

Comparing references to Islamic legal hermeneutics (uṣūl al-fiqh) in the introduction to the Discipline of Clarity (‘ilm al-bayān) in commentaries on al-Qazwīnī’s (d. 739/1338) Talḥīṣ al-Miftāḥ by al-Subkī (d. 773/1372) and al-Taftazānī (d. 793/1390)

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The foundations of the Discipline of Clarity (‘ilm al-bayān) as it was established in the 13th century are based on linguistic philosophical ideas of the tripartite division of the ways of designation into congruence (muṭābaqa), inclusion (taḍammun), and implication (iltizām), as developed from logic in the Islamic legal hermeneutics of Faḥr al-Dīn al-Rāzī (d. 606/1209) and elevated by him to a guiding principle. In post-Rāzian legal hermeneutics, among other things, a detail of this theory of reference, namely the distinction between ‘linguistically set designation’ (dalāla waḍ‘iyya) versus ‘designation to be inferred by reason’ (dalāla ‘aqliyya), continued to be debated, and by the end of the fourteenth century a different opinion was commonly accepted than that formulated by Faḥr al-Dīn al-Rāzī.

This paper will examine how different commentators of al-Qazwīnī’s (d. 739/1338) presentation of the Discipline of Clarity (‘ilm al-bayān) –that quickly became accepted as canonical presentation of this new discipline –incorporate these continued legal hermeneutical discussions within the framework of the genre of ‘commentary,’ which as such is particularly strongly intertextually bound to the source text. How do the authors deal with this situation? How do they use different kinds of intertextuality and to what end?

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