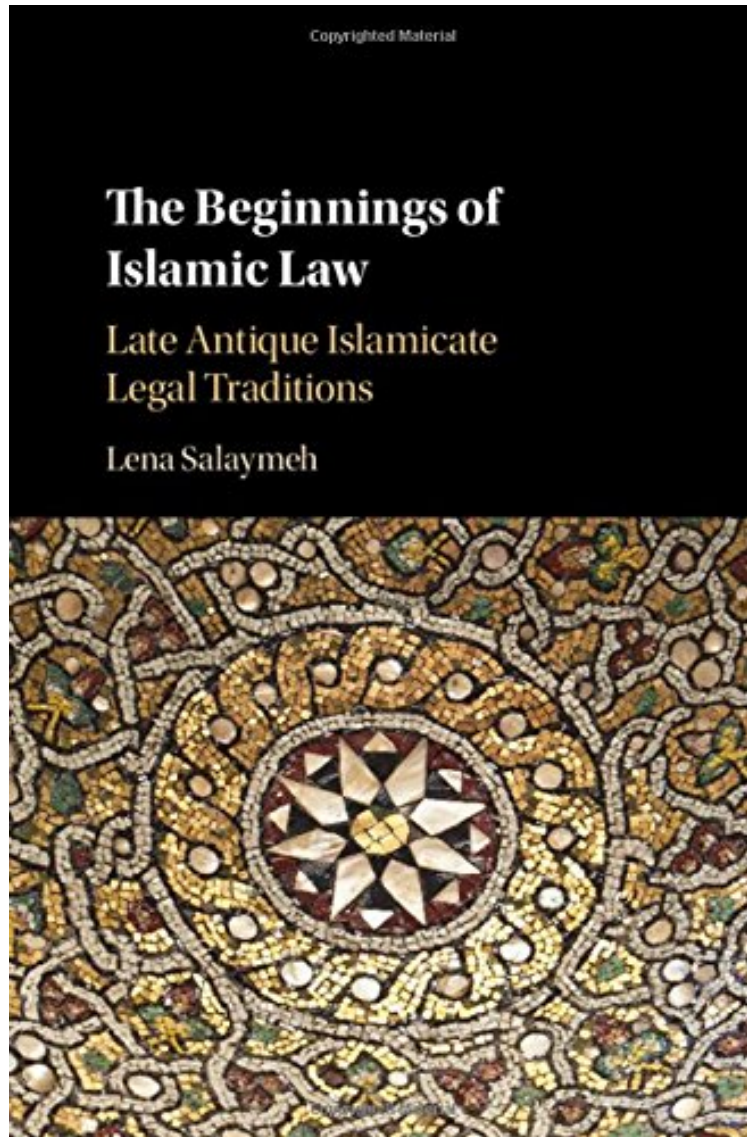


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The Beginnings of Islamic Law: Late Antique Islamicate Legal Traditions

Lena Salaymeh

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Antique Islamicate Legal Traditions:

The Beginnings of Islamic Law is a major and innovative contribution to our understanding of the historical unfolding of Islamic law. Scrutinizing its historical contexts, the book proposes that Islamic law is a continuous intermingling of innovation and tradition. Salaymeh challenges the embedded assumptions in conventional Islamic legal historiography by developing a critical approach to the study of both Islamic and Jewish legal history. Through case studies of the treatment of war prisoners, circumcision, and wife-initiated divorce, she examines how Muslim jurists incorporated and transformed 'Near Eastern' legal traditions. She also demonstrates how socio-political and historical situations shaped the everyday practice of law, legal education, and the organization of the legal profession in the late antique and medieval eras. Aimed at scholars and students interested in Islamic history, Islamic law, and the relationship between Jewish and Islamic legal traditions, this book's interdisciplinary approach provides accessible explanations and translations of complex materials and ideas.

"It is not an exaggeration to say that I have waited a lifetime for this level of superlative and inspired workmanship to grace the field of Islamic jurisprudence. This erudite and path-paving book has all the elements of becoming a classic in the field. By her unrelentingly rigorous historical method and penetrating comparative approach, the author has quite literally established a model for compelling and undeniable scholarship in the field. All students of Islamic jurisprudence, and also comparative legal studies, will be studying and debating this landmark work for many years to come." Khaled Abou El Fadl, Alfi Professor of Law, University of California, Los Angeles

"*The Beginnings of Islamic Law* calls for a complete transformation in how a field of study thinks about its subject. Lena Salaymeh offers an overwhelming argument, complete with meticulous historical evidence, for instituting a "historicist" revolution in the history of Islamic and Jewish law, a revolution that will create a legal history that grounds law in its social and historical context, that sees law and context irreversibly wedded. For the anthropomorphic imagery of positivist inquiry into the "origin" of Islamic law - its conception, its birth, its parentage, and its maturation - and the narrow, linear framework into which positivism forces historical evidence, Salaymeh substitutes an historicist exploration of the circumstances of Islamic law's incipiently plural "beginnings", its representation in multiple "Islamicate legal cultures", and its fluid and fluent interrelationships with co-temporal legal traditions, notably Jewish law. This is a tremendously liberating project." Christopher Tomlins, University of California, Berkeley

"This is a polemical book, understanding "polemical" in the best sense of the word: a book that argues persuasively and with deep learning against regnant theories that give pride of place to exogenous factors in the evolution of Islamic law. It is comparatist, but not in the classic sense that pits one historical reality against the same in another culture, leading inevitably to a contest. Salaymeh's concept of comparative study places two (or more) phenomena side-by-side to better understand universal mechanisms and forces of history, and an inner, universal logic of legal evolution." Mark R. Cohen, Khedouri A. Zilkha Professor of Jewish Civilization in the Near East, Emeritus, Princeton University, New Jersey

"In *The Beginnings of Islamic Law*, Lena Salaymeh offers a provocative reassessment of history and historiography that demands - and deserves - the attention of scholars who study late antique and medieval Islamic society." David M. Freidenreich, Colby College, Maine

About the Author Lena Salaymeh is Associate Professor (Senior Lecturer) of Law at Tel-Aviv University. A prolific author and public speaker, she is currently writing on the secularization of Islamic law and the role of materiality in Islamic legal history.