Christian Müller


The over 900 documents held in the Islamic Museum of the Haram al-Sharif in Jerusalem are the largest known corpus of legal documents from the pre-Ottoman Middle East. They are of particular importance as most of them were produced within a six-year period (793-798/1391-1395) in one small city, Jerusalem. Discovered in the 1970s and catalogued shortly thereafter (D.P. Little, *A Catalogue of the Islamic Documents*, Wiesbaden 1984), these late fourteenth-century documents have since been used in several historical studies. To date, however, they have not been fully exploited for the purposes of legal history. Christian Müller has now filled this gap with a formidable microhistory that superbly exposes the potential of this corpus to supplement normative legal sources with documents produced in the day-to-day work of court witnesses and judges.

This book is brimming with arguments, often tucked away in small asides, and anyone interested in legal history will find extraordinarily rich material here. The principal theme of the book is the role of the judge and his court within the system of *fiqh* and the daily routine of law and court. The author’s main contribution is to show how a fine-grained reading of a corpus of legal documents reveals a wide variety of documentary typologies and functions. This interest in typology leads Müller to develop a sophisticated terminology to classify documents. In methodological terms, the author undertakes a close reading of individual documents, placing them within the wider corpus and engaging with normative literature. Rather than viewing the documents and the normative literature in terms of divergences and convergences, Müller sees the two as complementary: The normative literature often clarifies the textual content, while the documents clarify the external form (e.g. the arrangement of sections within the text) – issues that are not easily deduced from the
normative literature. He concludes that our understanding of legal handbooks (especially *shurūṭ* works) must be revised: Rather than providing a full picture of legal practice, the exemplars in these books illustrate only a limited range of cases and formulae. The documentary culture was more colorful than these handbooks imply.

Chapter 1 lays the foundation for a typology of documents. This is the richest chapter in the book and it cannot be summarized in any satisfactory way. The following examples must suffice. Approximately two-thirds of the corpus are ‘court witness deeds’ (*Zeugenurkunden*), while the remaining third are commercial and administrative accounts, commercial and legal correspondence, missives and decrees. The court witness deeds (here Müller follows the terminology of European diplomatics) are either ‘transactional deeds’ (*Geschäftsurkunden*) or ‘deeds of proof’ (*Beweisführungsurkunden*). Among the latter, we find *wuqūf* documents, i.e., documents that certify the inspection of an estate by court witnesses to determine its value. Müller demonstrates that these documents, which constitute the largest sub-group within the Ḥaram corpus, are substantially different from other estate-related documentation, such as *ishhāds* and *iqrārs*. *Wuqūf* documents record the witnesses’ knowledge of the estate based on visual inspection and were not mandated by *sharīʿa* law.

Throughout this chapter, the author attempts to identify categories of documents that are not mentioned in the normative literature. For instance, he defines ‘*yaqūlu*-declarations’ as a distinct type of document, one of the few types of documents in the Ḥaram corpus in which the imperfect tense is used. The format of such documents, generally written by an individual making a declaration, is flexible. Although not mentioned in the normative literature, they certainly played a role in legal matters. In this chapter, the author offers substantive reinterpretations, as in the case of the ‘*maḥzūma*’ document, a deed of proof certifying the sale of an estate. These documents generally were signed by witnesses, were recorded in *daftar* format, and were folded down the middle. While this document’s name is often rendered as ‘*makhzūma*’ (with a *khāʾ*), Müller argues that ‘*maḥzūma*’ (with a *ḥāʾ*, in the sense of ‘concluding act’) is more likely. Particularly fascinating, to this reader, is the discussion of informal documentation and its function, such as ‘*ʿinda*-accounts’, i.e. untitled and undated memoranda of debts with a specific person.

In Chapter 2 Müller takes a different approach to the Ḥaram corpus, placing documents in several groups on the basis of historical criteria (date, place, individuals concerned). This arrangement highlights the historical context of individual documents and is crucial for the author’s attempt to place documents in specific procedural contexts. Apart from outliers (e.g., documents is-