

The Efforts of Mālikī Scholars in the Development of Jurisprudential Theory through the Compositional Approach and Its Impact on the Formulation of Fatwas

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Abstract:

This article examines the efforts of Mālikī scholars in the development of jurisprudential thought through the compositional approach and its impact on the formulation of fatwas. The Mālikī school has been distinguished by the diversity of its scholarly production, encompassing abridgments (mukhtaṣarāt), didactic poems (manzūmāt), extensive treatises, and encyclopedic works of jurisprudence. These writings addressed the needs of students, jurists, and muftis, while facilitating the transmission and dissemination of Mālikī jurisprudence across generations. This study focuses on the significance of juridical works devoted to identifying the authoritative sources of fatwas within the school and to elucidating the methodologies employed by scholars in classifying legal texts and distinguishing authoritative works from non-authoritative ones. It does so through prominent scholarly models, including Nūr al-Baṣar fī Sharḥ Khuṭbat al-Mukhtaṣar by Aḥmad ibn ‘Abd al-‘Azīz al-Hilālī (d. 1175 AH), the Būṭalīhiyyah didactic poem by Muḥammad al-Nābighah al-Ghalāwī al-Shinqīṭī (d. 1245 AH), and ‘Awn al-Muḥtasib fīmā Yu‘tamad min Kutub al-Madhhab by ‘Abd al-Raḥmān ibn al-Sālik al-‘Alawī (d. 1398 AH), which is a commentary on the poem of Muḥammad ibn Muḥammad Fāl al-Tandaghi. The study further demonstrates that the methodology of abridgment constituted an important stage in the development of Mālikī legal writing, as it facilitated the presentation of juristic issues and ensured a gradual process of learning. Students would begin by memorizing legal texts and didactic poems before progressing to the study of their commentaries and marginal glosses, thereby developing their juristic competence. Nevertheless, abridgments were not intended to replace the original and comprehensive works; rather, they served as a means of systematizing jurisprudence and facilitating its acquisition. The study concludes that Mālikī legal writing in the field of fatwas was not merely a compilation of legal issues, but rather an integrated scholarly enterprise aimed at preserving the school, organizing its sources, and defining the principles governing ijtihād, juristic preference (tarjīḥ), and the issuance of fatwas. It also confirms that the major Mālikī legal works, with their rigorous methodologies of transmission, verification, and juristic preference, have remained fundamental references for judges, muftis, and researchers in the application of Islamic legal rulings and the treatment of emerging legal issues.

Keywords: Mālikī School; Jurisprudential Writing; Fatwa Literature; Abridgments (Mukhtaṣarāt); Sources of the School; Fatwa Formulation; Mālikī Legal Works.

Introduction

The Mālikī school of jurisprudence has been distinguished by its rich scholarly heritage in the fields of authorship and classification. Its legal literature encompasses concise abridgments (mukhtaṣarāt), characterized by brevity of expression, reliance on allusion, and limited citation of evidence and textual proofs; didactic poems (manẓūmāt), which facilitated the memorization and comprehension of legal issues; and extensive treatises, which elaborated legal rulings and consolidated the principles and foundations of the school. This rich literary tradition continued to influence later Mālikī scholars, who followed the methodology of their predecessors by adopting similar approaches to legal writing and producing diverse juristic works that accommodated different levels of scholarly training from beginners to intermediate and advanced students thereby contributing to the development and transmission of Mālikī jurisprudential methodology across generations.

From this perspective, the present paper seeks to examine the efforts of Mālikī scholars in the development of jurisprudential thought through the compositional approach and its contribution to the Islamic sciences in general, and to jurisprudential studies in particular. It also explores the status of Mālikī legal works in the formulation of fatwas and assesses the extent to which they may be relied upon in issuing legal opinions by examining their scholarly methodologies, their rank within the school, and the principles governing their use in the application of legal rulings and the issuance of fatwas.

First: Significance of the Study

The significance of this study lies in the scholarly issues it addresses, which include:

1. Demonstrating the contributions of Mālikī scholars to the tradition of legal authorship.
2. Presenting the characteristics and distinctive features of Mālikī jurisprudential development through works devoted to fatwas.

Second: Reasons for Choosing the Topic

1. The desire to highlight the contribution of the Mālikī school to the enrichment of jurisprudential scholarship, both historically and in the modern period.
2. The desire to clarify the nature of the methodology of jurisprudential authorship in the science of fatwas and its role as a research methodology in jurisprudential studies and the Islamic sciences.

Third: Scope of the Study

A. Terminology

Methodology:

The plural of manhaj is manāhij. Linguistically, it derives from the verb nahaja, conveying the meanings of clarity, explanation, and elucidation. It is said, nahaja al-ṭarīq, meaning that the path became clear and evident. Thus, manhaj denotes a clear path followed to attain a particular objective. Terminologically, it refers to the systematic scientific plan or method adopted by a researcher, author, or teacher to achieve specified objectives. It is also used to denote teaching methods and educational approaches based on scientific and methodological principles.

Jurisprudential Abridgments (Mukhtaṣarāt Fiqhiyyah):

These are juristic works in which the authors seek to compile and simplify legal issues in concise expressions, either by extracting and organizing them from the broader body of jurisprudential literature after careful editing and arrangement, or by abridging authoritative comprehensive works within the school. Such abridgments are distinguished by their brevity, dense style, concise presentation of legal issues, and frequent use of symbols and allusions, making their understanding dependent upon commentaries and marginal glosses, particularly in works characterized by extreme conciseness and precision of expression.

Taqlīd (Adherence to Authority):

Taqlīd refers to following another person in what they say or do while believing it to be correct, without independent examination or reflection.

B. Methodology of the Study

This study adopts the descriptive-analytical approach by describing the emergence of jurisprudential writings within the Mālikī school, tracing the scholarly contexts that gave rise to them, analyzing the causes and motivations behind their development, identifying their principal methodological characteristics, and examining their scholarly and educational dimensions as well as their role in shaping and consolidating juristic knowledge.

Fourth: Findings of the Study

1. An abridgment is a work characterized by brevity of wording and richness of meaning, whereas an extensive treatise is distinguished by the abundance of both wording and content.
2. The methodology of producing abridgments in the science of fatwas within the Mālikī school emerged in the early third century AH through the efforts of ‘Abd Allāh ibn ‘Abd al-Ḥakam.
3. Jurists adopted the method of abridgment because later scholars found it difficult to keep pace with the vast body of knowledge contained in comprehensive legal works.
4. The methodology of composing jurisprudential abridgments contributed to the compilation of fatwas within the Mālikī school and promoted the learner's gradual intellectual development by beginning with the memorization of concise didactic poems and legal texts, then progressing to their commentaries and marginal glosses, thereby reinforcing a staged approach to legal education based on memorization, understanding, and subsequently expanding one's study through glosses, annotations, and supplementary notes.
5. The growing emphasis on the methodology of abridgments reflects a transformation in the system of jurisprudential instruction during the later periods of Islamic legal scholarship.
6. Some jurisprudential abridgments omitted citation of scriptural evidence because their authors regarded the memorized text as a starting point for reflection and the recollection of principal legal issues, rather than the ultimate objective of juristic study.
7. In his Mukhtaṣar, Khalīl confined himself to the legal opinions upon which fatwas are issued in the Mālikī school, as he explicitly stated in the introduction to his work.

Fifth: Presentation of the Study

First: Works that Compiled and Identified the Fatwa Books of the Mālikī School

This section aims to introduce some of the scholars who devoted attention to compiling and identifying the works of fatwas, while highlighting their efforts in surveying these writings and

clarifying their status within the Mālikī legal tradition. Among the earliest scholars to address this subject was Abū al-‘Abbās Aḥmad ibn ‘Abd al-‘Azīz al-Hilālī (d. 1175 AH), who referred to a number of these works in his book *Nūr al-Baṣar fī Sharḥ Khuṭbat al-Mukhtaṣar*. Prior to his work, however, scattered references had already appeared in the writings of some Mālikī scholars who discussed the legal works and scholarly contributions of jurists.

1. *Nūr al-Baṣar fī Sharḥ Khuṭbat al-Mukhtaṣar* of Imām Khalīl, by Abū al-‘Abbās Aḥmad ibn ‘Abd al-‘Azīz ibn al-Rashīd al-Hilālī al-Filālī (d. 1175 AH)

First: Biography of the Author

Abū al-‘Abbās Aḥmad ibn ‘Abd al-‘Azīz al-Hilālī (d. 1175 AH) was one of the most prominent Mālikī scholars of the twelfth century AH. He was a jurist (faqīh), ḥadīth scholar (muḥaddith), and specialist in *nawāzil* (legal responsa concerning unprecedented cases). He was widely known as al-Hilālī and traced his lineage to Sijilmāsa, where he was born in 1113 AH into a family distinguished for scholarship and nobility. He descended from the lineage of the jurist and authority on *nawāzil*, Abū Ishāq Ibrāhīm ibn Hilāl (d. 903 AH). Following the path of his forefathers in the pursuit of knowledge, he traveled throughout the scholarly centers of the Maghrib and later journeyed to the Mashriq in search of learning and the acquisition of scholarly chains of transmission (*isnāds*). This enabled him to study under numerous teachers and to acquire a diverse body of transmitted knowledge, the details and benefits of which he recorded in his bibliographical indexes (*fahāris*) and other writings.

Al-Hilālī studied under a number of the leading scholars of his time. Among his teachers in the Maghrib were Abū ‘Abd Allāh Muḥammad ibn ‘Abd al-Salām al-Bannānī (d. 1163 AH), Abū al-Barakāt Aḥmad ibn Muḥammad al-Ḥabīb al-Sijilmāsī (d. 1165 AH), and Abū ‘Abd Allāh Muḥammad ibn al-Ṭayyib al-Sharqī (d. 1170 AH). He also studied under several scholars of the Mashriq, including Muṣṭafā ibn Kamāl al-Dīn al-Bakrī (d. 1162 AH) and Muḥammad ibn Sālīm al-Ḥafnāwī (d. 1181 AH). Upon returning from his scholarly journey, he devoted himself to teaching in Madgharah, then Sijilmāsa, and later Fez, where students gathered to benefit from his knowledge and record his scholarly observations. Among his most distinguished students were the historian Muḥammad ibn al-Ṭayyib al-Qādirī (d. 1187 AH), the jurist Muḥammad ibn al-Ḥasan al-Bannānī (d. 1194 AH), and Muḥammad ibn ‘Abd al-Salām al-Fāsī (d. 1214 AH). Contemporary scholars testified to his vast learning, critical scholarship, and excellence in teaching. Al-Qādirī counted him among the foremost scholars of his age, describing him as "the eminent, distinguished, and accomplished scholar...". He was likewise praised by Muḥammad al-Ḥuḍaykī, while Muḥammad ibn Muḥammad Makhlūf described him as "the jurist, the ḥadīth scholar, the authoritative transmitter, and the scholar deeply versed in both the rational and transmitted sciences." His significance to the present study lies in his concern for compiling and classifying juristic knowledge. This is evident from his references to fatwa literature and its compilations in his work *Nūr al-Baṣar fī Sharḥ Khuṭbat al-Mukhtaṣar*, making him one of the earliest scholars to draw attention to this category of writings within the Mālikī intellectual tradition.

He was also renowned, may Allah have mercy upon him, for the abundance and diversity of his scholarly works. Biographical and historical sources mention a number of his writings, the most

notable of which are: *Fath al-Quddūs fī Sharḥ Khuṭbat al-Qāmūs*; *Idā'at al-Admūs wa Riyāḍat al-Shumūs fī Iṣṭilāḥ Ṣāhib al-Qāmūs*, lithographically printed in Fez in 1300 AH and again in 1313 AH; *Nūr al-Baṣar fī Sharḥ al-Mukhtaṣar*, which has been published; *al-Zawāhir al-Ufuqiyyah fī Sharḥ al-Jawāhir al-Manṭiqiyyah*, lithographically printed in Fez in 1313 AH; *al-Marāhim fī Aḥkām Fasād al-Darāhim*, of which two manuscript copies are preserved in the Royal Library; *al-Fawā'id al-Multaqaṭah wa al-Waṣāyā al-Mu'tabarah*, a copy of which is held at the Allal al-Fassi Foundation; and two creedal treatises published in *Mir'āt al-Turāth*, Issue No. 3 (pp. 158–168), edited and introduced by Khālid Zuhri. The author passed away, may Allah have mercy upon him, in Sijilmāsa on Tuesday, 21 Rabī' al-Awwal 1175 AH

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Second: His Methodology of Authorship

Abū al-'Abbās Aḥmad ibn 'Abd al-'Azīz al-Hilālī opens his work *Nūr al-Baṣar fī Sharḥ Khuṭbat al-Mukhtaṣar* with two introductory sections. In the first, he discusses the virtue of knowledge, learning, and teaching, while in the second, he explains the benefits of writing and scholarly authorship, encouraging the pursuit of knowledge because of the reward and merit associated with it. He then presents his chain of transmission (isnād) for Khalīl's *Mukhtaṣar* before proceeding to explain the basmalah, addressing its grammatical structure, meaning, legal status, virtues, orthography, and the question of whether it constitutes part of the Qur'an at the beginning of the sūrahs.

He then proceeds to the principal objective of the work by commenting on the introduction to Khalīl's *Mukhtaṣar*. In the course of his discussion, he turns to Imām Mālik, highlighting his scholarly qualities, moral virtues, and status among scholars. He also examines the concept of fatwa according to jurists, emphasizing its significance and gravity, particularly with regard to issuing fatwas solely on the basis of books without direct learning from qualified teachers. He further discusses the qualifications of the mufti and the various ranks of scholars, classifying them into the absolute mujtahid, the mujtahid within the school, those who have not attained mastery of the legal principles, and a further category consisting of individuals who merely claim scholarly affiliation without proper verification or discernment.

Al-Hilālī subsequently elaborates on the classifications of students of knowledge as presented by al-Qarāfī and Ibn Rushd. He discusses the circumstances of those who assume the role of issuing fatwas, warning against excessive leniency in this regard and citing examples of legal issues in which unwarranted expansion had occurred. He also explains the legal opinions upon which fatwas may legitimately be based within the Mālikī school, limiting them to three categories: the unanimously accepted opinion, the preponderant (rājiḥ) opinion, and the well-known (mashhūr) opinion. He distinguishes between the latter two by explaining that the rājiḥ opinion is that supported by the stronger evidence, whereas the mashhūr opinion is the one adopted and widely circulated by the majority of Mālikī jurists.

Among the most significant themes of the book is al-Hilālī's concern with clarifying the role of jurisprudential works in preserving the Mālikī school and regulating the practice of issuing fatwas, particularly in an era marked by the weakening of memorization and the interruption of oral transmission. He therefore emphasizes the necessity of relying upon trustworthy legal

works and stipulates two conditions for an authoritative source: that it be authentically attributed to its author and that its contents themselves be reliable. He then distinguishes between authoritative and non-authoritative works, warning against reliance on certain writings whose attribution is uncertain or whose contents contain inconsistencies. Conversely, he identifies a number of works regarded as foundational references of the Mālikī school and principal sources for fatwas, including Aḥkām of Ibn Sahl, al-Mutayṭīyah, Tabṣirat Ibn Farḥūn, the commentaries on Ibn al-Ḥājjib, Dīwān Ibn ‘Arafah, al-Ḥaṭṭāb's commentary on the Mukhtaṣar, al-Mawwāq's commentary, the commentaries of Bahrām, and others.

He also refers to several authoritative collections of nawāzil and marginal glosses, including al-Durr al-Nathīr by Ibn Hilāl, Nawāzil Ibn Hilāl, al-Durar al-Maknūnah fī Nawāzil Māzūnah, and al-Mi‘yār of al-Wansharīsī. At the same time, he notes that some collections of nawāzil contain fatwas requiring verification or further qualification before being relied upon. Accordingly, al-Hilālī's work represents a scholarly attempt to regulate the practice of issuing fatwas within the Mālikī school by identifying its authoritative sources and establishing criteria for dealing with the school's legal literature.

2. al-Būṭalīhiyyah by Muḥammad al-Nābighah al-Ghalāwī (d. 1245 AH)

First: Biography of the Author

Muḥammad al-Nābighah ibn ‘Umar al-Ghalāwī al-Shinqīṭī,² the author of numerous distinguished didactic poems, is regarded as one of the leading figures of the Mālikī school in the region of Shinqīṭ during the twelfth century AH. He was renowned for his extensive scholarship, excellence in authorship, and exceptional talent in composing didactic poetry, earning recognition as one of the scholars who made significant contributions to the service and dissemination of Mālikī jurisprudence.

His scholarly production is distinguished by its predominantly poetic form, as he employed didactic verse as a means of simplifying the sciences and facilitating their memorization. He composed numerous legal texts and didactic poems on a variety of scholarly subjects, all characterized by precision, eloquent composition, and stylistic strength.

Among his most celebrated works is his didactic poem known as al-Tuḥfah, which received considerable attention from scholars because of its inclusion of beneficial legal issues and principles across various subjects. He also composed a poem identifying the authoritative books and legal opinions of the Mālikī school, demonstrating his concern with the questions of juristic preference (tarjīḥ) and authoritative reliance within the school. His objective was to guide students and muftis toward recognizing the works to which they should refer when establishing legal rulings and deriving fatwas, since identifying the authoritative sources of the school and distinguishing them from non-authoritative works has always been one of the principal concerns of Mālikī scholars throughout the school's development.

The scholarly environment of Shinqīṭ played a significant role in shaping his intellectual character. The region was one of the principal centers for preserving the sciences of the Mālikī school, where Khalīl's Mukhtaṣar, its commentaries, and the collections of nawāzil and fatwas were widely studied and transmitted. This environment is clearly reflected in al-Ghalāwī's writings, which demonstrate his concern for compiling and simplifying juristic issues while

relating them to the principles and legal foundations of the Mālikī school. His scholarly activity was not confined to composing abridgments in verse; he also authored commentaries and annotations that testify to his mastery of both the Islamic sciences and the Arabic language.

Among his writings are his commentary on Ibn ʿĀshir's *al-Murshid al-Muʿīn ʿalā al-Ḍarūrī min ʿUlūm al-Dīn*, a work that illustrates his concern for making Mālikī jurisprudence more accessible and comprehensible, as well as his commentary on *Idāʾat al-Dujnah fī Iʿtiqād Ahl al-Sunnah* by al-Maqqarī³ (d. 1041 AH), which reflects his interest in theology alongside jurisprudence. He also authored the didactic poem *al-ʿUddah fī Aḥkām al-Riddah*, *al-Mubāshir ʿalā Ibn ʿĀshir*, *al-Azharī fī Sharḥ ʿIbādāt al-Akhḍarī*, in addition to numerous other works on jurisprudence, theology, Arabic language, and literature.

The importance of *al-Nābighah al-Ghalāwī* in the context of Mālikī legal authorship lies in his efforts to simplify the legal doctrines of the school, serve its foundational texts, and identify its authoritative opinions and references. He was not merely a transmitter of juristic material but also contributed to its organization and presentation for students. In this respect, his efforts represent a continuation of those of earlier Mālikī scholars who sought to preserve the school and regulate the mechanisms governing the issuance of fatwas, particularly through identifying the authoritative works and the well-known and preponderant legal opinions within the school.

Second: Editions of the Poem

Before discussing the author's methodology in composing this didactic poem, it is appropriate to draw attention to its principal printed editions, since this has a direct bearing on assessing the condition of the text and the extent to which its available copies may be relied upon. The poem has been published several times; however, most of these editions were not prepared according to scholarly critical standards. Among these editions are:

- First edition: Published by the Royal Press in Fez in 1282 AH/1865 CE.
- Second edition: Published by Maṭbaʿat al-ʿAdl in Istanbul in 1336 AH/1918 CE.
- Third edition: Published as part of a collected volume in 1339 AH/1921 CE.
- It was also appended to the edition of *Iṣṭilāḥ al-Madḥhab ʿinda al-Mālikiyyah* by Muḥammad Ibrāhīm Aḥmad ʿAlī, published in 1421 AH/2000 CE.
- It likewise appeared as an appendix to the critical edition of *Fatāwā Ibn Abī Zayd al-Qayrawānī*, edited by Ḥamīd Muḥammad Laḥmar in 2004 CE.

Despite these various editions, they all contain numerous errors, copyists' mistakes, omissions, and textual corruptions, making a reliable critical edition of the text indispensable.

Among the most notable critical editions is that prepared by Yaḥyā ibn al-Barrāʾ under the title *Min Nuṣūṣ al-Fiqh al-Mālikī: Būṭalīhiyyah, Taḥqīq wa Dirāsah*, first edition, 1422 AH/2002 CE, published by Muʾassasat al-Rayyān, Beirut, Lebanon. This work constitutes a significant scholarly contribution owing to the editor's careful attention to both the text and its study. Nevertheless, it is not without certain shortcomings, the most important of which are:

First: The absence of a critical approach in certain passages, with a tendency to accept the transmitted text without sufficient discussion or analysis, thereby limiting opportunities for scholarly examination.

Second: The presence of a number of errors that affected the meaning of certain verses or undermined the legal and scholarly implications derived from them.

The poem was also edited and studied in the second part of a master's thesis submitted for the degree of Master of Islamic Sciences, specializing in Jurisprudence and Its Foundations, entitled *The Didactic Poem on the Authoritative Opinions and Books in the Mālikī School* by Shaykh Muḥammad al-Nābighah al-Ghalāwī al-Shinqīṭī (d. 1245 AH/1829 CE), prepared by Lakhdar Ben Goumar under the supervision of Dr. Maṣṣūr Kāfī.

This study is distinguished by its attempt to reconstruct the personality of the author through induction and analysis. It also adopts the analytical method in examining the contents of the poem, addressing its various linguistic, jurisprudential, theological, and other dimensions. Among the linguistic issues examined are the author's stylistic features, his lexical choices, and his method of expressing meanings within the framework of didactic verse. One example discussed by the editor is the following verse by the author:

"Everything contained therein is manifestly authentic,
In the affirmative statement and the explicit command."

The editor comments:

"This latter hemistich is the second half of the seventeenth verse, adapted through coordinate conjunction (‘aṭf al-nasaq) from Ibn Mālik's *Alfiyyah* in grammar:

And by it transfer to the second the ruling of the first,
In the affirmative statement and the explicit command."

Among the theological issues addressed by the editor in his study of the poem is his statement: "Al-Badī‘ (The Originator) is one of the Most Beautiful Names of Allah. It refers to the One who has no equal or precedent. If there exists no prior likeness to Him whether in His Essence, His Attributes, His Actions, or in anything related to Him then He is the Absolute Al-Badī‘. However, if any aspect of that is found to have a precedent, then it is not absolute originality (al-badī‘ al-muṭlaq)."4

Third: The Author's Methodology

In composing his didactic poem, Muḥammad al-Nābighah al-Ghalāwī adopted the *rajaz* meter, which has long been favored for versifying the Islamic sciences and instructional texts because of its ease of memorization and flexibility of expression. He consistently employed the technique of *taṣrī‘*, giving each verse a unified rhyme in both hemistiches, thereby imparting a harmonious rhythm and smooth recitation. His style is marked by clarity and simplicity of expression, relying primarily on direct exposition while avoiding excessive rhetorical embellishment or imaginative language. Indeed, some of his verses closely resemble rhythmic prose, distinguished from ordinary prose only by their arrangement within the *rajaz* meter.

The poem nevertheless exhibits a number of artistic features characteristic of this literary genre. The author occasionally modifies vowelization and consonantal endings or alters certain word forms in order to preserve the meter, as is evident in several verses. He also employs a variety of rhetorical devices, makes effective use of Qur'anic quotations, and incorporates a number of hemistiches borrowed from Ibn Mālik's *Alfiyyah* and other didactic poems, reflecting the breadth of his scholarship and his engagement with the earlier intellectual tradition.

With regard to its thematic structure, the poem is organized around a principal objective: identifying the authoritative foundations upon which fatwas are based within the Mālikī school. The author begins by emphasizing the gravity of issuing fatwas and warning against assuming this responsibility without the requisite qualifications. He then proceeds to identify the books and legal opinions upon which Mālikī muftis rely, arranging these sources according to their scholarly standing and the degree of authority accorded to them by Mālikī jurists.

He surveys a number of the principal Mālikī legal sources upon which fatwas have traditionally been based. Among the works of the early authorities, he mentions al-Tahdhīb by al-Barādhāʿī, al-Tabṣīrah by al-Lakhmī, al-Jāmiʿ by Ibn Yūnus, al-Bayān wa al-Taḥṣīl and al-Muqaddimāt by Ibn Rushd, as well as the writings of al-Māzarī. He then turns to the works of the later scholars and the commentaries on the abridgments, including Bahrām's commentary, al-Ḥaṭṭāb's marginal gloss, the commentaries of al-Mawwāq, and those of Ḥalūlū. He further notes that Mālikī jurists relied in issuing fatwas upon Ibn ʿArafah's Mukhtaṣar al-Fiqh, Ibn Marzūq's al-Manzaʿ al-Nabīl fī Sharḥ Mukhtaṣar Khalīl, al-Nihāyah wa al-Tamām fī Maʿrifat al-Wathāʾiq wa al-Aḥkām by Abū al-Ḥasan al-Mutayṭī (d. 570 AH), and the two commentaries of al-Zawāwī (d. 857 AH) on Khalīl's Mukhtaṣar: the first entitled Tashīl al-Sabīl li-Muqtaṭaʿf Azhār Rawḍ Khalīl, and the second Tuḥfat al-Mushtāq fī Sharḥ Mukhtaṣar Khalīl ibn Ishāq. He also refers to the authoritative work of Ibn Sahl al-Asadī (d. 486 AH), entitled al-Iʿlām bi-Nawāzil al-Aḥkām.

The author subsequently discusses the marginal glosses (ḥawāshī) regarded as authoritative in the issuance of fatwas. He devotes a separate chapter to works that should not be relied upon, followed by another chapter addressing spurious books and fabricated opinions falsely attributed to the Mālikī school, warning against issuing fatwas on their basis. He also includes a chapter cautioning against independent inquiry and interpretation without reliance upon authoritative texts. Thereafter, he elaborates on several principles that significantly influence the formulation of fatwas, including the conditions governing reliance on established legal practice (mā jarā bihi al-ʿamal), the principles regulating preference based on custom (ʿurf), and the consideration of public interests (maṣāliḥ) and harms (mafāsīd). He also discusses the different ranks of muftis, classifying them according to their levels of scholarly qualification, and concludes the poem by identifying the minimum qualifications that a mufti should possess in later times.

Accordingly, the poem represents a scholarly project that extends beyond merely listing legal works. Rather, it seeks to establish the authoritative framework of Mālikī fatwas and to guide both students and muftis in understanding the proper use of the school's sources and their respective degrees of authority.

3. ʿAwn al-Muḥtasib fīmā Yuʿtamad min Kutub al-Madhhab: A Commentary on the Forty-Verse Poem of Muḥammad ibn Muḥammad Fāl al-Tandaghi (d. 1400 AH), by ʿAbd al-Raḥmān ibn Sālik ibn Bāb al-ʿAlawī (d. 1398 AH)

This work is a commentary written by the eminent scholar and judge Muḥammad ʿAbd al-Raḥmān ibn al-Sālik al-ʿAlawī on the didactic poem composed by his teacher, colleague, and close companion, the judge Muḥammad ibn Muḥammad Fāl al-Tandaghi. The poem is devoted

to identifying the authoritative books of the Mālikī school, arranged according to their scholarly rank, beginning with the principal foundational sources and ending with the marginal notes, annotations, and glosses required by researchers and jurists for the verification of legal issues and the completion of juristic inquiry. This commentary clarifies the contents of the poem and explains the hierarchical status and scholarly value of these works, making it a valuable guide for scholars, jurists, muftis, and judges in both their scholarly gatherings and their legal and judicial practice.⁵

First: Biography of the Author of the Poem (Muḥammad ibn Muḥammad Fāl ibn Aḥmad Fāl)

He is Muḥammad ibn Muḥammad Fāl ibn Aḥmad Fāl al-Tandaghi al-Arbaʿīnī. He was known by the epithet of his father, Yaḥyā, and was also commonly referred to as al-Qāḍī (the Judge) in recognition of his position as both a judge and a mufti. His father, Muḥammad Fāl ibn Aḥmad Fāl ibn Umayjin (d. 1345 AH), was the head of a renowned maḥzarah (traditional center of Islamic learning) from which a great number of scholars and students graduated.

Muḥammad was born in 1312 AH and passed away in 1400 AH at approximately eighty-eight years of age. He was raised in a household distinguished by scholarship, knowledge, and wisdom, qualities for which his father, Muḥammad Fāl, was widely known. His father's maḥzarah attracted students and seekers of knowledge from various regions. Within this institution, which functioned as a comprehensive center of learning where jurisprudence and its principles, Arabic grammar, logic, rhetoric, ḥadīth, Qur'anic studies, and numerous other disciplines were taught, Muḥammad grew up under the direct supervision of his father, the head of the maḥzarah and the community's mufti. From an early age, he devoted himself entirely to the pursuit of knowledge, allowing nothing to distract him. Surrounded by fellow students and scholars, with his writing tablet and books as his constant companions, he distinguished himself through exceptional intelligence, diligence, and perseverance.

He later assumed the office of judge while continuing, without interruption, to teach, issue fatwas, and write both day and night, ceasing only for the prescribed prayers, remembrances, and devotional practices. He authored more than 120 works across fourteen different disciplines, including both poetry and prose, in addition to a substantial collection of poetry covering the principal genres of Arabic verse.

Among his works in jurisprudence and legal theory are his commentary on his father's didactic poem, as well as a supplementary poem completing his father's composition. He also wrote biographical works on the scholars of the Mālikī school and defended both the school itself and its founder, Imām Mālik ibn Anas (may Allah be pleased with him). Furthermore, he was among the foremost scholars to address the issue of ijtihā its nature and challenges in both poetry and prose.

His collected fatwas and legal responsa (nawāzil) reveal his remarkable intellectual acuity, his keen awareness of the changing needs of his time, and his firm conviction that the Islamic Sharīʿah is suitable for every age. He also composed various didactic poems on the muthallath (lexical works dealing with words differing according to vowelization), commentaries on pre-Islamic and Islamic poems, and, in the field of Arabic grammar, a lengthy didactic poem

paralleling the gloss (ṭurrah) of Ibn Būn, in which he clarified a number of its difficult passages while adding further material. In addition, he authored works on proverbs, anecdotes, rhetoric, logic, arithmetic, Sufism, and Arabic prosody.⁶

Second: Biography of the Author of the Commentary (Muḥammad ‘Abd al-Raḥmān ibn al-Sālik ibn Bāb al-‘Alawī)

Muḥammad ‘Abd al-Raḥmān ibn al-Sālik ibn Bāb al-‘Alawī, commonly known as al-Naḥ, was born in 1301 AH/1883 CE into a distinguished scholarly family. His forefathers were eminent scholars who left a profound mark on the intellectual, social, and political life of the Qiblah region, and whose influence extended beyond that region to other parts of the country and even beyond its borders.

He memorized the Qur'an at an early age under the guidance of teachers devoted to Qur'anic instruction. He then began studying the fundamentals of the Arabic linguistic and Islamic sciences under a number of prominent scholars. He led a life devoted to scholarship, distinguished by continuous intellectual activity, extensive reading, and the acquisition of books. He was also renowned for his remarkable command of the transmitted opinions of the Mālikī school, his ability to recall them with precision, his patience in studying them, and his careful verification of their texts and chains of transmission. In addition, he possessed extensive knowledge of the scholars of the Mālikī school, their biographies, and the dates of their deaths. Among his works are: Nashr al-‘Urf fī Ithbāt al-Shurūṭ bi al-‘Urf; Kashf al-Qinā‘ ‘an Masā’il al-Raḍā‘; Raf‘ al-Shawā’ib ‘an Bay‘ al-Ghā’ib; Tawjīh al-Nazar ilā Qismat Mā Lā Yuqṣam Illā bi al-Nazar; and Taysīr al-Wafā’ bi Ḥuqūq Āl al-Bayt al-Shurafā’, in addition to other scholarly writings.

He passed away, may Allah have mercy upon him, in 1399 AH/1978 CE, and was buried in the al-Nabāghīyyah Cemetery.⁷

Third: The Author's Methodology

In his commentary, the author explains the poem, which addresses several principal themes, the most significant of which are the following:

First: The poem opens by identifying the foundational authoritative sources of the Mālikī school, namely the four principal legal compilations: al-Mudawwanah, al-‘Utbiyyah, al-Wāḍiḥah, and al-Muwāziyyah.

Second: The author proceeds to enumerate the works regarded as authoritative within the Mālikī school. These include al-Majmū‘ah al-‘Abdūsiyyah by Muḥammad ibn ‘Abdūs (d. 260 AH); al-Thamāniyyah by Abū Zayd ‘Abd al-Raḥmān ibn Ibrāhīm ibn Yaḥyā (d. 258 AH), so called because it consists of eight books; the Kutub al-Madaniyyah of ‘Abd al-Raḥmān ibn Dīnār (d. 201 AH); Tahdhīb al-Barādha‘ī by Khalaf ibn Abī al-Qāsim al-Azdī, known as al-Barādha‘ī (d. 430 AH), which Mālikī scholars commonly refer to as the "Minor Mudawwanah"; and al-Mutayṭiyyah by Abū al-Ḥasan al-Mutayṭī (d. 570 AH), whose full title is al-Nihāyah wa al-Tamām. This work was later abridged by the judge Abū Ishāq ibn ‘Abd al-Rafī‘ under the title Mu‘īn al-Ḥukkām, and subsequently further abridged by Ibn Hārūn.

The author also identifies al-Muntakhab by Ibn Abī Zamanayn (d. 399 AH), al-Dumyāṭiyyah by ‘Abd al-Raḥmān ibn Abī Ja‘far al-Dumyāṭī, and discusses the scholarly disagreement regarding the authority of Tabṣirat Abū al-Ḥasan ‘Alī ibn Muḥammad al-Rab‘ī al-Lakhmī. He notes that the majority of Mālikī jurists did not regard it as an authoritative source, while those who did justified their reliance upon it on the basis of a particular methodological convention adopted by its author. By contrast, Tabṣirat Ibn Muḥriz, consisting of annotations made by Abū al-Qāsim Ibn Muḥriz (d. 450 AH) on the Mudawwanah, is regarded as an authoritative work. He further mentions al-Muntaqā by Abū al-Walīd Sulaymān ibn Khalaf (d. 474 AH). Among the important annotations (ta‘ālīq), he refers to the commentary of the Tunisian scholar Ibrāhīm ibn Ḥusayn ibn Ishāq (d. 443 AH), followed by the supplement (Takmilah) of ‘Abd al-Ḥamīd al-Ṣā’igh al-Qayrawānī (d. 486 AH), the teacher of al-Māzarī, which serves as a continuation of the Tunisian scholar's commentary. He also states that the annotations of Abū ‘Imrān ibn ‘Īsā ibn Ḥajjām al-Qābisī (d. 435 AH) on the Mudawwanah are among the authoritative references of the Mālikī school.

Mālikī jurists likewise relied upon al-Nawādir by Ibn Abī Zayd al-Qayrawānī, known as "the Younger Mālik" (d. 386 AH), who also authored the Mukhtaṣar and the Risālah. Regarding al-Jawāhir al-Thamīnah fī Fiqh ‘Ālim al-Madīnah by Ibn Shās (d. 610 AH), the author notes that it was criticized because its arrangement followed the structure of al-Ghazālī's al-Wajīz and because it adopted his approach in numerous legal issues. As for the Mukhtaṣar, it refers to the abridgment of ‘Abd Allāh ibn ‘Abd al-Ḥakam (d. 214 AH); whenever Mālikī scholars refer simply to "al-Mukhtaṣar" in their writings, they intend this work. They also regarded as authoritative Ibn Rushd's al-Muqaddimāt and al-Bayān wa al-Taḥṣīl, Aḥkām by Abū Bakr Ibn al-‘Arabī (d. 543 AH), and numerous other authoritative works of the school.

In addition, the commentator draws attention to works that are not regarded as authoritative, those that are no longer extant, those whose authorship is unknown, as well as books that do not specialize in jurisprudence.

3. The Methodology of Authorship in the Field of Fatwas within Mālikī Jurisprudence

The Mālikī school is distinguished by the abundance of its legal sources and the diversity of its scholarly writings. Some works were composed to defend the school through discussions of higher-level juristic disagreement (al-khilāf al-‘ālī), while others addressed lower-level juristic disagreement (al-khilāf al-nāzil) in order to distinguish the well-established opinions from the weak ones within the school. Other writings were intended for legal training, the acquisition of juristic competence, and the education of students in the application of legal rulings. Still others were devoted to identifying the legal opinions upon which fatwas are issued and judicial practice is based, so that they might be relied upon in unprecedented legal cases (nawāzil), judicial decisions, and legal rulings, and consulted to resolve disagreement in cases of dispute. This represents a distinguished branch of legal authorship.⁸ Accordingly, this section of the study seeks to highlight the principal sources upon which fatwas are based and which constitute the authoritative references for issuing fatwas within Mālikī jurisprudence.

3. The Primary Sources for Fatwas

These works comprise the legal compilations regarded as the principal authorities and foundational sources of the Mālikī school. They serve as the primary references for anyone seeking to establish the authoritative position of the school, identify its transmitted opinions, and distinguish its relied-upon legal rulings. Foremost among them is the Muwaṭṭa' of Imām Mālik, followed by the four principal compilations (al-Ummahāt): al-Mudawwanah, al-Mustakhrjah (al-'Utbiyyah), al-Muwāziyyah, and al-Wāḍiḥah. To these are added the works known as the "mixed books" (al-Kutub al-Mukhtalaṭah), namely al-Asadiyyah and al-Majmū'ah of Judge Ismā'īl ibn Ishāq. These are followed by the legal compendia (dawāwīn) that collected the legal issues and transmitted opinions of the Mālikī school, which became fundamental references for Mālikī jurists in determining authoritative opinions and deriving subsidiary legal rulings.

First: The Muwaṭṭa'

The Muwaṭṭa' of Imām Mālik ibn Anas (d. 179 AH) is regarded as one of the earliest surviving compilations of ḥadīth and among the first works in which the Prophetic traditions were systematically arranged according to the chapters of jurisprudence. In this work, Imām Mālik carefully compiled Prophetic traditions, reports (āthār), and the opinions of the Companions and the Successors, organizing them according to legal subjects and rulings. Consequently, the Muwaṭṭa' came to be recognized as one of the principal foundations of the Mālikī school and a primary source upon which Mālikī jurists relied in establishing the legal doctrines of the school and developing its subsidiary rulings.⁹ Imām Mālik ibn Anas adopted a distinctive methodology in compiling the Muwaṭṭa', making it a work of unique character. He employed meticulous methods in collecting and organizing its scholarly material, based on careful scrutiny, verification, and the selective inclusion of ḥadīths according to specific criteria and standards. The work combines both ḥadīth and jurisprudence, arranging its chapters in accordance with legal issues and rulings, which made it one of the pioneering compilations in this field.

As for the reason why Mālik's work was entitled al-Muwaṭṭa', two well-known accounts have been transmitted. The first is the report narrated from Abū Ḥātim al-Rāzī, who was asked: "Why was Mālik's Muwaṭṭa' called al-Muwaṭṭa'?" He replied: "It was a work that he compiled and made accessible (waṭṭa'ahu) for the people, and thus it came to be known as Mālik's Muwaṭṭa', just as it was said: Sufyān's Jāmi'."

The second account is attributed to Imām Mālik himself, who said: "I presented this book of mine to seventy jurists from among the jurists of Madinah, and they all approved (wāṭa'anī) it; therefore, I named it al-Muwaṭṭa'." This second narration appears more likely to be correct, since it originates from the author of the work himself and explicitly explains the reason for its title. Moreover, it reflects the high standing of the book and the acceptance it enjoyed among the scholars of his time.¹⁰

Second: The Principal Compilations (al-Ummahāt)

A. al-Mudawwanah

1. Its Status

Al-Mudawwanah is regarded as the second most important authoritative source of Mālikī jurisprudence for the issuance of fatwas after the Muwaṭṭa'. It has been referred to by several titles, including "al-Umm" (The Mother Book) and "al-Kitāb" (The Book). It has also been recognized as the foremost legal authority of the Mālikī jurists, taking precedence over all other legal compendia and serving as the principal reference in matters of legal rulings, fatwas, and judicial decisions.

The origins of al-Mudawwanah lie in the lessons and transmissions of 'Abd al-Raḥmān ibn al-Qāsim (d. 191 AH) from his teacher, Imām Mālik ibn Anas (d. 179 AH). Ibn al-Qāsim transmitted the responses of Imām Mālik to numerous juristic questions. Subsequently, when Asad ibn al-Furāt (d. 213 AH) traveled to the Mashriq, he compiled a collection of legal issues derived from the narrations of Ibn al-Qāsim and others before returning with them to Qayrawān. He later presented this material to Ibn al-Qāsim, who reviewed and corrected its contents. Thereafter, Saḥnūn (d. 240 AH) undertook its arrangement, refinement, and systematic classification. He further incorporated legal issues and juristic opinions from the leading scholars of the Mālikī school and concluded its chapters with relevant Prophetic traditions and transmitted reports. As a result, al-Mudawwanah became one of the foundational authorities of the Mālikī school and a principal source for establishing its legal doctrines.

Some sections of the work, however, remained in their original unsystematic and unorganized form. For this reason, certain portions came to be described as "mixed" (mukhtalaṭah), as is the case with some chapters of the Book of Endowments (Kitāb al-Ḥabs).

Mālikī scholars have expressed the eminent status of the authorities upon whom al-Mudawwanah is based by stating that it revolves around four of the foremost imams of the Mālikī school: Imām Mālik ibn Anas, the Imam of Dār al-Hijrah; 'Abd al-Raḥmān ibn al-Qāsim; Asad ibn al-Furāt; and Saḥnūn. It is reported that Ibn al-Qāsim said: "I have made Mālik my proof before Allah, the Exalted." Saḥnūn likewise said: "And I have made Ibn al-Qāsim my proof before Allah, the Exalted." Ibn Waḍḍāḥ further stated: "Saḥnūn is in no way inferior to either of them, and I have made Saḥnūn my proof before Allah, the Exalted." These statements demonstrate the profound scholarly confidence that these eminent jurists enjoyed in transmitting the Mālikī school and establishing its legal doctrines.¹¹

2. Authoritative Commentaries and Abridgments of al-Mudawwanah

1. Al-Tahdhīb fī Ikhtisār al-Mudawwanah by Khalaf ibn Abī al-Qāsim Abū Sa'īd al-Azdī, known as al-Barādhā'ī (d. 430 AH).
2. Al-Jāmi' li-Masā'il al-Mudawwanah wa al-Mukhtalaṭah by Muḥammad ibn 'Abd Allāh ibn Yūnus Abū Bakr, commonly known as Ibn Yūnus (d. 451 AH).
3. Al-Tabṣirah by 'Alī ibn Muḥammad Abū al-Ḥasan al-Rab'ī, known as al-Lakhmī (d. 478 AH).
4. Al-Muqaddimāt al-Mumahhidāt li-Binā' Mā Iqṭaḍat-hu Rusūm al-Mudawwanah min al-Aḥkām al-Shar'iyyāt wa al-Taḥṣīlāt al-Muḥkamāt li-Ummahāt Masā'ilihā al-Mushkilāt by Muḥammad ibn Aḥmad ibn Muḥammad Ibn Rushd Abū al-Walīd al-Qurṭubī.
5. Al-Ta'līqah 'alā al-Mudawwanah by Muḥammad ibn 'Alī ibn 'Umar al-Tamīmī Abū 'Abd Allāh al-Māzarī (d. 536 AH), commonly known as al-Sharḥ al-Kabīr (The Major Commentary).

In reality, however, this work is a commentary on al-Barādha's al-Tahdhīb rather than on al-Mudawwanah itself. Al-Māzarī relied extensively on the teachings of his two principal teachers, Abū al-Ḥasan al-Lakhmī and 'Abd al-Ḥamīd al-Ṣā'igh. Nevertheless, the work consists of lectures transcribed by some of his students rather than a text personally authored by al-Māzarī. Consequently, it contains certain shortcomings, the most notable of which are the weakness of its style and language, to the extent that colloquial expressions occasionally appear in its text.¹²

6. Ṭurar al-A'raj 'alā al-Mudawwanah by Ishāq ibn Yaḥyā ibn Maṭar Abū Ibrāhīm al-A'raj al-Wiryāghilī al-Fāsī (d. 683 AH).

7. Ṭurar al-Ṭanjī 'alā al-Mudawwanah by 'Alī ibn 'Abd al-Raḥmān ibn Tamīm (d. 734 AH).

B. Al-Mustakhrajah min al-Asmi'ah (or al-'Utbīyah)

1. Its Status

This work is known by this title because al-'Utbī extracted it from the asmi'ah (oral transmissions) narrated from Imām Mālik through his students, with the aim of preserving a collection of the narrations transmitted from Imām Mālik and his disciples. Ibn al-Ḥārith al-Khushanī referred to it by the title al-Dīwān al-Mustakhraj min al-Asmi'ah (The Compendium Extracted from the Oral Transmissions).¹³ The al-Mustakhrajah also includes the transmitted narrations (samā'āt) of Ibn al-Qāsim, Ashhab, and Ibn Nāfi'. In addition, al-'Utbī incorporated the transmissions of 'Īsā ibn Dīnār, as well as those of others from Ibn al-Qāsim, including Zūnān, Yaḥyā al-Laythī, the transmissions of Aṣbagh from Ibn al-Qāsim, those of Abū Zayd 'Abd al-Raḥmān ibn Abī al-Ghamr, the transmissions of Mūsā ibn Mu'āwīyah al-Ṣamādhī (d. 225 AH), and those of Muḥammad ibn Khālīd ibn Martanīl (d. 224 AH) from Ibn al-Qāsim. It likewise contains the narrations of Ashhab and Ibn Nāfi' from Imām Mālik as transmitted by Saḥnūn, the transmissions of 'Abd al-Wadūd ibn Sulaymān from Aṣbagh, the narrations of Hārūn ibn Sālim Abū 'Umar al-Qurṭubī (d. 238 AH), those of Ḥusayn ibn 'Āṣim, as well as numerous other transmitted narrations.¹⁴

2. Authoritative Commentary¹⁵ on al-Mustakhrajah

1. Al-Bayān wa al-Taḥṣīl wa al-Sharḥ wa al-Tawjīh wa al-Ta'līl li-Masā'il al-Mustakhrajah by Muḥammad ibn Aḥmad ibn Muḥammad Ibn Rushd Abū al-Walīd al-Qurṭubī (d. 520 AH).

C. Al-Muwāziyyah

Al-Muwāziyyah is regarded as one of the finest works composed within the Mālikī school, as its author deliberately sought to establish the subsidiary legal rulings (furū') upon their foundational principles (uṣūl). It was authored by Muḥammad ibn Ibrāhīm ibn Ziyād al-Iskandarānī, known as Ibn al-Mawwāz (d. 269 AH). He studied jurisprudence under Ibn al-Mājīshūn and Ibn 'Abd al-Ḥakam, relied extensively on Aṣbagh, and transmitted from Ibn Bukayr, Abū Zayd ibn Abī al-Ghamr, al-Ḥārith ibn Miskīn, and Nu'aym ibn Ḥammād. He was firmly grounded in jurisprudence and the issuance of fatwas.¹⁶

His renowned major work is considered the greatest legal compilation produced by the early Mālikī scholars. It is regarded as the most accurate in its legal discussions, the most comprehensive in its treatment of legal issues, and the most expansive in its presentation. Abū al-Ḥasan al-Qābisī gave it preference over all the other principal Mālikī compilations (al-Ummahāt), stating that its author intentionally structured the subsidiary rulings of the Mālikī

school upon their legal foundations, whereas the primary objective of the other compilations was merely to collect transmitted narrations and preserve the recorded oral transmissions (*samā'āt*).

Some of their authors were known for transmitting preferred legal opinions in independent commentaries or for compiling responses to legal questions submitted to them. Others devoted their efforts to defending the Mālikī school in matters of juristic disagreement. Ibn Ḥabīb, however, sought to construct the legal doctrines of the school upon legal principles that he himself had derived, although he occasionally confined himself to citing the transmitted narrations despite the issues they contained.¹⁷

D. Al-Wāḍiḥah

The book *al-Wāḍiḥah min al-Sunan wa al-Fiqh*, commonly known as *al-Wāḍiḥah* of Ibn Ḥabīb, was authored by the eminent scholar and jurist of al-Andalus, Abū Marwān 'Abd al-Malik ibn Ḥabīb ibn Rabī' ibn Sulaymān ibn Hārūn ibn Jalhamah ibn the Companion al-'Abbās ibn Mirdās ibn 'Āmir al-Sulamī al-Mirdāsī al-Andalusī al-Qurṭubī al-Mālikī (170–238 AH). It is regarded as the second of the principal foundational compilations (*al-Ummahāt*) and major legal collections (*al-Dawāwīn*) of Mālikī jurisprudence.

The Mālikī scholars of al-Andalus devoted particular attention to this work, considering it one of the greatest scholarly achievements of al-Andalus and a source of pride among its intellectual accomplishments. There is no doubt that the work which secured 'Abd al-Malik ibn Ḥabīb's enduring place in the history of Mālikī jurisprudence and distinguished him among its leading scholars was his celebrated book, *al-Wāḍiḥah*.¹⁸

The *al-Wāḍiḥah* remained the unrivaled juristic reference in al-Andalus for a considerable period, until it was eventually surpassed in prominence by *al-'Utbiyyah*, also known as *al-Mustakhrajah*. Nevertheless, *al-Wāḍiḥah* retained its status as one of the foundational authorities (*uṣūl*) and principal compilations (*al-Ummahāt*) of the Mālikī school, alongside *al-Mudawwanah* and *al-Muwāziyyah*.

E. Al-Asadiyyah

Al-Asadiyyah is named after its author, Asad ibn al-Furāt Abū 'Abd Allāh al-Ḥarrānī, later known as *al-Maghribī*, one of the founders of the Mālikī school in the Maghrib. He was born in Ḥarrān and later traveled to Iraq, where he studied under Muḥammad ibn al-Ḥasan al-Shaybānī, the distinguished disciple of Abū Ḥanīfah. In addition to his extensive scholarship, he was renowned for his courage and military prowess.

Al-Asadiyyah is regarded as the second major legal compilation after the *Muwatta'* to have had a significant impact on the development of Mālikī legal study and scholarship. The reason for its composition is that whenever Asad ibn al-Furāt questioned Imām Mālik, he frequently posed hypothetical cases. After Mālik answered a particular legal question, Asad would continue by asking, "What if such-and-such were the case?" Eventually, Imām Mālik grew weary of this method and advised him to travel to Iraq to study with the Ḥanafī scholars, saying: "This is one chain of hypothetical cases leading to another. If this is what you seek, then you should go to Iraq."

Accordingly, al-Asadiyyah reflects the influence of the Iraqi jurists in its extensive use of hypothetical reasoning and the derivation of subsidiary legal issues, while simultaneously reflecting the methodology of the scholars of the Ḥijāz in the application of Mālikī jurisprudence. It therefore represents a distinctive and innovative approach to legal authorship within the Mālikī school.¹⁹

Third: The Legal Compendia (al-Dawāwīn)

A. Al-Majmū‘ah of Ibn ‘Abdūs

Al-Majmū‘ah is a work by Abū ‘Abd Allāh Muḥammad ibn Ibrāhīm ibn ‘Abdūs (d. 260 AH), whose death came before he was able to complete it. This compendium consists of a collection of books covering various branches of knowledge, the most important of which is jurisprudence.²⁰ Ibn ‘Abdūs was distinguished by his thorough mastery of the Mālikī school and the transmitted narrations of its scholars. He was also noted for his exceptional ability in legal deduction (istinbāt) and his remarkable intellectual acumen.²¹

B. Al-Mabsūṭ (or al-Mabsūṭah) of Judge Ismā‘īl

Al-Mabsūṭ was authored by Ismā‘īl ibn Ishāq ibn Ismā‘īl (d. 316 AH), the foremost Mālikī jurist of Basra. He was a distinguished polymath and an eminent jurist of the Mālikī school who expounded, summarized, and defended its legal doctrine. He also compiled a Musnad and authored several works on the sciences of the Qur'an, in addition to collecting the ḥadīths transmitted by Imām Mālik, Yaḥyā ibn Sa‘īd al-Anṣārī, and Ayyūb al-Sakhtiyānī.

He was the first scholar to present Imām Mālik's legal doctrine in a comprehensive and systematic manner, to provide legal arguments in its support, and to establish and disseminate it in Iraq. His works devoted to defending and explaining the Mālikī school became exemplary models that later Mālikī scholars followed and adopted as their methodological approach.²²

Fourth: Legal Encyclopedias

This category of legal works is distinguished by its extensive treatment of juristic opinions, comprehensive presentation and discussion of legal evidence, detailed examination of scholarly disagreements, and the substantiation of competing views on individual legal issues. Such works constitute an important source for the issuance of fatwas within Mālikī jurisprudence. Among the most notable works that fall within this category are the following:

A. Al-Nawādir wa al-Ziyādāt ‘alā Mā fī al-Mudawwanah wa Ghayrihā min al-Ummahāt* by Ibn Abī Zayd al-Qayrawānī

Al-Nawādir wa al-Ziyādāt was authored by Abū Muḥammad ‘Abd Allāh ibn ‘Abd al-Raḥmān Abū Zayd al-Qayrawānī (d. 386 AH). It is regarded as the largest encyclopedic work in Mālikī jurisprudence. In this monumental compilation, Ibn Abī Zayd gathered the transmitted opinions of Imām Mālik together with those of the leading Mālikī jurists from among Mālik's eminent disciples. The work is considered one of the primary sources of the Mālikī school, as it preserves a substantial body of material that has otherwise been lost over time, particularly legal reports and discussions not included in al-Mudawwanah, as the author himself explains in the introduction to his work.²³

B. Al-Tahdhīb fī Ikhtiṣār al-Mudawwanah

Al-Tahdhīb is regarded as one of the most important accessible abridgments composed during the fourth century AH, a period in which Mālikī jurists embraced the method of abridgment and refinement with the aim of removing lengthy digressions from the major legal compilations, reorganizing their contents according to juristic principles, arranging them in a logical order, and presenting them in a coherent and attractive format that would facilitate reading and guide students with clarity and ease.

It may be said that Al-Tahdhīb is the most significant work produced during this stage of Mālikī legal authorship. Its importance stems from two principal considerations. First, it is an abridgment of al-Mudawwanah, whose central position within Mālikī jurisprudence is universally acknowledged. Second, it reflects the exceptional scholarly skill demonstrated by al-Barādhā'ī in its compilation. Indeed, Al-Tahdhīb not only inherited the distinguished status of al-Mudawwanah but also came to share its name, to the extent that it was itself commonly referred to simply as "al-Mudawwanah."²⁴

B. Sharḥ al-Risālah by Judge 'Abd al-Wahhāb

Sharḥ al-Risālah by Judge 'Abd al-Wahhāb ibn 'Alī al-Baghdādī ranks among the foremost commentaries on the Risālah of Ibn Abī Zayd al-Qayrawānī and is regarded as one of its earliest commentaries. It should be noted that the section devoted to the commentary on the creed ('aqīdah) was published separately under the title Sharḥ 'Aqīdat Ibn Abī Zayd al-Qayrawānī fī Kitābih al-Risālah in a single volume, edited by Aḥmad Muḥammad Nūr Sayf and published by Dār al-Buḥūth li al-Dirāsāt al-Islāmiyyah wa Ihya' al-Turāth in Dubai in 2004.

Another incomplete portion of the commentary is preserved in the General Library in Rabat under manuscript no. 625 Q. The first volume begins with the Book of Sacrificial Offerings and Slaughtering and comprises the third and fourth parts, while the second volume contains the fifth part and concludes with the commentary on the introductory section dealing with creed. The manuscript is written in a Maghribī script that, although of poor quality, remains legible. It also contains a number of copyists' errors and textual corruptions. As for the portion published by al-Dumyātī, he did not identify the manuscript upon which he relied nor indicate its present location.

The significance of the published portion of Sharḥ al-Risālah lies in the important juristic subjects it addresses. The work begins with chapters from the Book of Prayer, including: the chapter on the 'Id prayers, the eclipse prayer, the prayer for rain (ṣalāt al-istisqā'), the rulings concerning a person at the point of death, the washing, shrouding, embalming, carrying, and burial of the deceased, the funeral prayer, supplication for the deceased, and the rulings concerning the washing, funeral prayer, and supplication for a deceased child. The commentary then proceeds to the Book of Zakāh, which is divided into two chapters: Zakāh on livestock and Zakāt al-Fiṭr, and concludes with the chapter on Ḥajj and 'Umrah.

In his commentary, the author adopted a method characterized by clarity and accessibility, intending to facilitate the understanding of the chapters of the Risālah and make their meanings more accessible. He begins by quoting the text of the Risālah, introducing it with the expressions "He, may Allah have mercy upon him, said" (qāla raḥimahu Allāh) or simply "He

said" (qāla). He then proceeds to explain the legal issue, presenting the opinions and evidences of the Mālikī jurists before discussing the objections raised by opposing jurists particularly Abū Ḥanīfah and al-Shāfiʿī together with their proofs, to which he responds following the dialectical method employed by juristic debaters. At times, he also supports his discussion with citations from Arabic poetry.

Judge ʿAbd al-Wahhāb was motivated to compose this commentary because of the distinguished status of Ibn Abī Zayd al-Qayrawānī and the Risālah, which was one of the earliest concise legal manuals of the Mālikī school. Owing to the clarity with which it presents legal issues and the elegance of its language and style, he sought to elucidate its meanings and make its benefits more widely accessible.²⁵

D. Al-Mumahhad fī Sharḥ Mukhtaṣar Abī Muḥammad

Al-Mumahhad, also authored by Judge ʿAbd al-Wahhāb, is a commentary on the Mukhtaṣar al-Mudawwanah of Abū Muḥammad Ibn Abī Zayd al-Qayrawānī. His method in this work differs from that employed in his Sharḥ al-Risālah. Rather than quoting the text of the Mukhtaṣar verbatim, he begins by identifying the relevant chapter and then proceeds to elaborate upon it according to his own method. At times, he incorporates passages from the Mukhtaṣar within his discussion, while at other times he omits them altogether. Consequently, the work is not a commentary in the conventional sense.

Judge ʿAbd al-Wahhāb's methodology in Al-Mumahhad consists of introducing each chapter at the outset, then establishing its legal foundation from the Qur'an, the Sunnah, and, where applicable, analogical reasoning (qiyās). He subsequently develops the discussion by presenting the relevant legal issues, subtopics, and subsidiary juristic rulings (furūʿ fiqhiyyah).²⁶

3. Juristic Texts (al-Mutūn al-Fiqhiyyah)

A. Kitāb al-Taḥqīd wa al-Taqsīm by Muḥammad ibn Aḥmad ibn Muḥammad Ibn Rushd Abū al-Walīd al-Qurṭubī, known as Ibn Rushd al-Faḥīh (d. 520 AH). It is a work on jurisprudence, as indicated by the references made to it in later sources.

B. Mukhtaṣar Ibn ʿArafah by Muḥammad ibn Muḥammad ibn ʿArafah Abū ʿAbd Allāh al-Warḡhamī al-Tūnisī (d. 803 AH). This is his abridged work on jurisprudence, which is also known as al-Mabsūṭ fī al-Fiqh.

3.3 Works Based on the Authoritative Juristic Sources

First: Works on al-Mabsūṭah of Yaḥyā ibn Ishāq (d. 303 AH)

1. Ikhtisār Mukhtaṣar al-Mabsūṭah by Muḥammad ibn Aḥmad ibn Muḥammad Ibn Rushd al-Qurṭubī (d. 520 AH).

Second: Works on the Risālah of Ibn Abī Zayd al-Qayrawānī (d. 386 AH)

1. Taḥrīr al-Maqālah fī Sharḥ al-Risālah by Aḥmad ibn Muḥammad ibn ʿAbd Allāh Abū al-ʿAbbās al-Qalshānī al-Tūnisī (d. 863 AH).

Third: Works on al-Talqīn of Judge ʿAbd al-Wahhāb (d. 422 AH)

1. Sharḥ al-Talqīn by Muḥammad ibn ʿAlī ibn ʿUmar al-Tamīmī Abū ʿAbd Allāh al-Māzarī (d. 536 AH).

Fourth: Works on the Mukhtaṣar of Shaykh Khalīl (d. 776 AH)

1. The commentaries of Bahrām on Mukhtaṣar Khalīl by Bahrām ibn ‘Abd Allāh ibn ‘Abd al-‘Azīz ibn ‘Awaḍ Abū al-Baqā’ al-Dumayrī (d. 805 AH).
2. Al-Manza‘ al-Nabīl fī Sharḥ Mukhtaṣar Khalīl by Muḥammad ibn Aḥmad ibn Muḥammad Ibn Marzūq Abū ‘Abd Allāh al-‘Ajīsī al-Tilimsānī (d. 842 AH).
3. The commentaries of al-Zawāwī on Mukhtaṣar Khalīl by Ibrāhīm ibn Fā’id ibn Mūsā ibn Hilāl al-Zawāwī al-Qusṭanṭīnī (d. 857 AH).
4. The commentaries of al-Mawwāq on Mukhtaṣar Khalīl by Muḥammad ibn Yūsuf ibn Abī al-Qāsim al-‘Abdarī (d. 897 AH).
5. The commentaries of Ḥalūlū on Mukhtaṣar Khalīl by Abū al-‘Abbās Aḥmad ibn ‘Abd al-Raḥmān ibn Mūsā ibn ‘Abd al-Ḥaqq al-Bazlatanī al-Qarawī, Ḥalūlū (fl. 895 AH).
6. Shifā’ al-Ghalīl fī Ḥall Muqfal Khalīl by Muḥammad ibn Aḥmad ibn Muḥammad Ibn Ghāzī al-‘Uthmānī al-Maknāsī, later al-Fāsī, known as Ibn Ghāzī (d. 919 AH).
7. Ḥashīyah ‘alā Mukhtaṣar Khalīl by Abū Wakīl Sharaf al-Dīn ibn Mūsā al-Ṭakhīkhī (d. 947 AH).
8. Mawāhib al-Jalīl li-Sharḥ Mukhtaṣar Khalīl by Muḥammad ibn Muḥammad ibn ‘Abd al-Raḥmān al-Ru‘aynī al-Maghribī, known as al-Ḥaṭṭāb (d. 954 AH).
9. Taysīr al-Malik al-Jalīl li-Jam‘ al-Shurūḥ wa Ḥawāshī Khalīl by Abū al-Najā Sālīm ibn Muḥammad ‘Izz al-Dīn ibn Muḥammad ibn Nāṣir al-Dīn al-Sanhūrī (d. 1015 AH).
10. Minan al-Rabb al-Jalīl ‘alā Khalīl by Abū al-‘Abbās Aḥmad Bābā ibn Aḥmad ibn ‘Umar Aqīt al-Ṣanhājī al-Tinbukī (d. 1036 AH).
11. Ḥashīyat al-Ramāṣī ‘alā Sharḥ al-Tattā’ī ‘alā al-Mukhtaṣar by Muṣṭafā ibn ‘Abd Allāh ibn Mūsā Abū al-Khayrāt al-Ramāṣī (d. 1136 AH).
12. Zubdat al-Awṭāb fī Ikhtisār al-Ḥaṭṭāb by Muḥammad ibn Aḥmad Abū ‘Abd Allāh Mayyārah al-Kabīr (d. 1072 AH).

Conclusion

In conclusion, the study has arrived at several significant findings, the most important of which are the following:

1. The Mālikī school is distinguished by its abundant and diverse scholarly production, encompassing abridgments, didactic poems, commentaries, marginal glosses, legal encyclopedias, and collections of legal cases (nawāzil). This rich literary tradition played a fundamental role in preserving the school and advancing its scholarly methodology.
2. The authoritative juristic works constituted the foundation of fatwa formulation within the Mālikī school. Mālikī jurists relied on a defined corpus of texts that established the hierarchy of legal opinions and sources, while distinguishing between authoritative and weak opinions within the school.
3. The Muwaṭṭa’ and al-Mudawwanah represent the two foremost foundational sources of the Mālikī school. They played a decisive role in establishing the school's juristic framework and refining its legal doctrines, followed subsequently by the remaining foundational compilations, legal compendia, and commentaries.
4. The method of abridgment emerged as an important stage in the development of Mālikī legal authorship, particularly as the body of juristic literature expanded and the comprehensive works

became increasingly difficult to master. Abridgments thus served as an effective means of simplifying jurisprudence and facilitating its memorization and transmission.

5. Abridged manuals, legal texts, and didactic poems contributed significantly to the gradual scholarly development of students of jurisprudence. Mālikī legal education progressed from memorizing concise texts to understanding their commentaries and glosses, and ultimately to engaging with the more extensive legal sources, thereby establishing a comprehensive methodology for acquiring juristic knowledge.

6. Mālikī scholars emphasized the necessity of exercising caution in dealing with the literature of the school. Not every work was regarded as a valid source for issuing fatwas; rather, they stipulated that a work must be authentically attributed to its author, be sound in content, and occupy a recognized scholarly rank within the school.

7. Mālikī scholars devoted considerable attention to defining the qualifications and hierarchical ranks of muftis, establishing the principles governing the issuance of fatwas, and warning against assuming this responsibility without the requisite scholarly competence, as is evident in the works of al-Hilālī, al-Ghalāwī, Ibn al-Sālik al-‘Alawī, and others.

8. The Mālikī literature on fatwas demonstrates the scholars' awareness of the importance of authoritative scholarly references. Their efforts extended beyond merely transmitting legal rulings to identifying their authoritative sources, clarifying the principles of legal preference (*tarjīḥ*), and regulating the application of legal rulings to actual cases and newly emerging issues.

9. Mukhtaṣar Khalīl remained the central text of later Mālikī legal scholarship due to the numerous commentaries, glosses, and annotations written upon it, eventually becoming one of the most authoritative texts in both legal instruction and the issuance of fatwas.

10. The Mālikī scholarly heritage demonstrates the school's ability to preserve its foundational principles while responding to changing circumstances through the application of the principles of legal preference, consideration of custom (*‘urf*) and public interest (*maṣlaḥah*), and the treatment of newly emerging legal issues (*nawāzil*)

III. Footnotes

¹ See his biography in: Al-Qādirī, Muḥammad ibn al-Ṭayyib (d. 1187 AH), *Ittiqāt al-Durar*, ed. Hāshim al-‘Alawī al-Qāsimī, 1st ed. (Beirut: Dār al-Āfāq al-Jadīdah, 1403 AH), p. 443 ff.

² Bilād Shinqīt, a region of the Islamic Republic of Mauritania. The word Shinqīt means “the Springs of Horses.” See: Al-Shinqītī, Aḥmad ibn al-Amīn (d. 1331 AH), *Al-Wasīt fī Tarājim Uḍabā’ Shinqīt*, 2nd ed. (Egypt: Maktabat al-Waḥdah al-‘Arabiyyah, 1378 AH), p. 422.

³ See: Al-Shinqītī, Muḥammad Ḥabīb Allāh al-Jakanī ibn Yābā (d. 1363 AH), *Idā’at al-Ḥālik min Alfāz Dalīl al-Sālik ilā Muwaṭṭa’ al-Imām Mālik*, 2nd ed. (Dār al-Bashā’ir al-Islāmiyyah, 1415 AH), pp. 135–136.

⁴ See: Lakhḍar ibn Qūmar, Nazm al-Mu’tamad min al-Aqwāl wa al-Kutub fī al-Madhhab al-Mālikī, Master's thesis in Islamic Sciences (Specialization: Fiqh and Its Foundations), supervised by Maṣṣūr Kāfī, University of Constantine, Algeria, academic year 1425–1426 AH, p. 75.

⁵ See: Ibn Bāb al-‘Alawī, Muḥammad ‘Abd al-Raḥmān ibn al-Sālik (d. 1398 AH), ‘Awn al-Muḥtasib fīmā Yu’tamad min Kutub al-Madhhab, eds. Muḥammad al-Amīn ibn Muḥammad Fāl and Aḥmad ibn ‘Abd al-Karīm Najīb, 1st ed. (Dār al-Kutub wa al-Wathā’iq al-Miṣriyyah, 2010), p. 4.

⁶ See: ‘Awn al-Muḥtasib fīmā Yu’tamad min Kutub al-Madhhab, op. cit., p. 8 ff.

⁷ See: ‘Awn al-Muḥtasib fīmā Yu’tamad min Kutub al-Madhhab, op. cit., p. 14 ff.

⁸ See: Balḥassān, Muḥammad, “The Authoritative Sources of Fatwa in the Mālikī School,” in *Proceedings of the First University Scientific Training Session: Juristic Methodology in the Works of the Mālikī School* (Kenitra, Morocco: Al-Rābiṭah al-Muḥammadiyyah lil-‘Ulamā’, Center for Research and Studies in Mālikī Jurisprudence, 2012), p. 195.

⁹ See: ‘Abd al-Sanad, Ḥasan Yamāmah, *Encyclopedia of Commentaries on al-Muwatṭa’*, ed. ‘Abd Allāh ibn ‘Abd al-Ḥasan al-Turkī (Cairo: Hajar Center for Arab and Islamic Research and Studies, 2005), vol. 1, p. 7.

¹⁰ See: Al-Kandahlawī, Muḥammad Zakariyyā al-Madanī, *Awjaz al-Masālik ilā Muwatṭa’ Mālik*, annotated by Taqī al-Dīn al-Nadwī (Damascus: Dār al-Qalam, 2003), vol. 1, p. 96.

¹¹ See: ‘Awn al-Muḥtasib fīmā Yu‘tamad min Kutub al-Madḥhab, op. cit., p. 50.

¹² See: Balḥassān, Muḥammad, “The Authoritative Sources of Fatwa in the Mālikī School,” op. cit., p. 203.

¹³ See: Al-Khushanī, Muḥammad ibn al-Ḥārith ibn Asad (d. 361 AH), *Uṣūl al-Fuṭyā fī al-Fiqh ‘alā Madḥhab al-Imām Mālik*, eds. Muḥammad al-Majdhūb, Muḥammad Abū al-Ajḥān, and ‘Uthmān Baṭīkh (National Book Foundation / Arab Book House, 1985), p. 202.

¹⁴ See: *Tartīb al-Madārik*, op. cit., vol. 4, pp. 142–262.

¹⁵ *Cuestiones legales del Islam temprano: la ‘Utbiyya y el proceso de formación de la sociedad islámica andalusí* (Madrid: Consejo Superior de Investigaciones Científicas, 2003).

¹⁶ This work by Ana Fernández Félix addresses two principal objectives: first, the study of al-‘Utbiyyah from a juristic perspective; and second, demonstrating its importance for understanding the formation of Andalusian Islamic society.

¹⁷ See: Al-Qāḍī ‘Iyād ibn Mūsā al-Sabtī (d. 544 AH), *Tartīb al-Madārik wa Taqrīb al-Masālik li-Ma‘rifat A‘lām Madḥhab Mālik* (Kingdom of Morocco: Ministry of Endowments and Islamic Affairs), 2nd ed., 1983, vol. 4, p. 167.

¹⁸ See: *Tartīb al-Madārik*, op. cit., vol. 4, p. 169.

¹⁹ See: Ibn Ḥabīb, ‘Abd al-Malik al-Andalusī (d. 238 AH), *Al-Wāḍiḥah: Kitāb al-Ṣalāh wa Kitāb al-Ḥajj*, ed. Miklós Murányi, 1st ed. (Bahrain: Dār al-Bashā’ir al-Islāmiyyah, 2010), p. 10 ff.

²⁰ See: Ṭāhā ‘Abd al-Maqṣūd, ‘Abd al-Ḥamīd Abū ‘Ubiyyah, *Islamic Civilization: A Study in the History of Islamic Sciences* (Beirut: Dār al-Kutub al-‘Ilmiyyah), p. 543.

²¹ See: Al-Nāḥī, Lamīn, *Research Methodology in the Juristic Heritage*, 1st ed. (Egypt: Dār al-Kalimah, 2011), p. 65.

²² See: *Tartīb al-Madārik*, op. cit., vol. 4, p. 227.

²³ See: *Tartīb al-Madārik*, op. cit., vol. 4, p. 278 ff.

²⁴ See: Ibn Abī Zayd al-Qayrawānī, Abū Muḥammad ‘Abd Allāh ibn ‘Abd al-Raḥmān (d. 386 AH), *Al-Nawādir wa al-Ziyādāt ‘alā Mā fī al-Mudawwanah wa Ghayrihā min al-Ummahāt*, ed. ‘Abd al-Fattāh Muḥammad al-Ḥulw, 1st ed. (Beirut: Dār al-Gharb al-Islāmī, 1999), vol. 1, p. 37 ff.

²⁵ See: Al-Barādhi, Abū Sa‘īd Khalaf ibn Abī al-Qāsim Muḥammad al-Azdī al-Qayrawānī, *Al-Tahdhīb fī Ikhtishār al-Mudawwanah*, ed. Muḥammad al-Amīn Walad Muḥammad Sālim ibn al-Shaykh, 1st ed. (Beirut: Silsilat al-Dirāsāt al-Fiqhiyyah, 2002), vol. 1, p. 127 ff.

²⁶ See: Mālikī Jurisprudence Website, “Sharḥ al-Risālah by al-Qāḍī ‘Abd al-Wahhāb ibn ‘Alī al-Baghdādī,” accessed October 12, 2019, at 23:16; and see also: Al-Nāḥī, Lamīn, *Research Methodology in the Juristic Heritage*, op. cit., pp. 68–69.