
Uriel Simonsohn’s monograph is a study on the social history of early Muslim society. The work analyzes the interaction between the Jewish and Christian communities and their relations to Muslim legal institutions in the region of today’s territory of Iraq. Simonsohn challenges the traditional image of this society as consisting of autonomous and rigidly segregated religious communities. Rather, he argues for communal fluidity, overlapping identities, and overarching cultures as everyday factors of the early Muslim world. Apart from chronicles, letters, and legal material of various kinds, he analyzes in particular the edited and translated legal sources from the Church of the East and the Syriac Orthodox Church as well as responses by the Rabbinic authorities of Babylonia, the Geonim.

The study is presented in two main parts. In the first part, Simonsohn demonstrates that the legal plurality of the Muslim period was in many ways rooted in the Late Antique world. By that time already the religious elites—both bishops and rabbis—strove to discourage their members from taking recourse with the non-religious institutions. They also already started to enforce community boundaries as well as the legitimacy of their own political position through legal competency, a thread Simonsohn is to follow in the second part up to the 10th century. The emerging Muslim legal system was ideally conceived as centralised and based on the Shariʿa alone. In reality overlapping competences between different legal institutions as well as a personalised and local jurisdiction prevailed. Simonsohn argues that legal pluralism was to the advantage of the population as it offered them choices as to where and how to pursue their cases.

On this basis the second and larger part of the study describes the Christian and Jewish legal institutions and practices vis-à-vis the challenge of Muslim courts for their respective flocks. In the immediate aftermath of the Muslim expansion, Christians and Jews faced an administrative vacuum while Muslim institutions were only gradually developed. At the same time the entanglement between the minority communities and the Muslim authorities in questions of administration and tax necessarily increased. Christian reformers chose to integrate elements of Sassanian, Zoroastrian, Roman, and Muslim law into their own practice. Simonsohn argues that through the juridical service offered and the social discipline
demanded by the clergy, the elite improved the cohesion of their flock and enforced its boundaries. Additionally, because of the apostolic succession of the bishops as the backbone of their legitimacy, they harshly condemned the recourse not only to Muslim institutions but also to Christian legal practitioners other than the ecclesiastical court and the bishop.

Rabbinic authorities, in contrast, were merely concentrated on preventing their flock from turning to Muslim courts. At the same time, the Geonim tolerated local and lay legal advice beside the judges they had ordained, provided it was Jewish. Simonsohn characterises the Jewish communities by being more personal rather than institutionalised networks between scholars in the different centres of learning and their pupils in other regions. Instead of incorporating non-Jewish law on a normative basis or of inventing new regulations, Jewish judges expanded the Talmudic regulations through interpretation and comparison and by that accepted and integrated Muslim practices as a fact of life. They also used various means to disenchant members of their communities from using Muslim courts by e.g. accepting a marriage as valid only if it was sanctioned by Rabbinic authorities. Like their Christian counterparts, they sought to expand their legal competence for the sake of social cohesion and political power within their groups.

On the other hand, Simonsohn makes clear that there were many practical reasons for Christian and Jewish individuals to turn to Muslim courts despite the efforts of their religious elites. The Muslim courts had official notaries and archives for immovable property and other contracts; they alone had the means to punish and coerce perpetrators with more practical consequences than an excommunication; they could be used to evade sanctions by one’s own religious authorities; they even could be used to influence one’s elite for the purpose of a personal career or other mundane interests. Last but not least, Christians and Jews could be enforced against their will to appear before a Muslim court.

Simonsohn argues that individual Christians and Jews were able to play on the complex social and religious structures of their world, because they had competent social knowledge about Muslim societies and their rules and could make use of their legal plurality. Obviously they entertained stable networks also outside their own communities. Their religious affiliation was only one marker of their identity and religion only one criterion for interacting with contemporaries. The religious authorities, on the other hand, also displayed close knowledge of and, hence, exchange with the developments in the Muslim society and in particular with Muslim law.