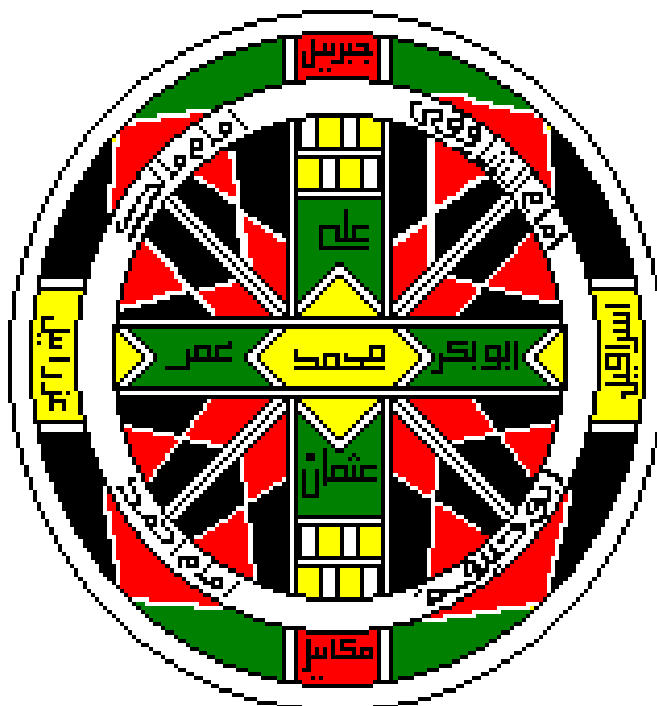


SANKORE'



Institute of Islamic - African Studies International

Tawfeeq 'l-Muslimeen



Shehu Uthman Dan Fuduye`

SANKORE'



Institute of Islamic - African Studies International

Tawfeeq 'l-Muslimeen
`Ala Hukam Madh'haab 'l-Mujtahideen

The Success of the Muslims

**Concerning the Legal Judgement of Following the Schools of Thoughts
of the Scholars of Independent Judgement**

by

Shehu Uthman Dan Fuduye`

Translation by

Abu Alfa Umar MUHAMMAD SHAREEF bin Farid

‘Tawfeeq l-Muslimeen’
Copyright © 1417/1996 Muhammad Shareef
mshareef@siiasi.org

Published by

Sankore’



Institute of Islamic-African Studies International

The Palace of the Sultan of Maiurno

Maiurno, Sennar, Sudan

www.sankore.org / www.siiasi.org

First Edition 1996

All rights reserved. No part of this publication may be reproduced, stored in any retrieval system, or transmitted in any form or by any means, electronic or otherwise, without written permission of the publishers

Tawfeeq'l-Muslimeen
`Ala Hukmi Madhaahib al-Mujtahideen

The Success of the Muslims
Concerning the Legal Judgement of the Schools of Thought

In the name of Allah the Beneficent the Merciful. May Allah bless our Master Muhammad, his Family and Companions and give them peace. All praises are due to Allah who has blessed us with the blessing of **Iman** and **Islam** and who has guided us by our master and chief Muhammad upon him be the best blessings and most perfect peace from Allah ta`ala. To continue this is the book called:

The Success of the Muslims
Concerning the Legal Judgement of the Schools of Thought
of the Scholars of Independent Judgement Who Are From the People in Conformity With the
Sunna

I have, with the help of Allah ta`ala, set forth in this book fourteen description from the issues of the schools of thought (*madhaahib*) in the form of questions and answers.

Contents

One: What is the Legal Judgement of the Schools of Thought of the *Mujtahideen*?

Two: What is the Legal Judgement of One Who Follows Them?

Three: What is the Legal Judgement of Adherence to a Particular School of Thought From Them?

Four: What is the Legal Judgement of Non-Adherence to a Particular School of Thought From Them?

Five: What is the Legal Judgement of Transferring From One School of Thought to Another From Among Them Under Any Circumstances?

Six: What is the Legal Judgement of Transferring From One School of Thought to Another From Among Them However in Certain Issues?

Seven: What is the Legal Judgement of Merging the Schools of Thought Which is Called the Concoction of Imitation (*talfeeq' t-Taqleed*) in the Issues of Disagreement (*khilaaf*)?

Eight: What is the Legal Judgement of Choosing the Strongest Within the Schools of Thought?

Nine: What is the Legal Judgement of Choosing the Weakest Within the Schools of Thought?

Ten: What is the Legal Judgement of Withdrawing From All the Schools of Thought?

Eleven: What is the Legal Judgement of Adherence to a Particular School of Thought in the School of Thought of Imam Malik, (may Allah be pleased¹ with him) Specifically - Is It Obligatory or Not?

Twelve: What is the Legal Judgement of Transferring From One School of Thought to Another in an Issue Within the School of Thought of Our Imam Malik (may Allah be pleased with him) Specifically - Is it Permissible or Not?

Thirteen: What is the Number of the Foundational Principles of Our Imam Malik, (may Allah be pleased with him)?

Fourteen: What is Our Chain of Authority (*sanad*) in the Jurisprudence (*fiqh*) of Our Imam Malik, (may Allah bless him and grant him peace)?



¹ Here ends folio 1.

Issue One

The Legal Judgement of the Schools of Thought (*madhaahib*) of the *Mujtahideen*

There is unanimous agreement among the consensus of the scholars of the *Sunna* (may Allah be pleased with all of them) that all of the schools of thought (*madhaahib*) of the Muslims are upon the truth. Abd'l-Wahaab 's-Sha`arani said in his al-Bahr 'l-Mawruud Fi 'l-MawaatheeQ wa 'l-Uhuud, "If those who argue without knowledge were to analyze the situation they would find that everyone of the schools of thought of the Muslims are embodied within the *shari`a* and not a single idea of their opinions retract from it, as I have clarified in the preface of my book called Kashf 'l-Ghumat `An Jamee`i 'l-Umma, "He also said in his al-Yawaaqeet wa 'l-Jawaahir, "I have, with the help of Allah, traced the proofs of the *mujtahideen* and have not found a single branch from the branches of their schools of thought except that it was reliant upon sound proof. This is regardless whether that proof was a Qur'anic verse, prophetic tradition (*hadeeth*), historical narrative (*athar*), or sound deduction by analogy (*qiyaas saheeh*) based upon a sound root. However, from their words there are those which are derived from:

[1] pure unadulterated prophetic tradition (*sareeh'l-hadeeth*),

[2] historical narrative (*athar*), or

[3] analogical deduction (*qiyaas*).

Among them are those which are a derivative from the above three derivatives. Among them are those which are close, closest, remote and remotest. Each of these are derived from the rays of the light of the *shari`a* which is the foundation. For it is inconceivable to derive² a branch from other than its foundation."

Abd 'l-`Azeez said in his ad-Durari 'l-Multaqatat,³ "All of the schools of thought are upon the truth." Abd 'r-Rahmaan as-Suyuuti said in his an-Niqaaaya⁴ about what it is obligatory to believe in, "Realize that as-Shaafi`i, Maalik, Abu Haneefa, Ahmad and the remainder of the *Imams* are upon guidance from their Lord."

It has been mentioned in the 'Ida'at 'd-Dujna of Ahmad 'l-Maqri,

"Maalik and the people of independent judgement

All of them are guides to the way of correctness

Like Imam as-Shaafi`i and Imam Abu Haneefa

Imam Ahmad the possessors of outstanding ranks

All of them are upon guidance from their Lord"

It has been mentioned in the al-Kawkab 's-Saati`i of Abd 'r-Rahmaan 's-Suyuuti,⁵

"Maalik, as-Shaafi`i and al-Handhali

that is Ishaaq, an-Nu`maan and Ibn Hanbali

Ibn `Ayaina along with at-Thawri

Ibn Jareer along with al-'Awzaa`i

at-Thaahiri and the remainder of the *Imams*

Are upon the guidance and mercy of their Lord."

² Here ends folio 2.

³ This text is the ad-Durraru'l-Multaqattat Fi al-Masaa'il al-Mukhtalattat of *Shaykh* Abd'l-`Aziz ad-Dayri al-Misri as-Shaafi`i [d. 694 A.H.].

⁴ This text is a work on the division of the sciences in Islam called an-Niqaya by Abu 'l-Fadl Abd'r-Rahman ibn Abu Bakr ibn Muhammad 's-Suyuti, [849-911 A.H.] a Shafi`i jurist, the other of many works and was considered by many to be the *mujaddid* of the 9th century *hijra*. He later composed a commentary upon the an-Niqaaaya called Itmaam 'd-Diraaya.

⁵ This text is a versification of the famous Jaami`'l-Jawaami` Fi Usul 'l-Fiqh by Taj'd-Deen Abd'l-Wahaab ibn Ali ibn as-Subki as-Shaafi`i [d. 771 A.H.].

It has been mentioned in the Shaafiyat 'l-Quluub of Muhammad at-Taghuugi,
"Maalik, As-Shaafi`i and al-Hanbali
al-Hanafi, Ishaaq meaning al-Handhali
And other than them from among the noble *Imams*
Are completely upon the guidance of their Lord "

It has been mentioned in the Nadhm 'l-Kubra of Shaykh Taahir ibn Ibrahim,
"Maalik and the remainder of the *Imams* are
the Guides of the *Umma* towards Righteousness.
Their Nu`maan, as-Shaafi` and Ahmad
Each one has a Path straight to Ahmad"⁶



⁶ Here ends folio 3.

Issue Two
the Legal Judgement of One Who Follows (*qallada*)
a School of Thought (*madh'hab*)

The *sunni* scholars, may Allah be pleased with all of them, are unanimously agreed that one who follows (*man qallada*) a school of thought from among the schools of thought of the *mujtahiduun* will meet Allah secure and that particular school of thought will gain him Paradise.

It has been mentioned in the Talkhees 'l-Ikhwaan of Muhammad at-Taghuugi, "Whoever follows a scholar will meet Allah secure absolutely." It has been mentioned in the az-Zahraat 'l-Wardiyya Fi 'l-Fataawi 'l-Ujhuuriyya of Abd 'l'Aali, "Al-'Ujhuuri said that al-Qaraafi⁷ said in his commentary of the at-Tanqeeh, 'All of the schools of thought are paths (*masaalik*) to Paradise. Whoever travels (*salaka*) a path from among them, he will arrive.', as az-Zunaati said.'" Ibn Juzayy said in his al-Qawaaneen after mentioning the four *Imams* and others, "Each and everyone of them were *mujtahids* in the religion of Allah and their schools of thought are paths which arrive to Allah ta`ala."



⁷ He was Ahmad ibn Idris al-Qaraafi who lived from 626 to 684 A.H. (1228-1285 C.E.). He was a jurist of the Maliki school of thought who was a Berber originally from the *Maghrib* who settled in Egypt.

Issue Three
**the Legal Judgement of Adherence to a Particular School of Thought From Among the Schools
of Thought of the *Mujtahideen***

Abd 'r-Rahmaan as-Suyuuti⁸ raised the question in his commentary of the al-Kawkab, "Is it obligatory (*yajibu*) for the common person and others who have not reached the rank of independent judgement (*ijtihad*) to adhere to a particular school of thought (*madh'hab mu`ayyin*) from among the schools of thought of the *mujtahideen*? There are two opinions:

- [1] yes it is obligatory. This was adjudicated in the Jam`i 'l-Jawaami`;
- [2] no it is not obligatory. An-Nawawi chose this opinion."



⁸ Here ends folio 4.

Issue Four
the Legal Judgement of Non-Adherence to a Particular School of Thought (*madh'hab*) From
Among the Schools of Thought of the *Mujtahiduun*

Abd 'r-Rahmaan as-Suyuuti said in his commentary upon the al-Kawkab, "It is said that it is not obligatory (*laa yabibu*) to adhere to a particular school of thought. This was specified by an-Nawawi as we have previously mentioned. He said, 'He who requires legal proof it is not necessary for him to embrace a particular school of thought. On the contrary, he can seek a legal decision (*yastaftee*) from whomever he desires."

I say: This opinion was also specified by `Izzu 'd-Deen ibn Abd 's-Salaam and al-Qaraafi as it was mentioned in the Sunan 'l-Muhtadeen of Shaykh al-Mawwaaq.



Issue Five

the Legal Judgement of Transferring From One School of Thought to Another From Among The Schools of Thought of the *Mujtahiduun* Under Any Circumstances

Abd 'r-Rahmaan as-Suyuuti raised the question in his commentary of the al-Kawkab, "Is it permissible (*yajuuzu*) for he who adheres to a particular school of thought to withdraw from it (*khuruuj`anhu*)? There are three opinions:

[1] It is permissible (*jawaaz*) absolutely. This was corroborated by Shaykh al-Qaraafi.

[2] It is prohibited (*man`u*) absolutely because he is under the obligation (*iltazama*) of that school of thought.

[3] It is permissible in most issues and it is not permissible in certain issues."

Shaykh Abd 'l-`Azeez said in his ad-Durari 'l-Multaqatat, "The permissibility of the follower (*muqallad*) transferring from a school of thought to another school of thought is sound (*saheeh*)."



Issue Six

the Legal Judgement of Transferring From One School of Thought to Another From Among The Schools of Thought of the *Mujtahiduun*, However in Certain Issues

Abd 'l-'Azeez has said in his ad-Durari 'l-Multaqatat, "The permissibility of the follower (*muqallad*) following other than his school of thought in certain issues and to continue upon his school of thought in the remainder is sound. There is no sin upon him."

He also said in the above mentioned book in another place, "The four schools of thought and others are upon the truth. Whoever follows (*qallada*) an *Imam* from among them, he has the right to follow another especially out of necessity (*daruuri*). This is sound. There are some scholars who prohibit that (*mana`a dhaalika*) saying, 'Only one *Imam* is to be followed'."

I say: It has been mentioned previously that ar-Raafi` corroborated transferring absolutely as as-Suyuuti said in his commentary upon the al-Kawkab.



Issue Seven

the Legal Judgement of Merging the Schools of Thought Which is Called the Concoction of Imitation (*talfeeq' t-Taqleed*) in the Issues of Disagreement (*khilaaf*)

Abd 'l-'Azeez permitted it because he said in his *ad-Durari 'l-Multaqatat*, "If a person finds water which has been altered by something pure (*tagayyar bi shay'in taahirin*), it is permissible for him to follow *Imam* Abu Haneefa and make ablution (*yatawadda'u*) with it and pray. And if he acts in accordance with the school of thought of *Imam* Malik and others, he would make purification with dry earth (*tayammama*) and not make ablution (*lam yatawadda*) with that water. If he wishes he can merge the schools of thought and make ablution and make purification with dry earth and then pray." He then said, "These various ranks are divergent and this is the same in all issues of differences of opinion (*masaa'il 'l-khilaaf*)."

I say: Among those scholars consider it permissible to merge the schools of thought, which is called concocting imitation (*talfeeq 't-taqleed*), is the learned Shaykh Mar`iy ibn Yusef al-Hanbali as is apparent in his questions to al-'Ujhuuri in that. It has been mentioned in the *az-Zahraat 'l-Wardiyya Fi 'l-Fataaei 'l-Ujhuuriyya* of Abd 'l-'Aali, "Al-'Ujhuuri was asked about concocting imitation. The questioner was the learned Shaykh Mar`iy ibn Yusef 'l-Hanbali, may he rest in peace. The text of his question was he⁹ said to him, "My master, may Allah be pleased with you - if a person following Shaafi`i were to make ablution wiping a part of his head, then rubs his private parts following Abu Haneefa in the non-breaching of the ablution. Or he follows Malik concerning the saliva of a dog or in the dung of foodstuff. What is apparent to me is that it is permissible because the ablution of this adherent is sound with respect to his adhering to the Shaafi` and he continues to be sound after rubbing his private parts by adhering to the Hanafi. Its not permissible for the people to broaden beyond this especially for the common people. Some of the people of the Rif for example make ablution without wiping the entire head, and when they make ablution they do so without rubbing the limbs and the water is oftimes mixed with the dung of their animals. Although concoction in the like of this is prevented based upon what has been transmitted from the prior *Imams* such as Malik and his companions, it is nevertheless denied in the opinion of the latter jurist, since there is no reason with regard to this, nor is there hesitancy in the issue of al-Qaraafi regarding marrying without a guardian, dowry and witnesses because originally marriage under such circumstances is not valid. Thus, here there is no way to build on the concocting of imitation as it is mentioned in this specific legal question. For the one who considers it desirable, then it is valid. The invalidity of the words of those who prevent it differ. For the later jurists without exception say that this will cause the gullible to be denuded of the apparent legal judgment when it is put into effect. Thus, the Shaafi` consider it valid due to the necessity of those who adhere to his opinion. If a person imitates Malik in the judgment of the saliva of a dog, then his prayer is valid in accordance with all the schools of thought, since based upon consensus the ablution is sound due to the necessity of imitation. To pray with the ablution is valid in clean clothing and it is desirable without doubt¹⁰. Here I hope that you can clarify the answer." He then answer him: "It has been transmitted that concoction prevents adherence regardless if it happens in a single time; or twice. For whoever makes ablution without rubbing following in that the Shaafi`, and the waters becomes contaminated with the dung of animals whose meat is eatable, following Malik regarding its purification; if he then prays, then his prayer is invalid. This is because each of the *Imams* invalidate the prayer. Malik says it is invalid due to the absence of rubbing while performing ablution; and as-Shaafi` says it is invalid due to the contamination of the water with the dung of livestock. Al-Qaraafi mentioned something similar, which comprises the legal reliance of the school of thought and is followed by the *Imams*. He did not mention it by way of research, but conclusively. It is not hidden that

⁹ Here ends folio 5.

¹⁰ Here ends folio 6.

the issue of marriage without a legal guardian, dowry and witnesses is a unique situation from the isolated issues of concoction, thus the affair cannot be limited to that.”



Issue Eight
the Legal Judgement of Choosing the Strongest Within the Schools of Thought

Abd 'l-'Azeez said in his ad-Durari 'l-Multaqatat, "That is the caliber of the people of pious scrupulousness (*ahl 'l-wara`a*)." He said, "We have seen that some of our *shaykhs* adhered to that, which was embracing the most valid (*ahwat*) opinion and adherence to the strongest ruling in the schools of thought. They would wash away sperm because it was impure (*najas*) according to Maalik. They would wash away urine of the child who eats meat because it was impure according to as-Shaafi`i. They would wipe (*yamsahu*) the whole of the head, rub the limbs (*yatadallak*) and perform perfectly and completely all acts of worship and avoid anything in which there was a difference of opinion concerning its prohibition (*ma ikhtulifa fi tahreemihi*)."



Issue Nine

the Legal Judgement of Choosing the Concessions Within the Schools of Thought

Abd 'r-Rahmaan as-Suyuuti said in his commentary on the al-Kawkab,¹¹ "The prohibition of following the concessions in the schools of thought (*rukhsa fi madhaahib*) is sound because it is embracing that which is the most worthless (*ahwan*) by which one acts unlawfully. It is said that it is permissible and there is nothing unlawful about it. This was narrated in the ar-Rawda."

It has been mentioned in the Sunan 'l-Muhtahideen of al-Mawaaq, "Ibn `Arafa said regarding the idea of Ibn Haazim that it is unanimously agreed (*ajma`uu*) that the one who follows the direction of concession is a disapproved sinner (*faasiq marduud*) in accordance with the legal decision (*maa aftaa*) of one whose knowledge and uprightness there is unanimous agreement about - `Izz 'd-Deen ibn Abd 's-Salaam. He did not impose (*yata`ayyin*) upon the common person when he follows an *Imam* in an issue to follow him in the remainder of issues wherein there is difference of opinion (*masaa'il 'l-khilaaf*). This is because people from the time of the Companions until the emergence of the schools of thought use to ask about the easy concerning that in which the scholars differed - without anyone objecting to that and regardless whether they followed the concession (*rukhsa*) in that or the uncompromising (*`azaa'im*)."

It has been mentioned in the az-Zahraat 'l-Wardiyya fi'l-Fataawi al-Ujhuuriyya of Abd 'l-`Aali about the words of al-Qaraafi , '...and that he does not follow concessions'; "Here he mentions the prerequisites of the permissibility of following other than his school of thought. What al-Qaraafi meant here by concessions is that which has been revoked from the legal decision of the scholar which are four:

- [1] that which contradicts the consensus (*khaalafa 'l-Ilmaa`a*);
- [2] that which contradicts the fundamental principles (*qawaa'id*);
- [3] that which contradicts the texts (*nass*); and
- [4] that which contradicts evident analogy (*qiyaas jalliy*)

That is preferred and laid down by law. And what is meant by concessions in this context is that which is easy upon the responsible person (*mukalluf*) where it is necessary. For example, the one who follows Malik in the judgment of water and its contamination with animal dung and avoids those expressions regarding indulgence being responsible to the law of Allah ta`ala. It is not like that."

He then said: "Here ends what al-Qaraafi said in his commentary upon al-Tanqeeh in an abridged fashion. His words are restricted to giving preference to the idea that adherence to a madh'hab is permissible. And what is meant by concession is that which the judgment of a judicial magistrate rescinds, not absolute concessions in order to make things easy. For every issue which does not contradict the consensus, the legal principles, the textual evidence or sound analogy¹² it is permitted to follow. The majority of the issues falls under this pattern, and that which a judicial magistrate rescinds is done to facilitate matters in relationship to other issues."



¹¹ Here ends folio 7.

¹² Here ends folio 8.

Issue Ten
the Legal Judgement of Withdrawing From All the Schools of Thought

Withdrawing (*al-khuruuj*) from following all the schools of thought is forbidden (*haraam*), rather it is unlawful (*fisq*) because it is exceeding (*kharq*) the limits of the consensus (*al-ijmaa`a*). It has been mentioned in the as-Shaafiya of Muhammad at-Taghuugi,

"Following one single scholar is what is correct
And dislike of all the scholars is unlawful ."



Issue Eleven
the Legal Judgement of Adhering a Particular School of Thought of Our *Imam* Malik, may Allah be pleased with him, Specifically - Is It Obligatory or Not

It has been mentioned previously that `Izz 'd-Deen ibn `Abd 's-Salaam gave the legal decision that it is not incumbent upon the common person when he follows an *Imam* in an issue that he follow him in the remainder of issues in which there is difference of opinion. This is because people from the time of the Companions until the emergence of the schools of thought use to ask about the easy concerning that which the scholars differed - without anyone objecting to that." He continued, "This is because whoever makes one scholar correct it does not make it incumbent upon him to follow him. Whoever says that every *mujtahid* is correct cannot object¹³ to anyone who follows another scholar in what is correct."

Al-Qaraafi said as it was mentioned in the Sunnan 'l-Muhtadeen of al-Mawaaq, "The consensus is agreed (*in`aqada*) that whoever accepts Islam it is necessary for him to follow the teachings of whomever he wants without restriction. The Companions were agreed that whoever asked Abu Bakr and Umar for a legal decision and then followed it, he also had the right to ask Abu Hurayra, Mu`adh ibn Jabal and others without anyone objecting to that. Whoever claims that these two consensus has been lifted then it is incumbent upon him to bring his evidence."



¹³ Here ends folio 9.

Issue Twelve

the Legal Judgement of Transferring From One School of Thought to Another in an Issue Within the School of Thought of Our *Imam* Malik (may Allah be pleased with him) Specifically - Is it Permissible or Not

Al-Ujhuuri said as it is cited in the az-Zaahiraat al-Wardiyya Fi al-Fataawi al-Ujhuuriyya of Abd'l-Alaa: "As for the one who follows the school of thought of Malik transferring to, for example, to that of as-Shaafi`, in a specific issue, there are three opinions, as al-Qaraafi cited in his commentary upon the at-Tanqeeh'l-Mahsuur :

- [1] it is permissible;
- [2] it is prohibited; and
- [3] is that he has a choice;

The particulars is that if his actions are not connected to that school of thought then it is not necessary for him to adhere to it, however if his actions are connected to it then is must adhere to the opinions of that school of thought."

He then said: "However, in his commentary upon the at-Tanqeeh he restricted his answer to the opinion of permissibility, with the three prerequisites:

- [1] that he does not join the two schools of thought in a way which contradicts the consensus, like one who marries without a legal guardian, dowry and witnesses;
- [2] that he considers the opinon that he follows that it is superior; and
- [3] that he does not follow the coinceptions."

Then Al-Ujhuuri said: "This depends upon the preponderant opinion that adherence is permissible." He then said: "al-Qaraafi said in his book called al-Ahkaam Fi Tamyeez al-Fataawi wa'l-Ahkaam: 'That upon which¹⁴ the Maliki school of thought agree in his elgal decisions is that it is prohibited to transfer to the school of thought of the as-Shaafi` in a legal issue, and likewise to transfer from the school of thought of as-Shaafi` to that of Malik.'" He then said: "However, this is consistent with what occurred with Ibn'l-Qasim, may Allah ta`ala be merciful to him, who gave a legal decision to Abd'l-Majeed who took an oath to walk to Mecca and then violated his oath, that he could make legal atonement for swearing saying: 'I could give you a legal decision based upon the opinion of al-Layth, but if you have taken a pledge I only give a legal decision based upon the opinion of Malik that is you adhere to walking to Mecca'."

In the az-Zaahiraat 'l-Wardiyya Fi al-Fataawi al-Ujhuuriyya of Abd'l-Alaa that al-Ujhuuri was ince asked regarding permissibility of a person following a specific legal issue in another school of thought, was it permissible or not. He answered: "It is permissible to follow all the schools of thought in all legal issues with the condition that you do not illegally concoct them, and that you not weaken the legal perception of the one you adhere to in a specific legal matter which you follow, that is by being connected to it causes the legal judgment to be rescinded."



¹⁴ Here ends folio 10.

Issue Thirteen

the Number of the Foundational Principles of Our *Imam* Malik, (may Allah be pleased with him)

The number of fundamental principles which our *Imam* Malik, may Allah be pleased with him built his school of thought are seventeen as ar-Raa`ini said in his commentary of the as-Salaalajiya.

"They are:

- [1] the foundation of the Book (*aslu 'l-kitaab*);¹⁵
- [2] the apparent meaning of the Book (*dhaahir 'l-kitaab*);¹⁶
- [3] the comprehensible of the Book (*mafhuum 'l-kitaab*);
- [4] the admonitions of the Book (*tanbeeh 'l-kitaab*);
- [5] the evidence of the Book (*daleel 'l-kitaab*);
- [6] the foundation of the *Sunna* (*aslu 's-sunna*);
- [7] the apparent meaning of the *Sunna* (*dhaahir 's-sunna*);
- [8] the comprehensible of the *Sunna* (*mafhuum 's-sunna*);
- [9] the admonitions of the *Sunna* (*tanbeeh 's-sunna*);
- [10] the evidence of the *Sunna* (*daleel 's-sunna*);
- [11] the consensus (*al-ijma`*);
- [12] analogous deduction (*al-qiyaas*);
- [13] recognition of disagreement (*muraa`aat 'l-khilaaf*);
- [14] prevention of events before they occur (*saddu 'd-dharaa'i`i*);¹⁷
- [15] consideration of the public good (*al-masaalihi 'l-mursalat*);¹⁸
- [16] isolated reports (*akhbaar 'l-ahad*); and
- [17] the behavior of the People of Medina (*`amal ahli 'l-madina*)."



¹⁵ This is also interpolated as manifest text (*nass*) which are completely unambiguous, bsolutely clear and does not have more than one interpretation. This area of *Qur'anic* interpolation also includes those verses of specificity (*khass*), where The legal rulings derived from the foundations of the Book are considered definitive (*qati`i*).

¹⁶ This is interpolated as the apparent or obvious meaning of the *Qur'anic* text that are not completely unambiguous but contains nevertheless a certain abvious meaning, and lends itself to more than one interpretation. This category of the *Qur'anic* text is also considered general legal statements (*al-`aamm*) and are regarded a conjectural (*dhanni*). [see Dr. Abdllah p. 67].

¹⁷ This interpolated as the ejection of legal fictions.

¹⁸ This is interpolated as the pursuit of social and individual benefits and needs for which there is no rpxplicit legal texts.

Issue Fourteen
Our Chain of Authority in the Jurisprudence of
Our Imam Malik, may Allah be pleased with him

I was given license (*ijaaza*) by my *shaykh* [1] Muhammad ibn Khaleel ibn Muhammad¹⁹ ibn Khaleel ibn Ahmad ibn `Abd 'r-Rahman ibn `Ali ibn Ahmad ibn Galbuun at-Taraabulisi on the authority of [2] his *shaykh* the learned Ali as-Sa`eedi. He took it on the authority of [3] his *shaykh* as-Sayyid Muhammad as-Salmuuni and [4] *Shaykh* `Abdullah 'l-Bannaani. Both of them took it on the authority of [5] *Shaykh* al-Kharraashi and [6] *Shaykh* `Abd 'l-Baaqi 'z-Zarqaani. Both of them took it on the authority of [7] *Shaykh* Ali al-`Ujhuuri. He took it on the authority of many *shaykhs*. Among them were [8] al-Qaadi Badrudeen 'l-Qaraafi on the authority of [9] *Shaykh* `Abdu 'r-Rahmaan, the grandfather of al-`Ujhuuri. He took on the authority of [10] as-Shams al-Laqaani. He took it on the authority of [11] ***Shaykh* `Ali as-Sanhuuri**. He took it on the authority of [12a] *Shaykh* Muhammad 'l-Bustaami. He took it on the authority of [13a] *Shaykh* Bahraam. He took it on the authority of [14a] *Shaykh* Khaleel. He took it on the authority of [15a] `Abdullah 'l-Manuufi. He took it on the authority of [16a] *Shaykh* Zaynudeen Muhammad who was famous as al-Qaweem.

[11] *Shaykh* Ali as-Sanhuuri also took it from [12b] *Shaykh* Taahir an-Nuwayri on the authority of [13b] Hassan ibn `Ali. He took it on the authority of [14b] Ahmad ibn 'l-Hilaal 'r-Rib`ii. He took it on the authority of the chief judge [15b] Fakhrudeen ibn 'l-Mukhlita. He took it on the authority of [16b] Abu Hafs 'l-Kindi. He took it on the authority of [17] `Abd 'l-Kareem ibn `Ata`illah 'l-Askandari. He took it on the authority of [18] at-Tartuushi. He took it on the authority of [19] al-Baaji. He took it on the authority of [20] Makki ibn Abu Taalib. He took it on the authority [21] Ibn Abi Zayd 'l-Qayrawaani. He took it on the authority of [22] Ibn 'l-Labbaadi. He took it on the authority of [23] Yahya ibn `Umar 'l-Ifriqi. He took it on the authority of [24] Suhnuun. He took it on the authority of [24] Ibn 'l-Qaasim. He took it on the authority of [25] the *Imam* of the *Imams*, the star of the religion, the scholar of Madina and the *Imam* of Dar 'l-Hijra **Maalik ibn Anas**, may Allah be pleased with him.

Here ends our book called The Success of the Muslims Concerning the Legal Judgement of the Schools of Thought of the Scholars of Independent Judgement. Allah decreed that I sealed it²⁰ on Saturday after the prayer of *dhuhr* the nineteenth of *Jumaadi 'l-Akhir* in the year *sharhaka* after the *hijra* of the Prophet, may Allah bless him and grant him peace.²¹ All praises are due to Allah the Lord of the worlds. The best blessings and most perfect peace be upon our master Muhammad, his family and all his companions Ameen.²²



¹⁹ Here ends folio 11.

²⁰ Here ends folio 12.

²¹ According to the science of *jifr* the date has the following correspondence: [*shin* = 1000 + *ra* = 200 + *ha* = 8 + *kaf* = 20] = 1228 (June 18, 1813 C.E.).

²² After this supplication the scribe added the following supplication: 'O Allah be merciful to the *Umma* of Muhammad with an all encompassing mercy.' And just below this on the margins is the following statement: "I have noticed that people incline * Towards those who have wealth * And for those who lack wealth * People incline away from him * These two poetic verses are those of *Amir 'l-Mu'mineen* Muhammad Bello, the descendent of *Amir 'l-Mu'mineen* Uthman ibn Fuduye', may Allah engulf him in his mercy Ameen." Here ends folio 13.

SANKORE'



Institute of Islamic-African Studies International