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**Fahad Ahmad Bishara.** *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780-1950.* Cambridge: Cambridge University Press, 2017. 292 pp. \$34.99 (paper), ISBN 978-1-316-60937-8.

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As right-wing populist leaders have come to dominate seemingly every corner of the globe from the Philippines to Gambia to the United States, citizens have turned to the courts as the last defense against autocracy and the decimation of civil liberties. However, this turn to “the rule of law” sometimes feels like the last redoubt of civilized elites against the unruly demos. While sympathetic to the ugliness of the current political climate, I fear that the law has come to serve as the cudgel of a neoliberal order that seeks to eliminate the messiness of democracy. While historians are usually more circumspect, there appears a Panglossian strain of legal scholarship that carries forward this vision of the law as acting upon but not corrupted by the world of which it is a part. In this strain of the literature the contradictory and shifting terrain of law is too often conflated with the ideal of justice. Consequently, I have come to view the recent upsurge in historical scholarship on law with a certain apprehension.

So given my wary disposition, it was quite a revelation for me to read Fahad Bishara’s *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780-1950*. While Bishara is clearly concerned with law and legal systems, he provides a much more expansive, complex, and critical vision of how law operates in the world. Moreover, he details how legal systems are profoundly shaped by the social and economic dynamics in which they are imbricated. Here we discover the surprising impact of merchants, who are ostensibly the object of legal regulation, and *waraqas* (sheaves of paper), which are the supposedly anodyne documentation of legal relationships. Through a thick description of law in economic life, Bishara traces an extraordinary history of commerce,

politics, and Islam in the western Indian Ocean.

The western Indian Ocean refers here to a trade zone in the orbit of the Bu-Saidi Empire, a wide space stretched like an ellipse between two foci in Muscat and Zanzibar. This geography allows for an admirably coherent frame of analysis in which the cosmopolitan diversity of the Indian Ocean is tied together by empire, trade, religion, and jurisprudence. *A Sea of Debt* also paints a long narrative arc that stretches over two centuries, following the rise of the Bu-Saidi Empire and its progressive absorption into the expanding British Empire. Readers may not realize just how challenging it is to channel the divergent histories of different corners of the ocean into one story line, but it is a signal achievement to craft this engrossing narrative without losing the complexity of this maritime world.

Bishara is able to tell this history so well because of the impressive archival work that has gone into the book. *A Sea of Debt* is grounded in rich archival materials like property deeds and court pleadings from Zanzibar, India, Britain, Oman, Bahrain. It also draws upon rare published sources such as fatwa collections and manuals of jurisprudence from these regions in both Arabic and English. The legal archive that Bishara constructs is penetrating in its description of state policy, commercial transactions, and everyday life. With assiduous work in the colonial archives he uncovers the fascinating role of Indian lawyers who challenged colonial authority in implementing their own laws. Through readings of fatwa collections alongside the other writings of jurists, Bishara shows how jurisprudence responded to fraught political

and economic contexts. And in tracing the itineraries of *waraqas* he develops a fascinating material history of contracts and obligations that connected the coasts of the ocean.

Indeed, these inconspicuous and even boring pieces of paper serve as the key figures of the book. In Bishara's hands they become dense material artifacts that unveil the structures of commerce in the Indian Ocean. The focus on *waraqas* draws attention to the legal formulas that permit families and firms to be treated as legal persons. It reveals the key role of *katibs* (scribes/writers), who translated the complexity of transactional relationships into expedient legal formats. These *katibs* were succeeded by Indian clerks who again translated the Islamic formats of *waraqas* into documents that were enforceable in colonial courts. Ultimately these sheaves of paper emerge as the connective tissue that allowed Indian financiers to lend cloves in Zanzibar, and enabled Arab merchants in Zanzibar to borrow on property in Oman.

This is a book about law but, as the title indicates, it is also a book about the profoundly fraught concepts of debt and interest in Islamic law. *A Sea of Debt* provides a revelatory history of how Islamic jurisprudence dealt with this contentious form of obligation. Bishara deftly excavates a form of delayed sale called *khiyar*, in which the usufruct of agricultural land serves something akin to interest. However, instead of reading this as simply a loophole in the law, it becomes a loose thread which is pulled out to reveal how law actually operates and evolves in tandem with commerce. Gone are the presumptions of

Islamic law as hidebound and holding back the development of capitalist markets. Indeed, the book powerfully demonstrates how the sources of Islamic law were malleable and multiple. As Bishara states, it was "an ad-hoc exploration of commercio-legal possibility ... [which] grew out of a minutely choreographed dance between commercial and legal actors, mediated by the different texts, instruments and discourses that they mobilized in their day to day exchanges" (p. 252).

So if I have a criticism of the book it emerges out of this incredibly complex and shifting image of law with which we are left. Over the course of the book we are treated to many evocative and counterintuitive metaphors of the law. It is a technology, discourse, and modality of rule; "a language for commercial society" (p. 21); "a constellation of different concepts, instruments and practices" (p. 251); "a minutely-choreographed dance" (p. 252); and "a malleable grammar of contracting" (p. 255). I find all of these analogies compelling, yet am left still puzzling over what exactly is the law, or perhaps, what is it not? In the final paragraph of the book Bishara seems to hedge and describes his project as describing a "contractual culture" (p. 256). I would have loved to have a more precise and portable definition of law or perhaps a more rigorous examination of this idea of contractual culture. But mostly this emerges out of a desire for more from a book that is already immensely rewarding. In conclusion I will simply say that this book deserves a broad readership, and will be essential reading for anyone interested in the Indian Ocean world, Islam, economic life, and of course, the law.

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