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IRIS AGMON. *Family and Court: Legal Culture and Modernity in Late Ottoman Palestine*. (Middle East Studies beyond Dominant Paradigms.) Syracuse, N.Y.: Syracuse University Press. 2006. Pp. xxiii, 264. \$35.95.

Since the 1970s historians of the Middle East have increasingly used Ottoman Shari'a court records. These offer glimpses of the lives of the people who came to the courts, not only for litigation or as defendants in criminal cases but also to notarize important legal transactions. Using court documents requires special skills: one must be familiar with Shari'a law and with the organization and culture of these tribunals. The merit of Iris Agmon's book is that she pays ample attention to the institutional and cultural background of the legal documents used by her as sources for a history of the family in Palestine around 1900. She realizes that using these sources requires an insight into court practice and a contextualization of the records. Therefore, her book is not only about the family, but also about the Shari'a court (p. 6).

The book is organized after the model of a lawsuit. It is divided in four parts (each containing two chapters), whose titles refer to the various stages of litigation. In part one ("Entering a Sociolegal Arena") the locales (Haifa and Jaffa) are introduced, followed by a historiographic essay on the development of family history of the Middle East. In part two ("Presenting Claims") the author discusses the Shari'a courts of Jaffa and Haifa, their personnel, their procedures, as well as recording practices. "Negotiating Versions" is the heading of part three. In its first chapter ("Gender and Family") Agmon argues that "the concepts of gender and social justice were intertwined with that of the family and underpinned the family's patrilineal structure" (p. 129). Further she addresses state-family relations. Focusing on the newly created State Orphan funds, she shows that the state assumed responsibilities that previously belonged to the family. The following chapter discusses the effects of the emergence of professional attorneys on the Shari'a courts. The last part ("Reshaping Solutions") contains a chapter on family experiences and the author's conclusions.

Agmon shows that on the one hand Shari'a norms, reinforced by the practice of the courts, continued to shape gender roles and the division of labor within the family and that, on the other hand, migration and urban growth affected household structures and there existed various types of household structures among the middle classes in Haifa and Jaffa. However, the strongest parts of her study are those on the courts and courts' practices. Her description of them and of Ottoman judicial reform is rich and full of interesting biographical details

on judges and court staff. She convincingly shows that the emergence of the professional attorney had a great impact on court proceedings and on the judge's role.

The organization of the book is not felicitous. That the headings of the four parts reflect the different stages of litigation is a form of literary technique that looks contrived and owes more to style than to content. It certainly does not contribute to clarity of presentation.

There are other flaws. Although the court cases offer interesting insights, Agmon's reading of them is at times speculative. She is also somewhat naïve in accepting the claims of the parties at face value. A movie like *Divorce Iranian Style*, made by the anthropologist Ziba Mir-Hosseini, shows how often, in family law cases, fictitious claims are introduced to embarrass the other party and strengthen one's own bargaining position. In one case Agmon contends that the judge was reluctant to turn a wife's claims of marital violence into issues requiring testimony (p. 164). However, my reading of the case is that these claims were not legally relevant. The wife did not refuse cohabitation with her husband but wanted to be housed separately from her mother-in-law, as was her right under the Shari'a. Within the framework of the proceedings, the allegations were no more than an irrelevant smokescreen, which must have been obvious to the judge. In a few instances, Agmon reads too much into the records. Under the heading "Deputy Judge Tawfiq's Discretion" (p. 144) she analyzes a case between two former spouses, Muhammad and Husun. The ex-wife, Husun, claimed various amounts of money on different grounds from her ex-husband. Some of these Muhammad acknowledged, but with regard to others he claimed to have settled them. The way the judge ruled on the burden of proof (Husun had to prove the existence of the debts and Muhammad that he had paid the debts that he claimed to have paid) was fully in accordance with the basic rules of Shari'a procedure, and I do not think that a judge in this case could have decided otherwise. Yet Agmon assumes that the judge used his discretion here and speculates about his motives in finding for the ex-wife.

Agmon's book makes for interesting reading, especially where she gives voices to ordinary people. Moreover, her treatment of the courts and the effects of Ottoman legal reform is detailed and fascinating. However, I fear that she has been too ambitious in combining her research findings on the courts with those regarding the family in one monograph. Putting both on the Procrustean bed of her stylish structure has been detrimental to the lucidity of her arguments.

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