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978-1-107-08099-7 - Doubt in Islamic Law: A History of Legal Maxims,
Interpretation, and Islamic Criminal Law

Intisar A. Rabb

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Doubt in Islamic Law

This book considers an important and largely neglected area of Islamic law by exploring how medieval Muslim jurists resolved criminal cases that could not be proved beyond a doubt. Intisar A. Rabb calls into question a controversial popular notion about Islamic law today, which is that Islamic law is a divine legal tradition that has little room for discretion or doubt, particularly in Islamic criminal law. Despite its contemporary popularity, that notion turns out to have been far outside the mainstream of Islamic law for most of its history. Instead of rejecting doubt, medieval Muslim scholars largely embraced it. In fact, they used doubt to enlarge their own power and to construct Islamic criminal law itself. Through a close examination of legal, historical, and theological sources and a range of illustrative case studies, this book shows that Muslim jurists developed a highly sophisticated and regulated system for dealing with Islam's unique concept of doubt, which evolved through the deployment of legal maxims from the seventh to the sixteenth century.

Intisar A. Rabb is Professor of Law at Harvard Law School and a director of its Islamic Legal Studies Program. She also holds an appointment as a professor of history (affiliated) and as Susan S. and Kenneth L. Wallach Professor at the Radcliffe Institute for Advanced Study at Harvard University.

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Harvard Law School



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in honor of my brother

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Acknowledgments

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