically and discursively control the movement of ideas, social practices, and human beings, and furthermore how legal and commercial history is entangled with the history of ethnomusicology.

Appendix I



PLAAT GRAMOFOON
„HIS MASTER'S VOICE”
(TJAP ANDJING)

Bisa dapat beli pada:—
Toko CROWN
Kramat Ganteng 93A, Telf. Z. 4694
SOERABAJA.

OPNAME BAROE
Bakal kloear dalam ini boelan.
LAIN DOELOE LAIN SEKARANG. BOEKTIKENLAH BEDAHNJA
TEKOEKAN - TEKOEKANNJA SWARA, TJARANJA MENGATOER
LAGOE STYLE DAN TECHNIK MUZIEK DARI OPNAME-OPNAME
DI SOERABAIA, BATAVIA DAN SOLO.

Lagoe Melajoe

NS 92 **Djaman soeah** - Tango Krontjong.
(dg. „HMV” Batavia Orkest)
Sobat - Waltz Krontjong.
(dg. „HMV” Soerabaia Orkest)

NS 101 **Gloedoeok Boenji Oedjan Ta Toeroen** -
Tango Krontj.
(dg. „HMV” Soerabaia Orkest)

Dermawan - Blues Krontj.
(dg. „HMV” Soerabaia Orkest)

NS 102 **Tina** - Tango
(dg. The Hawaiian Syncopaters Bar.)
Toeloenglah Orang Miskin - Stamboel
(dg. „HMV” Batavia orkest)

Abdullah poenja swara saben taon ia perbaikan dan saben
lagoe ia robah tekoekan2-nja, hingga slapa jang denger ten-
toe tida gampang bosan.

NS 104 **Royal** - Foxtrof Krontj.
(dg. „HMV” Batavia Orkest)
Boenga dan Nona - Slowfox Krontj.
(idem)

Satelah tapoenja plaat NS 5 dan NS 67 dapat succes besar.
Gadjali tida brentinja perbaikan swaranja. Tjohalah denger
plaatnja di atas. Toean tenoe tida doega jang dia madjoenja
begitoe pesat.

NS 103 **Menjesel Blakangan** - Blues Krontj.
(dg. „HMV” Sbaja Orkest)
Sraka - Rumba Krontj. (idem)

Djakpar, itoe Abdullah No. 2, dalam ini plaat
sekarang ia oendjoekin tapoenja style-style lagoe
jang baroe.

NS 105 **Angin Toefan** - Tango Krontj.
(dg. „HMV” Soerabaia Orkest)
Dimana koe moesti tjari - Waltz (idem)

Di dalam njanjan „Angin Toefan” Toean bisa
denger swaranja angin jang saolah olah menioep
swaranja **Eulis** ka Toean poenja pendengeran.



MISS JACOB A REGAR

COMIC
(LELOETJON)

KETOPRAK

NS 108 } **LAKON DJOKO TAROEP**
NS 109 } Ka 1 sampe ka 6
NS 110 }

(Satoe stel 3 plaat berkoet doos dan tjertanja)
Tjerita „DJOKO TAROEP” bagi orang jang soeka Ketoprak
panti tida asing lagi, tapi sebahitoe djoe, belon perna didika
plaatnja jang sampurna dan jang dimaini oleh orang2 jang soeka
denger seperti samaja jang soekohati di bawa ini.

Miss Adeng Proboet, Miss Adeng Soedjitan, Hardjo-
woegoe, Sastrodirono (Petroek) dan Ledlowbakso.

In Opname terjemara oleh Toean Tan Kim Tjauw. Gamelan
Expert dari Kusnirang di Solo.

GAMELAN dengan PESINDEN

NS 111 **Ledoeung Ledoeung** (Dolanan)
Gamelan Slendro Menjoero
Pangkoer Sepejan
Gamelan Slendro 9

Disiapkani oleh: Mas Adira Tiendalloras (Masgali) &
Gerson; Wibojopanehang & Martosoedarmo. Terjemara oleh
Toean Tan Kim Tjauw. Gamelan Expert dari Kusnirang di Solo.

LAGOE ARAB

NS 112 **Soeat Loekman** (Kor'an)
Lagoe Herab (Kor'an)

Bagi orang Islam nama **Machmoed Sa'ad Mekka**
soeda tida asing lagi. Banjak orang jang bladjar ba-
tja Kitab Kor'an dari dia dan djoeja dari plaatnja.

LAGOE SOENDA

NS 114 **Glatik Moengoes** (Extra)
Endag Endag Majang (Extra)
Dimanjiken oleh Nji Iti Narem dengan Muziek Vereeniging „Pangrekasari”
Bandoeng (Violist E. Sabrie)

LAGOE EUROPA DENGAN VIBRAPHONE

NS 115 **Gavotte** - Vibraphone solo: I. Fedoroff, refrain: Marie Crine Le Roy
Berceuse - Cuckooelock (idem)

Vibraphone jatroe Gambang Nickel dengan electricch.
Ini lagoe ditarang dan dimaini oleh Toean Iwan Fedoroff Bandoeng, diman-
njiken oleh Miss Marie Crine Le Roy.
Satoe pendengeran baroe jang belon perna terdenger.

*Image from Javanese phonograph catalog issued during the 1930s in Surabaya by the firm His Master's Voice, which pictures the Hejazi *qanbus* player and Quran reciter Machmoed Sa'ad Mekka (middle right) as a featured artist. This is an open access document downloaded from the Wikipedia page of His Master's Voice (https://en.wikipedia.org/wiki/His_Master%27s_Voice), last accessed 2/8/2023. I thank Otto Stuparitz for translating the text for me.

Works Cited

- Adamson, Peter. 2016. *Philosophy in the Islamic world: A history of philosophy without any gaps, volume 3*. Oxford: Oxford University Press.
- Agawu, Kofi. 2017. "Against Ethnotheory." In *The dawn of music semiology: essays in honor of Jean-Jacques Nattiez*, ed. Jonathan Dunsby and Jonathan Goldman, 38-56. New York: Boydell & Brewer, University of Rochester Press.
- _____. 1995. "The Invention of 'African Rhythm.'" *Journal of the American Musicological Society* 48(3):380-395.
- Alavi, Seema. 2015. *Muslim cosmopolitanism in the age of empire*. Cambridge (USA), London: Harvard University Press.
- Alpers, Edward A. 2014. *The Indian Ocean in world history*. Oxford: Oxford University Press.
- AlSalhi, Ahmad. 2021. "The Recordings of 'Abdullatif al-Kuwaiti: 1927-1947. In *Music in Arabia: perspectives on heritage, mobility, and nation*, ed. Issa Boulos, Virginia Danielson, and Anne K. Rasmussen, 107-126. Bloomington: Indiana University Press.
- al-Fadli, 'Abd al-Hadi. 1998. *Al-Gina': dirasat fiqhiyyah li-dhahirat al-ghina' (Singing: jurisprudential studies on the phenomenon of song)*. Beirut: Kitab al-Minhaj.
- al-Jawadi, Muhammad. 2019. "Muhammad Bakhit al-Muti'i: al-mufti aladhi ishtarak fi al-dastur (Muhammad Bakhit al-Muti'i: the mufti that took part in the constitution)." *al-Jazirah*, December 15th. Accessed on 1/18/2023:
<https://mubasher.aljazeera.net/blogs/2019/12/15/%D9%85%D8%AD%D9%85%D8%AF-%D8%A8%D8%AE%D9%8A%D8%AA-%D8%A7%D9%84%D9%85%D8%B7%D9%8A%D8%B9%D9%8A-%D8%A7%D9%84%D9%85%D9%81%D8%AA%D9%8A-%D8%A7%D9%84%D8%B0%D9%8A-%D8%A7%D8%B4%D8%AA%D8%B1%D9%83-%D9%81%D9%8A>
- al-Khula'i, Muhammad Kamal. 1999[1904]. *Kitab al-musiqa al-sharqi (Treatise on Oriental music)*. Cairo: Maktabat Madbuli.
- al-Mardini, Ibrahim Ramadan. 2001. *Tabiyan fi ahkam al-musiqa wa al-'alhan (Clarification of rulings on music and melody)*. Beirut: Al Nohmania Publishing House.
- al-Muti'i, Muhammad Bakhit. 2013[n .d.]. *Nizam al-waqf wa al-istidlal 'alayhi (The organization of endowment and its reason)*. Edited by Mahmud Muhammad al-Kabsh. Kuwait: al-wa'i al-Islami.

- al-Salhi, Ahmad. 2018. *'Abd al-Latif al-Kuwayti fi Marhalat al-'Istuwana al-Hajariyyah, 1927-1947 (Abdullatif al-Kuwaiti during the 78rpm era, 1927-1947)*. Kuwait: Jaridat al-Funun.
- al-'Abbas, 'Adil 'Abd al-Min'am Abu. 1989. *Hukm al-'Islam fi al-ghina' wa almusiqah wa al-shataranj (Islam's verdict on singing, music, and chess)*. Cairo: Maktabat al-Qur'an.
- al-'Amili, 'Ali al-'Asili. 1984. *Al-Ghina' fi al-'Islam: tarihkuhu, 'ithruhu, wa 'ahkamuhu 'ala al-madhahib al-khamsa (Singing in Islam: history, influence, and verdict according to the five legal schools)*. Beirut: Mu'asasat al-'ala li-l-matbu'at.
- Arnold, David. 2013. *Everyday technology: machines and the making of India's modernity*. Chicago, London: University of Chicago Press.
- Asad, Talal. 2003. *Formations of the secular: Christianity, Islam, and modernity*. Stanford: Stanford University Press.
- Attallah, Fouad Ahmad. 2020. "Makhtut al-Suwanih al-fakhira fi 'ilm al-munazira li-l-Shaykh Muhammad 'Ali b. Husayn Ibrahim al-Makki al-Maliki (1367 h.), dirasat wa tahqiq" (Manuscript of *al-Suwanih al-fakhira fi 'ilm al-munazira* by Shaykh Muhammad 'Ali b. Husayn al-Makki al-Maliki, study and investigation). *Mukhabir al-dirasat al-sahrawiyya* (Jouf University, Kingdom of Saudi Arabia) 9(1):156-168.
- Attali, Jacques. 1985[1976]. *Noise: the political Economy of music*. Minneapolis: University of Minnesota Press.
- Awad, Luis. 1993[1980]. *Muqadimat fi fiqh al-lugha al-'arabiyya (Introduction to the jurisprudence of the Arabic language)*. Cairo: Sina li-l-Nashar.
- Aydin, Cemil. 2017. *The idea of the Muslim world: a global intellectual history*. Cambridge: Harvard University Press.
- 'Abd al-Ghani, Azhar. 2020. "Ta 'rif 'ilm al-balagha (Defining the science of *balagha*)."
Sotor (December, 2020). Accessed December 20th, 2022:
<https://sotor.com/%D8%AA%D8%B9%D8%B1%D9%8A%D9%81-%D8%B9%D9%84%D9%85-%D8%A7%D9%84%D8%A8%D9%84%D8%A7%D8%BA%D8%A9/>
- 'Abd al-Nur, Abbas. 2004. *Mahnati ma' al-Qur'an wa ma' Allah fi al-Qur'an (My ordeal with the Quran and God in the Quran)*. Damanshour, Egypt: Taba'a Tajribiyya (experimental edition).
- Mashood, Baderin A. 2021. *Islamic law: a very short introduction (Very Short Introductions)*. Oxford: Oxford University Press.
- Bang, Anne K. 2014. *Islamic sufi networks in the western Indian Ocean (c.1880-1940): ripples of reform*. Leiden: Brill.

- _____. 2003. *Sufis and scholars of the sea: family networks in East Africa, 1860-1925*. London: Routledge.
- Baron, Beth. 2014. *Orphan scandal: Christian missionaries and the rise of the Muslim Brotherhood*. Stanford: Stanford University Press.
- Beng, Tan Sooi. 2012. "Negotiating 'His Master's Voice': gramophone music and cosmopolitan modernity in British Malaya in the 1930s and early 1940s." *Bijdragen tot de Taal-, Land- en Volkenkunde* 169(4):457-494.
- Bishara, Fahad Ahmad. 2017. *A sea of debt: law and economic life in the western Indian Ocean, 1780-1950*. New York: Cambridge University Press.
- Bose, Sugata. 2006. *A hundred horizons: the Indian Ocean in the age of global empire*. Cambridge (USA): Harvard University Press.
- Burke, Edmond III. 2014. *The ethnographic state: France and the invention of Moroccan Islam*. Berkeley: University of California Press.
- Byl, Julia and Jim Sykes. "Ethnomusicology and the Indian Ocean: on the politics of area studies." *Ethnomusicology* 64(3):394-421.
- Conrad, Sebastian. 2016. *What is global history?*. Princeton: Princeton University Press.
- Corbin, Alain. 1998. *Sound and meaning in the village bells, 19th century French countryside*. New York: Columbia University Press.
- Dalrymple, William. 2006. *The last Mughal: the fall of Delhi, 1857*. London: Bloomsbury Publishing.
- Denning, Michael. 2015. *Noise uprising: the audio politics of a world musical revolution*. London, Brooklyn: Verso.
- Dirke, Nicholas B. 2001. *Castes of mind: colonialism and the making of modern India*. Princeton, Oxford: Princeton University Press.
- Djajadiningrat, Madelon and Clara Brinkgreve. 2014. "A musical friendship: the correspondence between Mangkunegoro VII and the ethnomusicologist Jaap Kunst, 1919-1940." In *Recollecting resonances: Indonesian-Dutch musical encounters*, ed. Bart Barendregt and Els Bogaerts, 179-202. Leiden: Brill.
- Eisenlohr, Patrick. 2018. *Sounding Islam: voice, media, and atmospheres in the Indian Ocean world*. Berkeley: University of California Press.
- El-Rouayheb, Khaled. 2012. "Post-Avicennan logicians on the subject matter of logic: some

- thirteenth- and fourteenth-century discussions.” *Arabic Sciences and Philosophy* 22: 69-90.
- Elshakry, Marwa. 2013. *Reading Darwin in Arabic, 1860-1950*. Chicago, London: University of Chicago Press.
- Erlmann, Veit. 2010. *Reason and resonance: A history of modern aurality*. New York: Zone Books.
- Evans, Brad. 2005. *Before cultures: the ethnographic imagination and American literature, 1865-1920*. Chicago: University of Chicago Press.
- Fabian, Johannes. 2002[1983]. *Time and the Other: how anthropology makes its object*. New York: Columbia University Press.
- Fahmy, Ziad. 2020. *Street sounds: listening to everyday life in modern Egypt*. Stanford: Stanford University Press.
- Feaster, Patrick. 2007. “‘The following record’: making Sense of phonographic performance, 1877-1908.” Ph.D. dissertation, Indiana University.
- Ferrel, Gerry. 1993. “The early days of the gramophone industry in India: historical, social and musical perspectives.” *British Journal of Ethnomusicology* (2):31-53.
- Freitag, Ulrike. 2020. *A history of Jeddah: the gate to Mecca in the nineteenth and twentieth centuries*. Cambridge: Cambridge University Press.
- _____. 2003. *Indian Ocean migrants and state formation in Hadhramaut*. Brill: Leiden.
- Frishkopf, Michael. 2013. “Against Ethnomusicology: language performance and the social impact of ritual performance in Islam.” *Performing Islam* 2(1):11-43.
- _____. 2010. “Introduction: music and media in the Arab world and *Music and media in the Arab world* as music and media in the Arab world: a metadiscourse.” In *Music and media in the Arab world*, ed. Michael Frishkopf, 1-66. Cairo: American University in Cairo Press.
- _____. 2008. “Music in the Islamic world.” In *The Islamic world*, ed. Andrew Rippen, 510-526. New York: Routledge.
- _____. 2001. “Tarab in the mystic Sufi chant of Egypt.” In *Colors of enchantment: visual and performing arts of the Middle East*, edited by S. Zuhur. Cairo: The American University in Cairo Press.
- Gautier, Anna María Ochoa. 2014. *Aurality: listening and knowledge in nineteenth-century Columbia*. Durham, London: Duke University Press.

- Gelvin, James L. and Nile Green. 2014. *Global Muslims in the age of steam and print*. Berkeley: University of California Press.
- Gilliland, Anne J., Sue McKemmish, and Andrew J. Lau (eds.). 2017. *Research in the archival multiverse*. Clayton: Monash University Publishing.
- Gitelman, Lisa. 1999. *Scripts, grooves, and writing machines: representing technology in the Edison era*. Stanford: Stanford University Press.
- Green, Nile. 2018. "The waves of heterotopia: toward a vernacular intellectual history of the Indian Ocean." *American Historical Review* 123(3):846-847.
- _____. 2014. *Terrains of exchange: religious economies of global Islam*. Oxford: Oxford University Press.
- _____. 2012. *Sufism: a global history*. West Sussex: Wiley-Blackwell.
- _____. 2011. *Bombay Islam: the religious economy of the west Indian Ocean, 1840-1915*. Cambridge: Cambridge University Press.
- Gribetz, Arthur. 1991. "The *sama* ' controversy: Sufi vs. legalist. *Studia Islamica* 74:43-62.
- Gronow, Pekka and Ilpo Saunio. 1998. *An international history of the record industry*. New York: Cassell.
- Gronow, Pekka. 1983. "The record industry: the growth of a mass medium." *Popular Music* Vol. 3: 53-75.
- _____. 1981. "The record industry comes to the orient." *Ethnomusicology* 25(2): 251-284.
- Hallaq, Wael. 2009. *An introduction to Islamic law*. Cambridge: Cambridge University Press.
- Halldén, Phillip. 2005. "What is Arab Islamic rhetoric?: rethinking the history of Muslim oratory art and homiletics." *International Journal of Middle East Studies* 37(1):19-38.
- Halevi, Leor. 2019. *Modern things on trial: Islam's global reformation in the age of Rida, 1865-1935*. New York: Columbia University Press.
- Hilarian, Larry Francis. 2005. "The structure and development of the Gambus (Malay-Lutes)." *Galpin Society Journal* 58:66-82.
- _____. 2006. "The folk lute (Gambus) and its symbolic expression in Malay Muslim culture." In *ICTM study group on folk musical instruments proceedings from the 16th international meeting*. Guata.

- _____. 2007. "The migration of lute-type instruments to the Malay Muslim world." Conference on music in the Muslim world, Assilah. August 8-13.
- Hirschkind, Charles. 2009. *The ethical soundscape: cassette sermons and Islamic counterpublics*. New York: Columbia University Press.
- Ho, Engsang. 2006. *Graves of Tarim: genealogy and mobility across the Indian Ocean*. Berkeley: University of California Press.
- Hochman, Brian. 2014. *Savage preservation: the ethnographic origins of modern media technology*. Minneapolis: University of Minnesota Press.
- Hourani, Albert. 1983[1962]. *Arabic thought in the liberal age, 1798-1939*. Cambridge: Cambridge University Press.
- Ibsen al-Faruq, Louise. 1985. "Music, musicians, and Muslim law." *Asian Music* 17(1):3-36.
- Jones, Andrew F. 2001. *Yellow music: media culture and colonial modernity in the Chinese jazz age*. Durham: Duke University Press.
- Kateman, Ammeke. 2019. *Muhammad 'Abduh and his interlocutors: conceptualizing religion in a globalizing world*. Leiden: Brill.
- Katz, Mark. 2012. "Part 1. Sound recording, Introduction." In *Music, sound, and technology in America: a documentary history of early phonograph, cinema, and radio*, edited by Timothy D. Taylor, Mark Katz, and Tony Grajeda, p. 13-28. Durham: Duke University Press.
- _____. 2010. *Capturing sound: how technology changed music*. Berkeley: University of California Press.
- Kaptein, Nico J. G. 2014. *Islam, colonialism, and the modern age in the Netherlands East Indies: a biography of Sayyid Uthman, 1822-1914*. Leiden, Boston: Brill.
- Kesting, Piney. 1993. "A Doorway in Time." *Aramco World* 44(5):32-39.
- Kinnear, Michael. 2016 [2003]. *The 78-rpm record labels of India*. Victoria (AUS): Bajakhana.
- Kroier, Johan. 2012. "Music, global history, and postcoloniality." *International Review of the Aesthetics and Sociology of Music* 43(4):139-186.
- Kugle, Scott. 2001. "Framed, blamed, and renamed: the recasting of Islamic jurisprudence in colonial South Asia." *Modern Asian Studies* 35(2):257-313.
- Kunst, Jaap. 1973[1933]. *Music in Java: its history, its theory, and its technique*. The Hague: Martinus Nijhoff.

- _____. 1969[1959]. *Ethnomusicology: a study of its nature, its problems, methods and representative personalities to which is added a bibliography*. The Hague: Martinus Nijhoff.
- Laffan, Michael. 2011. *The makings of Indonesian Islam: orientalism and the narration of a Sufi past*. Princeton: Princeton University Press.
- Lambert, Jean and Anne Regourd. 2017. "Le manuscrit Leyde Or. 6980. 2 epartie. Poésies chantées dans le Ḥiḡāz au début du xxe siècle: la transcription par un lettré de documents sonores. Édition du texte." In *Chroniques du manuscrit au Yémen 24 (Nouvelle série 5)*, ed. Anne Regourd, 112-216. Webmaster.
- Lambert, Jean and Rafik al-Akouri. 2020. "Patrimonialisation 'sauvage' et archéologie industrielle de la musique yemenite: les premiers enregistrements a Aden (1935-1960)," *Annales islamologiques* (53).
- Lavin, Gabriel. 2021. "Music in colonial Aden: globalization, cultural politics, and the record industry in an Indian Ocean port city, c. 1937-1960." *The British-Yemeni Society Journal* 29:12-20
- Larsson, Göran. 2011. *Muslims and the new media: historical and contemporary debates*. New York: Routledge.
- Low, Michael Christopher. 2020. *Imperial Mecca: Ottoman Arabia and the Indian Ocean Hajj*. New York: Columbia University Press.
- Loza, Steven. 2006. "Challenges to the euroamericentric ethnomusicological canon: alternatives for graduate readings, theory, and method." *Ethnomusicology* 50:360-367.
- Lucas, Ann E. 2014. "The creation of Iranian music during the age of steam and print, circa 1880-1914." In *Global Muslims in the age of steam and print*, ed. James L. Gelvin and Nile Green, p. 143-157. Berkeley: University of California Press.
- Matar, Amira Hilmi. 2010. *Al-fikr al-'Islami wa turath al-Yunan (Islamic thought and Greek heritage)*. Cairo: Hay'at al-Masriyya al-'ama li-l-kitab.
- Marks, Robert B. *The origins of the modern world: a global environmental narrative from the fifteenth to the twenty-first Century (fourth edition)*. Lanham, Boulder, New York, London: Rowman & Littlefield.
- McCollum, Jonathan and David G. Herbert. 2014. "Foundations of historical ethnomusicology," "Methodologies for historical ethnomusicology in the twenty-first century," and "Philosophy of history and theory in historical ethnomusicology." In *Theory and method in historical ethnomusicology*, ed. Jonathan McCollum and David G. Herbert, 1-148. Lanham, Boulder, New York, London: Lexington Books.

- Melis, Nicola. 2012. "The 'Talking Machine' affair in Ottoman Yemen (1907)." In *Collectanea islamica*, edited by Nicola Melis and Mauro Nobili, 107-151. Aracne Editrice.
- Metcalf, Thomas R. 2007. *Imperial connections: India in the Indian Ocean arena, 1860-1920*. Berkeley: University of California Press.
- Miller, Karl Hagstrom. 2010. *Segregating sound: inventing folk and pop music in the age of Jim Crow*. Durham: Duke University Press.
- Mohammadi, Mohsen. 2017. *Modal modernities: formations of Persian classical music and the recording of a national tradition*. Ph.D Dissertation, Utrecht University.
- Moll, Yasmin. 2020. "The idea of Islamic media: the Qur'an and the decolonization of mass communication." *International Journal of Middle East Studies* 52(4):623-642.
- Nelson, Kristina. 2001[1985]. *The art of reciting the Qur'an*. [New ed.]. Cairo: American University in Cairo Press.
- Ogle, Vanessa. 2015. *The global transformation of time, 1870-1950*. Cambridge: Harvard University Press.
- Oostrum, Anne van. 2020. "Gender and genres of Arab music in the collection of Christiaan Snouck Hurgronje." In *Music in Arabia: perspectives on heritage, mobility, and nation*, ed. IssaBoulos, Virginia Danielson, and Anne K. Rassmusen, 216-235. Bloomington: Indiana University Press.
- _____. 2012. "Arab music in Western ears: an account of the music of the Hejaz at the turn of the twentieth century." *Quaderni di Studi Arabi* 7:127-144.
- Otterbeck, Jonas and Anders Ackfeldt. 2012. "Music and Islam." *Contemporary Islam* 6:227-233.
- Provence, Michael. 2017. *The last Ottoman generation and the making of the modern Middle East*. Cambridge: Cambridge University Press.
- Racy, A. J. 2015. "Comparative musicologists in the field: reflections on the Cairo Congress of Arab Music, 1932." In *This thing called music: essays in honor of Bruno Nettl*, ed. Lindsay Levine and Phillip V. Bohlman, 137-150. Lanham, Boulder, New York, London: Rowman & Littlefield.
- _____. 2003. *Making music in the Arab world : the culture and artistry of tarab*. Cambridge: Cambridge University Press.
- Racy, Ali Jihad. 1993. "Historical worldviews of early ethnomusicologists: an East-West

- encounter in Cairo, 1932.” In *Ethnomusicology and modern music history*, ed. Stephen Blum, Philip V. Bohlman, and Danial M. Neuman, 68-94. Chicago: University of Illinois Press.
- _____. 1976. “The record industry and Egyptian traditional music.” *Ethnomusicology* 20(1):23-48.
- Radano, Ronald Michael, and Tejumola Olaniyan, eds. 2016. *Audible empire: music, global politics, critique*. Refiguring American Music. Durham: Duke University Press.
- Rasmussen, Anne K. 2010. *Women, the recited Qur’an, and Islamic music in Indonesia*. Berkeley: University of California Press.
- Ray, Rajat Kanta. 1995 “Asian capital in the age of European domination: the rise of the Bazaar, 1800-1914.” *Modern Asian Studies* 29(3):449-554.
- Reese, Scott S. 2018. *Imperial Muslims: Islam, community, and authority in the Indian Ocean, 1839-1937*. Edinburgh: Edinburgh University Press.
- _____. 2001. “The best of guides: Sufi poetry and alternate discourses of reform in early twentieth-century Somalia.” *Journal of African Studies* 14(1):49-68.
- Rice, Timothy. 2010. “Ethnomusicological theory.” *Yearbook for Traditional Music* 42:100-134.
- Ryad, Umar. 2009. *Islamic reformism and Christianity: a critical reading of the works of Muhammad Rashid Rida and his associates (1898-1935)*. Leiden: Brill.
- Sahab, Victor. 1997. *al-Mu’tamar al-musiqa al-‘Arabiyya al-‘awal, al-Qahira 1932 (The first Congress of Arabic Music, Cairo 1932)*. Lebanon: Sharika al-‘alamiyya li-l-kitab.
- Said, Edward W. 1993. *Culture and imperialism*. New York: Vintage Books.
- _____. 1978. *Orientalism*. New York: Vintage Books.
- Sivasundaram, Sujit. 2017. “The Indian Ocean.” In *Oceanic histories*, edited by David Armitage, Alison Bashford and Sujit Sivasundaram, p. 31-61. New York: Cambridge University Press.
- Shelemay, Kay Kaufmann. 2018. “Ethnography as a way of life.” Charles Seeger Lecture for the Annual Meeting of the Society for Ethnomusicology, Albuquerque, NM, November 17th.
- Sheriff, Abdul. 2010. *Dhow cultures of the Indian Ocean*. New York: Columbia University Press.
- Sheriff, Abdul and Engseong Ho. 2014. *The Indian Ocean: oceanic connections and the creation*

- of new societies*. New York: Oxford University Press.
- Shiloah, Amnon. 1997. "Music and religion in Islam." *Acta Musicologica* 69(2):143-155.
- _____. 1995. *Music in the world of Islam: a socio-cultural study*. Detroit: Wayne State University Press.
- Slight, John. 2015. *The British Empire and the Hajj, 1865-1956*. Cambridge: Harvard University Press.
- Steger, Manfred B. 2013. *Globalization: a very short introduction (Very Short Introductions)*. Oxford: Oxford University Press.
- Steingo, Gavin and Jim Sykes. 2019. "Introduction: remapping sound studies in the global south." In *Remapping sound studies*, ed. Gavin Steingo and Jim Sykes, 1-38. Durham and Durham: Duke University Press.
- Sterne, Jonathan J. 2003. *The audible past: cultural origins of sound reproduction*. Durham: Duke University Press.
- Suisman, David. 2009. *Selling sounds: the commercial revolution in American music*. Cambridge: Harvard University Press.
- Suryadi. 2006. "The 'talking machine' comes to the Dutch East Indies: the arrival of Western media technology in Southeast Asia." *Bijdragen tot de Taal-, Land- en Volkenkunde* 162(2/3):269-305.
- Taussig, Michael T. 1993. *Mimesis and alterity: a particular history of the senses*. New York: Routledge.
- Thompson, Emily. 2002. *The soundscape of modernity: architectural acoustics and the culture of listening in America, 1900-1933*. London, Cambridge (USA): MIT Press.
- _____. 1995. "Machines, music, and the quest for fidelity: marketing the Edison phonograph in America, 1877-1925." *Musical Quarterly* 79:131-173.
- Urkevich, Lisa. 2015. *Music and traditions of the Arabian Peninsula: Saudi Arabia, Kuwait, Bahrain, and Qatar*. New York: Taylor and Francis.
- Walbridge, John. 2000. "Logic in the Islamic intellectual tradition: the recent centuries." *Islamic Studies* 39(1):55-75.
- Waterburton, Nigel. *A little history of philosophy*. New Haven: Yale University Press.
- Weidman, Amanda. 2003. "Guru and the gramophone: fantasies of fidelity and modern technologies of the real." *Public Culture* 15(3):453-476.

- Witkam, Jan Just. 2021. "Christiaan Snouck Hurgronje: lives and afterlives." In *Scholarship in action: essays on the life and work of Christiaan Snouck Hurgronje (1857-1936)*, ed. Léon Buskens and Jan Just Witkam, 73-113. Leiden: Brill.
- _____. 2018. "Written in wax: Quranic recitational phonography." *Journal of the American Oriental Society* 138(4):807-820.
- Wong, Deborah. 2006. "Ethnomusicology and difference." *Ethnomusicology* 50(2):259-279.
- Yahya, Nurfadzilah. 2020. *Fluid jurisdictions: colonial law and Arabs in Southeast Asia*. Ithaca: Cornell University Press.
- Yampolsky, Philip B. 2013. *Music and media in the Dutch East Indies: gramophone records and radio in the late colonial era, 1903-1942*. Ph.D Dissertation, University of Washington.
- Zanten, Wim van. 2021. "Recordings of Indonesian music and speech in the Snouck Hurgronje collection (1905-1909) in Leiden: preliminary remarks." In *Scholarship in action: essays on the life and work of Christiaan Snouck Hurgronje (1857-1936)*, ed. Léon Buskens and Jan Just Witkam, 416-469. Leiden: Brill.

Non-Arabic Primary Sources

- Bey, Ali. 1816. *Travels of Ali Bey [pseud.] in Morocco, Tripoli, Cyprus, Egypt, Arabia, Syria, and Turkey. Between the years 1803 and 1807*. Philadelphia: Printed for John Conrad, at the Shakspeare buildings, James Maxwell, Printer.
- Bumb, Heinrich. n.d.[1906]. "The great Beka 'expedition,' 1905-06 - translated and adapted by John Want from a series of articles written by Heinrich Bumb and published in *Der Phonographische Zeitschrift* in 1906." *Recording Pioneers.com*. Accessed on 1/19/2023: <http://www.recordingpioneers.com/docs/The-Great-BEKA-Expedition-1905-6.pdf>
- Dansby, Andrew. 2001. "Cat Stevens breaks his silence: Yusif Islam returns to the U.S. to patch up his relationship with fans." *Rolling Stone* June 21st. Accessed December 20th, 2022: <https://www.rollingstone.com/music/music-news/cat-stevens-breaks-his-silence-202844/>
- Hurgronje, Snouck. 1915. "Islam and the phonograph." *The Muslim World* 5(2):159-165.
- Hurgronje, Christiaan Snouck. 1931 [1888-89]. *Mekka in the latter part of the 19th century. Daily life, customs, and learning. The Moslims of the East-Indian Archipelago*. Leiden & London: Brill & Luzac. (English Translation of original 1888-89 publication)
- _____. 1900. "Islam und phonograph." *Indische Taal-, Land- en*

- Volken-kunde* XLII:393-427. Batavia: Bataviaasch Genootschap van Kunsten en Wetenschappen.
- Ingrams, Doreen. 2013[1970]. *A time in Arabia: life in Hadhramaut*. London: Eland Publishing Limited.
- Jalali, Ghulam Jilani Khan. 1937. "Mabahith jadid 'ilm al-sawt" (New research in acoustics). *Kabul: 'ilmi, adabi, ijtima'i, tarikhi* 80(7):737-744. Kabul: Anjuman-i adabi Kabul (Kabul Literary Society).
- Landerg, Le Comte (Carlo) de. 1895. *Critica Arabica, N. III*. Leyde (Leiden): E. J. Brill.
- Lawrence, T. E. 1997[1935]. *Seven pillars of wisdom*. Hertfordshire: Wordsworth Editions Limited.
- MacDonald, Duncan Black. 1901. "Emotional religion in Islam as affected by music and singing, being a translation of a book of the *Ihyā' 'Ulūm ad-Dīn* of al-Ghazzālī with analysis, annotation, and appendices." *Journal of the Royal Asiatic Society* 33(2):195-252.
- Puig, Claudia. 1989. "Radio personality drives his point home with a steam roller." *The Los Angeles Times* (March 9th). Accessed December 20th, 2022: <https://www.latimes.com/archives/la-xpm-1989-03-09-me-1436-story.html>
- Remnick, David. 2022. "It's time for Salman Rushdie's Nobel Prize." *The New Yorker* (September 5th). Accessed December 20th, 2022: <https://www.newyorker.com/magazine/2022/09/05/its-time-for-salman-rushdies-nobel-prize>
- Rutter, Eldon. 2015[1928]. *The holy cities of Arabia*. London: Arabian Publishing Ltd.
- Sousa, John Philip. 1906. "The menace of mechanical music." *Appleton's Magazine* 8:278-284.
- Stark, Freya. 2010[1972]. *A winter in Arabia*. London, New York: Tauris Parke Paperbacks.
- Stevenson, Richard W. 1989. "Books then records; flames climb higher." *The New York Times* (March 8th). Accessed December 20th, 2022: <https://www.nytimes.com/1989/03/08/us/los-angeles-journal-books-then-records-flames-climb-higher.html?auth=login-google1tap&login=google1tap>
- Wavell, A. J. B. (Arthur John Byng). 1913. *A modern pilgrim in Mecca, and a siege in Sanaa*. London: Constable & Company LTD.
1913. "A record that deceived." *The Talking Machine World* February 15th, 11. New York: Edward Lyman Bill.
1912. "American Phonographs Spread Knowledge of the Koran." *The Ogden Standard* (Utah)

December 24th, 10.

1911. "Columbia goods in the far east." *The Talking Machine World* June 15th, 30. New York: Edward Lyman Bill.
1906. "Prescott's interesting views." *The Talking Machine World* December 15th, 21. New York: Edward Lyman Bill.
1906. "Mahomedanism and the phonograph." *The Talking Machine World* June 15th, 27. New York: Edward Lyman Bill.
1892. "The Phonograph." *The Singapore Free Press and Mercantile Advertiser* May 10th, 296.
1892. "The phonograph." *Straits Times Weekly Issue* (Singapore) May 10th, 274.
1892. "The phonograph. A startling exhibition, which will appear here shortly." *The Straits Times* (Singapore) May 2nd, 5.
1877. "The talking phonograph." *Scientific American* 37(25):384-385.

Arabic Primary Sources

- Abdullah, Hashim. 1941. "Al-musiqa wa al-ghina' fi al-Islam" (Music and singing in Islam). *Fatat al-Jazira* January 19th, 5.
- al-'Abdali (al-Qumandan), Ahmad Fadil b. 'Ali. 1983[1942]. *Al-madsar al-mufid fi al-ghina' Lahj al-jadid (The complete source for new Lahji song)*, 3rd edition. Aden: Dar al-Hamdani.
- _____. 1941. "Al-'ud" (The oud). *Fatat al-Jazira* September 7th, 2-3.
- _____. 1937. *Diwan al-aghani al-Lahjiyya (Diwan of Lahji songs)*. Aden: Matba'a al-hilal.
- _____. n. d. [c. 1942]. *Fasil al-khitab fi ibahat al-'ud wa al-rabab (A decisive statement on permitting the oud and rabab)*. Yemen: Dar al-Hamdani li-l-tiba'a.
- al-Jarisi, Muhammad Makki Nasr. 2011[1889]. *Nihayat al-qawl al-mufid fi 'ilm al-tajwid (The last of useful discussion on the science of tajwid)*. Edited by Ahmad 'Ali Husayn and Shaykh 'Ali Muhammad al-Diba'. Cairo: Maktabat al-adab. Accessed 1/23/2023: https://archive.org/details/tajweed_20131222_1024/.
- al-Kalzah, Muhammad. 1908. *Istuwanaat jramafun dhat wajhayyn, marikat al-malak (Two faced gramophone records, trade mark)* (Catalog). Alexandria: Matba'a Iskandiriyya.
- al-Maliki (Ibn al-Husayn), Muhammad 'Ali. 1911. *Kitab anuar al-shuruq fi ahkam al-sunduq*

- (*Book of the illuminating sunrise on verdicts regarding the box [the phonograph]*).
Jeddah: Matba‘a al-islah al-ahliyya.
- al-Muti‘i, al-Shaykh Muhammad Bakhit. 1906. *Thalath rasa’il fi ahkam al-funughraf wa al-sukurtah (Three treatises on rulings regarding the phonograph and life insurance)*.
Egypt: Matba‘a al-nil.
- _____. 1906. *Izahat al-waham wa izahat al-’ishtibah ‘an risalatay al-funughraf wa al-surkatah (Dispelling deception and doubt regarding two rulings on the phonograph and life insurance)*. Egypt: Matba‘a al-nil.
- al-Qadah, Turki b. Mutlaq. 2007. “Tanbih al-sada al-hada ‘ala ’in al-sunduq al-natiq shaqiq al-mira’a (*Admonition for the Rightly Guided Sayyids that The Box is Equivalent to the Mirror*).” *Jaridat al-Riyad*, February 16th. Accessed March 5th, 2019:
<https://www.alriyadh.com/225517>
- al-Rayhani, Amin. 1926. *Najd al-hadith wa mulhaqatahu, wa sirat ‘Abd al-Aziz ‘Abd al-Rahman Al Faysal Al Sa’ud (Modern Nejd and its environs, and the life of ‘Abd al-Aziz ‘Abd al-Rahman Al Faysal Al Sa’ud)*. Beirut: Matba‘ah al-’ilmiyyah li-Yusif Sadir.
- al-Tabari, Abi Ja‘far Muhammad b. Jarir (d. 923). 2019[n. d.]. *Tarikh al-umum wa al-muluk (History of peoples and kings)*, Vol. 1-6. Edited by Nawaf al-Jarah. Beirut: Dar al-sadir.
- al-Tawhidi, Abu Hayan (d. 1023). 2018[n. d.]. *Al-’imta‘ wa al-mu’anasah (Pleasure and cordiality)*, Vol. 1-2. Edited by Ahmad Amin and Ahmad al-Zayn. Cairo: Afaq li-l-nashr wa al-tawzia‘.
- al-Zarkali, Khayr al-Din. 2009[1929]. *Ma ra’aytuhu wa ma sama’tuhu min Dimashq ’ila Makka (What I saw and heard from Damascus to Mecca)*. Edited by Mufid al-Najm. Abu Dhabi: Dar al-afaq.
- Luqman, Hamza ‘Ali. 1943. “Aghani wa musiqa ‘Adaniyya” (Adeni music and song). *Fatat al-Jazira* October 10th, 3-4.
- Luqman, Muhammad ‘Ali. 1943. “Al-masdar al-mufid fi al-ghina’ Lahj al-jadid” (The complete source for new Lahji song). *Fatat al-Jazira* February 1943, 10.
- _____. 1943. “Mulahazat ‘ama: sinima rijal” (General observations: the Regal Cinema). *Fatat al-Jazira* January 24th, 10.
- _____. 1941. “Al-Shi‘r wa al-musiqa: ’ugniyyat ‘al-jandul.” (Poetry and music: the song, ‘al-jandul’). *Fatat al-Jazira* September 7th, 2-3.
- _____. 1940. “Fi al-musiqa” (On music). *Fatat al-Jazira* December 29th, 6.
- _____. 1940. “Nahnu al-‘Adaniyyin” (We the Adenis). *Fatat al-Jazira* December 8th, 1.

- Naji, Muhammad Murshid. 1959. *Aghanina al-sha'biyyah (Our popular songs)*. Aden: Dar al-jamahir.
- Rida, Rashid. 1911. "As'ila min Fundq Fadagh 'Java'" (Questions from Pondok Padang 'Java'). *al-Manar* 14(9) 669-673.
- _____. 1911. "Al-Qur'an wa al-funughraf" (The Quran and the phonograph). *al-Manar* 13(12):906-908.
- _____. 1907. "As'ila min Singhafura 'an al-Qur'an bi-l-funughraf" (Questions from Singapore about the Quran in the phonograph). *al-Manar* 10:439-442.
- _____. 1906. "Risalatan fi qira'at al-funughraf wa al-surkatah" (Two treatises on phonograph recitation and life insurance). *al-Manar* 9(2):103-105.
- _____. 1906. "As'ila Jawiyya fi sama' alat al-lahu" (Questions from Java about listening to instruments of amusement). *al-Manar* 9(1):35-51.
- 2006[n. d.]. *Rasa'il ikhawan al-safa' (Epistles of the Brethren of Purity)*, Vol. 1-4. Edited by Butrus al-Bustani. Beirut: Dar al-sadir.
1944. "Mushkilat al-makhadir" (The wedding problem). *Fatat al-Jazira* June 4th, 3.
1926. "Mana' idkhal al-alat al-lasilikiyya fi al-bilad al-Hijaz" (Outlawing the bringing of wireless sets inside the Hijaz). *Umm al-Qura* December 31st, 3.
1926. "Fatwa 'ulama' Misr: ziyarat al-qubur, al-dukhan, al-musiqqa." (Fatwa by Egypt's ulema: tomb visitations, smoking, and music). *Umm al-Qura* May 28th, 1-2.
1924. "Akhbar mahliyya" (Local news). *Barid al-Hijaz* December 10th, 2.
1878. "Al-funughraf al-natiq" (The talking phonograph). *al-Muqtataf* 2(9):610.

British Library Shelfmarks: Endangered Archives (Online) and India Office Records

*Listed in order as referenced in text

EAP 466/1/18

IOR/R/15/1/446 and 568

IOR/R/15/2/297

IOR/R/15/2/1928-1942

IOR/L/PS/12/3861

IOR/L/PS/12/3757

IOR/R/15/1/353

IOR/R/20/B/579

IOR/R/20/B/580

IOR/R/20/A/2766

IOR/R/20/B/288

Leiden University Archive and Special Collections Shelfmarks

*Listed in order as referenced in text

Or. 6997

Or. 7212

Or. 895 E 11

Or. 895 E 3

Or. 878 E 43

Or. 897 F 75

Or. 8206 F 6

Or. 18.097 S 1.10

864 G 41

Or. 8952 A 995 and A 996

Or. 18.097 S65.1

Or. 18.097 S65.2 and S65.3

Or. 6980