

RECENT BOOKS

ARABIC COURT RECORDS FOR THE HISTORY OF BRAVA

Servants of the Sharia: The Civil Register of the Qadis' Court of Brava, 1893-1900, ed. by Alessandra Vianello and Mohamed M. Kassim. 2 vols. Leiden–Boston: Brill (African Sources for African History 6) 2006. xviii, 2185 pp. ISBN Set 90-04-13122-1.

Twenty-two years after Alessandra Vianello and Mohamed Kassim stumbled across a voluminous record book at the archives of the court at Brava, they have made available to researchers one of the most comprehensive Islamic court records of sub-Saharan Africa. With the Arabic text facing the editors' translation into English, the *Qāḍīs' Record Book* is an impressive compilation of court records, deeds of sale and other economic transactions that *qāḍīs* dealt with as civil magistrates from 1893 to 1900. The period covered in the *Qāḍīs' Record Book* corresponds to the onset of Italian rule in Somalia, when commercial companies ruled on behalf of the Italian government. At that time, there was no Italian settler community in Brava and the Italian resident was the only representative of the colonial power.

Pointing to the absence of Europeans during the period covered by the *Qāḍīs' Record Book*, Vianello and Kassim highlight the local character of this source. Yet ironically, this book exists thanks to the first Italian administrator of the Benadir, Vincenzo Filonardi, who provided for keeping record of court cases as part of his administrative reforms. The bureaucratisation of the procedure in court entailed the levying of fees in order to increase the income of the admi-

nistration. Struggling to keep up with the mounting workload, *qāḍīs* started to write shorter entries in the *Qāḍīs'* Record Book and to pay less attention to legibility, language, and, possibly, accuracy in general. Generally, the length of a record rarely exceeds one page.

As elsewhere during the establishment of a colonial legal apparatus, *qāḍīs*, who were designated to decide cases in the first instance and to act as registrars, had to reckon with the increasing interference of the Italian resident in their jurisdiction. The mandatory registration with the *qāḍī* of marriages (though not divorce it seems) from 1896/97 was part of the process of bureaucratisation. Although the editors do not tell us about the *qāḍīs'* habits of keeping records and deeds prior to Filonardi's provisions, we know from other studies that colonial legal reforms brought about a shift from oral legal traditions to written records. In the later years of the *Qāḍīs'* Record Book transactions were more numerous than lawsuits, which suggests written documents became increasingly valued across all social strata. According to Vianello and Kassim, this attests to people's growing confidence in certified deeds for protecting their property. Their conclusion is further explained in a footnote on page 55, which reads that in the first years, the majority of transactions recorded in the *Qāḍīs'* Record Book were conducted by wealthy residents and in cash, whereas in later years, cattle and camels constituted the main objects of bargaining. Since Vianello and Kassim give a partial breakdown of cases to support this claim in another footnote, the reader realises that a more systematic breakdown of cases per year, and according to subject-matter, would help better demonstrate changes in the nature of the records.

Interestingly, the editors seem reluctant to set out clearly the enormous value of the *Qāḍīs'* Record Book as a source for social and economic historians. The understated value of the source they have rendered accessible to researchers literate in Arabic and/or English is traceable throughout the introductory section of volume 1. This part,

which contains topical subsections of ‘Historical Context’, ‘*Qāḍīs* and the Administration of Justice’ and ‘The Legal Cases’, would have benefited from a clearer statement by the editors regarding what they see as its use for understanding the context of the cases. Vianello and Kassim provide more than adequate socio-economic context of the coast, the town and its inhabitants, but fail to offer a clear, well-organised historiographical and methodological framework for the voluminous and rich records which follow. The symptoms of their (conscious) neglect of a historiographical and methodological framework appear on page 1: ‘In many parts of the world legal archives have proven invaluable to researchers but, until now, historians of Somalia have not drawn extensively from legal sources’. This sentence, which is the editors’ summary of the importance of legal records and their role in local history, contributes little to the reader’s understanding of the value and possibilities of the source material in understanding this history.

The lack of contextualisation of the records is an unfortunate shortcoming. Those curious about which histories may be written by drawing on this corpus are introduced to the themes covered in the records at various points in the introductory part. We piece together that the *Qāḍīs*’ Record Book attests to people’s mobility—manifest, for instance, in women’s suits for a dissolution of their marriages because of their husbands’ prolonged absence. The records give insight into the transfer of property between spouses, within the family and across social strata. They help trace intermarriage, commercial links along the coast and understand the creation and utilisation of ethnic identities. Italians aimed at classifying Somali groups, and the *Qāḍīs*’ Record Book testifies both to this endeavour and to people’s own construction of identities. Briefly, these records depict as much a local microcosm as social and commercial links between the Indian Ocean space and the pastoral inland, thus providing a lens into the interplay between the global and the local.

Social historians will be particularly thrilled by the insight gained into the daily interactions of all social groups. The *Qāḍīs'* Record Book shows that married women played an active role in urban life and as economic actors. Even though it was not the norm, they did engage in large-scale economic business transactions. Thus, these records question the current understanding that Muslim women on the Swahili coast did not occupy positions of economic entrepreneurs beyond petty trading. Those familiar with gender studies based on Islamic court records will not be surprised by women's frequent appearance before the *qāḍī* or their successful bargaining in court.

The section 'The Legal Cases' is useful to understand the categories of cases and issues arising before the *qāḍīs*, who administered cases regarding inheritance, bankruptcy, marriage and divorce. Noteworthy is the absence of cases of child custody. Yet again, there are no references to a broader framework of how the Shari'ah was administered in other colonies or to the common colonial practice of *qāḍīs* having to share their duties with European magistrates. Furthermore, it is only in this section that we actually understand that the *Qāḍīs'* Record Book is a summary of cases and not a verbatim record book.

The introduction also suffers slightly from lack of clarity. Statements like 'Brava, arguably the least studied and documented of the Benadir towns' on page 3 undermine the authority of the two editors, both experts in this field. Some information is repetitive, such as the circumstances under which women sued for divorce. Discussions of other Islamic regulations pertaining to marriage, guardianship, divorce and debts are missing. Similarly, an explanation of the editors' transcription appears partly in the introduction (and may not make it clear to the reader) and partly in Appendix 2. On the other hand, Appendix 1 provides a vivid and meticulous description of the *Qāḍīs'* Record Book. Particularly the appendix on language characteristics is very

useful to anyone translating records from a similar linguistic environment.

The two indices give evidence of the amount of work Vianello and Kassim have invested. The general index and the index of names (listing over 2,400 individuals) refer those who are looking for subject-related and comparative material to each record in which a certain issue or name appears.

The historiographical vacuum which surrounds the *Qādīs'* Record Book is reflected in the bibliography. Weaving into their introductory part primary sources, contemporary records by European travellers and two references on the Swahili and Zanzibar (Nurse and Spear, Sheriff), the reader ponders over the editors' criteria of their doubtlessly consciously selected bibliography. The only reference to a publication based on Islamic legal records, *Women, the Family, and Divorce Laws in Islamic History*, edited by El Azhary Sonbol and referred to via another source, might not be to most obvious choice for describing methodological problems that arise from working with Islamic court records.

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Drawing on their extensive perusal of the court records, the editors conclude that the Italian administration only

shaped the daily business of Bravanese people to a minimal extent, yet that it affected their economy negatively since it caused Indian merchants to withdraw capital. One wonders though how a considerable decline in the economy could have left its actors unaffected? Clearly, the *Qāḍīs'* Record Book yields abundant material to craft answers to this question.

The unevenness of the introduction aside, *Servants of the Sharia* is an invaluable primary source. Vianello and Kassim have provided the people of Brava with a key source to understanding their society at the turn of the twentieth century. They have further offered a global research community abundant material that will generate new insights into many aspects of Brava's social and economic history, such as the role of women and slaves in a Muslim society.

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