
Book Reviews

Jennifer Balint, Editor

A Sea of Debt: Law and Economic Life in the Western Indian Ocean 1780–1950. By Fahad Bishara. Cambridge: Cambridge University Press, 2017.

Reviewed by Bhavani Raman, Department of Historical and Cultural Studies, University of Toronto

Fahad Bishara's *A Sea of Debt* is an extraordinary sociolegal history of economic life that stands out for its imagination and signal contributions to the study of law, mobility, and global capital. Set across 170 years of western Indian Ocean commerce, the book reconceptualizes *waraqas* (letters of longstanding obligation that bound Indian Ocean traders and their families) as an archive of commercial conduct made by and for mobility. Although written in Arabic, these letters of debt facilitated a commercial society that cut across ethnicity, language, and, eventually, legal systems. Over the nineteenth and twentieth centuries, the *waraqas* worked both within and outside the embrace of a growing British suzerainty to open up the East African hinterlands for empire making, regional autonomy, and capital investment from the Swahili coast.

The *waraqas* knit together a fragmented political geography of law and commerce. For Omanis of Southern Arabia, the East African coast had long served as a key staging ground for economic and political aspirations, rather like Southeast Asia and India was to, say, scholars of neighboring Hadhramawt (now in Yemen). By the end of the eighteenth century, the Busai'idi Sultans of Oman had picked up from where their former overlords, the Ya'rubis, left to control a sprawling archipelago of forts and ports from Muscat to Madagascar including many former Portuguese strongholds. Presiding over a multi-ethnic commercial society, the Busai'idi sought to direct regional trade and benefit from customs revenue. But they did not do this alone, rather what unfolds is a complex story of their rise and fall alongside Gujarati Indian traders, Arab planters, and a transregional community of Ibadhi Islamic jurists and scribes whose lives and

Winner of the J. Willard Hurst Prize by the Law and Society Association 2018.

Law & Society Review, Volume 52, Number 4 (2018)

© 2018 Law and Society Association. All rights reserved.

fortunes were all entangled with *waraqas*. Bishara's insights that the *waraqas* was an entire assemblage underpinned by law emerge from this splintered geography of the western Indian Ocean. But this law was not founded on contract, sovereign jurisdiction, or even pure mercantile self-regulation as classic studies of *lex mercatoria* might emphasize. Furthermore, Bishara refuses the easy binaries of state-law/custom that has defined non-western sociolegal studies. Law rather was produced and in turn shaped by the lives and afterlives of multivalent obligation that intersected with the world of courts, tribunals, and state—Islamic and Anglo Indian. Law was a type of technology for coordinating action and an interpretative field which underpinned norms of obligation as much as it was a medium for exercising multiple and overlapping sovereignties.

The *waraqas*'s journey brings into view the aspirations of different actors and the shifting legal landscape through which they traveled in all its rich detail. The first four chapters show that the popularity of the letters of obligation coincided with the financialization of the geography of obligation at the turn of the nineteenth century. Surplus capital from England and America washed into the western Indian Ocean by way of India and Indian financiers who found in Muscat an emporium to the Gulf and the Omani frontier, Zanzibar. The medium of finance shifted from credit to cash to facilitate expansion. Indian financiers supplied this cash by accessing credit from the new banks of British India. But this cash flow required legal innovation to make *waraqas* efficacious. A transregional Ibadhi Muslim jurist network oiled the wheels by adapting Islamic law. The jurists extended legal personhood via genealogy to non-Muslims, slaves, and corporate firms established by Hindu families and turned property into asset for debt servicing by reformatting the *khiyar* sale-deed as a sort of pawnship. The *khiyar* now allowed debtors to redeem the property within a specified timeframe and protected them from dispossession. In turn, Ibadhi jurists used their new power to establish their Imamate in Muscat. But the rise of the Imamate along with a periodic crisis in global commodity markets and competition from other Arabian ports made the Indian merchants nervous and drove them closer to the British who used the occasion to extend their extra-territorial powers by claiming Indians as British subjects. Indian financiers who by now sailed under the British flag began to take their Arabic *waraqas* and register them in the British consulate. The last four chapters follow *waraqas* as it moved from the hands of the scribe to the consular register to the courtroom and different legal lexicons—Islamic and Anglo Indian—were mobilized to render it legible within different systems of law. This mutual translation reshaped both documents and jurisprudence. Anglo-Indian law repositioned the *khiyar* as “Muslim mortgage” but sought to protect against dispossession and hence reshaped the meaning of Anglo-Indian mortgage. Yet maintaining the terms of

the *khayar* notes, Bishara was less cultural accommodation and more a nod to John Locke and the principle that private property was the foundation for political community and civil society. In the meantime, Anglo-Indian law entered East Africa literally following the Ugandan railroad, but it also stimulated an Ibadhi legal renaissance. Fueled by the printing press and *madrasas* (theological schools), Ibadhi jurists worked in the government but also created alternative legal imaginaries that found autonomous space in ports like Barawa (Somalia) outside British jurisdiction. Ultimately, the *khayar* and the world of *war-aqas* unraveled not because of juridical proscription but because the depression of the 1930s triggered foreclosures that Anglo-Indian judges could not prevent. British's efforts to control the credit market further accentuated ethnic tensions and brought the debt documents under direct state control. The "muslim" mortgage all but died out.

A Sea of Debt's major accomplishment is that its gaze decenters Europe and sovereign territorial jurisdiction in the age of high British imperialism by centering the practices and depth of obligation. The book opens up the language of law in the best possible way to the epistemic richness of non-European languages, mediation, and translation that allow for reevaluation of religion, commerce, and colonial law. Delving deeply into difficult archives, this theoretically and methodologically generative book will appeal to readers interested in comparative and international law, commercial law, legal geography, and law and culture. Its fine-grained detail and graceful writing break away from some cherished positions held by any number of legal histories of transplantation, contract, jurisdiction, and empire. It is an unmatched study of legal consciousness in physical and temporal motion.

* * *

Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement. By Amada Armenta. Oakland: University of California Press, 2017.

Reviewed by Ingrid V. Eagly, School of Law, University of California, Los Angeles

Amada Armenta's new book, *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement*, highlights the role of local law enforcement agencies in channeling Latino immigrants into the deportation regime. Armenta's beautifully chronicled text documents the implementation of an immigration enforcement

Honorable Mention, the Herbert Jacob Book Prize by the Law and Society Association 2018.