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Notes on the Early History of the Genre of *Aḥkām al-Quran*

The documentary record suggests that in the history of Islamic legal literature, members of the Shāfiʿī legal school were particularly influential. The *Risālah* of al-Shāfiʿī (d. 204/820) was widely considered to have inaugurated the genre of *uṣūl al-fiqh*. Among the biographical dictionaries devoted *ṭabaqāt al-fuqahāʾ* “generational classes of jurists,” that of Abū Ishāq al-Shīrāzī (d. 476/1083) takes pride of place. The earliest and most influential works on *qawāʾid* “legal maxims” include those of ʿIzz al-Dīn b. ʿAbd al-Salām (d. 660/1262). Yet close examination of the sources, particularly for the early Islamic centuries, suggests that the appearance of the Shāfiʿī innovation and may be due more to the Shāfiʿīs’ better record in preserving the work of their Shāfiʿī predecessors than to their actual dominance of the fields in question, and that jurists of the Ḥanafī school were more important than has been realized. It is often not stressed that al-Shāfiʿī is held to have copied all the works of al-Shaybānī in Baghdad before he ended up in Egypt and that his major work, *Kitāb al-Umm* or *Kitāb al-Mabsūṭ*, may have been to a large degree, a response to al-Shaybānī’s elaboration of the law. Particularly because the *Risālah* differs radically in formal terms from later manuals of *uṣūl al-fiqh*, several scholars have cast doubt on this work’s supposed role in the creation of the genre (Hallaq 1987) and suggested that the Ḥanafīs and Muʿtazilīs played a greater role in it than has been realized. Indeed, it looks as though the Ḥanafīs may have suppressed the work of their early predecessors because it adopted what became unpopular positions, such as the acceptance of *raʾy* as one of the sources of jurisprudence or the rejection of most of the *ḥadīth* corpus (Stewart 2002, 2004). The present paper examines the early genre of *aḥkām al-Quran*, works devoted to the identification of the Qurʾanic verses that serve as the basis for legal elaboration, drawing on the *Fihrist* of Ibn al-Nadīm (d. 380/990), *Aḥkām al-Quran* of al-Jaṣṣāṣ (d. 370/980), one of the earliest extant exemplars of the genre, and other accounts preserved in the biographical literature, especially in *Ṭabaqāt al-Shāfiʿiyyah al-kubrā* by Tāj al-Dīn al-Subkī (d. 771/1370). It will be suggested that the Ḥanafīs played a prominent role in the history of this genre in the early Islamic centuries as well.



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