

**Mahmud Zamakhshari as a Representative of Jurisprudence**  
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**Abstract.** The article is about a scholar of Khwarezm Mahmud Zamakhshari, his impressive contribution to the development of Islamic jurisprudence, his teachers and disciples, and a huge legacy of the scholar in the science of fiqh.

**Keywords:** Khwarezm, Islamic law, interpretation of Islamic jurisprudence, fiqh, faqih (expert on Islamic jurisprudence), books on fiqh.

**Introduction.** The 11<sup>th</sup> – 12<sup>th</sup> centuries are considered to be last phases in the formation of jurisprudence. Various schools of jurisprudence were formed and a new period in Islamic law emerged in the 4th century AH, called “Tahziband Tanqih”, which meant the further improvement of the field. It also meant searching for the evidence of the scholars of the School, studying fatwas and sorting the relevant ones out of them. Khwarezmian scholars of the same period also created unique works on jurisprudence and made a worthy contribution to its development.

Mahmud Zamakhshari (1075-1144) is a world-renowned teacher in all areas of linguistics, especially in grammar, literature, aruz, as well as the science of tafsir, hadith and jurisprudence. His works on fiqh (Islamic law) defines his place in the area. Six works of the scholar out of seventy deal with jurisprudence, and only *Ruusul-Masail* has survived, which is an important guide in the study of Islamic schools of jurisprudence.<sup>1</sup>

Mahmud Zamakhshari, who lived when jurisprudence was developing, naturally wrote works on it, as a result of which the ongoing ideological debates on the main doctrinal issues in Islamic teaching came to an end. Mahmud Zamakhshari was known not only as a commentator, linguist, writer and poet, but also as an outstanding jurist.

Initially, throughout the research process, some contemporary scholars objected to the idea that Zamakhshari was a distinguished jurist, since the scholar is only known as a skilled linguist, lexicographer and commentator. However, the study of his jurisprudential heritage over the years has shown that the scholar is a mature scholar not only of linguistics, lexicography, literature, commentary, but also of the Shari'a issues, rules of worship and conduct in Islamic law.

The research work showed that Zamakhshari's legal capacity was assessed through the only surviving work of jurisprudence - *Ruusul-Masail*, but later in other works he referred to the views of Islamic law, its schools, founders and faqihs of different schools. The fact that the scholar is a mature lawyer of his time is explained by the following four factors.

The first factor is the scientific environment in which the scholar grew up. According to the sources, Mahmud Zamakhshari learned Islamic law from the faqihs of his time and later mentored a number of students who led the science of fiqh. The scientific environment of Khwarezm was characterized by its wide coverage. “Khwarezm has always been a place of scholars, caravans of sages.”<sup>2</sup> In addition to

the fields of Islamic sciences, other areas like tafsir, hadith, kalam and jurisprudence developed in the region. Al-Maqdisi, born in 1201, described the people of Khwarezm as: "They were the people abiding by fiqh, good manners and talent. I would not have been a student of Khwarezm without meeting the scholars of the Qur'an, jurisprudence and literature."

The Khwarezmian faqihs belonged mainly to the Hanafi School. There was also a Shafi'i orientation in the region. Academician Z. Bunyatov (1921-1997) in his work *Gosudarstvo kharezmshakhov-anushteginido* noted that Khwarezm was a place of Shafi'i only in Khiva, and in other cities of the region, the Hanafi school of jurisprudence prevailed.<sup>3</sup>

Mahmud Zamakhshari (1075-1144), a prominent figure of this period, was mentioned in the sources as an adherent of the Hanafi School of Jurisprudence and a person who even felt proud of his beliefs. In Tashko'prizoda, in his book *Miftah as-Saada*, the scholar mentioned that he learned the science of jurisprudence from Sheikh ul-Islam Alouddin Sadid ibn Muhammad al-Hayati al-Khwarezmi. Zamakhshari was also educated by the famous jurist of his time, Qazi Abu-l-Husayn Ahmad ibn Ali Domgani (1090-1145).

The following Hanafi scholars are the disciples and followers of Mahmud Zamakhshari:

1. Ibrahim ibn Muhammad ibn Sadr ibn Ali Abu Ishaq al-Muazzin Al-Khwarezmi. He was one of the followers of Abu Hanifa in his time. He was born in 1165. Abu Bakr ibn al-Mubarak al-Shi'ar: He was highly esteemed and skilled in the sciences of Islam and Shari'a, an imam in the fields of fiqh, faraiz, tafsir, hadith, method and kalam, the sciences of grammar, vocabulary and etiquette. Zamakhshari was fond of his works and relied on them.

2. Abul-Makarim Muhammad ibn al-Mafohir al-Khwarezmi. Apprenticed under him was his brother's son Iftikhoruddin Jabir faqih. Zaynul-Mashayikh is known as Baqqali. Abul-Makarim *Commentary on Al-Asma al-Husna, Asrorul-Kutub, Iftikharul-Arab, Miftohut-Tanzil, At-Targhib fil-llm, At-Tarajum bil-Lisan al-A'ajim*. He is the author of such works as *Al-Asna fiy Sharh Asmail-Husna, Azkarus-Salat, Al-Hidaya fil-Ma'ani val-Bayan, At-Tanbih fiy I'jaz al-Qur'an, Kitab ut-Tafsir*. He died in Urgench in 1180.

3. Al-Muwaffaq ibn Ahmad ibn Muhammad al-Makki was known as the Khwarezmian Khatib in his time. He learned Arabic from Jarullah Mahmud az-Zamakhshari. The author of *Al-Maghrib* is the mentor of Nasir ibn Abdus-Sayyid Abul-Muayyad al-Matrizi. He was born around 1091. Al-Qifti mentioned in *Ahbar an-Nuhat* that he was a great writer competent in jurisprudence and etiquette. Najmuddin narrated the works of Muhammad ibn Hasan al-Shaybani from 'Umar ibn Muhammad ibn Ahmad al-Nasafi. He died in 1173.

4. Nasir ibn Abil-Makarim Abdus-Sayyid ibn Ali Abul-Muzaffar and Abul-Fath al-Matrizi, students of the Khwarezmian Khatib, imam on fiqh, dictionary and Arabic, author of the books *al-Maghrib* and *Commentary on the Commentary of Maqamat al-Hariri*, also known as the Caliph of Zamakhshari. He was born in 1142 in Urgench, Khwarezm, and died in 1213. He received the first lesson from his father

Abdus-Sayyid from the Khwarezm Khatib Abul-Muayyad al-Muwaffaq ibn Ahmad ibn Muhammad al-Makki. Abu Abdullah took lessons in hadith from Muhammad ibn Ali at-Tajir. Historical sources state that he inherited 300 poems from him.

5. Al-Qasim ibn al-Husayn ibn Ahmad al-Khwarizmi An-Nahvi. He was born in 1111. Abul-Fath learned jurisprudence from Nasir ibn Abdus-sayyid al-Matrizi and took lessons of Arabic from him. He completed a three-volume commentary on Zamakhshari's *al-Mufasssal* and called it *At-Tajmir*. There is a commentary on *Saqtuz-Zand*, a commentary on *Al-Maqamat*, a work on *At-Tawziyh*, a grammar work on *Az-Zavaya val-Habaya*, and a work on *Badayi al-Milh*. In 1220, he was executed by the Mongols.

The second factor is the fiqh works of Zamakhshari. Mahmud Zamakhshari wrote books dedicated to jurisprudence. The following works of the scholar on fiqh and its representatives are mentioned in the sources:

1. *Mujam al-Hudud* (Encyclopedia of Hadrās), a work on the concept of "hadd" in Islamic law.

2. *Ar-Roiz fi Ilm al-Faraiz* (Teacher of the Faraiz Science), a guide to inheritance issues in Islamic Law.

3. *Ruus al-Masail al-Khilafiya Bayn al-Hanafiya va sh-Shafi'iyya*, a work on the main issues that differ between the Hanafi and Shafi'i schools.

4. *Shaqaiq an-Nu'man fi Manaqib an-Nu'man* (In the Red Bouquet in the Tazkirah of Nu'man), a work dedicated to Imam Azam, Abu Hanifa Nu'man ibn Thabit, the founder of the Hanafi School.

5. *Shafil-'ay min Kalam al-Shafi'i* (The Healing Word of the Shafi'i), a work about the founder of the Shafi'i School, Imam Shafi'i.

6. At the same time, some sources state that Zamakhshari wrote a commentary on the famous Hanafi book *Mukhtasari Quduri*<sup>4</sup>.

Of the six works of Mahmud Zamakhshari mentioned above, only the manuscript of *Ruus al-Masail* has been preserved. It should be noted that *Ruusul-Masail* is written in the style of comparative jurisprudence, and the author cites two, in some cases three, sectarian views on the same issue. The work shows that Zamakhshari had a deep knowledge of issues related to a number of jurisprudential schools. The scholar cited the issue of each school and put forward his argument as well<sup>5</sup>.

Third factor is the attitude towards fiqh in the works of Zamakhshari. Genre information, which today refers to the comparative study of conflicting issues between religious views, called doxography, has a special place in Zamakhshari's works. While writing about tafsir, hadith or fiqh, the scholar makes reference to the views of various schools of jurisprudence in Islam.

Imam Azam Abu Hanifa is one of the most influential commentators on Mahmud Zamakhshari's work, *Al-Kashshaf an Haqaq Qawwamiz at-Tanzil wa Uyun al-Aqawil fi Wujuh at-Tawil* (The Revealer of the hidden truths and narrations in the Qur'an). Nu'man ibn Thabit and his disciples, such as Muhammad ibn Hasan al-Shaibani, Abu Yusuf Ya'qub ibn Ibrahim al-Ansari, and Zufar ibn Huzail, narrated their views on the rules of jurisprudence derived from the verses.

Although Zamakhshari is a member of the Hanafi School, it is noteworthy that he respects the views of other schools.

The same can be observed in *Al-Faiq fi Gharib al-Hadith*, an authoritative source on hadith studies. In several passages of this work, which was highly regarded by Ibn Hajar Asqalani, who had an influential position among the scholars of hadith, Mahmud Zamakhshari expressed the views of various schools of jurisprudence. In this way, he explained the fatwas derived from the hadiths. In this work, Zamakhshari cites the Shari'ah rulings of different schools of thought, often expressing the same views of all schools, but in some places he says, "In the eyes of our masters" and in the other, "In our sight," which indicates he follows the Hanafi school.

Although Mahmud Zamakhshari was a mature jurist, he had a deep respect for scholars, especially scholars of jurisprudence and the founders of jurisprudential schools. In the literary heritage of the scholar, we come across the lines dedicated to the faqihs. In verse 114, chapter on the letter "Fa" in the poetry divan, Zamakhshari prays:

"Ala mashhad an-Nu'man, nuvvira kabruhu  
Kama navvara al-islamu balaka<sup>6</sup>"

I begged Nu'man,  
Enlightened as you have turned your face to Islam,  
May Allah fill his grave with light!

From this verse, one can see that Mahmud Zamakhshari visited the grave of Imam Azam Abu Hanifa Nu'man ibn Thabit (699-767), the founder of the Hanafi school, in Baghdad, and prayed for him.

Fourth factor is the recognition of fiqh potential of Zamakhshari in historical sources. Mahmud Zamakhshari's deep knowledge of jurisprudence is reflected in the sources. *Al-Qurashi* (1297-1373), *Al-Jawahir al-Muziya fi Tabaqat al-Hanafiya*, and *Ibn Qutlugbeka* (1399-1474), *Taju at-Tarajim fi Tabaqat al-Fuqaha al-Hanafiya* provide information on this subject. In particular, the scholar Abdulhay Laknavi, who left 110 books and pamphlets in the 19th century, wrote about Zamakhshari in his famous work *Al-favoid al-Bahiya fi Tarojum al-Hanafiyya* (Beautiful benefits from the biographies of Hanafi scholars). The scholar mentions Zamakhshari as one of the greatest faqihs of the Hanafi School. This definition is important in defining the scholar's place in the development of jurisprudence.

Mahmud Zamakhshari was active in the study and presentation of his works, including *Ad-Dur ad-Dair*, *Risala fiy Kalima ash-Shahada*, *Al-Qistas al-Mustaqim fi Ilm al-Aruz*, *Al-Muhajad bil-Masail*. An Iraqi scholar by Dr. Bahiyja Baqir al-Hasani Zamakhshari, who published a number of works, such as *Qasida al-Bawziyya*, *Al-Mufrad val-Muallaf Fin-Nahv*, and *Al-Mufrad Val-Murok fil-Arabiya*, in his preface to Nahwiyah, he stated that the scholar belonged to the Hanafi School of jurisprudence and respected this school.

In the preface to the publication of Zamakhshari's *Ruusul-Masail al-Khilafiya Baynal-Hanafiyya vash-Shafiyya*, Dr. Abdullah Nazir Ahmad also stated that the scholar was a faqih of the Hanafi School.

We can see similar ideas in the research on Zamakhshari conducted in the late 20th century. In particular, in 1977, the Cairo-based Dorus-saqofa li-t-Tiba'a wa-n-Nashr wa-t-Tavzi published a treatise by Dr. Mustafa Ayatollah Shirazi entitled *Zamakhshari as a Linguist and Commentator*. In this book, devoted to Zamakhshari's scholastic work, in particular his contribution to the development of linguistics and commentary, Ayatollah Shirazi notes, "The scholar is a faqih whose thoughts are a document for others".

Based on the above information, the following conclusions can be drawn:

1. Mahmud Zamakhshari was well versed in the science of jurisprudence and its foundations;
2. In his commentary on the verses of the Qur'an, he elaborated on the issues of jurisprudence arising from them and cited the views of various schools;
3. The scholar stated not only the teachings of the various schools, but also the evidence on which they relied;
4. Mahmud Zamakhshari, as a representative of the Hanafi School, approached the issues of fiqh from the point of the Hanafi Madhab.

All in all, the study of Zamakhshari's jurisprudential works allows to study some unidentified aspects of the scholar's scientific activity and reach analytical conclusions on the development of jurisprudence and its schools in Central Asia, especially in Khwarezm during the 10<sup>th</sup>-11<sup>th</sup> centuries.

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<sup>2</sup> Z.M. Bunyatov. *Izbrannoe sochineniya v trex tomax*. Baku: Elm, 1999, p.79

<sup>3</sup>Z.M. Bunyatov. *Izbrannoe sochineniya v trex tomax*. Baku: Elm, 1999, p.79

<sup>4</sup>Hadiyat al-Arifyn. School ash-Shamila (electronic library). www.shamela.ws

<sup>5</sup>Mahmud Zamakhshari. *Ruusul-Masail al-Khilafiya Baynal-Hanafiya vash-Shafiiya*. Bayrut. Dorul-bashairil-islamiya”, P.6

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