

Project Title: Between Community and Qānūn: Documenting Islamic legal practice in 19th-century South Asia

Abstract:

Scholars of South Asia often describe the history of 19th century legal change in terms of increasing Anglicization and codification. These histories tend to frame Islamic legal practitioners—namely qazis (judges) and muftis (jurisconsults)—in terms of their increasing marginalization within the modern legal system, particularly after the removal of native law officers from the colonial courts in 1864 and the gradual codification of Islamic jurisprudence under the rubric of Anglo-Muslim law. My dissertation takes an alternative position and seeks to demonstrate that despite their marginal position within the formal administration of law, qazis and muftis changed their modes or practice and participated in protracted negotiations with colonial administrators throughout the 19th century to make their work legible to the state and relevant to their communities. To these ends, I am working with colonial documents related to the appointment and management of qazis and muftis, the vernacular documents they produced, and civil court proceedings that sit at the crossroads between these divergent modes of legal action. Drawing upon evidence from colonial and vernacular archives, my project considers the history of Islamic law not through the lens of marginalization and minoritization but through its enduring resilience and persistent relevance within the colonial courts. Looking at the practice of Islamic law, and the circulation of legal practitioners, documents, and litigants, my dissertation traces this transformation through the lives and livelihoods of qazis and muftis as they worked at cross roads of British and Islamic legal system.