

INTERNATIONAL BOOK ESSAY

Between Empires: Arab, Asian, and European Legal Orders in the Nineteenth-Century Indian Ocean

Iza Hussin

Politics and International Studies, University of Cambridge, UK
Email: ih298@cam.ac.uk

SEEMA ALAVI, *Sovereigns of the Sea: Omani Ambition in the Age of Empire*. Delhi: Penguin Random House, 2023
doi:[10.1017/lsi.2025.27](https://doi.org/10.1017/lsi.2025.27)

Inter-Imperial Orders: An Indian Ocean Legal History

Seema Alavi's *Sovereigns of the Sea* presents a reading of global and imperial politics of the long nineteenth century from an oceanic and Asian vantage point. From this vantage point, she shows that Arab and Asian imperialisms jostled and found common cause with European empires; that monarchies reformed themselves through interventions in slavery, family, commerce, and diplomacy; that Islam became entangled in nineteenth-century reconfigurations of sovereignty through empire, arbitration, territoriality, and capital. The book does this through a micro-history of the Al Busaidis of Oman: Sayyid Sa'id (1791–1856), Sayyid Thuwayni (1820–1866), Sayyid Turki (1832–1888), Sayyid Majid (1834–1870), and Sayyid Barghash (1837–1888). This essay situates the book in the midst of a lively and growing historiography of empires and legal orders at sea, which has brought critical insight into the study of law, imperialism, and sovereignty, from perspectives beyond Europe and the Anglosphere.

The book follows each figure in the context of their place in world history, charting an arc across overlapping periods of revolution, the beginnings of the nation state, and empire. Within the Omani political context, the territories of Muscat and Zanzibar constituted different bases of resources, networks, and authority, oriented towards maritime and terrestrial logics. Some figures, such as Sultan Sayyid Sa'id, drew power from both locations, drawing port city capital and authority from the tribal interior through Muscat, and resources from the slave trade in Zanzibar. The British division of the Sultanate led to jockeying between the heirs of Sa'id, the

brothers, Thuwayni and Majid, who were installed as rulers of Muscat and Zanzibar, and their younger brothers, Turki and Barghash, who ruled after them. Turki, exiled by the British to Bombay, drew British India into his political geography and his strategies as Sultan.

Asian, Arab, and European Imperialism: Careering as Political Practice

Competition within the dynasty was a key driver of the Al Busaidis' engagements with Western imperialism, but the central narrative of Alavi's rich story is Asian and Arab imperialism, contingent on particular geopolitics, political cultures, and interests. "The missing Sultans in the historical narrative of the Western Indian Ocean" (viii) fill a gap in the historiography of the region and its relations with European imperialism, which Alavi argues is "the critical role of the non-European sovereigns in shaping the ocean's political culture." (x) Within this narrative, imperial manoeuvring, slavery, and reformist Islam played decisive and intertwined economic, diplomatic, and legal roles.

Alavi's work has long demonstrated the productivity of an approach that places an archive into conversation with world and economic history, in order to make visible networks, communities, and logics that existed in conversation and competition with European empires, but were never subsumed by them. (2008, 2015) In this current work, Alavi engages Indian Ocean histories (Pearson 2003; Bishara 2017; McDow 2018; Yahaya 2020; Sivasundaram 2020) in order to explore Al Busaidi "careering" as a genre of nineteenth-century Asian political and intellectual history. (xix) Alavi's approach, which she characterizes as micro-history, joins this body of work from a slightly different angle, both more traditionally biographical and raising a series of generative conjunctions between Islam, law, imperialism, modernity, and the nation.

What the Omani Sultans shared with their counterparts, from Egypt to Siam to Japan, was an ability to chart an independent course through their encounters with Western imperial regimes. These histories of navigation, opportunism, and bricolage unfolded across a plethora of institutional innovations now commonly associated with the imperialism of the modern state: mapping, surveys, sovereignty, legislation, and communications. Where Omani careering diverged was in what Alavi categorizes as their "political practice." (xx) Whereas other cases of Asian imperialism had in common the separation of public from private, within which matters such as race, religion, and ethnicity were confined, the Sultans had exceptional resources which allowed them greater latitude for mobility and travel, for imperial ambition, and for political autonomy. These were resources drawn from their geographical and economic entanglements with the slave trade.

This entanglement brought "slave-hungry imperial powers to their doorstep and made them sought-after rulers integral to global strategies concerning the ocean." (xx) Omani political practice hinged on resources concentrated around the global value of the slave trade, producing for the Sultans global visibility, inclusion into European imperial circles, tribal legitimacy, Islamic relevance, and the possibility of refurbishing "monarchy as a modern political form." (xxi) Here, Alavi's contribution will also resonate with scholarship on the endurance of nation-state monarchies as modern state forms, from Thailand to Morocco to the UK, on legislative and institutional borrowing and traveling within the long nineteenth century, and on the

productivity of jurisdictional ambiguity as a durable feature of the international and transnational system. (Benton 2009; Hussin 2014; Benton and Ford 2016).

Sovereigns of the Sea posits that opportunistic leveraging of the tensions and contestations among European empires in the ocean through forum shopping, arbitration, and alliance helped the Sultans carve out a unique space for sovereignty and jurisdiction, which was at one and the same time seamless and slippery. This space extended from the tribal interior to the ports of Muscat and Sohar, into the Persian Gulf and the East African coast, encompassing Bandar Abbas, Zanzibar, and Dar es Salaam.

Islamic Law And Muslim Modernity: New Questions

Alavi explores the manner in which the Sultans' travels within the Ottoman Empire connected them with the languages of reformist Islam, which they then translated into the idiom of Ibadism. Western anxieties about "radical" Islam, understood then as now in terms of Wahhabism, gave some Al Busaidi figures international leverage as alternative Islamic authorities. Drawing on work within comparative political thought and theory, Alavi considers the ways in which Islam and Islamic law became objects of translation in the context of global empire and its racial and civilizational hierarchies (see also Alavi 2021; Hussin and Oraby 2021). These same translational dynamics facilitated their framing of enslavement, the trade in enslaved people, and labor in local terms precisely to maintain their hold on its profits and to sustain their control over landholding elites dependent upon the labor of the enslaved. For figures such as Barghash, the reinvention of monarchy at a moment of global transformation revolved around "a cosmopolitan modernity that was religiously inclined, imperially entangled and firmly grounded in slave labour." (xxxi)

With slavery at its economic and political core, this is a history of imperialism, the Indian Ocean, and Islam, which raises a number of critical possibilities for further exploration. Alavi's micro-history of Barghash (d. 1888), exiled in Muscat and Bombay, pushing to reform the monarchy as a way to regain sovereignty, shows that transnational political experiments billed as "modernising reforms" maintained a number of economic and political bonds. Reconfigured in the image of British, European, and Ottoman monarchy, the "Royal Nation" of Zanzibar would be headed by a parent-figure of a globally prominent and mobile Sultan, a nation made modern by urban planning, extractive technologies in mining and agriculture, education, print, and communications, to be sure, but also by imperialism, slavery, and reformist Islam. For scholarship on law, Islam, and the international order, the book presents new empirical material for a much-needed conversation on slavery and abolition in the history of entanglements between Muslim political modernity, critical histories of race, economic history, global economic networks, and international hierarchy.

In conversation with Sujit Sivasundaram's *Waves Across the South* (2020), which explores the Age of Revolution centring the oceanic global South, Alavi provides the Sultans of Oman as largely counter-revolutionary figures. Sivasundaram identifies as "the tragedy of the mid-nineteenth century" that the "counter-revolt of modernity tied up with the British empire suppressed so much of the potential of the age of revolutions." (330) The core material underpinning of Omani counter-revolution was slavery; its networks and importance to the British empire positioned the Sultans to

take particular advantage of imperial resources; perceptions of its indispensability at home and overseas fueled the articulation and maintenance of its Islamicity. Counter-revolts of modernity took a range of forms across the Muslim world, often folding imperial, diasporic, Islamic, and local logics into each other to produce a range of institutional and political outcomes, some of which served to stymie or pacify the autonomy of global South polities, and some of which informed the making of enduring imperial and international regimes of law, race, religion, and economy (Aydin 2016).

Rereading Sovereignty and International Legal History

Placing Alavi's micro-history in conversation with recent work in the areas of oceanic history, on the one hand, and historiographies of law and Islam, on the other, helps make clear how generative Alavi's findings may be for debates in a number of fields, seeking other loci, scales, and methods for the making of law, sovereignty, and history. Renisa Mawani's *Across Oceans of Law* (2018), Nandini Chatterjee's *Negotiating Mughal Law* (2020), and Elizabeth Lhost's *Everyday Islamic Law and the Making of Modern South Asia* (2022) come to mind as recent contributions that consider questions of historiographic method in law and society and legal history. Each of these opens up a number of avenues for the field, prioritizing critical and creative readings of multiple archives, looking beyond legal elite biographies and genealogies, and considering the coproduction of law across chronologies, institutions, and arenas of disputing. Mawani's intervention of "oceans as method" (2018, 8) has centralized motion within historiographies of empire, law, and race, connecting land and sea in histories of struggle. Chatterjee, going further than applying micro-historical methods, has appended a coda to *Negotiating Mughal Law*, which is explicitly "a methodological manifesto." (224–38) This is an approach that critically examines history through the reconstitution of archives, the reading of documents as material artifacts, the production and uses of data, the operations of language and translation, and the reconstitution of meaning and memory. Chatterjee argues that both the history and the method pose a series of ethical and methodological obligations for the historian. Alavi's emphasis on enslavement and the trade in enslaved people as a core feature of Omani political practice—against a global imperial backdrop—throws into stark relief the importance of locating histories of sovereignty and political thought in their economic contexts.

Oceanic and imperial networks facilitated the rise to prominence of a range of Muslim rulers in the nineteenth century whose contributions to the making of Muslim modernity, its institutional underpinnings, and its codependence with Western imperial political economy have often been forgotten or effaced. On the eastern edges of the Indian Ocean, Abu Bakar of Johor (d. 1896), a contemporary of Sayyid Barghash, represents another trajectory of imperial careering. The material underpinnings of this trajectory were rooted in extractive and plantation economics, and, again, these networks and their vital importance for British trade and infrastructure positioned the Sultan of Johor to make full use of imperial infrastructures, networks, and political arenas. His approach to Islam led to Southeast Asia's first constitution (1895/6), to the adoption of elements of the Ottoman civil code (1892), and to the pronouncement of Islam as the state religion—one of the earliest states in the world to do so.

Figures like Barghash and Abu Bakar played globally significant roles in the nineteenth-century world and its evolving institutions: in slavery and abolition, in constitutionalism and international law, in imaginaries of the modern Muslim state, as well as in hierarchies of race, civilization, labor, and economic organization. Their rise was inextricable from imperial modernity, the elaboration of international law, and the development of global lexicons of state, sovereignty, and Islam (Hussin [forthcoming](#)). Their erasure from that history raises a range of questions for further consideration, including but not limited to the persistence of Eurocentrism in approaches to the political thought of international law and the international order, as well as of assumptions of Ottoman and Arab centrality to the history of the modern Muslim state within that order. Alavi places the Indian Ocean at the very centre of these nineteenth-century processes, and presents a rich seam of material with which to critically explore sovereignty made at sea: its networks, its internecine politics, and its enduring consequences.

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The Author

Iza Hussin is Associate Professor of Politics and International Studies at the University of Cambridge and Mohamed Noah Fellow at Pembroke College, Cambridge. She is a General Editor of the Cambridge University Press book series *Asian Connections* and serves on the editorial boards of *Indonesia and the Malay World* and *Bijdragen tot de Taal-, Land- en Volkenkunde (BKl)*. She is the author of *The Politics of Islamic Law: Local Elites, Colonial Authority and the Making of the Muslim State* (University of Chicago Press, 2016) and articles on religion, colonialism, and the travels of law. Her next book, *All the Seas Were Ink: Islam, Law and Sovereignty*, is forthcoming from Cambridge University Press.

Cite this article: Hussin, I. (2025). 'Between Empires: Arab, Asian, and European Legal Orders in the Nineteenth-Century Indian Ocean'. *Law & Social Inquiry*. <https://doi.org/10.1017/lsi.2025.27>