**ẒĀHIRĪ SCHOOL OF JURISPRUDENCE:**

**HISTORY AND DOCTRINE**

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ABSTRACT

Ẓāhirī is the doctrine renowned as the fifth School in Sunni jurisprudence. Most of the school, founded by jurists of second to the eighth century, was perished by the lack followers and other reasons. There remained only four schools which was written and reformed by the jurists of their own schools developed the school. Beyond those four doctrines another school of jurisprudence went on with a great influence in various parts of the east, Iraq and west, especially in Spain as well as the school was agreed as the official school of Mohad dynasty of Islamic Andalus. Here in the research, the researcher tries to cover the history of their doctrine including their emerging and decline as well as scholars who work to spread the school in east and west. the research deals with the methodologies of Ẓāhirī doctrine and the view of four Sunni schools on the School.

**خلاصة البحث**

**المذهب الظاهري هي مدرسة الفقهي المشهورة بمذهب الخامسة في الإسلام اهل السنة.هلكت معظم مذاهب ، التي أسسها فقهاء من الثاني إلى القرن الثامن ، بسبب قلة الأتباع وأسباب أخر. بقي هناك أربع مذاهب فقط تمت كتابتها وإصلاحها حيث قام فقهاء مذاهب هم بتطوير المذهب. وبخلاف هذه المذاهب الأربعة ، استمرت مذهب أخرى من الفقه مع تاثرات كبيرة في أنحاء الشرق كالعراق والمغرب ، خاصة في اندلس ، حتي اعتبرتالمذهب مذهبا رسمية في مملكة محاد الأندلس. يحاول الباحث ان يبحث تاريخ مذهبهم مشتملاتاسيس** المذهب **وتراجعهم وكذلك عن العلماء الذين يعملون على نشر المدرسة في الشرق والغرب. ويتناول البحث منهجيات المذهب الظاهري ورؤية اراءعلماء مذاهب الاربعة عن**قبولية المذهب

**APPROVAL PAGE**

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the Degree of Bachelor

Usthad Rashid Hudawi OP

**DECLARATION**

I do hereby declare that this dissertation is the result of my own research, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at DHIU or other institution

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Finally, I state that I am alone responsible for the entire faults that remain in this thesis. May Allah accept this humble attempt and make it fruitful for this life and hereafter, *Ᾱmīn*.

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# CHAPTER ONE: INTRODUCTORY CHAPTER

## 1.1 INTRODUCTION

Islamic jurisprudence is a wide sphere dealing with spiritual and material laws and rights in social and personal life inducted from Quran and Hadith etc. Nothing is avoided from any of five Hukms(ruling), which are written as clear injunctions or inducted from the quotes of Imams in their Madhhab. So now doctrine is defined as a basic one in Islam. The incapacity of common people to perform Ijtihad after the era of companions (Sahaba) make doctrines necessary to keep the people unmistaken, as Sultan Mansoor ordered Malik(r) to organize the rulings.

Most of theseschools were emerged in the ninth and tenth century, later they shrunk into four doctrines-Hanafi,Maliki,Shafi'i,Hambali-and the all other schools became irrelevant. Efforts ofdisciples and followers made those schools existed and there were more written tretails in those four doctrines when some were not written at all and some coincided by the lack of followers.

This research reflects about the doctrines whichare timed out very early, when some are trying to emulate this now, as well all its founder-Dawudal-Ẓāhirī-, his disciples such as Abd Allah al-Qaysi and Muhammad bin Dawud al-Ẓāhirī, followers such as Ibn Hazm and his ideology on this school, but mainly this research is focused on its collapse, which had eligibility to go on as the fifth school and the neglects faced in its history and the views of Sunnis and other sects of Islam such Shiya etc.

Once Ẓāhirī was the major school and encompassed Mesopotamia, the Iberian Peninsula, the Balearic Islands, North Africa, and Southern Iran and the doctrine were influenced among the Muslims such as others and especially among the Spanish scholars. ẒāhirīSchool enjoyed its widest expansion and prestige in the fourth Islamic century especially by the works of Ibn al-Mughallis. In the fifth century Ẓāhirī doctrine extinct from Baghdad and subsided in some parts of Shiraz and Egypt.

Finally, the research defines the relevance of the doctrine and its acceptance to be emulated now, when some are emulating the doctrine of DawudẒāhirī, and, as research supporting Ahlu Sunna, this explains the reason of the irrelevance of this doctrine and the acceptance of only four schools at Sunni scholars

## 1.2. STATEMENT OF PROBLEM

According to the order of Sunnies, there are only four doctrines are accepted to be emulated, as mentioned in the introduction, but now some are emulating the doctrine all over the world. The researcher understood that as the Madhhab comes under Ahlu\_sunnah, the view of Sunni scholars about the Madhhab is must be studied. As well as this Madhhab, its founder Dawd Al-Ẓāhirī and his ideology were not discussed more in the history of Islamic doctrines.And so there are so many doubts to be resolved about the doctrine, as the histories reflect the books of Ibn\_Hazm[[1]](#footnote-1) was lighten up by Spanish rulers[[2]](#footnote-2).Here the researcher is trying to resolve those problems by the research

## 1.3. RESEARCH QUESTIONS

1. Who is DawudẒāhirī and who were his followers and disciples?
2. What are the Views, Ideologies, and methodologies of performingIjtihadinẒāhirīSchool?
3. Why Ẓāhirī is not eligible to be emulated among Sunni scholars?
4. How the Ẓāhirī doctrine got irrelevant?

## 1.4. RESEARCH OBJECTIVES

1. To introduce DawudẒāhirī and his doctrine along detailing his disciples and followers who helped to establish and spread the school.
2. To explain Views, Ideologies and the methodology of Analogy (Qiyas)in Ẓāhirī doctrine.
3. To describe the reasons of Ẓāhirī’sfailure to be considered as one of Sunni Madhab.
4. To explain the reason for the collapse of the Ẓāhirī doctrine.

## 1.5. SIGNIFICANCE OF RESEARCH

Ẓāhirī is the fifth school of thought in Sunni Islam. The emerging of a school wants more efforts from its beginning, as itsfoundation, spreading, and there has to be done more researches in the doctrine in order to develop in the school. Etc. Then the collapse of a doctrine, which had crossed those milestones, is a serious matter according to Islam. Here the collapse of Ẓāhirī doctrine, even after its members at the end of 10th century were appointed as qadis in Baghdad, Shiraz, Isfahan, Firuzabad, Ramla, Damascus, Fustat, and Bukhara[[3]](#footnote-3), and its irrelevance among the Sunni scholars is a serious one. So the study of their history and the reasons of Sunni scholars are relevant too and significant.

## 1.6. SCOPE AND LIMITATION

The study is to reflect the reasons for the irrelevance of Ẓāhirīdoctrineamong the school of jurisprudence. The researcher wants to include something to reach the purpose such his and his discipline's history, description of the school of thought. So the research is limited to the thoughts and views of Dawud Al-Ẓāhirī- with a short description on other schools in Ahlu Sunna and in other sects of Islam. The research discusses his biography and history of the doctrine. This involves views of Ahlu\_Sunnah on emulation, causes of collapse, and views of other sects on the doctrine and a short description of his followers. And the study lacked the history of his followers and disciples despite a short description.

## 1.7. METHODOLOGY

In order to make a study of reason of Sunni scholars on Ẓāhirī school of thought, the researcher prefers the qualitative method of study based on library research and articles written in this subject.

The data is collected from secondary sources with special priority to classical texts. For data collection, the researcher will depend on the books, journals, articles, theses and other reliable sources.

## 1.8. LITERATURE REVIEW

According to my limited knowledge there are a lot of books referring to the history of Ẓāhirī scholars and followers such as Al-Bidayathu Wan Nihayah of Ibn-Kathir and Thareeq Al Thwabri.TheZahrisof Dr. Ignaz Goldziher and the*The Ẓāhirī Madhhab (3rd/9th–10th/16th Century)*of Amar Osman both are discussed about the doctrine, focusing on the intellectual clashes between supporters of opinion and supporters of Hadees.TareeqMazahibulIslamiyya of Abu Zahra includes historical description of Ẓāhirīes.History and doctrine of the Ẓāhirī madhhab a paper by Osman Amr deals both of history and the principles of its doctrine. This study will deal about the doctrine’s relevance at the day in the views of Sunni scholars.

## 1.8. ORGANIZATION OF STUDY

The first chapter describes the emergence of Ẓāhirī doctrine and their Methodologies. The second chapter describes the biography of Dawud Al-Zahir and his followers such as IbnuHazm and in the third chapter describes the collapse of Ẓāhirī doctrine and its causesas well as the views of Sunni scholars and their reasons in the irrelevance of the doctrine.

# CHAPTER TWO

# ẒĀHIRĪ DOCTRINE: HISTORY AND METHODOLOGY

## 2.1 INTRODUCTION

The school takes clear injections from Quran and Sunnah as source of Islamic jurisprudence, in which they aren’t considering opinions and logic in legal decisions which is founded by Dawud Al Ẓāhirī at ninth century. There is no circumstantial analogy (Qiyas), Juristic preference (Isthihsan) and MalahaMursala in their evidence of legitimacy. According to other schools some are regarding opinions more as schools of Kufa especially Hanafi and Thouri schools as well as some are upholding the both such as Shafie, Laithi andAwza’ischools.Most of Zairians were Shafiesbasically, as Imam Shafie opposed whom supports Isthihsan[[4]](#footnote-4).

After it was founded at Iraqsuccessfully and spread until their members were appointed as Qadiesin Baghdad, Shiraz, Isfahan, Firuzabad, Ramla, Damascus,Fustat, and Bukhara by the end of 10thcentury[[5]](#footnote-5). When it wasdeclined in Middle East,The school flourished in Andhulus particularly under the leadership of Ibn Hazm.Though, the school was successes by two eminent scholars Dawud Al Ẓāhirī and his follower at Andulus Ibn Hazm.

The emergence of the doctrine and its methodologies have to be denoted as an introduction to the paper deals with the decline of the doctrine and its reasons with the views of Ahlu Sunnah scholars on it. The first part of the chapter goes on dealing with its historicalaspects of the school including its background which was founded, foundation, spreading, and the arrival at Islamic Spain. Secondly, their methodologies and stand on performing Ijthihad in the jurisprudence rulings as they are opposing the other four schools.

## 2.2 BACKGROUND OF THE STUDY

The intellectual struggle between those who upheld the authority of Tradition in all matters of theology and jurisprudence, and those who advocated opinion since second-eighth century gave many priceless contributions to Islamic theology and jurisprudence. The people of Hijaz, particularly those from Madeenasupported the authority of tradition. By the establishment of Abbasid Caliphate at Iraq where, those people were supporting opinion, they considered opinion in jurisprudencelaws. The upholders of opinion didn’t ignore the traditionalistsbut they respected eachview of others.

At the same time there began a movement also by Shiites named as Bathiniyya, who seeks of the spiritual and inner interpretation of revelation[[6]](#footnote-6).Bathiniyya took this name from their belief that every Zahir (apparent state of a thing) have a Bathin (a hidden or secret meaning) especially in revelation[[7]](#footnote-7). They adopted some from Greek philosophy to attain the hidden meanings of revelation.

At the age of AbbasidChaliphMa’moon(813-833) Bathiniyya movement became stronger. Within a half century it spread over Iraq, Persia, Sind, Oman and North Africawidely.

Totally the second-eighth century was a mysterious asthe scholars of age was forced to deal with a lot of ambiguous problems and to get in a solution when philosophy and other kind science were brought into Islamic world.Philosophical thoughts began to get out the people from real path as Bathiniyyas and Mu’thazilians tried to mix up philosophy with Islamic theology to state their arguments in theology. This made the Ahlu Sunnah scholars to forced to deal with philosophy and logic to encounter other sects Islam while, good predecessors (Salf-Al-Salih) are opposing to refer such books[[8]](#footnote-8), and to state the arguments of Ahlu Sunna on the essence of God and his attributes, understanding of Qur’an.As well as there formed a manner of upholding opinion by performing ijthihad as a valid source of jurisprudence to acquire the rulings, which is not revealed in Quran and Sunnah.At this period a lot of schools in jurisprudence and theology were created. Some of them uphold opinion more such as the schools at Kufa, especially Thowri and Hanafi schools;and some were regarding the both as same such as school of Shafie and Awza’i.[[9]](#footnote-9)

This was the way of Sahaba and Prophet (PBUH) was promoted them to do that if anything is not revealed in Qur’an and Sunna as Prophet (PBUH) asked to Mu’ad (R) when he sent into Yemen that “What if it is not in the Sunnah of the messenger of Allah?**”.**Then he replayed “Then, I will strive to form an opinion”[[10]](#footnote-10).Prophet (PBUH) says:” If a judge makes a ruling, striving to apply his reasoning and he is correct, he will have two rewards. If a judge makes a ruling, striving to apply his reasoning and he is mistaken, he will have one reward”[[11]](#footnote-11), the words revealthe acceptance of performing Ijthihad in Islam if it was wrong, but he have to work as he founded by Ijthihad.

At the same time there was Mu’thazili school also which waspresumed reason at the topper level of revelation in matters of religion. They considered opinion than Qur’an and Sunnah.

While those all movement choose Iraq as their intellectual battle field, an another school contrary to all appeared in Iraq and they insisted on verbal understanding of the Qur’an and Sunnah.The school was founded by a jurist named Dawud bn Ali. This was named as Literalists (Ẓāhirīyyah) from the manner of school to acquire a ruling from the wording of the revelation and not to the interpretation of it.

## 2.3FOUNTING OFẒĀHIRĪ SCHOOL

The school was founded by DawudAlZahir at Iraq in second century. But the ideology of upholding apparent meaning was taken from the views of earlier figures such as Sufyan al-Thawri and Ishaq Ibn Rahwayh as the forerunners of Ẓāhirī principles, while this was point to Dawud al-Ẓāhirī (815–883/4 CE) as the "founder" of the school[[12]](#footnote-12).

The school was called initially as DawudiSchool in the name of its founder after named as Ẓāhirī as the school considers the apparent meaning of the word without interpreting it. The school attracted many followers until the members of the madhhab were appointed as Qadis in Baghdad, Shiraz, Isfahan, Firuzabad, Ramla, Damascus, Fustat, and Bukhara By the end of the 10th century.

## 2.4 EXPANSION OF SCHOOL IN WEST

While the school was developedin the east, this was being introduced in parts of North Africa by Maliki theologians, and then to Iberian Peninsula by any of the Dawud Al Zahir’s direct disciples[[13]](#footnote-13).The school was more influenced in west than in the east, where Ẓāhirī School was developed parallel to other doctrines such as Maliki, Shafie, Hanafi and Hanbali. But in thewestthere was no opponent to Ẓāhirīes without Maliki, So it could enjoy official support of Umayyad Caliphate[[14]](#footnote-14).A lot Ẓāhirī of Ẓāhirī scholars appeared in the different parts of Iberian Peninsula since the 9th Century.

Since the second century Westerns used to visit Madeena,Misr,and Baghdad in order to attain knowledge from eminent scholars of there. This intellectual relation between west and east brought the school to the west and Iberian Peninsula. This was brought firstly to Andulus by Dawud Al Zahir’sdisciple ,Abdullah Ibn Muhammed bin Qasim bin Hilal (d.272)[[15]](#footnote-15).He was a Maliki follower but became the disciple of Dawud Al Ẓāhirī, after he went Andulus.

Another personality worked for spreading the school in west was Baqy bn Mukhlid who thought from Iraq, and ordered firstly to follow Qur’an and Sunna and to avoid others. He didn’t follow any schools and wasn’t the extreme supporter of Shafie, Hambali or Ẓāhirī.He discouraged the imitation of any school. The both are those who strive for the establishment and spreading of the schoolat its early age onAndulas. The school became regarded by the arrival of Munzir Bin Saeen Al Baloothi (265-355 H). He taught from Ẓāhirī scholars of east then came back and became Qadi of Qurthuba and Imam of masjid AlZahra’ of Qurthuba when the city of Al Zahra was the capital at the age of Abdur Rahman Al Nasir[[16]](#footnote-16), he continued in this post until his death.he has a lot of works such as AhkamulQura’n and AnnasikhuwalMansookh.

Mas’ood bn Sulaiman who famous as IbnuMulfih the teacher of Ibn Hazm Al Ẓāhirī, they caused the indignation of the Maliki jurists, so they started to claim that they were dangerous to the faith and they refused learning from him.

## 2.4 ẒĀHIRĪIN ALMOHAD EMPIER

ẒāhirīSchool enjoyed official state sponsorship by the rise of the Almohads.All Almohad leaders were extreme toward the Malikis their approach on Malikies were bad.The school spread throughout the west during the reign of Mansour Aba Yusuf, though people carried apparent meaning from the Qur’an and Sunnah. Since he was given the power Ẓāhirī jurists was appointed as jurisdictions and examined those who criticized Ibn Hazm.

This hostility was between Mansoor and the Maliki jurists and was not between Ẓāhirīs and Malikis. When Al-Mansur appointed an Ẓāhirī judge, Ahmed bin Yazid bin Abd al-Rahman bin Baqi bin Mukhallad, who took over the district of Marrakesh and then Cordoba, which is his country of origin, and he ruled between those who contested his opinion of the two schools of thought, Maliki and Ẓāhirī. This reveals there were no clashes between the scholars of two schools.

The rulers gave Ẓāhirīs and in a few of the Shafi‘is free rein to author works and run the judiciary. In the late 12th century, any religious material written by non-Ẓāhirīs was banned at firstand burned later in ALMohadEmpire under the Almohad reforms.[[17]](#footnote-17)

## 2.5PRINCIPLES AND METHODOLOGIES OF ZAHIRI SCHOOL

Ẓāhirī school regards only four as the evidence of Shari’ah as Ibn Hazm Al Ẓāhirī said that “The principles on which nothing is known from Shari' except four, which is the text of the Noble Qur’an, the text of the words of the Messenger of God (PBUH) which is about God - the Almighty, peace and blessings be upon him, and the transmission of trusts, and the consensus of all the scholars of the community, and evidence of it is unbearable Only one side.”[[18]](#footnote-18).

According to the words of Ibn Hazm Al Ẓāhirī, there are four basic principles which jurisprudence is based on them, and those are[[19]](#footnote-19):

1. **The Qur'an**: It is the first principle of Sharia and its rest is recorded until the Day of Resurrection, and the Qur'an is either interpreted itself as the provisions of marriage, divorce, and inheritance, or it needs a statement from Sunnah, such as detailing the overall meaning of prayer, Zakat and Hajj
2. **THE SUNNAH**: Al-Ẓāhirīyya divides the Sunnah into two parts:
   1. **FREQUENTLY REPORTED HADEETH** (Muthawathir) and it is an absolute argument without hesitation.And their condition to determine that the minimum number reporters have to be in a Muthawathir is two if they are guaranteed that they do not let to lie.
   2. **AHAAD** , action and belief in the this kind of Sunnah is must. Then the difference between the two kinds of Hadees is when two of them are contradict Muthawathir will regarded when reasoning (Isthidlal)
3. **CONSENSUS**: Ẓāhirī scholars consider this as what was done in the era of the Companions as that was possible that age, though they did not take consensus.Because the agreement of the entire jurist is impossible in their view.
4. **PRESUMPTION OF CONTINUITY (ISTHISHAB)**: ẒāhirīSchoolagrees that the basis of everything is to be permissible except what was prohibited by the text. The Almighty said when Adam descended to the earth: “And for you on the earth is a place of settlement and enjoyment for a time” God Almighty permitted to useeverything by saying that they are our goods, and those are permissible basically

Ẓāhirīyya avoids analogy (Qiyas) as that is determining of ruling by opinion so that will oppose the textual rulings. This led their jurisprudence to include some strange rulings as Ibn Hazm said that the urine of a human will impure the stagnant water, but the urine of other animals wouldn’t make the stagnant water impure if the animal was the pig. As well as Ẓāhirīes finds the saliva of dog is impure and the pot touch that must wash with soil and water seven times. But the Hukm is not applicable on pig but their view is the saliva of pig is pure.

But there is no doubt that the lack regarding Qiyas would be difficult in most of rulings.Because the simple logic states that bearing the ruling of anything on similar thing is necessary[[20]](#footnote-20).

# CHAPTER THREE:DĀWŪD AL-ISBAHĀNĪ AND SUBSEQUENT ẒĀHIRĪ SCHOLARS

## 3.1 INTRODUCTION

Between the second and eighth century there formed a lot of schools in all sects of Islam in both of theology and jurisprudence. Such as in Ahlu Sunna also founded a lot of schools like Hanafi, Maliki, Shafie, Hanbali, Ẓāhirī, Awza’I, Thouri etc. four of them revived and other became collapsed by lack of followers , scholars to develop the school and many other reasons. Ẓāhirīdoctrine collapsed after it has existed about centuries. Though it has a lot of eminent scholars who had developed the school and they performed Ijthihad to develop the doctrine to deal newly formed issues as well as they made some additions to basic of the school. Such as his sonAbu Bakr Muhammad Ibn DĀWŪD AL-IṣBAHĀNĪand Ibn Hazm Al Ẓāhirī.

This chapter discusses about scholars in Ẓāhirī doctrine especially their biography and then on the views of some. Ẓāhirī doctrine was active in east in its early age and later at west part such as Islamic Andulus. There will discuss scholars of both in the east and in the west.

## 3.2 THE ẒĀHIRĪTE SCHOOL IN EAST

### 3.2.1 DĀWŪD AL-IṣBAHĀNĪ

The founder of Ẓāhirī doctrine who belonged to Kashan, a town in the neighborhood of Isfahan.Hewas born in Kufah in 202/817.His father was a secretary (Katib) to Abd Allahibn Khalid, judge of Isfahan, in the age of the Caliph al‑Mamun. Later his family moved to Baghdad, where he was brought up, taught, and established the school of jurisprudence which was titled in his name as *Madhab\_al\_dawoodi* whether it was famous as Ẓāhirī Madhab.He attended many lecturesof eminent jurists at Baghdad from. The pre-eminent jurist of them is Abu Thaur (d. 246/860), a follower of Shafi’e. This made him shifted from HanafiteSchool to Shafi’eschool, which the most of lectures at Baghdad was Shafi’efollowers. He made his education perfect by meat Ishaq ibn Rahawaih,aShafiefollower, ofNaisaboor. He was a God-fearing,pious, and ascetic.He was accused as he believes that Qur’an is the creation of Allah and that is not eternal but this is only an accused on him [[21]](#footnote-21).He died in 270/884 in Baghdad.

He was a writer also. Ibn al‑Nadim enumerates about one hundred and fifty titles of his books[[22]](#footnote-22).A little books of him covers Usool,consensus and Qiyas. Most of his books deal branches of Fiqh.Unfortunately none of his book is available now.

He founded the school, the ẒāhirīteSchool, which regards the Qur'an and the Hadith as the only sources ofjurisprudence. He accepted consensus (Ijma`) of theCompanions of the Prophet, but he rejected analogy (Qiyas), Istihsan, and imitation (Taqlid) of any scholar.

### 3.2.2MUHAMMAD BIN DAWUD AL-ẒĀHIRĪ(C. 255/869‑297/910)

Abū Bakr Muḥammad ibn Dāwūd al-Iṣbahānī, son of Dawud Al Ẓāhirī founder of ẒāhirīSchool. Beyondof a jurist and theologian he was also a poet, litterateur, and historian[[23]](#footnote-23).Born in Baghdad in the year 255. At his age of seven, he had memorized the entire Qur'an by heart. He learned Quran from Al-Duri, a student of Abu 'Amr ibn al-'Ala', one of the ten transmitters of the Qur'an. Ibn Dawudchooses Baghdad to teach as his father. When he wasfifteen years old, he was considered as an outstanding jurist.Ibn Dawud is generally considered to have died young in 297 Hijri.

#### VIEWS OF IBN DAWUD

Ibn Dawud was an opponent of using analogical reason (Qiyas) and juristic preference in jurisprudence,which was the same views were held by his father. In theology Ibn Dawuddid not left any theological works which have survived like his father Dawed but he was well known to have been involved in public debates with the Mu'tazila in the court of Caliph Al Muwaffaq.He was hostile toward Sufism, especially Sufi metaphysics. He declared Hallaj as a heretic

#### WORKS OF IBN DAWUD

He has a lot of works Ẓāhirī jurisprudence as well as in otherfields. He wrote a book in Usool of ẒāhirīFiqh (principle of Islamic jurisprudence) named as *The Path to Knowledge of Jurisprudence,* Which was the earliest book written in Usool Al Fiqh after Risala of Imam Shafie[[24]](#footnote-24).He wrote about a lot beyond of jurisprudent about love. He composed his book Kitab al-Zahrah while in his native city of Baghdad.

## 3.3 THE ẒĀHIRĪTE SCHOOL IN ISLAMIC SPAIN

### 3.3.1 AL-BALLUTI

Mudhir ibn Said al‑Balluti, He represent Ẓāhirīsm in Spain firstly, was bornin 273/886 at al‑Nashsharin, suburb of Cordova. He travelled to Egypt and the Hijaz for three years after completing his studies at Cordova.When he returned to Cordova back he was appointed as judge ( Qadi ) in the city of Merida, then in Northern Frontiers and finally as Chief Justice of Cordova.While he upheld the views of Dawud Al Zahir he defended Dawud’s views. He administered justice according toMalikite school of jurisprudence which was the established law of the country

### 3.3.2. IBN HAZM

Ibn Hazm, the real founder of the Ẓāhirī School in Muslim Andulus and the eminent scholar of the Ẓāhirī jurists.The school reached its zenithwith him and collapsed by his death.

He was born in a political family in 384/994,if his family was not attain any fame before Ahmad ibn Said, the father of Ibn Hazm, who became administrator to the Hajib al‑Mansur ibn Abi Amir, The Prime Minister of Hisham II.Father was dismissed by the fall of the dynasty and his house was litup. Though the family fled to Armenia. And he back Cordoba at the age of Abdul Rahman IV as minister.[[25]](#footnote-25) He was fortunate as he was given a good education. The teacher influenced on him was Ibn Muflit (d.426), a Ẓāhirītefollower.

But he couldn’t to continue his prosperity for a long time.Misfortunes began to overcome him and his family.By the fall of the Umayyad Caliphate in Cordova (422) and the assassination of Hisham III made life unbearable on him. The only one way in front of him was tostay on the island of Majorca. The local Governor of Majorca was Abu al‑`Abbas Ahmad ibn Rashiq, he was a man of letters and able statesman, who invited Ibn Hazm for a sojourn on the island.IbnHazm took refuge there and began propagation of Ẓāhirīsm.

When he was supported by the Governor, some Majorcans followed the School. But the famous Maliki jurist, Abu al‑Walid al Baji (403-474) held debates with Ibn Hazmwhen he returned from a journey in the East and this caused his disgrace.IbnHazm obliged toleave the island and back to the mainland;finally he stayed in MantaLisham where he passed away.[[26]](#footnote-26)

### WORKS OF IBN HAZM

Ibn Hazm was a writer on differentkinds of subjects.This was estimated that his worksincludes about four hundredbooks. The most important of these books are Tauq al ‑ Hamamah (the Dove's Neck‑Ring), Al-Milalwa’l ‑ Nihal (Religions and Sects), Al-Ihkam fi Usul al ‑ Ahkam (Precision Concerning the Principles of Religious Matters) and Al-Muhalla bi al ‑ Athar (the Gilded or Ornamented with Revelation and Tradition)[[27]](#footnote-27).

#### OTHER ZAHIRI PROMINENT SCHOLARS

1. *Faslu Ibn Ali (d.479) son of Ibn Hazm*
2. *Hafiz Al Humaidi who, passed away at 488 on Baghdad,*
3. *jurist Abu Bakker Muhammed*
4. *Muhyudheen Ibn Arabi*
5. *Umer Ibn Hassan Ibn Ali*
6. *Abu Ja’far Ahmed Ibn Sabir Al Qaysi,*
7. *Abu Hayyan famous as aliterati*
8. *Abu al-Abbas al-Nabati*
9. *Abd Allah al-Qaysi*
10. *Abu Bakr Ibn Sayyid al-Nās*
11. *Abu Hayyan al-Gharnati*
12. *Al-Humaydī*
13. *Al-Qassab*
14. *Ibn Abi Asim*
15. *Ibn al-Mughallis*
16. *Ibn Dihya al-Kalby*
17. *Ibn Hazm*
18. *Ibn Khafif*
19. *Ibn Maḍāʾ*
20. *Ibn Tahir of Caesarea*
21. *Ishaq Ibn Rahwayh*
22. *Muhammad bin Dawud al-Ẓāhirī*
23. *Mundhir ibn Sa'īd al-Ballūṭī*
24. *Niftawayh*
25. *Ruwaym[[28]](#footnote-28)*

## 3.4 ẒĀHIRĪ SCHOOL AT MODERN PERIOD

#### ẒāhirīSchoolhasfew supporters in the modern era. A minor community are imitatesẒāhirī school in the modern era. As well as Ahlehadees is also follows the ideologies of Dawud Al Zahir.

#### Ahle Hadeeth

#### The sect formed in Islam at mid-nineteenth century as a religious reform movement, started in Northern India that rejected every principle ofIslam after the Quran, Sunnah and Hadith, such as Qiyas. Thier ideologies are more similar to Zahiranprinciples. The sect was derived from Deoband.Their attitude toward Sufism brought the movement into conflict with Barelvi movement, who supports Sufism. SyedNazeer Husain from Delhi and Siddiq Hasan Khan known as its founder. The Ahl-i Hadith opened a center to power thier movement in Srinagar In the 1920s.  From the 1930s Ahle hadeeth also began to try in the political field of Pakistan.NowAhle Hadeeth has been funded and supported by Saudi Arabia by both of Salfism and Ahle Hadeeth hassimilar ideologies.

AhleHadees oppose Taqleed but they will perform ijthihad with authentic Hadeeth and Qur’anic verses.as well as they reject the use of Kalam in theology.

#### ẒĀHIRĪ CONTEMPORARY SCHOLARS:

1. *Abd al-Aziz al-Ghumari*
2. *Abdul Aziz al-Harbi*
3. *Abdullah al-Ghumari*
4. *Abu Abd al-Rahman Ibn Aqil al-Ẓāhirī*
5. *Abu Turab al-ẒāhirīAhmad*
6. *al-GhumariIhsan Abbas*
7. *Muhammad Abu Khubza*
8. *Muhammad Taqi-ud-Din al-Hilali*
9. *Zubair Ali Zai*
10. *Muhammad Nasiruddin al-Albani*

# CHAPTER FOUR:FALL OF ẒĀHIRĪ SCHOOL AND VIEWS OF SUNNI SCHOLARS ON ITS ACCEPTANCE

## 4.1 IBN HAZMANDFALL OF ẒĀHIRĪ SCHOOL

Ẓāhirī School began to decline after the death of Ibn Hazm Al Ẓāhirī in Islamic Spain as it became popular by him in Islamic Spain. Really Ẓāhirīsm worked as a jurisprudent school in East, but in Spain this spread nothing without prosecuted philosophies, which set out to decline by the death of Ibn Hazm. His views were only given the acceptance of Western Muslims. He was not given any influenceon East at all.

Ẓāhirīats of East and Hanabilats were fond of following Dawud bn Ali, by the cause a little of Ẓāhirī jurisprudent laws reached us. The few attempts of propagationẒāhirīsm in the North Africa were due to some political considerations. InAndulus theywere given supports fromhere and there.[[29]](#footnote-29)

Al‑Humaidi one of the historians, biographer andcontemporariesof IbnHazm. He was a declared Ẓāhirīte. When the tribulation of the followers of the ẒāhirīteSchool reached a high level in Muslim Spain, he left his native land, went to the East, and settled down in Baghdad where he died there forty years later.Al‑Humaidi introduced Ibn Hazm's works into the East firstly,but there they made no impact on the work of Ibn Hazm in East.But beyond of all persecutionẒāhirīsm had anumerous followers for a certain period as Ibn al‑Athirsaid‘There was in the Muslim West a multitude of them (of the Ẓāhirītes) called the Hazmiyyah or followers of Ibn Hazm’[[30]](#footnote-30).With the advance of the sixth/twelfth century, Ẓāhirīsm became a trouble in the Muslim West, in Spain, and in North Africa.

## 4.2 VIEWS OF SUNNI SCHOLARS ON ẒĀHIRĪ DOCTRINE

Maliki and Sahfie scholars have expressed negative feelings regarding the ẒāhirīSchool. Followers of the Shafi‘i school within SunniIslam (both are the school of Sunni Islam) have been involved in intellectual conflict with Ẓāhirīsall over itshistory.The view of most prominent jurists of ShafieSchoolImam Haramayn -Al Juwaini- and Al-Nawawi considered the Ẓāhirīte school entirely invalid[[31]](#footnote-31).Al-Dhahabi and Ibn al-Salah never agreed theẒāhirī teachings[[32]](#footnote-32).

Abu Bakr ibn al-Arabi, whose father was a Ẓāhirī,But he considered Ẓāhirī law to be foolish. Ibn 'Abd al-Barr, another scholar who was himself a former Ẓāhirī follower, excluded Dawud al-Ẓāhirī along with Ahmad ibn Hanbal from his book on Sunni Islam's greatest jurists. Ẓāhirīs such as Ibn Hazm and others were attacked and challenged intellectually by Maliki jurists after their deaths.

The flow of people to Ẓāhirī School at the age of Mohad dynasty, who lit up the books of other schools, is assumed as that was not to return to Quran and Sunna but that was to propagate Ẓāhirī thoughts among people to attain other purposes as Abdullah Al Khanoon said in his book Al NuboogulMagribi fi Adabil Arabi that this is true that “the ruler Ya’qoob didn’t call the people to the views of Dawud Al Ẓāhirī , Ibn Hazm or any of Ẓāhirī jurist and he didn’t plan to publish any book of Ẓāhirī”. Imam Marraqishi denote an incident happened there at the age of Mohad ruler in his book Al Mu’jib that was about a day, scholar became frightened and Books without Qur’an and Hadees were lit up.[[33]](#footnote-33)

Thecontemporary jurists ofDawud ibn 'Ali tried to criticize him and his school well. The Shafi'ites in general criticized him several times andShafi' scholars regarded the Ẓāhirīte school as worthless. Al‑Isfara'ini (d. 418/1027) maintained that nothing would be acceptable from the Ẓāhirītes by they rejected analogy ( Qiyas ), he avowed that, they could not have been able to exercise judgment, to perform Ijthihad and, So, nobody of them would be considered to the position of a judge(Qadi). Some others assumed that Dawud ibn `Ali wasan ignorant[[34]](#footnote-34).ẒāhirīSchooldoes not support Sufism and the relation between them was very complicated,Throughout its history, its followers have always clashes and criticize Sufism as well this included some of Sufis. One of the old Dawud’s followers was Ruwaym b. Amad ,A Sufi saint, who died in 303.And DawudẒāhirī was one of the Sufi saint himself.

## 4.2.1 SHAFIE SCHOLARS ONẒĀHIRĪ DOCTRINE

Shafii scholars Abu Ishaq Al Isfiraeeni, Imam Al Haramaini and Imam Al Gazzali are not regarding Ẓāhirīcontraindications[[35]](#footnote-35).Qadi Abu Baker Baqilanisays:”TheẒāhirī scholars are not Scholar of Sahree’a but they are only the transmittersif they are trustworthy”[[36]](#footnote-36).Imam Navaisays: the divergence of Dawud Al Ẓāhirī wouldn’t make any difficulties in the acceptance of Ijma’ which was agreed by most of the scholars. As well as a Mujthahid of School must have not imitate any other, but his doctrine is affiliated the school of Iman Al Safie.[[37]](#footnote-37)

# CONCLUTION

Between second and eighth century there formed a lot ofschools in theology and jurisprudence in every sects of Islam such as Shiya, Mu’thazila and in AhluSunna.Four of Ahlu Sunnah schools survived when other schools were coincided by various causes such as lake of followers and scholars to develop the school after them. Beyond of those four doctrinesẒāhirī doctrine survived more time firstly at east by its foundation at Iraq and then at Islamic Spain. The doctrine was named as its principle is to follow the apparent word meaning of Qur’an and Hadeeth. They reject Qiyas, Isthihsn,other logical principles of Sharee’a, and they support Ijma’ but they argue that is not possible after the era of companion.

ẒāhirīSchool was spread in east and west by two scholars one was its founder Ibn Hazm Al Ẓāhirī who was the founder of the school at Iraq. Though the doctrine was famous as Dawudi doctrine and later it famous in its strange principle. And the one was Ibn Hazm Al Ẓāhirī who spread the doctrine at Islamic Spain, he is assumed as he tried to mix up philosophical thoughts in Ẓāhirī Madhab.

The research seeks to identify what is knowable about the Madhhab and Dāwūd ibn ‘Alī ibn Khalaf alIṣbahānīin its historyas there is no primary sources from any Ẓāhirī scholar other than Ibn Ḥazm al-Andalusī,

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