

The Zahiris: Their Doctrine and Their History, a Contribution to the History of Islamic Theology

*Ignaz Goldziher (tr. and ed. by Wolfgang Behn)
Leiden and Boston: Brill, 2008. 227 pages.*

That Ignaz Goldziher (1860-1921) was *the* pivotal figure in the modern academic study of Islam (or “Orientalism”) is beyond dispute. His writings and thought left an indelible mark on all future scholars, and he set the bar for at least another two generations. Law, jurisprudence, theology, Islamic history – all subjects related to Islam were discussed by him at a time when Orientalism was still in its infancy. While many of his ideas have long since been abandoned or modified, his presence remains looming in the field almost a century after his death. While most authors of his time are merely read as historical oddities, his works alone retain elements of originality that still make them required reading for any serious student of the field.

This work consists of eight chapters. The introduction and the first chapter briefly outline the dichotomy of the *ahl al-hadith* and the *ahl al-ra’y* during Islam’s early period. Goldziher mentions the contrasting and, at times, contradictory positions of earlier authorities regarding the usage of these terms. This leads him to the subject of his second chapter: the definition of *ra’y* and a history of its development. While some traditions seem to praise the use of *qiyas* (analogy; in particular, the famous tradition of Mu`adh ibn Jabal, when the Prophet asked him how he would judge), it appears that most, if not all, such traditions are apocryphal. In fact, many early authorities disparaged its use, especially when traditions existed. Abu Hanifah (d. 150/767) played a primary role in popularizing *ra’y*, despite the hadith scholars’ resistance and antagonism.

In chapter 3, Goldziher highlights al-Shafi`i’s (d. 204/819) role in adopting and combining elements of *ra’y* with the principles of the hadith scholars. While al-Shafi`i criticized the “excesses” of Abu Hanifah’s position on *ra’y*, he nevertheless allowed for and systemically codified its application in the appropriate situations. Dawud al-Zahiri (d. 270/883) took al-Shafi`i’s reaction against *ra’y* to a much higher level and restricted all rulings and judgments to the text’s *literal* (Ar. *zahir*) meanings, thereby inaugurating the Zahiri school. The chapter’s latter half outlines al-Zahiri’s life, scholarship, and teachings. Goldziher points out that care must be taken not to attribute the *school’s* teachings to the *founder’s* teachings, for the school developed and perhaps even further restricted the use of analogy.

In chapter 4, Goldziher provides examples of how the Zahirī school differs from the other Sunni schools by its rejection of analogy. This is a much-needed chapter, as non-specialists in Islamic legal doctrines would otherwise find it hard to appreciate the role of *qiyas* in formulating the standard Sunni *madhhabs*. Chapter 5 discusses some essential differences that Zahirī *usul al-fiqh* has with the other *madhhabs*, such as the Zahirīs' frequent position that a simple recommendation or disapproval is a direct command or prohibition. The sixth chapter points out some similarities between the Zahirī and the Hanbali schools, while the seventh explains some of the primary evidence employed by the former and some traditionists to negate the validity of *ra'y* and *qiyas*. The eighth chapter, by far the longest, contains Goldziher's brief history of the school and analyzes the impact and theology of Ibn Hazm and some of the school's key jurists. A final supplement contains the Arabic text of portions of Ibn Hazm's *Ibtal al-Qiyas* and other relevant works.

The translator has done a superb job of rendering an extremely technical work into lucid English. One wonders if the English might actually be easier to read than Goldziher's original German. Additionally, he has corrected some minor errors in the original and kept the original edition's pagination in the margins for easy reference. Camilla Adang's introduction to the English edition contextualizes the work's *weltanschauung* and its impact when it was published. In a final footnote, she lists the primary studies on the topic since Goldziher's writing.

The work is marred, however, by numerous transliteration errors and Arabic typos, among them the following: Rahwayhi should be either Rahawayh or Rahuya (pp. 27, 66); "Mutakallim" is not a name and should either be italicized with a small "m" or translated as "scholar of *kalam*" (p. 29); *al-minhaj* should be *al-manhaj* (p. 37); there is a mistake in the Qur'anic text, *falam* should be *wa-lam* (p. 43); *al-mijwaz* (?) should be *al-jawaz* (p. 53, fnt. 37); *na'rad* should be *bi-ard* (p. 57, fnt. 46); *ta'a* should be *ta'ala* (p. 64, fnt. 4); *ahtakkhā* should be *ahtajja* (p. 68, fnt. 15); *kamaq* should be *kama* (p. 113, fnt. 46); *ansar* should be *unsur* (p. 154); and *madahib* should be *madhahib* (p. 166, fnt. 159). In addition, the use of the *hamzah* is inconsistent and there is a translation error: Page 15 states that a woman "must interrupt fasting during menstruation although she is not forbidden to pray in this state." The correct translation is that a menstruating woman must make up (*qada'*) her missed fasts but not her missed prayers.

It is, of course, anachronistic to critique Goldziher's work in light of later developments and understandings. Goldziher helped shape much of our early understanding of Islamic law, and all subsequent writings, in particular those of Joseph Schacht, depend upon him. An immense amount of work

has been done since he published this book in 1884, most notably by Wael B. Hallaq, Joseph E. Lowry, and Ahmed El Shamsy (and, for those so inclined, by Patricia Crone and David S. Powers). It is also unfair to criticize him for the dearth of his references (e.g., he relies too heavily on al-Baydawi and al-Qastallani for his legal references) or on the shallowness of some of his discussions (e.g., the evidences for those who negated or affirmed *qiyas* are rather sparse for a work of this caliber), for numerous original works, some of them primary, were unavailable to him. In fact, rather commendably, the footnote references show that he relied upon Ibn Hazm's *Al-Fisal fi al-Milal wa al-Ahwa wa al-Nihal* and other unpublished manuscripts.

What is surprising is how intricately he managed to weave a rather compelling, if incomplete and at times incorrect, narrative *despite* his limited resources. Overall, as with all things Goldziher, the work remains a necessary reference for all modern Islamicists interested in the early development of Islamic law and, in particular, the Zahiri school.

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