



Messick, Brinkley. Sharî a scripts: a historical anthropology, New York: Columbia Univ. Press, 2018

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► **To cite this version:**

Baudouin Dupret. Messick, Brinkley. Sharî a scripts: a historical anthropology, New York: Columbia Univ. Press, 2018. Journal of the Royal Anthropological Institute, 2020, pp.688-689. 10.1111/1467-9655.13348 . hal-02916308

HAL Id: hal-02916308

<https://hal.science/hal-02916308>

Submitted on 17 Aug 2020

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Messick, , , Brinkley. Sharī'a scripts: a historical anthropology. ix, 519 pp., illus., bibliogr. New York: Columbia Univ. Press, 2018. £58.95 (cloth)

This book is an outstanding achievement that takes the historical and anthropological dimensions of sharī'a practice seriously. Drawings on Bakhtin's seminal work on intertextuality, Brinkley Morris Messick offers us one of the very first studies of pre-modern sharī'a in action. His research was situated within the Yemeni highlands in the town of Ibb, and covers a period stretching from the late nineteenth century to the 1962 revolution that installed the Arab Yemeni Republic. Focusing on texts, an 'unprecedented set of objects for a situated study of the historical sharī'a as a textual tradition' (p.8), Messick proposes an anthropological perspective in the sense that he always considers the perspective of the professionals from whom he received his material and whose work he also observed and described.

In *Sharī'a scripts*, texts are not only resources for writing Yemen's social history, but also mainly they are ends in and of themselves. Messick distinguishes between two major clusters: 'the library', that is, the perennial work of scholars that is associated with academic learning; and what 'the archive', i.e., the annual paperwork that is associated with judicial and legal practice. He observes that sharī'a is textually partitioned between context-free, formal, anonymous, and technical texts, on the one hand, and context-engaged, particular, named, and linguistically stratified texts, on the other. This involves continual movement back and forth between the two.

However, rather than considering this textual tradition as a whole, Messick is keen to contextualize the forms of reasoning, the debated topics, and the instituted practices on which he focuses and which he contrasts with the codification and legislation of the nation-state's modern laws. Although I think that he could have more deeply explored the modern transformations that are observable in Ottoman and post-Ottoman Yemeni law and compared this with recent legal practice in Yemeni. However he also shows how archival texts are often modelled on library templates, while serving as models for the production of such templates.

„Sharī'a scripts is also tour de force ethnography of juristic reasoning. Through his fine-grained description of intertextual weaving, Messick emphasizes a major feature of pre-modern adjudication: as in pre-nineteenth-century English common law or any natural-law system, the jurist's role is conceived of not as rule-creating, but as rule-finding through mainly analogical deduction. This does not mean that the law remains static. On the contrary, among other legal textbooks, big collections of juristic advice (*fatwa*, pl. *fatawa*) constitute exemplar instances of interpretive law-making. Here again, Messick undertakes to flesh out the mechanisms through which library and archive interact; in other words, he documents empirically how singular facts and legal principles were co-produced. To this end he adapts Wael Hallaq's technique of 'stripping', adding a distinction between 'two moments' of stripping: the first occurs at the time of the formulation of the question; the second takes place when formulating the advice, which involves a shift of genre from freestanding opinion to book entry. Messick also identifies two additional levels, one connected to advice-giving, the other with adjudication. While the former is focused on rules and the production of doctrine, the latter concentrates on facts and to the search for applicable rules. Of major importance is the demonstration that 'in active traditions of written law neither the library nor the archive stood alone. Dialogues between these broad categories of necessarily 'complicit' texts were

fundamental to local histories of the sharī'a, and their divisions of discursive labor provided cohesion to particular textual formations' (p.217).

Sharī'a scripts can also be read as a manual in legal praxiology. Combining an inquiry into Yemeni legal texts and an anthropological understanding of their legal settings, Messick shows that, and how, an ethnography of legal practices might be conducted: it requires 'a willingness and trained ability to learn from a conceptualizing and knowing model builder' (p.343). The ways texts are composed can be explored and detailed, providing sufficient attention is given to the fact that all these texts participate in legal actions, are written for specific legal purposes, and therefore must be read as procedures: 'To study the lives of archival texts requires thinking beyond their dated points in time, not only to processes of composition but also to textual pasts and futures' (p.220). Texts deserve to be studied in and of themselves, not for the sake of any self-contained hermeneutical game, but because they are integral parts and active agents in social practices, sharī'a practices in our case. In that respect, one can only regret that, although he frequently makes comparisons with post-Revolution Yemeni law, Messick does not enter into deeper dialogue with the community of contemporary sharī'a experts who have both developed the tools for such an analysis and achieved interesting results that could have been compared with his.

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