

Sharia Court Registers in 19th Century Damascus: Personal Networks around the Şāliḥiyya Court

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The dual purpose of this article is to elucidate the management system of sharia court (Islamic law court) and the social relation of the inhabitants of the Şāliḥiyya Quarter around it by examining four volumes of the Şāliḥiyya sharia court registers during the period of 1290-1295/1873-78.

The main arguments are as follows:

1. The registers and documents were recorded according to the Islamic legal manuals (*shurūṭ*) and also the Ottoman court regulations in order to register the civil rights of the people when contracting transaction and conducting lawsuits, and in matters of inheritance. The registers were strictly controlled by the authority to prevent abuse by alteration of the documents. Furthermore, fictional lawsuits were carried out and recorded to prevent the future objection of the parties. Such strict formality of court management and registration made the work load of the court-officials too heavy, which led to disorderly management and corruption, which was contrary to its purpose.
2. The inhabitants, whether rich or poor, including females and non-adults would attend the Şāliḥiyya court to register their rights there. To authorize the validity of the contract and to register it required the testimony of witnesses and the confirmation of other attendants such as acquaintants, attestors etc., as requested by the principles of Islamic law. We can find some members who attended the court to witness and attest regularly. They were composed of the local notables of the Quarter and advisers of legal affairs. The people needed to keep in contact with such persons who certified their rights, and the court

operated by such personal networks of the parties, agents, witnesses, and other dignitaries.

3. The judges, scribes, and other court-officials played the role of observing the process and authorizing it. For procedural questions, the judges were prohibited from enforcing their own decisions, rather they had to supervise a process in which both of the parties tried to reach an agreement by showing the evidence, calling witnesses or by taking oaths, according to the rule of Islamic law in the presence of the above-mentioned court attendants.
4. These three points show that the rule of Islamic law was kept and operated by both the common people and the legal experts at the end of the 19th century when the Islamic legal system had begun to reform during the Tanzimat Reformation period.