1. Record Nr. UNINA9910798940303321 Autore Al-Azem Talal **Titolo** Rule-formulation and binding precedent in the madhhab-law tradition: Ibn Qutlubugha's commentary on the compendium of Quduri / / Talal Al-Azem Leiden; ; Boston:, : Brill, , [2016] Pubbl/distr/stampa **ISBN** 90-04-32329-5 Descrizione fisica 1 online resource (273 pages): illustrations (some color), graphs Collana Islamicate intellectual history;; v. 2 340.59 Disciplina Soggetti Islamic law - Interpretation and construction Hanafites Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di bibliografia Includes bibliographical references and index. Nota di contenuto Front Matter -- Introduction -- Authors -- History -- Theory --Practice -- Conclusion -- The Writings of Qudr -- Jurists Cited by Ibn Qulbugh -- Works Cited by Ibn Qulbugh -- Bibliography --Index. Sommario/riassunto In Rule-Formulation and Binding Precedent in the Madhhab-Law Tradition, Talal Al-Azem argues for the existence of a madhhab -law tradition' of jurisprudence underpinning the four post-classical Sunni schools of law. This tradition celebrated polyvalence by preserving the multiplicity of conflicting opinions within each school, while simultaneously providing a process of rule formulation (tari) by which one opinion is chosen as the binding precedent (tagld). The predominant forum of both activities, he shows, was the legal commentary. Through a careful reading of Ibn Qulbugh's (d. 879/1474) al-Ta wa-al-tarj, Al-Azem presents a new periodisation of the anaf madhhab, analyses the theory of rule formulation, and demonstrates how this madhhab -law tradition facilitated both continuity and legal change while serving as the basis

of a pluralistic Mamluk judicial system.