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BOOK REVIEWS

METIN COŞGEL AND BOĞAÇ ERGENE, *The Economics of Ottoman Justice: Settlement and Trial in the Sharia Courts*, Cambridge Studies in Islamic Civilization (Cambridge: Cambridge University Press, 2016). Pp. 346. $99.99 cloth. ISBN: 9781107157637

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This study offers an impassioned case for quantitative approaches in the study of *sicil*-based legal practice in Ottoman courts. The authors' methodology goes beyond the mere mining of data to illuminate systematic and "verifiable" patterns in the sources that may remain invisible to micro and textual approaches. In doing so, they propose an interdisciplinary analytic framework for the study of disputes in Ottoman courts, a framework that empirically demonstrates how justice was manufactured in rational and predictable processes, and that the courts reproduced rather than challenged social hierarchies at the local level. This framework is meticulously developed section by section, and undergirded by sophisticated theoretical discussions and rigorous source-based evidence. Although deeply embedded in their respective disciplines of history and economics and rooted in Ottoman sources—court records, legal commentaries, and the Mecelle—Coşgel and Ergene take generous inspiration from legal and anthropological studies of the contemporary Muslim world and the United States.

The quantifiable data used in this study are samples from the court records of the Anatolian town of Kastamonu in the late 17th and 18th centuries. They include probate estate inventories as well as disputes and contracts. The authors analyze the names, socioeconomic data, and legal processes in aggregate form and over time, using innovative categories and sophisticated statistical tools.

Through a quantitative analysis of 18th-century Kastamonu probate inventories, the authors show that the town was economically stratified, and that economic disparities deepened over the course of the 18th century. More important, they demonstrate a clear connection between economic success and certain textual markers of names, particularly of Muslim men. These include religious/legal and military/administrative titles such as "effendi" or *ağa*, religious markers such as "hajj," and the family name-suffix *zade*. These "proxies for socio-economic status" (p. 174) are used to categorize court users as elite religious, nonelite religious, elite military, nonelite military, and men with no titles (in addition to women and non-Muslims) and to chart their legal history in the aggregate as social "classes."

Analyzing these markers of court users (including court functionaries and witnesses) in a relational manner, Coşgel and Ergene probe how the court system was used: Who went to court against whom and what was the size of the parties? Why? Was the case criminal or civil? And if the latter, were the parties related? Did they go to court to notarize a contract or to resolve a dispute? In case of the latter, was the dispute resolved through litigation (trial) or an amicable settlement (*sulh)*? What factors affected the choice between settlement and trial and enabled success in the latter case? Did the above legal processes change over the course of the 18th century?

In answering these questions, the authors deploy probit regression analysis, allowing them to accurately chart the significance of variables (such as social status) independently and in conjunction with others. This quantitative approach is supported and complicated by analytic categories and insights from various sources. Based on early modern Ottoman legal commentaries,

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the Mecelle, and legal anthropology of contemporary Muslim societies, they convincingly argue for a more attenuated understanding of Ottoman modes of dispute resolution according to which the courts employed both settlements and litigation, often simultaneously, along a "spectrum" depending on their "socio-legal objective" (p. 147). Based on legal sources and illustrated through examples from the Kastamonu court, they discuss "the rules and tools of litigation" (p. 213), including permutations on processes (such as whether the defendant admits or denies the charges brought against him); "preferred" forms of evidence (such as admission, witness testimony, and the oath); and the use of *fetva*s and representation (*vekalat*) as successful adjudicative tools. The authors also borrow the idea of the "selection effect" from the scholarship of law and economics, according to which the likelihood of a trial as opposed to settlement depends on the differentials among disputants' sophistication, expectations, stakes, and the cost involved.

The book is comprised of many moveable parts: historiographic sections; theoretical discussions—some of which are long-winded and repetitive—of the probit quantitative method, the "bargain" and "court" models of dispute resolution, and the "selection effect"; over sixty tables, including appendices to Chapters 6 and 10; substantive, often long, footnotes in addition to parenthetical citations. The resulting stop-and-go organization is understandable considering both the interdisciplinary nature of the enterprise and its ambition to contribute a new framework that is as theoretically anchored as it is empirically demonstrable. Still, the organization of the material compromises the clarity of the argument; sometimes this is exacerbated by poor editing (e.g., repetitions). As if worried about losing sight of the big picture, the authors continuously remind the reader of arguments already established or yet to be made. Although this is helpful in the introduction and conclusion sections of each chapter, it is laborious in the body of the chapters and may be due to the study's heavy indebtedness to both authors' older scholarship on the topic. Still, the new sum exceeds the old parts and makes important theoretical as well as substantive contributions to Ottoman studies.

The book provides a powerful argument for "blurring" the distinction between litigation and amicable settlements as two—often simultaneously employed—methods for resolving disputes in an Ottoman court. This argument is rooted in Ottoman legal literature but borrows insights from legal anthropology's distinction between the bargain and court models in settling sociolegal conflict. Equally provocative is the discussion of the legal processes as well as types and relative weight of legally acceptable evidence and the ways in which social status enabled a litigious competency that was crucial in people's decisions to settle rather than litigate their disputes, and in providing them with key tools to victory in case of litigation. This discussion is enriched by the authors' analysis of the effects of differential knowledge, stakes, and costs (financial and social) on how litigants make their legal choices.

As careful and persuasive as the theoretical arguments are, some of the historiographic sections that undergird them are weak on account of being distracting (as in the too long discussion of Haim Gerber's Weberian approach or the methodological justification for the use of probate inventories); too combative (as in the discussion of Dror Ze'evi and Zuhair Ghazzal's critiques of quantitative *sicil* histories); and too cursory in acknowledging the contributions of historians, particularly when it comes to the argument for the dynamic as well as often localized nature of Ottoman justice (as in the case of Judith Tucker, Beshara Doumani, Eyal Gino, Leslie Peirce, and Hulya Canbakal, particularly regarding *şuhudülhal*—"witnesses to proceedings"—in the case of the last two). Readers will appreciate (and envy) the lessons made possible through the power of numbers (aided by technology) and will be inspired by the productive marriage of disciplines. The authors deliver on their promise to provide a framework that successfully identifies predictable and empirically verifiable patterns in the processes of conflict resolution in an Ottoman court (p. 4), and convincingly demonstrate that individuals with social and material capital were able to marshal the legal resources and knowledge needed to effectively get their way in court.

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