CHAPTER 11

Arab Immigrants under Hindu Kings in Malabar: Ethical Pluralities of “Naturalisation” in Islam

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1 Introduction

The process of “naturalisation” by immigrant Muslims in modern nation states has often been examined within the light of Islamic legal parameters drawn by Muslim scholars in the heartlands of Islam. The plethora of legal opinions that support naturalisation of Muslims in non-Muslim polities has deliberately been ignored to sustain an anti-immigrant fervor in Europe and to reject Middle Eastern Muslim refugees. The vilifying medieval religious notions of “Dār al-Ḥarb” is used to evoke suspicion of Muslim immigrants particularly regarding loyalties to their homeland or to the host country. Against such generalizing legal opinions, often aired in anti-immigrant campaigns in Europe, this chapter reflects some historical anecdotes of naturalisation by Muslims in far-flung peripheral lands of non-Muslim political settings and examines varying but marginalized aspects of critical legal opinions regarding the naturalisation of Muslims.

Recent studies show that a majority of Muslim immigrants are easily adaptive to European values (for e.g., Haug, Müssig and Stichs 2010; Inglehar and Norris 2009) and the ethical doctrines of Islam endorse the grounded principles of liberal democracy (March 2007). Adducing to such ethical debates, the historical anecdotes from amicable livelihoods that Arab immigrants nurtured in the peripheries such as the Indian Ocean provide better understanding of the process of naturalisation in non-Muslim lands. These historical accounts counter the tarnished images of Muslim immigrants, demanding a re-think of anti-immigrant politics that shut doors against abject refugees. In fact, the

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1 The concept “heartlands of Islam” is geographically assumed as centred around the two cities of the Prophet, Mecca and Medina. However, the concept is loosely used in this chapter to indicate the entire Arab world in contrast to non-Arab centres of Islamic inhabitancy in distant regions of the Indian Ocean.

2 The inherent deep philosophical rift within the liberal Western democracy since the Enlightenment is rearticulated by the current anti-immigrant anti-Muslim debates (O’Brien 2013).
question of living and naturalisation under non-Muslim polities loomed large among Muslim trading communities who wanted to sojourn or settle in regions far flung from the heartlands of Islam. Centuries prior to the medieval re-conquests of Muslim habitats by Christian regimes and the subsequent colonization of Muslim lands by Europeans, these traders had traversed waters and lands beyond the heartland Arab Muslim localities and domiciled among pagan believers in India, Africa, Southeast Asia and among the Buddhists of China. The trading communities, along with their indigenous co-religionists, participated in the social, economic and political settings of host societies in these regions, naturalizing themselves and adapting their religious ethics to the cultural and religious settings of the new localities. Living aloof from the varied and dynamic experiences of Muslims in these distant non-Muslim peripheries, medieval Muslim scholars, mostly in the central lands of Islam, often demanded their demarcation into distinct ethical abodes of Dār al-Islām and Dār al-Ḥarb. This chapter offers historical anecdotes of Muslim communities in the Indian Ocean to argue that the legal-ethical demarcations of habitats by scholars were mostly de-contextualized general assertions removed from the real experiences of naturalisation of Muslims and thus Islam in these lands.

The historical anecdotes of naturalisation of Muslim immigrants are mainly taken from the sixteenth century anti-Portuguese battle fought jointly by Muslim immigrants and Hindu cavalry under the Hindu kings in Malabar. As explained below, these historical accounts of the war in Malabar were narrated in the Arabic historical texts by indigenous scholars (and in the fatwa compilations such as al-Fatāwa al-Kubrā), but from the central regions of Islam such as Mecca and Cairo. While the contextual accounts in Malabar are detailed as questions in the fatwa literature, the consideration of contexts was naïve in the answers provided by heartland scholars such as Ibn Ḥajar. However, such fatwas in no way indicate that the scholars of heartlands were completely ignorant of the amicable situations in the periphery. Nor does it deny that such demarcating scholarly opinions regarding habitats had existed among scholars living in the peripheries. Rather, reflecting upon these historical accounts

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3 However, it would not be true to assign exclusively opinions regarding the classification of habitats as distinct abodes to scholars in the heartlands of Islam, as the fatwas from the heartlands analyzed in this paper recall the significance of peripheral contexts to be taken into account in determining the nature of Muslim social lives among non-believers. Regarding scholarly opinions on demarcation of abodes into distinct lands, see Abou El Fadl (1994) and Al-Juday' (2007). The narrow medieval banal demarcations have later on been expanded into making these boundaries blurred and making amicable co-existence possible through novel concepts such as Dār al-Da’wa (Abode of mission) and Dār al-ʿAhd (Abode of accord) (Bilici 2011).
against the fatwas issued from heartlands helps to revisit medieval anti-naturalisation fatwas.

To understand the process of naturalisation—a feature intrinsic to the concept of citizenship in modern nation states—in comparison to medieval historical anecdotes there are certain analytical limitations. First, the modern conceptualization of “nation states” and the rights and duties it provides for political subjects through the acquisition of citizenship could not be imagined fully in sixteenth century provincial kingdoms. Thus, the concept “naturalisation” in this paper is loosely defined as a socio-political process of engaging in local social and political settings—in the present case the sixteenth century Hindu kingdoms of Malabar. Likewise, the value-loaded terms of “centre” and “periphery” regarding scholarly figures in the region are intentionally used not only to indicate the larger Asian scholarly networks that extended from the Levant to Southeast Asia and beyond, but also to signify the largely Muslim-populated yet mostly neglected regions in the study of Islam (Ahmed 2016).

Second, to argue with these historical anecdotes against textual scholarly opinions from distant lands requires decisions about what one has to focus upon while studying Islam and Muslims as an historical phenomenon: whether textual traditions or human practices or the integration of both can be seen as discursive traditions (Asad 1984), or as a hermeneutical engagement with the Pre-Text, Text and Con-text (Ahmed 2016). The process of naturalisation that Malabar Muslims achieved historically, despite divergent rulings from the heartlands of Islam, was not entirely devoid of textual scholarly legitimation produced locally in the region. Conversely, the socio-historical accounts of naturalisation under the Hindu Kings in fifteenth and sixteenth century Malabar were compiled by well-known scholars who also had written jurisprudential texts like Fatḥ al-Muʿīn that often accommodated possibilities of living under the non-Muslim rulers. The presence of such indigenous textual rulings for naturalisation of Muslims provides ample scope for an alternative understanding of the process of naturalisation as hermeneutical engagements with the Textual forms or as discursive traditions employed. The scholarly rulings of heartlands often contradicted writings from peripheries that sought an easy naturalisation with distant non-Muslim contexts. These diverse historical experiences from peripheries signify what Shahab Ahmed argued for shifting the locus of attention in Islamic studies from the heartlands of Islam to the Bengal-Balkan peripheries (Ahmed 2016).

The first part of the chapter discusses the migratory settlement of Arab traders and the spread of Islam in Malabar along with wider Arab maritime networks in the Indian Ocean that not only enabled the spread of diverse religious forms but also made trans-regional scholarly exchanges possible. Two
historical texts of *Tuḥfat al-Mujāhidīn*, written for advocating the holy war of Jihad against the Portuguese, and *Fatḥ al-Mubīn*, that celebrates the joint victory of Muslims and Zamorin’s Hindu cavalry in conquering the Chaliyam fort from the Portuguese, will depict the socio-religious and political aspects of Muslim naturalisation in sixteenth century Malabar. The historical images from these two texts will enhance our understanding of how the community became part and parcel of the indigenous polity under the Hindu King Zamorin and how they developed political integrity despite being not under any formal treaty with Hindu Zamorins.

In the second part, these amicable historical images will be contrasted with the fatwas issued from scholars in the heartlands of Islam in Mecca and Egypt. These fatwas, written far away from Malabar, were often cast in terms of conventional legal demarcations of lands into separate abodes to prevent moral degradation in non-Muslim social realms. While the historical realities in the peripheries speak loudly for exemplary naturalisation of Muslims in non-Muslim cultural settings, the scholarly opinions from heartlands often vitiated such historical realities into relegating the land and its non-Muslims into the category of Ḥarbīs.

2 Arab Immigrants under Hindu Kings

Due to its geographic significance in East-West trade and the natural spices it produced, the region of Malabar on the west coast of India (now Kerala) had been receiving maritime people of different religions and cultures for centuries (Arasaratnam 2004, 33–39; Gupta 2001; Bouchon 1987, Abu Lughod 1989). The earliest treatise of *Qiṣṣat Shakrawat Fermāḍ* that tells the story of the coming of Islam to Malabar names a delegation under the aegis of Mālik ibn Dīnār, who approached the local Hindu king for a place to settle down and established a number of mosques in different parts of Malabar (*Qiṣṣa*, n.d., 10). Despite being the delegates of the converted king who demised while returning from Mecca, this missionary did not seek any political share in the territories of the old king. Instead, settling in the territories of local Hindu kings, the missionary became part and parcel of the local social setting by becoming involved in social, political and commercial activities. The missionary appointed members of the Muslim community as Shabandars or port leaders in various regions of Malabar (ibid., 10–13) and enriched seaborne trade profits by acting as agents for Arab-speaking maritime traders. Since the community accepted the prevailing political orders of Zamorins, Muslims such as the Kunjali Marakkars were bestowed with high positions including “admiral of the navy” (Nambiar
Thus, through whole-hearted participation in the economic and social activities, they became naturalized into their host Malabari society. Developing certain geographies as centres of Muslim habitation through the establishment of mosques was another significant step to develop an indigenous community in the region. With the support and involvement of local Hindu rulers, the missionary built eleven mosques across the coast of Malabar (Qiṣṣa, n.d., 9–13). Thus, from the early centuries of Islam, a distinct Muslim community was developed within Malabar. At the same time, they emerged as strong defenders of the existing political system of the Hindu kings.

As will be seen in the texts below written in Malabar, the Hindu rulers treated their Muslim subjects with dignity and ensured a social environment that enabled them to perform their religious duties. Muslims adopted their Hindu rulers as legitimate holders of law. The scholars in Malabar gave legitimacy to the qādīs appointed by non-Muslim political authorities. This might be explained in terms of “ḍarūra” or political and economic necessity where Muslims and their Hindu political rulers cooperated with reciprocity for mutual benefit. The legal recognition rendered by the indigenous scholars in Malabar provides an interesting outlook in understanding the process of naturalisation of Muslims in non-Muslim lands. However, this does not mean that communal harmony permanently prevailed in Malabar following the Arab settlement; nor did it negate the political and economic relations of Malabari Muslims with other Muslim rulers in the far-flung areas. For example, the Rasulid court ledgers in 1290 show that the khaṭībs (those responsible for delivering sermons and leading prayers, i.e. ʿimams) in the nine mosques of Malabar received stipends from the Rasulid rulers in Yemen (Lambourn 2008; Prange 2008, 208–213). The Rasulid ledgers also contain a letter sent by Muslims in Calicut to the then Rasulid Sultan al-Ashraf II in 1393 requesting his permission to recite his name in the Friday ʿkhutba of Calicut (al-Khazrajī 1911, 244–7; Prange 2008, 213–5).

These attempts to seek affiliation in ʿkhutbas with the Rasulid Sultans of Aden, though seemingly political, were more framed for the commercial benefits of traders in Aden and Calicut than forging political affiliations with distant lands (Prange 2008, 215; Lambourn 2008, 82). This observation can be substantiated with the request of Zamorin himself through his emissary sent to Timurid, prior to ʿAbd al-Razzāq’s visit to Calicut in 1442, to recite Timurid Sultan’s name in ʿkhutbas in his region (Thackston 1989, 304). Prange explains that this might also have been initiated by some unofficial influential merchants in Calicut, for trade benefits from the Timurids. These merchants also proposed to the Sultan that Zamorin would convert if they sent a suitable ambassador, a futile task carried out by ʿAbd al-Razzāq (Prange 2008, 215–7).
Generally, however, the Muslim inhabitancy in the region was cordial since the community pursued amicable naturalisation with the local Hindu society and other inhabitants in the cosmopolitan city of Calicut, along with other communities such as Buddhist Chinese, Jews and Christians.

Malabar was a peaceful multi-cultural cosmopolitan society before the advent of the Portuguese, who introduced a Mediterranean style of trade along with war (Chaudhuri 1985, 64; Ho 2004, 215; Gupta 2001, 423). As Geniza records indicate, out of sixteen ship owners in Malabar, seven belonged to Muslims, three to Jews and four to Indians (Goitein 2008, 142–8). Such a harmonious state of affairs in Malabar is well depicted by the Moroccan traveller Ibn Baṭūṭa in the early half of the fourteenth century, when Calicut was maintaining its maritime zenith in the Indian Ocean. Despite Ibn Baṭūṭa's analysis of religious scholarly engagements of Muslims in the regions, his description of the social and commercial state of affairs provides light into the nature of peaceful Muslim settlement in Malabar. For example in Mangalore, where Muslims numbered about four thousand, he narrates that inter-communal issues were mediated by the Hindu ruler Ramdev (Ibn Baṭūṭa 1905, 137). He was also keen to note the warm reception Muslims and other maritime players received in the region. When he reached Calicut, Ibn Baṭūṭa noted that Qulaj, the deputy of the King, welcomed him and that he enjoyed hosting the Hindu ruler for around three months until his departure for China (ibid., 139–41). In the northern town of Eli (Ezhimala), a masjid (mosque) was revered by both Muslims and non-Muslims, with votive offerings made by all sea voyagers. The income for this Masjid was spent as stipends for students who studied in the mosque and as food for visitors and poor Muslims (ibid.). The next town of Dharamadam, ruled by the Hindu ruler Kolathiri Raja, had a mosque where notables of Muslims and non-Muslims sat together under its revered tree, expecting its leaf written with the name of God and the Prophet Muhammad. While half of the leaf was for Muslims, the other half was kept in the treasury of the local Hindu ruler for healing purposes (Ibn Baṭūṭa 1905, 138). These narratives by the Moroccan traveller indicate the warmth of inter-communal relations and indigenization that Muslims adopted under non-Muslim rulers of the Malabar coast.
Tuḥfat al-Mujāhidīn, the well-known sixteenth century history text written by Shaykh Zayn al-Dīn al-Makhdūm al-Maʿbarī, depicts vivid aspects of naturalisation that Malabari Muslims achieved under the non-Muslim Zamorins. Tuḥfa clearly mentions the Muslim community in Malabar as subjects of non-Muslim rulers and their ruler Zamorin as the one who loves Muslims (Nainar 2005, 15; al-Maʿbarī, n.d., 9). The text, written as an inspiration to wage religious Jihad against the Portuguese, describes the strange customs of Hindu non-believers in an entire chapter (Nainar 2005, 36–46; al-Maʿbarī, n.d., 26–34; al-Maʿbarī 1931, 18–22). The broader ethnographic and historical picture of Hindu society and customs in Tuḥfa paints a civic, multicultural and peaceful urban society under attack by the Portuguese (Ho 2004, 222–3). Tuḥfa also wonderfully exclaims the fair treatment of Muslims by the Hindu Zamorin stressing that the remunerations for the Muslim religious judges and prayer leaders were borne by the Hindu king. He made arrangements for implementing their own Muslim religious laws. Those neglecting the Friday prayer were punished or made to pay a fine (Nainar 2005, 45–6).

Al-Makhdūm al-Ṣaghīr, who also wrote many jurisprudential works such as the famous Fath al-Muʿīn and other scholarly works in Sufism and Arabic language, was keen to note in Tuḥfa that the legitimate rulers of Malabari Muslims were Hindus who enjoyed their judicial and political authority. “Muslims throughout Malabar have no leader possessed of power to rule over them. But their rulers are Hindus, who exercise judicial authority and organize their affairs by enforcing payment of debt or fine if anyone is subjected to such a payment” (Nainar 2005, 45). The jurisdictional executions made by non-Muslim rulers were also legitimized by Muslim scholars and their community. Tuḥfa makes it clear that the death penalty of a Muslim offender was to be carried out by the Hindu ruler, while others were handed over to Muslims for their ritual punishments. Tuḥfa also illuminates other inter-communal relations and social etiquette. For example, the people of other communities would not enter a Muslim house without seeking permission, even if they search for a wanted criminal; and those who converted to Islam were treated with equal respect, even if they were from the lower castes (ibid., 46).

There were also socio-economic and political reasons behind the earnest naturalisation showed by Muslims under the Zamorins of Calicut. As Tuḥfa observes, it was thanks to Muslims that the construction and development of the country largely took place. The text explicates this reciprocal amicable socio-political and economic scenario: while the Arab traders brought prosperity
to the region, the Hindu rulers, in turn, facilitated and protected Arabs’ commercial and religious activities (ibid., 45–6). This mutual reciprocity that Arabs and Hindu rulers developed in Malabar was not perceived by scholars like al-Makdūm al-Ṣaghīr as a part of the jurisdical necessit of “darūra.” Rather, Tuhfa introduces the entire region as an abode of Islam despite being under a Hindu ruler. The dynamic approach of regional scholars in Medieval Malabar, who recognized the real living conditions in the region, is helpful in understanding the naturalisation of Muslims in modern nation states also, where they have become increasingly exposed to non-Muslim contexts.

Like Ṭuḥfat al-Mujāhidīn, the amicable living conditions of Muslims under the Hindu rulers were celebrated in another historical poem, Fath al-Mubīn, composed by a contemporary scholar from Calicut, Qāḍī Muḥammad al-Kalikūtī (d. 1616). Qāḍī Muḥammad’s poetic and other scholarly works discourse a number of disciplines such as Sufism, Shāfi‘ī jurisprudence and Arabic grammar. Thus, he also can be reckoned among one of the renowned scholars of the time who lent a dynamic approach to the process of naturalisation in Malabar. The Arabic poem Fath al-Mubīn that generously celebrates the friendly co-existence of different communities under the Zamorins was written primarily to advise the Muslim rulers in other regions of the world not to succumb to the Portuguese invasion. The poem tells the stunning story of conquering the Chaliyam fort in Malabar from the Portuguese in a year-long battle in 1571, fought by the joint army of Muslims and the Nayar cavalry of Zamorin. Qāḍī Muhammad wanted to convey the joyful news of victory to remind the Muslim rulers like ʿAlī ʿĀdil Shah of Bijapur (who retreated and made treaties with the Portuguese) that a non-Muslim ruler (Zamorin) had conquered the Chaliyam fort for the cause of Islam. He spent all his wealth for this cause, while Muslim rulers in distant lands were indulging in luxurious life, forgetting all their responsibilities (al-Kalikūtī, n.d., 2).

The poem is entitled “The Opulent Victory for Zamorin, the one who loves Muslims” (ibid., 1). The character of the king as a sympathiser with Muslims is repeated at the beginning of the poem that goes on to describe the king’s admiration for Muslim subjects and fair arbitrations in Malabar. Like Tuhfa, the poem Fath al-Mubīn also calls Muslims in Malabar as the subjects of Zamorin wherever they are (ibid., 3). Boasting that the Muslim port leader or Shahbandar is honoured with the prestigious chance of standing at the right side of the king in the royal festival of Mamankam, the poem claims that Muslims were politically naturalized and totally reliable subjects of Zamorin. Fath’s description regarding the king’s choice of Muslims as his naval chiefs reiterates the level of naturalisation Muslims made in the region. Calling the community of Muslims as Zamorin’s beloved subjects, the text appealed to the community to
pray for the betterment of all the king’s matters. His staunch support for a non-Muslim king is that Zamorin did fight for the sake of Muslims while other Muslim rulers gave in to political treaties with the Portuguese (ibid., 4–5).

The poem moves on with the narrative of the Portuguese incursion into Malabar, their attempt to build a fort at Cochin and the atrocities they inflicted upon local inhabitants, especially on Muslims. When the Portuguese attack became unbearable, Zamorin with inspiration from his Muslim subjects sought assistance from Sultans in the far-flung regions of Sumatra, Bijapur and Hyderabad. Receiving no positive reply, Zamorin was compelled to cordon off the Chaliyam fort. The local Muslim community joined the movement under their local leaders, such as Sīdī Aḥmad al-Kumāmī, ʿUmar al-ʿAntābī, ʿAbd al-ʿAzīz al-Makhdūm al-Maʿbarī, Sufi Shaykh ʿAbd al-Wafā Shams al-Dīn Muhammad (d. 980 A.H.), and the naval admiral Kunhāli Markkār. Among the flamboyant narratives of the war zone are cordial inter-communal relations bounding two distinct local communities, as both observed separate ritual prayers for the victory in war at their respective religious centres. Muslims made votive offering to the mosques of Mecca and Medina, invoked chants from the Qur’an and supplicated Shaykhs. Hindus brought their astrologists and prayed to their idols for victory. The dignity Zamorin bestowed upon Muslims is obvious, as the poem quotes him comparing the loss of one Muslim in battle to the loss of ten non-Muslims (al-Kālikūtī 1996, 68). Likewise, when the joint army completely vanquished the fort, Zamorin allocated a part of the booty to repair the mosque demolished by the Portuguese army (ibid., 69).

Why are such aspects of Muslim naturalisation under the Hindu ruler being celebrated in a poem addressed to Muslim rulers in faraway regions? Utilizing the vivid pictures of honourable treatment of Muslims by the Hindu king in Malabar, the poem seeks to remind the Muslim rulers of their political duties which they default due to selfish living habits. It also shows that a local Muslim community would be ready to accept a non-Muslim ruler if he renders justice and respect to the community and helps them to fulfil their religious obligations. It proclaims that a just non-Muslim ruler committed to the cause of his subjects is better than an unjust Muslim ruler and that the non-Muslim Zamorin had spent his treasury for the sake of a harmonious society (al-Kālikūtī 1996, 74–5).

The above two texts that provide vivid pictures of amicable naturalisation enjoyed by Muslims under the non-Muslim lands were written by two indigenous scholarly figures; Shaykh Zayn al-Dīn al-Makhdūm al-Ṣaghīr of Ponnāni and Qāḍī Muḥammad ibn ʿAbd al-ʿAzīz (d. 1616) of Calicut. Despite the rich historical countenance these texts provided, the religious and ethical values mainly regarding the social and political localization that the Malabari Muslim
community maintained under non-Muslim rulers cannot be ignored, because the authors of both texts were renowned jurists and erudite scholarly figures in a number of religious sciences. The author of *Tuḥfa* is a famous scholar renowned for his magnum opus, the Shāfiʾī jurisprudential work, *Fatḥ al-Muʿīn*, which has been taught and accepted widely across the Indian Ocean. The second author was a legal jurist based in Calicut who adorned the post of *qāḍī* under the Zamorin. He wrote not only the famous Sufi text of *Muḥyiddīn Māla* but also fiqhī texts like *Maqāṣid al-Nikāḥ*. Despite their expertise in various Islamic disciplines, they did not record any dissenting note on the political and social naturalisation of Muslims in Malabar. These scholars vindicated the unconditional support to non-Muslim Zamorin and declared the naturalisation under him as a necessity for the Muslim community’s survival. Rather than bringing the conventional legal classification of abodes of Islam and war and related polemics, they assumed Malabar as a peaceful place for Islam and Muslims. They recognized the serious political and economic precariousness of the community in the region, while scholars in the heartlands invoked the general polemics of abodes without delving into the contextual practical necessities.

4 Countering Fatwas

Against the viewpoint of indigenous scholars of Malabar favouring naturalisation under the Zamorin non-Muslim rulers, scholars such as Ibn Ḥajar al-Haytamī of Mecca cast contrasting scholarly fatwas from the heartlands of Islam. From the scholarly centres of Mecca and Cairo to the peripheries of the Indian Ocean, Muslim scholars reified a rampant religious network of scholarship. They connected the regions of the Indian Ocean to the heartlands of Islam, where scholars, students, shaykhs and disciples travelled, visited and exchanged ideas and goods. These maritime networks enabled students and scholars in the distant peripheries such as Malabar to connect with scholarly stalwarts based in the heartlands of Islam. Such trans-regional connections of Malabari students with erudite scholars in Mecca and Cairo are praised in local historical and biographical texts such as the brief biography of al-Makhdūm

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4 For a seminal study of the Indian Ocean scholarly networks see Azra (1999). The application of Braudelian perspective in the study of the Indian Ocean brought a chunk of literature from Chaudhuri (1985), McPherson (1993), Pearson (2003) and a number of studies based on diasporic communities such as the Hadramis. See Freitag and Clarence-Smith (1999), Freitag (2003), Boxberger (2002), Bang (2003) and Ho (2006).
al-Kabīr (d. 1522) in *Maslak al-Atqiyāʾ* (al-Maʿbarī, n.d., 2–3).\(^5\) *Maslak* mentions Yemeni, Egyptian and Meccan scholars among the teachers of al-Kabīr. Besides Fakhr al-Dīn bin Ramaḍān al-Shāliyāṭī of Malabar, Makhdūm al-Kabīr studied with Yemenis such as Shaykh Aḥmad Shihāb al-Dīn ʿUthmān bin Ab al-Ḥill al-Yamanī in Ḥadīth and Fiqh, with Egyptians such as ʿAbd al-Raḥmān al-Adamī al-Miṣrī, Shams al-Dīn al-Jawjarī (d. 1484), Shaykh Zakariyya al-Anṣārī (d. 1520/926), the author of *Fāṭḥ al-Bārī*, and with Shaykh Kamāl al-Dīn Muḥammad bin Abu Sharīf (d. 1500/905) (ibid.).

Since these maritime connections with the distant peripheries were flourishing, issues of the peripheries such as Malabar must have been known to scholars in the central lands. However, these scholarly networks often failed in assessing the real contextual situations in the peripheries, mainly due to the geographical remoteness and communication difficulties. Thus, fatwas issued by scholars in the central Arab knowledge centres were articulated in strict legal terms, without delving deeper into the real social and political contexts existing in far-flung non-Muslim settlements. For example, on the issue of naturalisation, while indigenous scholars encouraged a gradual and complete naturalisation process in Malabar, the edicts from the centres were mostly concerned about the socio-political degradation caused by settlement in non-Muslim polities. The indigenous scholars imagined an Islam suitable to the local ecological and social contexts, while scholars of the centres dealt with the monolithic, universal and distinctive Islam that they were acquainted with in the Arabic heartlands.

The text we take, as a case for analysis is a collection of scholarly opinions of fatwas by Ibn Ḥajar al-Haytamī of Mecca (d. 1566), entitled as *al-Fatāwa al-Fiṣḥiyā al-Kubrā*. Born in Cairo, Ibn Ḥajar moved to Mecca after his graduation from al-Azhar to develop the city, under his tutelage, as a renowned knowledge centre of the sixteenth century, recognizing the social and political significance it assumed with the Ottoman ascension (Kooria 2016). The text, compiled by his disciple ʿAbd al-Raʿūf al-Wāʿiẓ al-Zamzamī (d. 1568) contains a number of questions raised by various contemporaries with answers provided by Ibn Ḥajar. Malabar is mentioned in about twenty cases where its ecology, trees, language, inter-communal issues, insects, war booties shared with non-Muslims, trade activities and gender issues are discussed in detail.

Among many questions raised to Ibn Ḥajar in *al-Fatāwa al-Fiṣḥiyā al-Kubrā*, a number of issues are related to migratory settlement and naturalisation

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\(^5\) The trans-regional connections of al-Makhdūm al-Ṣaghīr, the author of *Tuhfa*, are detailed in the brief introduction provided in *Maslak* and can be inferred from his frequent mentioning of the phrase “Our Shaykh Ibn Ḥajar” in *Fāṭḥ al-Muʿīn* (al-Shafiʿī 2006).
under non-Muslims in Malabar. For example, under the general questions about booty from battles where it is assumed that war booties would not be distributed according to the recommendations of Shari‘ah, a sub-question was raised specifically about the non-Muslim rulers of Malabar who helped Muslims implement their religious duties, acknowledging that the development of that country was generated by the maritime trade activities of Muslims. It was argued that although there was no written or oral treaty between Muslims and their non-Muslim rulers, the Muslims lived as their subjects; they resided in their territories and built cordial relations with other communities. After this explanation, the final question was whether these friendly non-Muslims are ḥarbis who ought to be fought or not? The answer given by Ibn Ḥajar was: “the above mentioned non-Muslims are ḥarbis. However, transactions with interest or duping them in weight or size is not permitted” (al-Haytamī n.d. vol. 4, 245).

The answer regarding friendly non-Muslims of Malabar as ḥarbis might be suitable to the conventional legal criteria as the region kept non-Islamic laws and remains without written or verbal contracts with non-Muslim communities (Mawsū‘a 1990, 201–219). However, the term “ḥarbi” was in contradiction to the indigenous scholars of Malabar who wrote of the Malabari kings and non-Muslim communities as friendly rulers and fellow co-citizens. They introduced themselves explicitly as the naturalized subjects of Hindu Zamorin. The answer given from the centre was a more generalized demarcation of ḥarbi and dhimmī. It did not consider the possibilities of mutual faith and the informal accord that Muslim trading communities and indigenous Muslims in Malabar invested in the non-Muslim political system. The real socio-political dignity that Muslims enjoyed in Malabar and the forms of naturalisation about which the indigenous scholars depicted in their aforementioned historical works, such as Tuḥfa and Faṭḥ al-Mubīn, also have to be taken into account while categorizing the Muslim settlements into distinct abodes.

However, it is noteworthy that the scholars in Malabar did not always categorize non-Portuguese as friendly non-ḥarbis. Many questions raised in al-Fatāwa al-Kubrā by Malabar scholars introduced non-Muslim Malabaris as ḥarbis.6 Likewise, the scholars of the centre were not always blindly refusing the possibility that Malabari non-Muslims could be included as non-ḥarbis. For example, a question in al-Ajwība al-ʿAjība, asked by Shaykh Zayn al-Dīn al-Makdhūm in Malabar, introduced the non-Muslim Malabari debtor as ḥarbi, while the replying scholar, Ibn Ḥajar of Mecca, included the chance of the debtor being a dhimmī also. The question was:

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6 For example, see the question raised from Malabar: is it allowed to join one of the battle sides if a battle is going on between two groups of ḥarbis (al-Haytamī n.d. vol. 2: 25).
One of the ḥarbis is owed an amount to a Muslim and the custom among non-Muslims of Malabar is that they inherit property through matrilineal side, from aunts to children of sisters. Is it allowed for this Muslim to incur the debt from such inheritors and to procure it by force or not? If it is allowable, is the creditor eligible to demand an oath if they would deny leaving any inheritance by the demised debtor? The answer provided by our Shaykh ibn Ḥajar is: if they are ḥarbis the creditors can own whatever they conquer. Also, their repayment of debt and other transactions are legal. If they are dhimmīs it is not allowed to take more than what they owe to the Muslim. (al-Ṣaghīr n.d., 1–60).

The answer by Ibn Ḥajar does not consider an option other than the usual ḥarbi and dhimmī. In another answer, Ibn Ḥajar recommends not to flee Malabar to protect a new convert Muslim from his non-Muslim master. He suggests that if Muslims fail to protect their fellow believer or if sheltering the new convert would imply that Muslims should leave their homes, they should not give him shelter (al-Haytamī, n.d. vol. 4, 249).

The previous question in al-Fatāwa al-Kubrā on booties in Malabar provides the possibility to consider non-Muslim rulers of Malabar beyond the conventional binary of ḥarbi or dhimmī. In that question, the fatwa seeker introduced the Zamorin kings as assisting rulers and their non-Muslim subjects as friendly co-subjects who help Malabari Muslims even in their religious activities, despite the absence of formal treaties between them. The question also reiterates that the Malabari Muslims consider themselves as subjects of this friendly ruler Zamorin—a stand that was demonstrated by most local scholars such as al-Makhďum al-Ṣaghīr in his Ṣuhfa and Qāḍī Muḥammad al-Kālikūtī in his Fath al-Mubīn (Nainar 2005, 15; al-Ma’barī, n.d. 9; al-Kālikūtī, n.d., 3). In Fath al-Mubīn, it was explained that the meeting led by Muslim scholars such as ‘Abd al-ʿAzīz al-Makhďum al-Ma’barī, Sufi Shaykh ‘Abd al-Wafā Shams al-Dīn Muḥammad (d. 980 A.H.), the Muslim merchants and leaders such as Sīdī Aḥmad al-Kumāmī and ‘Umar al-ʿAntābī and the naval admiral Kunhāli Markkār had lent support to Zamorin in his military attempt to conquer the Chaliyam fort from the Portuguese (al-Kālikūtī, n.d., 28–29).

The Malabari scholars, in the early question, did provide the option of having treaties with non-Muslim rulers—a condition considered in another political category of Dār al-ʿAhd (the abode of accord). When a formal treaty is ratified, the abode of war moves to the abode of treaty (Verskin 2013, 12). Since there was no treaty with Malabar’s non-Muslim rulers, the land of Malabar cannot be included in the abode of accord as the above fatwa in al-Fatāwā al-Kubrā suggests. However, the early jurists like al-Ḥawardī (d. 1050) attempted
to mitigate the contrast between abode of Islam and abode of war by opining that the difference is not based upon one ruled by Muslim or non-Muslim. For him, like many of the later scholars such as Ibn Ḥajar al-Haytami himself, the land ruled by non-Muslims also come under the category of abode of Islam provided that Muslims are permitted to publicly practice their religious rituals (Abou El Fadl 1994, 150). Ibn Ḥajar, the author of *al-Fatāwā*, like his predecessor Shafiʿi scholars, considered staying in *Dār al-Kuфр* as recommended as long as his stay would help the religion (Sharawani and al-ʿAbbadī, n.d., 9, 268–9).

Such a fluid category of abode of Islam, like the later category of abode of missionary (*Dār al-Daʿwa*), was also legally possible in the non-Muslim region of Malabar. But these categories were absent from the fatwa asked by the indigenous scholars and answered by heartland experts. Why did the indigenous scholars of Malabar omit such viable options, even after they acknowledged the ruler as very friendly and helpful by implementing Islamic religious laws? Did it indicate that they were yet to accept full naturalisation under the Hindu Zamorin? Or was it because such fluid categories were not broad enough to be applied in distant lands? A profound answer to such questions seems difficult here. However, since fatwas usually address particular issues raised by the fatwa seeker, the fatwa answers cannot be generalized to other contexts. Despite these scholarly polemical debates regarding the abode of land, it is clear that the Muslims of Malabar historically continued making amicable settlements as subjects of non-Muslim Zamorins.

Reading the historical accounts and fatwas together explains that although there had been scholarly polemics about the character of naturalisation of Muslims under the Hindu Zamorin, the indigenous Muslims were ready to become part of the non-Muslim Malabari settings, even fighting for its political stability. While the questions asked by scholars from Malabar often recognized the political and social significance of a friendly non-Muslim ruler, the scholars from the centre insisted they were ḥarbīs, disregarding the amicable socio-political conditions that existed in Malabar. Although indigenous scholars from Malabar had used the “ḥarbī” category to indicate particular anti-community figures in other questions, they had assumed a pragmatic political position of complete naturalisation under Zamorin. The indigenous scholars such as Shaykh al-Makhdūm al-Ṣaghīr provided legitimacy even for the religious judges appointed by the Hindu king, Zamorin. Al-Ṣaghīr writes that “if a Sultan, even if he is a non-Muslim, appoints an ineligible judge it would be legal” (al-Ṣaghīr 2000, 215). The clause “even if the Sultan is non-Muslim” was unprecedented in the earlier parent texts such as *Tuḥfat al-Minhāj* of Ibn Ḥajar al-Ḥaytami, offering a political legitimacy to a non-Muslim ruler’s appointments in religious
matters of Islam. By endowing religious legitimacy for appointments of qādis made by a non-Muslim ruler, the scholars like Zayn al-Dīn accepted the non-Muslim political system for his fellow Muslims in Malabar. Such particular issues discussed in Fath al-Muʿīn regarding the non-Muslim contexts made the text more acceptable in the peripheries of the Indian Ocean (Kooria 2016).

5 Conclusion

Abou El Fadl (1994) has outlined how the scholarly positions in determining territories as distinct abodes of Islam and non-Islam have changed over centuries according to historical junctures that the Muslim community faced. It was in the wake of the Mongol invasion of Baghdad that the Shāfiʿis reached a position that Muslim territories remain as an abode of Islam even after it was conquered by non-Muslims (ibid., 183–5). The above historical pictures that shed light on the economic, political and social conditions in the peripheries such as Malabar, where non-Muslim settings were amicably absorbed by Muslims, must also be examined along with the legal texts while we analyse the issues of migration and naturalisation of Muslims.

The analysis of the legal and historical texts produced in the peripheries like Malabar shows that Muslims in the region unequivocally wanted to become a part of the indigenous local settings under the Hindu Zamorins. While indigenous Malabari scholars gave due attention to the actual socio-political circumstances, the scholarly discussions in the heartlands mostly overlooked such contexts, sliding into the binary categories of peace and war. The Malabari scholars, through their historical texts, conveyed that the Muslim community in Malabar not only had considered themselves as subjects of the Hindu king and enjoyed dignified political positions under the Zamorins but they had also fought Holy Jihad under the Hindu king against the Portuguese invaders. The entire leadership of the Muslim community, from affluent merchants to scholars and Sayyids, had lined up in the forefront of the Chaliyam battle, when both Muslims and Zamorins’ Nayar army joined together to conquer the Chaliyam fort. Such a particular political and social setting fetched unprecedented legal challenges that induced indigenous scholars to think distinctively to enable their religious lives under Hindus, rather than invoking the traditional categories of abodes. That is why Malabaris asked the scholars in the heartlands whether these friendly rulers were ḥarbīs as they did not made any formal accord with Zamorins. The scholars in Malabar transcended such demarcations into making Islam suitable to the particular context that they happened to live. Therefore, unlike the early jurisprudential texts, we see that
Fath al-Muʿīn written by a Malabari scholar legitimized the religious judges appointed by non-Muslim rulers. The particular contexts and questions he addressed in this jurisprudential text were an attempt to reconceptualise Islamic lives according to the distinctive social political and ecological situations of non-Muslim settings.

Therefore, the above historical accounts of ardent socio-political and economic participation played by Arab traders and their Malabari co-religionists under the Hindu Zamorins in the fifteenth and sixteenth centuries not only vitiates the pure legal ethical demarcation of habitats into distinct abodes but also urges for a process of naturalisation by reformulating Islamic life-worlds appropriately to the local socio-political and cultural settings. The Muslim immigrants and indigenous scholars in the peripheries like Malabar reconceptualised Islamic life worlds into conducive inter-subjective realms that enabled their earnest political, economic and social participation in non-Muslim habitats. The legitimacy that the local scholars gave to the political appointments made by the Hindu kings in the region was one significant step of the community being indigenized. Such a naturalisation of Muslims and Islam through these immigrants granted the religion the potential to grow with vivid and diverse forms.

With the increasing number of refugees and other Asian communities in western countries, the question regarding the process of naturalisation by Muslim immigrants in secular nation states looms large. Sadly, in order to retain an anti-immigrant tendency, the legal scholarly articulations emerged in the heartlands that have lesser historical experience of non-Muslim settings often dominate the debates. The historical accounts such as the one brought above from the peripheries like Malabar often skip the conventional scholarly attention with their focus on Arab Islam. Shahab Ahmed signifies peripheral societies of his Bengal to Balkan complex as “in a post-formative stage of being Muslim,” where Muslims are able to strike out for new constructions, trajectories and expressions of what it means to be Muslim (Ahmed 2016, 81). Although the pre-modern historical challenges and the consequent scholarly responses analyzed above would not be able to adequately resolve the tensions in the naturalisation process of current modern secular nations, the dynamic images from the periphery give supple threads to approach the process of naturalisation quite distinctively from the Euro-centric anti-immigrant viewpoints.
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