



# The extinction of the Zāhirī doctrine in the Islamic West “Al-Maghreb” and Al-Andalus; Political, Social, and jurisprudential factors

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## Introduction:

The influence of the Islamic East persisted over the Islamic West and Al-Andalus until the political separation of both regions. Subsequently, the Islamic West and Al-Andalus emerged as new entities, embracing a distinct Fiqh doctrine and political strategy compared to the East. The jurisprudential mentality formed in Al-Andalus and the Islamic West in the Maliki school. However, there were many attempts to adopt other schools such as the Hanafi, the Awza'i, the Shafi'i, and the Zahiri school. Based on Ibn Hazm's statement that the Maliki school spread in Al-Andalus through leadership and politics, several factors contributed to the prevalence of certain schools in the Islamic West and Al-Andalus, especially during the classical period between the fourth and the seventh centuries. Zahiri School was one of the jurisprudential schools that received its share of adoption attempts in the Islamic West and Al-Andalus, but several factors prevented it. This research paper will shed light on the most important reasons for the disappearance of the Zahiri school in the Islamic West and Al-Andalus through a detailed examination of Political, Social, and jurisprudential dynamics.



## 1-The political factors that led to the extinction of the Zāhirī School in Al-Andalus and the Islamic West.

Behind all extinct schools of thought is a set of factors that either led to a decrease in the number of followers, resulting in the decline and eventual extinction of the school, or to its extinction in certain regions while its presence persisted in others. Behind the extinction of the Zahiri school in the Islamic West and Al-Andalus many political factors especially in the classical period, between the fourth and seventh centuries, during which jurisprudence reached its fourth stage, a term coined by al-Ḥajwī in his book “al-Fikr al-sāmī fī Tārīkh al-fiqh al-Islāmī” to describe the state that the jurisprudence had evolved into during these centuries, or as he termed it “the stage of senility”<sup>1</sup>.

The fourth century they have represented a significant political milestone in the history of the Western Islamic world, particularly in the far Maghreb and Al-Andalus, where the spark of conflict over control ignited between the Almoravids and the Almohads. At that time, the far Maghreb and Al-Andalus were under the rule of Almoravids, who considered the Maliki school as one of the pillars of the Almoravid state. The Almohads then entered the political arena and utilized the jurisprudential school as a tool in the political conflict between the two states.

The Maliki school in this region has been closely associated with politics, to the extent that this association forms an essential pillar of the foundations that have made the environment in the Maghreb and Al-Andalus Maliki-oriented to this day. In Maghrib and Al-Andalus, the Maliki school greatly influenced the judiciary, religious authority, and society. The ruling authority relied on Maliki scholars and judges in certain periods to justify its policies and legislation by Maliki jurisprudence. Moreover, the first ruler of the Almoravid state, “Yūsuf Ibn Tāshfin”(465-500AH / 1072-1106 CE), used to favor jurists, respect scholars, delegate matters to them, and consider their opinions in them<sup>2</sup>. The Maliki jurists had a significant presence during the Al-Muravid state.

The Maliki political presence was not significant before the era of Imam Sahnun, who capitalized on his presence in the judiciary to establish political traditions governing the relationship between Maliki scholars and the ruling authority. The Zahiri school of thought spread to the Islamic West and Al-Andalus early in its inception. Still, its arrival in Al-Andalus occurred after the consolidation of the Maliki school and its adoption as the official doctrine by the Umayyad state, along with the settling of Moroccans and Andalusians in Imam Malik’s school. Upon

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« al-Fikr al-sāmī fī Tārīkh al-fiqh al-Islāmī » by Muḥammad ibn al-Ḥasan al-Ḥajwī<sup>1</sup>  
al-Bayān al-Maghrib fī Akhbār al-Andalus wa al-Maghrib” Ibn ‘Idhārī”<sup>2</sup>



its introduction, The Zahiri school followed the third layer of Maliki jurists in Al-Andalus<sup>3</sup>.

Zahiri school gradually declined in the Maghreb Ibn Tumart initiated his Almohad movement in the far Maghreb, devising a revolutionary plan to overthrow the rule of the Almoravids.

Historians differ regarding determining the doctrinal affiliation of Ibn Tumart, whether he was Ash'ari in doctrine or Zahiri, and Imam al-Shāṭibī mentioned that Ibn Tumart was of the Zahiri school of thought<sup>4</sup>. Still, he revolted against the scholars of the Almoravid Dynasty and their Maliki jurists. Thus, the Zahiri school of thought lost its influence in Al-Andalus and the Maghreb until the emergence of the Almohad state, which adopted it in defiance of the Al-Moravid state. Which followed the Maliki-Murabitun doctrine, and in acknowledgment of its opposition. They burned the books of the Maliki school and some historical sources mentioned that Sultan Almohad Ya'qūb al-Manṣūr was the one who ordered the burning of these books. Al-Ḥajwī mentioned that in his book "al-Fikr al-sāmī fī Tārīkh al-fiqh al-Islāmī"<sup>5</sup> on page 505. This caused anger and resentment among scholars and the public, leading them to become more ascetic and distant from the Zahiri doctrine and to adhere more firmly to the Maliki school.

## 2-The Social factors:

The Western Islamic Society and Al-Andalus attempted to preserve their intellectual and social distinctiveness and defended it by utilizing political, social, and scientific authority. This led to foreign juristic schools withdrawing from the Western Islamic world after a period of juristic stability, eventually leading to their extinction. It is narrated from the Prophet Muhammad (peace be upon him) that he said: "Gentleness is not in anything except that it beautifies it, and it is not removed from anything except that it tarnishes it" (narrated by Muslim). Some followers of juristic and ideological schools in Africa, the Maghreb, and Al-Andalus have overlooked this, which has negatively impacted the minds of scholars and the public. It made them work to expel the followers of those schools from their lands and eliminate them with all their power. The phrase "Al-Muqri" has advanced in criticizing people for Ibn Hazm, indicating that this was because he criticized the nation's predecessors and its jurists.

Ibn Abī Zayd in his book " al-Dhabbo 'an madhhab al-Imām Mālik ", which he wrote in response to one of the Zahiri's scholars who denied Imam Malik, clarifies that this was not the attitude of the early Zahiries. He said: "This man dared to

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<sup>3</sup> "THE THEOLOGICAL AND POLITICAL EFFECTS OF EXTINCTION OF FIQH MAZHAB (JURISTIC DOCTRINE) IN THE ISLAMIC WEST AND AL-ANDALUS", Abderrahman Yusuf Ethmane Academy of Islamic Studies, University of

Malaya, Kuala Lumpur

« al-I'tisām », al-Shāṭibī<sup>4</sup>

"al-Fikr al-sāmī fī Tārīkh al-fiqh al-Islāmī" p.505, Al-Ḥajwī<sup>5</sup>



speak against such an Imam, carrying a burden from him, and he took a path that no one from those who adhere to the school has taken."

The Maliki School of thought is intimately tied to the Al-Maghreb and Al-Andalus communities. So, The persecution of Maliki jurists stirred up people's resentment and increased their aversion to the Zahiri doctrine, while the burning of Maliki books exacerbated the situation. Moreover, The introduction of corrupt beliefs, such as the belief in the infallibility of the Mahdi Ibn Tumart, made people doubt the Zahiri doctrine.

### **3-The jurisprudential factors:**

One of the fundamental principles of the Zahiri doctrine is their rejection of analogical reasoning (al-Qiyās). Furthermore, the jurists of the Zahiri school of thought adhere strictly to the apparent meaning of the scriptures (Quran and the prophetic tradition). This is something that the four Sunni schools of thought, which emphasize the importance of analogical reasoning, did not accept, considering it a pillar of legal reasoning. The emergence of figures like Ibn Hazm marked a new style of scholarly discourse characterized by sharpness and criticism directed toward respected scholars, In his book " al-Muḥallá " Ibn Hazm demonstrates this. He hardly left any statement attributed to Imam Malik without claiming its corruption or invalidity. Thus, the severity of the followers of the Zahiri doctrine contributed to the demise of their school due to their lack of respect for the majority doctrine in Al-Andalus.

During the classical period, The absence of a scientific approach contributed to the dissemination of certain doctrines. What is meant by the absence of a scientific method in spreading the doctrine is The methods followed by the people of the sects of holding circles, and the scholars devoting themselves to teaching, in addition to highlighting the methodological specificity of the new doctrine to convince people that it is a different approach from other doctrines, The preoccupation of literalist scholars with judiciary diverted their attention from teaching and propagating their doctrine, allowing the Maliki school the opportunity to consolidate and establish its presence. In addition to the lack of scientific progression in consolidating the doctrine. Also, the lack of independent thinking among the followers of those doctrines played a vital role. You find prominent figures of those doctrines confused about their doctrinal affiliation, which led biographers to express their doctrinal allegiance, This implies that some of the jurists of the doctrine were not clearly and definitively adherents of their doctrine. Many of those mentioned in their biographies showed inclinations towards the Shafi'i school. Moreover, the indecisiveness of some prominent figures between doctrinal affiliations and the lack of a clear historical background led people not to be convinced of their new orientation. Thus, many of the figures of the Zahiri doctrine were Shafi'is before embracing the Zahiri doctrine, such as Abu Muhammad Ibn Hazm because their new doctrine's features were unclear compared to other doctrines.



### **Conclusion:**

These factors collectively contributed to the decline and eventual extinction of the Zahiri School in Al-Andalus and the Islamic West, while the dominance of the Maliki doctrine persisted due to its close alignment with political power and social influence. The relationship between authority, society, and doctrine formed a harmonious duality that made the Maliki jurisprudence take root in this region to this day, as Moroccans still consider the Maliki doctrine to be the doctrine of their state, and this is what their constitution stipulates. Moreover, the historical connection between Morocco and Andalusia, culturally and politically, made the doctrine apparent unstable neither here nor there.