



# Doubt in Islamic Law: A History of Legal Maxims, Interpretation, and Islamic Criminal Law (Cambridge Studies in Islamic Civilization)

By Intisar A. Rabb



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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 proven 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 from the seventh to the sixteenth century.



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"In her extremely detailed book, Intisar Rabb traces the formation of the legal maxim of doubt in Islamic criminal law from the seventh until the eleventh century (CE) within both the Sunni and Shi'i legal traditions ... Rabb's book offers an important contribution to the study of Islamic law. She has shown how the Muslim legal elite, even the eponymous Sunni jurists and their immediate successors, were individual human agents with a pragmatic bent, and as such their juridical thinking was shaped by complex and diverse goals such that they never arrived at a uniform definition of doubt. Neither did they limit themselves to a specific canon of "texts" in order to develop an increasingly sophisticated jurisprudence of doubt by the eleventh century." Nurfadzilah Yahaya, Society for Contemporary Thought and the Islamicate World Review

#### **About the Author**

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

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