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What Happened: Telling Stories about Law in Muslim Societies

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What Happened: Telling Stories about Law in Muslim Societies

The purpose of the workshop was to bring together social scientists and historians to study how people tell stories in and about law in Muslim societies. One of the main concerns was to understand how experts, the parties concerned and the public at large construct 'the truth' in law. For instance, the version of a story that is accepted by both parties in a settlement, rather than reflecting what happened in actuality, may more productively be seen as a compromise between the parties concerned. Different genres of legal documents such as *fatwas*, letters to saints, marriage contracts, court records, *waqf* deeds, and police, newspaper, radio and human rights reports were extensively discussed. There was particular attention to the ways in which various genres of legal texts can only be understood by contextualizing them in particular historical moments and locations.

The contributions dealing with 'stories in the law' focused on the multiple ways texts (whether oral, written, or a combination of both) are produced. Some texts are highly complex, such as 'translations' from oral to written forms. There is a need for more scholarly attention to the impact of those involved in the production of particular texts, such as scribes, judges, and professional witnesses, as well as the ways in which these legal specialists allow for or exclude particular voices. In this regard, it is important to not only trace the training trajectories and positioning in the legal system of text producers, but also to understand how the public at large turns to them in order to 'translate' their cases in terms that make sense within the legal system. Amalia Zomeño addressed these phenomena through a discussion of the process of *fatwa*-giving, whereas Brinkley Messick, Khaled Fahmy and Rudolph Peters focused on the production of court records and legal judgments. Baudouin Dupret gave an ethnographer's report of how the records of the police and the public prosecutor come into being in present-day Egypt. Emad Adly analyzed the letters written to Imam Al-Shafi'i as requests for retribution, formulated as *shakwas* ('complaints'). Annelies Moors and Léon Buskens looked at the ways in which marriage contracts were written down in Palestine and Morocco, respectively.

Turning from the producers of texts to their readers and audiences, one central question focused on the intended publics of these texts, especially of 'stories about the law'. Whereas some documents are only meant to be consulted in specific circumstances by a highly restricted number of people, other texts are intended for a specialized or general public. This calls for an investigation of how particular publics are addressed in texts and the impact of the use of various media. Subsequently, workshop participants raised the question of how differently positioned publics interpret particular texts (such as newspaper articles), and how publicity—in its various forms—works in specific settings (such as in human rights issues). Barbara Driessens and Anna Wuerth analyzed the way contemporary Egyptian newspaper writers report about respectively healers who deal with djinns, about police abuse, and how different parts of the public react to these stories.

From 24 to 26 October 2003 an international workshop was held in Cairo under the title 'What Happened: Telling Stories about Law in Muslim Societies'. Representing the third event in the ISIM programme on the anthropology of Islamic law, the workshop was organized with the Centre d'Études et de Documentation Économique, Juridique et Sociale (CEDEJ), the Institut Français d'Archéologie Orientale (IFAO), and the Dutch-Flemish Institute in Cairo (NVIC), all based in Cairo. The convenors were Nathalie Bernard-Maugiron, Léon Buskens, Barbara Driessens, Baudouin Dupret, and Annelies Moors.

Dorothea Schulz focused on the production of a radio report on domestic violence in urban Mali. Lynn Welchman reflected on her role as an observer in the courts of Tunis to report on human rights issues. Marie-Claire Foblets and Mustapha El Karouni discussed how Belgian judges evaluate and use legal documents from Morocco in order to establish an authoritative version of the truth. Michael Gilson presented his research on Arab communities in Southeast-Asia in which the institution of the *waqf* constructed as a family trust played an important role in those communities. In all these cases the use

of publicity proved to be of vital importance, sometimes resulting in an extra-judicial settlement.

Theoretical and methodological issues discussed include the role of ethnographers and historians as tellers of stories and the extent to which legal documents can be used as sources for social history. Only by considering these sources in their appropriate contexts (such as various legal systems, political systems, social and cultural notions) and by analyzing the processes of their production and consumption, can we understand their various meanings. In that sense legal history is a precondition for social history.

The convenors hope to publish revised versions of the papers as an edited volume.

Léon Buskens (Leiden University/Utrecht University) & Annelies Moors (ISIM/University of Amsterdam)

PAPERS PRESENTED

- **E. Adly:** 'Le saint, le cheikh et la femme adultère: courrier du coeur adressé à l'imam al-Shafi'i au Caire.'
- **L. Buskens:** 'Tales According to the Book: Professional Witnesses as Cultural Brokers in Morocco.'
- **B. Driessens:** 'What to do with Djinn in Stories about Law?'
- **B. Dupret:** 'The Categories of Morality: Homosexuality between Perversion and Debauchery.'
- **K. Fahmy:** 'A Murder Case in upper Egypt.'
- **M.C. Foblets And M. Karouni:** 'Mobile Muslims. Judges in Europe Confronted with the Thorny Question 'Which Law Applies?'
- **M. Gilson:** 'A Trust in the Family, an Interest in Kinship: English Law, Mohammedan Intentions and Arab Genealogies in Colonial Singapore.'
- **B. Messick:** 'Legal Narratives from *Shari'a* Courts.'
- **A. Moors:** 'Marriage Contracts: Registrating a Token Dower, Constructing Multiple Modernities.'
- **R. Peters:** 'The Violent Schoolmaster: The 'Normalization' of the Dossier of a Nineteenth Century Egyptian Legal Case.'
- **D. Schultz:** 'Publicizing Propriety, "Telling The Truth". Extra-Court Constructions of Legal Stories in Urban Mali.'
- **L. Welchman:** 'Trying Times in Tunis: Notes From a Purposeful Observer.'
- **A. Wuerth:** 'Prosecuting Police Abuse in Egypt.'
- **A. Zomeño:** 'The Story in the Fatwa and the Fatwa as History.'

LÉON BUSKENS & ANNELIES MOORS