

TARTĪB AL-MADĀRIK

Tartīb al-Madārik

wa taqrīb al-masālik li-maʿrifa aʿlām madhhab Mālik

Organising the faculties and facilitating the method for
recognising the eminent scholars of the School of Mālik

Volume 1

Imām Mālik and his students

by Qāḍī ʿIyād ibn Mūsā al-Yaḥṣubī

Translated by Aisha Abdurrahman Bewley

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PREFACE

The *Tartīb al-Madārik* (Organising the means and revealing the methods for discovering the eminent scholars of the School of Mālik) by Qāḍī ‘Iyād al-Yaḥṣubī is a seminal biographical compendium of the scholars of the Mālikī school. It begins with an extensive biography dealing with Imām Mālik and records the chains of scholars from him, divided by region, listing over 1300 scholars in nine generations in eight volumes. through nine generations to the time of the author.

Shaykh Abdalqadir as-Sufī regarded the *Tartīb al-Madārik* as the essential record of the intellectual lineage of the scholars who transmitted the school of Madina, and it is the foundational reference in his seminal work, *Root Islamic Education* because of how it highlights the knowledge and behaviour exemplified in the lives of the early scholars. He says:

‘We can show you a line that goes from Madinah al-Munawwara at the time of the Messenger of Allah, may Allah bless him and give him peace, through to Imam Malik, and from Imam Malik continues for five hundred years—in the Middle East, to the gates of India and to the gates of Russia, right across North Africa, right into Europe. For five hundred years, you find that the leadership was in the hands of slaves who were *fuqahā*’ and before whom amirs bowed their heads. And I say that is Islamic history, and not this other thing that has been invented by the orientalist which we have fallen for – of dynasties and epochs marked by changes in the style of jugs and arches.’ (p.16)

You could say that the *Tartīb al-Madārik* provides the foundation and blueprint for the understanding conveyed by *Root Islamic*

Education. The work provides biographies of the scholars and their historical positions and how they dealt with the problems that arose in times of conflict because we see the interaction of scholars with the Abbasids, Aghlabids, Fatimids, Andalusian Umayyads, Murābitūn, and others. We see how they interacted with power, and the role and proper behaviour of the *qāḍī*. It also fleshes out the implementation of the *dīn*, providing a practical guide to education and action. It shows Islam embodied in real people and the action which that produces in society. It is a corrective to an abstract or idealised approach to Islam. It also provides us with a rich tapestry of the history in which the scholars lived, particularly North Africa and Andalusia, and a sort of historical map of Maliki scholars. It is, as Shaykh Abdalqadir says in *Root Islamic Education*:

‘We would take the *Tartīb al-Madārik* of Qadi Iyad because it gives this record and will let them see an example on which they must be based, and on which they have no choice but to be based. The *Tartīb al-Madārik* is a record of human achievement, Islamically, that, I tell you, when you study it, you will say, “I did not know such men existed on the face of the earth!” And the *Tartīb al-Madārik* is more electrifying than any of the books of the *Tadhkirat al-Awliya’* and so on—much more electrifying as a phenomenon of the human splendour of the people that this Islamic deen has produced. It is magnificent, in its raising up of the human being.’ (p. 21)

FOREWORD

‘If it had not been for ‘Iyād,
the Maghrib would not have been remembered.’

This encapsulates how the Maghribī community describes ‘Iyād’s historical significance. It sums up the legacy of his full and exemplary life, his vast knowledge and his praiseworthy conduct which left a profound impression on the hearts of his compatriots. The people of knowledge in both the east and the west extol him fervently and praise his abiding achievements.

‘Iyād! He is renowned in the east and the west – in every land of Islam! It is appropriate that his renown should endure and his excellence should be extolled. It is fitting that gatherings of knowledge in every Muslim land should hold him in respect and esteem.

When Qāḍī ‘Iyād reported *ḥadīths* – and he was always concerned with why he was asked for *ḥadīth* – from one of his shaykhs, he used to say, ‘What is the matter with you? You take knowledge from us and learn from us and then you mention us without asking for mercy for us!’ He valued the recognition of a man who possessed useful knowledge and gratitude for knowledge and knew that it was a debt which must be repaid by the later ones who benefit from it. It is the early generations who are known for truthfulness among the later ones.

Allah desired that people be faithful to ‘Iyād. Some people wrote about him and some recounted his biography.

Our goal in this work is not to exhaustively analyse the minutiae of the life of Qāḍī ‘Iyād. Even if we had intended to do that here, we could not have achieved it. His life – from whatever aspect you look at it – was full and rich. This is just one part of it, and its discussion is

actually a discussion about one of the finest ages of the history of this land. That is the second aspect of our work.

Our aim is to record the highlights of his life, particularly what is connected to its reflective dimension, out of the desire to gain insights into factors which might have affected his methodology in investigation and writing, particularly his book, *Tartīb al-Madārik*, for which we have written this preface.

HIS LINEAGE

His son Muḥammad and Abū al-Qāsim ibn al-Maljūm both transmitted from Qādī ‘Iyāḍ that his full name was ‘Iyāḍ ibn Mūsā ibn ‘Iyāḍ ibn ‘Amrūn ibn Mūsā ibn ‘Iyāḍ ibn Muḥammad ibn ‘Abdullāh ibn Mūsā ibn ‘Iyāḍ al-Yaḥṣubī.

It is a lineage which goes back – as we will see – to Yaḥṣub ibn Mālīk ibn Zayd. Yaḥṣub was the brother of Dhū Aṣbaḥ al-Ḥārith ibn Mālīk ibn Zayd from whom Imām Mālīk ibn Anas al-Aṣbahī was descended.

Thus Qādī ‘Iyāḍ is connected to Imām Mālīk in two ways. First, there is the connection to the Mālīkī School on which the inhabitants of the Maghrib base their *dīn* and to which they still adhere. ‘Iyāḍ was one of the most prominent and renowned of the leaders of their school. Then there is also a connection of kinship and lineage to the tribe of Ḥimyar among the Arabs of Yemen, which enjoys great fame in Islamic history.

It is plausible – and we do not believe it is more than plausible – that this familial connection is an additional reason on top of the reasons mentioned by Qādī ‘Iyāḍ in the introduction of the *Tartīb al-Madārik* and beyond affiliation to the school. This led Qādī ‘Iyāḍ to become interested in the life of the Imām and to present it with respect and esteem and to persevere in removing from it anything that might tarnish its purity or diminish its splendour.

THE ABODE OF HIS FOREBEARS

The home of his forebears was located in the region of Baza which is about one kilometre northeast of Granada. From there they moved to Fes and subsequently to Ceuta.

His son Muḥammad mentioned that his ancestors resided in Kairouan although he did not know whether they dwelt there before or after they arrived in Andalusia.

We are unaware of any of his ancestors who were not prominent figures in the influential houses of Fez and Ceuta. His grandfather, ‘Amrūn, who moved from Fes to Ceuta around 373 AH, was among the best of people, a *ḥāfiẓ* of Qur’an. He went on *ḥajj* several times. He went on many expeditions with al-Manṣūr ibn Abī ‘Āmir.¹ He bought land in Ceuta with his money and made part of a *waqf* for the Muslims in which they could bury their dead. In part of it, a mosque was built along with some homes which were made a *waqf* of the mosque. He continued to worship in this mosque until he died in 397 AH.

These are all noble characteristics.

HIS BIRTH

According to the Qāḍī himself and what his son Muḥammad transmitted from him, ‘Iyāḍ was born in Ceuta in the middle of Sha‘bān in 476 AH.

Ceuta is one of the main hubs of the Maghrib. Its geographical position turned it into a meeting-place of the scholars, whether they came to it from the east or the west, intending to cross over to Andalusia or coming to it from Andalusia en route to Morocco for travel or residence. As a result of that, it became a meeting-place for many types of culture. The scholars who lived in Ceuta and those who came to it turned it into an important cultural centre.

The extant sources which deal with ‘Iyāḍ’s life agree that he possessed exceptional intellect, understanding, perspicacity, cleverness, alertness and an intense desire to seek knowledge. These are qualifications which elevate a person to high ranks in knowledge and excellence.

‘Iyāḍ began his quest for knowledge with these distinguished intellectual gifts in the scholarly environment which existed in his birthplace, Ceuta.

The books studied by a seeker of knowledge exert a profound

¹ The chancellor of Hisham II in Córdoba. He was the de facto ruler.

influence on the development of his character as do the shaykhs under whom he studies. ‘Iyāḍ’s God-given intellectual gifts coupled with the books on various different subjects which he studied in Ceuta indicate that his scholarly personality was complete before he departed from his homeland. His lasting fame was ensured because of his great effort.

In his native city, he memorised the Qur’an with the seven readings with the *riwāyas* of Nāfi‘, Ibn Kathīr, Abū ‘Amr ibn al-‘Alā’ and Ibn ‘Āmir. He learned these *riwāyas* with their various known paths from ‘Abdullāh ibn Idrīs ibn Sahl ibn al-Muqrī’ (d. 515 AH) and the *riwāya* of Ḥamza from Ḥabīb ibn az-Zayyāt from ‘Abdullāh ibn Muḥammad an-Nifzī (d. 538 AH).

He studied Arabic in its both texts and literature using *Kitāb al-Faṣīḥ* by Abū al-‘Abbās Tha‘lab, *Kitāb al-Amālī* by Abū ‘Alī al-Qālī, *al-Kāmil* by Abū al-‘Abbās Muḥammad ibn Yazīd al-Mubarrad, and *Adab al-Kuttāb* by Abū Muḥammad ibn Qutayba.

He learned its grammatical rules from *Kitāb al-Juml* by az-Zajjājī, *al-Wāḍiḥ* by Abū Bakr az-Zubayrī, *al-Kāfi* by Ibn an-Naḥḥās, *al-Muqtadab* by al-Mubarrad, *al-Īdāḥ* by Abū ‘Alī al-Fārisī, and the commentary on *al-Jumal* by Ibn Faḍḍāl.

As for the fundamentals of *fiqh*, the fundamentals of the *dīn*, the science of *kalām* in the school of Abū al-Ḥasan al-Ash‘arī, and debate and argument, he studied the fundamentals of the *dīn* with the Qāḍī of Ceuta, ‘Abdullāh ibn Muḥammad ibn Ibrāhīm ibn Qāsim al-Lakhmī (d. 458), and he studied the *Risāla* of Ibn Abī Zayd al-Qayrawānī with Muḥammad ibn ‘Īsā at-Tamīmī. He kept the company of Abū al-Ghālīb ibn Yūsuf as-Sālīmī (d. 516), an Ash‘arī *mutakallim* in the school of the people of the *Sunna*, while he lived in Ceuta. He gave him many of his *Collections*. He studied his *Urjūza* with Yūsuf ibn Mūsā al-Kalbī, the Ash‘arī *mutakallim*, which he had compiled on the creeds, and he also studied *Kitāb al-Minhāj* on debate and argument by Abū al-Walīd al-Bājī.

In the *Shifā’*, ‘Iyāḍ frequently employs as proof the views of Abū al-Ḥasan al-Ash‘arī, Qāḍī Abū Bakr al-Baqillānī, Abū Bakr ibn Fūrak, and Abū al-Ma‘ālī and al-Juwaynī. All of that confirms his unwavering adherence to the Ash‘arī school and their books and demonstrates

the fact that he read their books on beliefs. He referred to al-Baqillānī and Abū Bakr ibn Fūrak as ‘one of our Imāms’ indicating that he followed the Ash‘arī school.

His penetrating arguments against the opinions of the Mu‘tazilites and the various sects of Islamic creeds, the philosophers, the Sufis and the Khārījites will show the student that ‘Iyāḍ had carefully studied the schools of beliefs and the views of their people.

Qāḍī ‘Iyāḍ’s connection to the science of *kalām* and the debates and arguments subordinate to it, coupled with his knowledge of the fine points of the opinions of opponents of the people of the *Sunna* in it, leads us to the school which produced Qāḍī ‘Iyāḍ and his shaykhs with whom he studied *kalām* and the fundamental principles of the *dīn*. Many of the scholars of Morocco were concerned with the science of *kalām* and were renowned for it. Their biographies are found in the *Tartīb al-Madārik*.

We say that this school possessed a comprehensive understanding of argument and debate, the fundamental principles of the *dīn*, and *kalām* according to the school of Abū al-Ḥasan al-Ash‘arī, and that the books of the Ash‘arīs about the science of *kalām* were known among its men who studied them in all the parts of the Maghrib.

This leads us to the lack of validity of the false claims made by the Muwaḥḥid Maḥdī that scholars of the Maghrib in the time of the Murabitūn did not possess the science of debate and investigation, and thus were unable to counter him in his debates, that their creed was dominated by anthropomorphism. Then Ibn Tūmart brought the creed of *tawḥīd* and promulgated it, and his followers were called Muwaḥḥidūn (unifers) and presented his other claims.

That is a political ploy which Ibn Tūmart and his supporters disseminated in order to consolidate their influence over the masses. Unfortunately, historians have been deceived by it. It is very odd that the usually discerning Ibn Khaldūn was one of its victims.

In Ceuta, ‘Iyāḍ also studied the science of *Ḥadīth*, its texts, its *gharīb* (unusual) words, its men and its usages from its leaders and *ḥadīth* scholars.

He studied the *Muwattā’* of Imām Mālik, the *Musnad* of the *Muwattā’* by Abū al-Qāsim al-Jawharī, the *Ṣaḥīḥ al-Bukhārī* in the

riwāya of al-Farabrī and an-Nasafī, the *Ṣaḥīḥ Muslim*, the *Sunan* of an-Nasā'ī, the commentary on *gharīb ḥadīth* by Abū 'Ubayd al-Qāsīm ibn Salām, *The Correction of Error on Abū 'Ubayd* by Abū Muḥammad ibn Qutayba, *Gharīb Ḥadīth* by Abū Sulaymān al-Khaṭṭābī, *The Sciences of Ḥadīth* by al-Hākīm, *Kitāb at-Ṭabaqāt* by Muslim al-Ḥajjāj, the author of the *Ṣaḥīḥ*, *Kitāb ad-du'afā wa-l-matrūkīn* by an-Nasā'ī and his *Kitāb at-Ṭabaqāt*, *Kitāb at-Taqaṣṣī* by Ibn 'Abd al-Barr, *al-Mu'talif wa-l-mukhtalif* of ad-Dāraquṭnī, *al-Mu'tanif fī akmila al-mu'talif wa-l-mukhtalif* by al-Khaṭīb al-Baghdādī, *Mushkil al-ḥadīth* by Ibn Fūrak and *al-Ikmāl* by Ibn Mākūlā.

As for Mālīkī *fiqh*, he studied the *Risāla* of Ibn Abī Zayd, the *Mudawwana* and a book on necessary belief by Qādī Abū Bakr ibn al-'Arabī al-Ma'āfirī. He studied it with him in Ceuta when he passed through there.

He studied the fundamental principles of *fiqh* with Muḥammad ibn Dāwūd ibn 'Aṭīyya al-Qalī.

HIS JOURNEY

Having obtained this impressive scholarly obtainment, 'Iyāḍ then travelled to Andalusia.

Historians have attempted to pinpoint the beginning of his journey and its duration. While this is a laudable concern which does possess certain merits, the beginning of his journey and its period is not of primary interest to us. It does not provide us with the benefit which we derive from learning what the Qādī did in the course of his journey and the impact that this journey had on his knowledge and thought.

A journey undertaken for the purpose of seeking knowledge, specifically in the realm of scholarly instruction and the refinement of Islamic thought, encompasses two essential components.

Firstly, it is imperative to ascertain the soundness and completeness of the path of transmission. That necessitates verification of the transmitted texts and investigation into their roots and connecting their *isnāds* to their narrators, and identifying the highest, straightest and soundest of those *isnāds*. If this transmitted material is not established in a sound form which is ascribed to its people, then it cannot be used as a basis for investigation and study, and consequently

judgements cannot be based on it, whether these judgements pertain to the *dīn*, knowledge or *adab*.

The desire for a sound and complete path of transmission is evident in the efforts of Qādī ‘Iyāḍ to extend his knowledge of *riwāya* and his reading. We find him reading new books which he had not read in his city and comparing his books with sound originals and investigating the written roots of the *isnād* scholars and determining the soundest and most excellent of its variants with its people, even if the paths and variants are numerous. It was the same with the texts which he compared or verified.

Secondly one must employ a sound method of thought and base it on firm rules. The sources of his biography state that his aim in his journey was to meet shaykhs. ‘Iyāḍ’s primary goal in his journey was not simply to see the faces of the shaykhs, but to compare their ideas and weigh them against the ideas which he had learned in his homeland, after having verified that the path of transmission was sound. It used to be said, ‘If you want to know the true measure of your shaykh, then sit with someone else.’

Meeting the shaykhs allowed ‘Iyāḍ to observe their methods of reflection at firsthand and to witness how they dealt with questions through study and investigation. They rejected what they deemed unacceptable and accepted what they deemed acceptable. He incorporated what he saw and understood into the fundamentals and methods he had already learned from the scholars of his homeland. He compared them and subsequently favoured one of them. After a critical evaluation and examination, he kept what he felt should remain and discarded that which could not stand up to criticism.

Through this method of examination and comparison, and repeated re-examination and interpolation, he refined the structure of his critical tools and perfected the principles of thinking on the basis of comparison and choice.

THE PEOPLE OF KNOWLEDGE ATTESTING TO HIM

His position was known among his shaykhs both while he was travelling and before he returned home. Reports have come from them which indicate their scrutiny and evaluation of him, and their recognition of his excellence and knowledge.

His teacher, Abū ‘Abdullāh ibn Ḥamdīn, said to him while he was on his journey, ‘Abū al-Faḍl, it is my duty to have left someone like you in the Maghrib.’

He wanted to travel to study with one his shaykhs in Andalusia. The minister Abū al-Ḥusayn ibn Sirāj said to him, ‘He needs you more than you need him.’

Abū Muḥammad ibn Abī Ja‘far stated, ‘No one more noble than ‘Iyāḍ has come to us from the Maghrib.’

The *wazīr*, poet and scribe, ‘Abd al-Majīd ibn ‘Abdūn (d. 527), met him in Ceuta. He swore to him that he only went to Ceuta to meet him.

In his journey, Abū ‘Āmir Muḥammad ibn Aḥmad ibn Ismā‘īl aṭ-Ṭulayṭilī wrote down some things that he had said.

When ‘Iyāḍ returned from his journey, he was a radiant torch of light, a sweet spring overflowing with undiminished knowledge, a clarion voice calling to the truth, a right guide and man of judgement. His call was heard. He was a prodigious force in belief, affirmation and character.

There was a sensitivity in all of this. He was attentive to himself and his land, and the place which was prepared for him by what he inherited from his predecessors, and by what he learned by his striving and evaluation of the weighty questions which the customs of this place demanded of him in seeking guidance, direction, illumination, and protection since security in human honour and in sacred things are only preserved through vigilant guardianship.

His land was opened before him, and he loved and esteemed it and based his guidance on it. In all of that ‘Iyāḍ was a trusty leader who did not reject his people.

His son related in the *Tārīf*, Ibn Ṣa‘d in *an-Najm ath-Thāqib*, and al-Ifrānī in *Durar al-ḥijāl fī manāqib sab‘at riḡāl* in the second part of it that when Qāḍī ‘Iyāḍ assumed the judgeship in his city, the elite and common people loved him greatly and held him in high esteem and respect. Rulers and governors held him in awe and respect which made them accept his words when he asked them to carry out one of the rights of the people while they had disputed that that right should be carried out and the obligation undertaken.

They mentioned the life of the Qāḍī among his people, and they said that he was firm in the truth and unaffected by anyone's criticism. He loved those who sought knowledge and encouraged them to seek it. He was very humble and devoted himself to the very poor and the paupers, and he asked them about their circumstances and gave them a lot of *ṣadaqa*. He dealt with people showing good character and leniency, and dealt with them according to what he found. He spent in that more money than he had inherited from his father. He sold his quarters and property in Ceuta to that end, and when he died, he was five hundred dinars in debt.

As for Qāḍī 'Iyāḍ's worship of his Lord, he remained firm in the *dīn* and exerted himself in that. He fasted often and prayed at night. He recited a *juz'* of the Book of Allah in the last part of the night and he did not omit that while he was able to recite it in any circumstances. He kept to the limits of the Sharī'a, and was a Sunnī in his creed and he held strongly to that with the greatest possible zeal.

His duties in the *dīn* and social obligations did not divert him from the obligation of sacred knowledge. He was constantly involved with knowledge and did not part from his books. He read and studied, investigated and wrote.



The way that events transpired compelled him to enter the fray. There are certain definite tenets of the Sunnī creed which cannot be disregarded. The people of the Maghrib believed in them. Scholars strove to preserve them using every means they had at their disposal.

The Sunnī creed comes at the head of these definite tenets. In it, it is confirmed that no individual possesses infallibility (*'isma*) except for the Prophets. Furthermore the issue of infallibility arose due to the emergence of Shi'ism.

There was a stance of caution or even hostility on which the Maghribi scholars agreed, or nearly so, regarding certain topics and positions in the book, *Ihyā' al-'Ulūm* by al-Ghazālī.

These themes which the intellectual milieu of the Maghrib rejected can be categorised into two distinct areas:

1. The severe negative position which al-Ghazālī in the *Ihyā'* and others took toward the pursuit of Islamic sciences other than Sufism.

2. What it contains of investigation into the 'sciences of unveiling' and the principles and rules underlying it.

'Iyāḍ believed in what the people of the *Sunna* in the Maghrib believed and was steadfast in his convictions. He studied under Muḥammad ibn 'Abd al-'Azīz at-Taghlibī (d. 508), reading his refutation of al-Ghazālī. It is most highly probable – and there is nothing to prevent it – that he had knowledge of the position of al-Māzirī, his shaykh, about the *Ihyā' al-'Ulūm* of al-Ghazālī.

In all of this, 'Iyāḍ maintained his own opinion about the books and opinions of al-Ghazālī. It was similar to what his shaykhs and contemporaries thought. 'Iyāḍ thought that if al-Ghazālī had shortened the *Ihyā'* and confined himself to pure knowledge in it – and this is an expression he uses – it would have been a useful book. What is other than pure knowledge in the *Kitāb al-Ihyā'* is what concerned 'Iyāḍ, namely the science of unveiling.

Ibn al-'Imād al-Ḥanbalī and ash-Sha'rānī related that 'Iyāḍ used to think that the *Kitāb al-Ihyā'* should be burned. The view that they related from him was not uncommon. In the *Kitāb ash-Shifā'*, 'Iyāḍ also gives a very harsh judgement on Abū Ḥāmid al-Ghazālī.

Then 'Iyāḍ also had his stance regarding the infallibility with which the Mahdī had described himself. The Muwaḥḥid Mahdī came and clashed with the people of the Maghrib about the purest thing they had: their Sunnī creed. He accused them of being anthropomorphists and unbelievers, and fought them as unbelievers are fought and restricted *tawḥīd* to his companions and followers.

The movement of the Muwaḥḥid Mahdī was underpinned by two fundamental principles:

1. The infallibility of the Imāms – and the Mahdī was the Imām.
2. His knowledge of unseen things which he derived from the *Kitāb al-Jafr* which contains the sciences of the People of the House.

The concept of the infallibility of the Imāms is found among the *Shi'ā*, and Ibn Tūmart adopted it from them. It means that the Imām cannot commit even a small act of disobedience against Allah nor

is he capable of any oversight in the *dīn*. He cannot forget any of the judgements. In their view, part of the special prerogative of the Imām is that he can discern the inner consciences of individuals and anticipate future events.

The position of the Sunnī creed about the infallibility of the Imāms is that infallibility is reserved exclusively for the Prophets. They also reject the idea that the Imāms know the unseen, what the minds of people conceal, or the future.

Al-Ghazālī takes up the sciences of unveiling, goes on at length about them and relies on them. That is one of the reasons which led Maghribī scholars to take up their well-known hostile position to the *Kitāb al-Ihyā'*. This is part of the reason for the position of 'Iyāḍ and his opinion about al-Ghazālī and his books.

After what I have shown you, it is easy for a student to grasp why the people of the Maghrib opposed the call of the Muwaḥḥidūn in every location. That is why Ceuta rebelled, and its rebellion recurred under the leadership of 'Iyāḍ against Muwaḥḥidūn rule.

This essay does not permit me to go into the details of this here, but I want to say that 'Iyāḍ never abandoned his Sunnī belief or shirked what he thought he should do. The Muwaḥḥidūn never forgave him. That is why they exiled him from his land, and he was deeply grieved about having to leave it. He said to his compatriots when he bade them farewell at Ceuta, 'Allah has made me your ransom,' and he wept. They disturbed the final years of his life until he met his Lord on 7 Jumādā al-Ākhira or in Ramaḍān, 544 AH.

Following his death, there were visions, dreams, stories and tales both for and against him. How many tales are fabricated about famous people after they have left the life of this world! How easy it is for people to say that they are mere superstitions that do not stand up to criticism, and they put them far from the subject matter of history. That is an erroneous omission where expertise mocks the mentalities of peoples and nations.

These multitudinous stories, which is what our forebears embraced, are in a pure linguistic style which transcends time and place using the established rules of formal *ḥadīths*. It is the method which the masses choose to express their feelings about people whom they do

not wish to forget and the manner in which they record their opinion of them.

They gave expression to their thoughts in their visions, dreams, stories, rhymed prose, and parables and their short passages that resemble parables and are straight to the point in all these forms, and their love or hatred for those who have been committed to the earth spills out. It is said, ‘The tongues of people are the pens of the truth.’

There are two groups who buried ‘Iyāḍ: the Muwaḥḥid judges and their masters, and the community of the Maghrib. The feelings of these two groups towards him are widely divergent.

As for the Muwaḥḥidūn, their stories relate that al-Ghazālī heard of ‘Iyāḍ’s opinion of his books and he cursed him, so ‘Iyāḍ died suddenly in the bath-house on the day he cursed him. They also said that the Mahdī was the one who ordered that he be killed after the people of his land claimed that he was a Jew because he did not go out on Saturdays. So the Mahdī killed him because of al-Ghazālī’s curse.

As for the Maghribī community, they directed their suspicions towards the Muwaḥḥidūn, saying, ‘Ibn al-‘Arabī was poisoned. Al-Yaḥṣubī was strangled.’ They said, deeming him to be one of the martyrs: ‘A Jew poisoned him.’

All their visions connected with ‘Iyāḍ and that which is connected to his city where he grew up, developed, benefited and guided, and Algeciras where he eliminated the injustices of some of its governors, and Marrakesh where he put himself as ransom for his compatriots. These visions indicated that he was honoured and blessed in the Garden as a reward for the good actions which he did in the time when he was striving on his own. His community consistently refuted every criticism of him with their words: ‘If it had not been for ‘Iyad, the Maghrib would not have been remembered.’

HIS BOOKS

In the course of his full life, ‘Iyāḍ was a renowned writer who wrote a lot and whose books were praised by scholars and were used by them.

There are approximately thirty books ascribed to him, but only a few of them have reached us. We will mention them all alphabetically, hoping that to convey what is known about them:

1. *Al-Ajwiba al-muhabbira ‘ala-l-masā’il al-mutakhayyira* (*Answers to Selected Questions*). It is one of the books which Qāḍī ‘Iyād did not complete. His son mentioned it in *at-Ta’rīf*, pp. 134-135, stating that he found some of it and supplemented it with what he found in his father’s papers or with his friends on the unusual meanings of various things about which he was asked. He collated all of that into one section. It is also mentioned in *al-Iḥāṭa*, 183A, *Azhār ar-Riyād*, 2:239C, and *Kashf az-Ẓunūn*, 1:11.
2. *Ajwiba ‘ammā nazala fī ayyām quḍā’ihi min nawāzil al-aḥkām* (*Answers about what judgements occurred in his Judgeship*) It was also incomplete and sources disagree about the amount that remains of it. According to *al-Iḥāṭa*, 183A and *at-Ta’rīf*, 134, it was one section. *Azhār ar-Riyād*, 2:239C, says that it is written in two sections.
3. *Ajwiba al-Qurtubiyyīn* (*Answers to the People of Cordoba*). His son said, ‘I saw this in his own handwriting, but I did not find a fair copy with him although I found it among his papers, so I collected it with the answers of others.’ It is mentioned in the *Ta’rīf*, 134, *al-Iḥāṭa*, 183-A, and *Azhār ar-Riyād*, 2:239c.
4. *Akḥbār al-Qurtubiyyīn* (*Reports about the People of Cordoba*) It is mentioned *Kashf az-Ẓunūn*, 1:23, *Hidāyat al-‘Arīfīn*, 1:805, and *Tārīkh al-Fikr al-Andalusī*, 283 where he said that he had a history about the scholars of Córdoba called *Akḥbār al-Qurtubiyyīn*. It is possible that this is *Ajwiba al-Qurtubiyyīn* which was already mentioned.
5. *Ikhtīṣār sharaf Muṣṭafā* (*Summary of the Honour of Muṣṭafā*) *Sharaf Muṣṭafā* is the name of a book by Abū Sa’d ‘Abd al-Malik ibn Muḥammad al-Wā’idh an-Naysābūrī al-Kharkūshī (d. 406) which consists of eight volumes. It is also called *Sharaf an-Nubuwwa*. Qāḍī ‘Iyād wrote a summary of it, and Ibn Khayr related it from him with an *ijāza* orally and with permission. He mentioned it in the Index of what he related from his shaykhs, 289, 487. It is also mentioned by the author of the *Kashf az-Ẓunūn*, 2:1045. It appears that the Qāḍī was preparing to write his book, *ash-Shifā’*, and he found the *Kitāb Sharaf Muṣṭafā* too long, and summarised it to make it easier for reference and use.
6. *Al-I’lām bi-ḥudūd qawā’id al-Islām*¹ (*Signs of the Limits of the Rules of*

¹The translation by Aisha Bewley is published as *The Foundations of Islam* by Diwan Press.

Islam). His son mentioned it in *at-Taʿrīf*, 133, and *al-Iḥāta*, 183-A, *Kashf az-Ẓunūn*, 1:127, and *Hidāyat al-ʿArīfīn*, 1:805. The Department of Islamic Affairs published it.

7. *Ikmāl al-Muʿallim bi fawāʾid Muslim* (*The Completion of Instruction on the Benefits of Muslim*). It is a commentary on the *Ṣaḥīḥ* of Imām Muslim ibn al-Ḥajjāj. In it, he completed the Summary of Abū ʿAbdullāh Muḥammad ibn ʿAlī al-Māzirī, called *al-Muʿallim bi fawāʾid Muslim*.

8. *Al-Ilmāʿ fī dabṭ ar-riwāya wa taqyīd as-samāʿ* (*Indication of the Accurate Determination of the Riwāya and the Recording of Oral Tradition*). His son mentioned it in *at-Taʿrīf*, 133, as did aḍ-Ḍabbī in *Bughya al-Multamis*, 425, *al-Iḥāta*, 183-A, *Kashf az-Ẓunūn*, 1:158, *Hidāyat al-ʿArīfīn*, 1:805, and *Tārīkh al-Fikr al-Andalusī*, 397.

It is one of the books which *mutakallimūn* frequently relied on for the technical words of *ḥadīths*. It is located in the Escorial library, and the Aya Sofía has a copy of it.

9. *Bughyat ar-Rāʾid limā tadammanahu ḥadīth Umm Ẓarʿ min al-fawāʾid* (*The Desire of the Guide in the Benefits in the ḥadīth of Umm Ẓarʿ*). It is the fullest and most comprehensive commentary on this *ḥadīth*. His son mentioned it in *at-Taʿrīf*, 133, adh-Dhahabī in *Tadhkira al-Huffāz*, 4:97, Ibn Khayr in the Index of what he related from his shaykhs, and he related it from its author, 197, 478, Ibn Khallikān, 1:496, *Kashf az-Ẓunūn*, 1:248, and *Hidāyat al-ʿArīfīn*, 1:805. It is in the Public Repository, and there is a copy of it in Berlin.

10. *Tārīkh al-Murābiṭīn* (*The History of the Murābiṭūn*). It went as far as 540 AH. Ibn Khātima mentioned it in *History of Almeria* and *Azhār ar-Riyāḍ*, 2:239c. *See the General History*.

11. *Tartīb al-Madārik* which will be discussed.

12. *At-Tanbīhāt al-Mustanbaṭa ʿalā kutub al-Mudawwana wa-l-Mukhtalīṭa* (*Discovered Admonitions in the Mudawwana and the Mukhtalīṭa*). His son and *al-Iḥāta* reckoned that it consisted of ten sections.

It was relied on to unravel the expressions used in the *Mudawwana* and resolve its problems, determine its variants and name its *riwāyas*. The reason for that derives from the combination of the commentary of the meanings, their clarification and definition of the expressions. He mentioned those who related it among the

shaykhs and the *ḥuffāz*. His son mentioned it in *at-Taʿrīf*, 132 and in *al-Wafiyāt*, 1:496 and from him adh-Dhahabī in the *Tadhkira al-Ḥuffāz*, 4:97, *al-Iḥāta*, 183-A; *Azhār ar-Riyād*, 3:21; *Kashf az-Ḥunūn*, 1493, 2:1644; and *Hidāyat al-ʿArifīn*, 1:805. There is a copy of it in the Public Repository.

13. *Al-Jāmiʿ fī at-Tārīkh* (*The General History*). Qādī ʿIyād said in the biography of ʿAbdullāh ibn Yāsīn, the Murābiṭ leader, ‘We gave details about him in the *Book of History*.’ ʿIyād’s student, Muḥammad ibn Ḥammāda al-Burnusī as-Sibtī mentioned it, and adh-Dhahabī quoted it in the *Tadhkira al-Ḥuffāz*, 4:97, under the title *Jāmiʿ at-Tārīkh*, as does al-Maqarrī in *Azhār ar-Riyād*, 2:239c, stating that it covers the history of the Murābiṭūn up to 540 AH. It is a book which surpasses all other books. It contains information about the kings of Andalusia and the Maghrib from the time of the arrival of Islam there, and it contains full reports about Ceuta, its inhabitants, its *fuqahāʾ* and all the events that transpired there. It provides full reports of the Ḥasanī dynasty. It is mentioned in *Kashf az-Ḥunūn*, 1:538 under the title of *Jāmiʿ at-Tārīkh* and is also so mentioned in *Hidāyat al-ʿArifīn*, 1:805. They did not add anything more to this title.

14. The *Book of Khutbas* in a single volume. His son mentioned it in *at-Taʿrīf*, 133 and they mentioned in the Qādī’s biography that he only gave *khutbas* that he himself had written.

15. *Sirr as-Sarā fī ādāb al-quḍāʾ* (*The Secret of the High-minded in the proper manners in the judgement*). His son said in *at-Taʿrīf*, 134, ‘I also saw this subject in his handwriting while I did not find anything of this book or any mention of it.’ It is mentioned in *al-Iḥāta*, 183-A and *Azhār ar-Riyād*, 2:238. He said, ‘Part of what he left in a fair copy was *Sirr as-Sarā*,’ but that it is a statement which does not have any meaning after what his son already said.

16. *Kitāb suʾālāt wa tarsīl* (*The Book of Questions and Correct Reading*). See Ghunya at-Ṭālib.

17. *As-Sayf al-Maslūl ʿalā man sabba aṣḥāb ar-Rasūl* (*The Unsheathed Sword against those who cursed the Companions of the Messenger*). It is mentioned in *Kashf az-Ḥunūn*, 2:1018, and *Hidāyat al-ʿArifīn*, 1:805.

18. *Ash-Shifāʾ bi-taʿrīf ḥuqūq al-Muṣṭafāʾ* (*Healing identifying the rights of*

Mustāfā). Adh-Dhahabi called it *ash-Shifā' fī sharaf al-Mustāfā*. It is too famous to require mention. The Qāḍī taught it in his lifetime and gave *ijāza* for it. His son mentioned it, 132, as did *al-Ihāta*, 183-A, and reckoned it to consist of six sections. It is mentioned in *Azhār ar-Riyād*, 2:238, *Tadhkira al-Huffāz*, 4:97, *Kashf az-Zunūn*, 2:1052, 1055, and *Hidāyat al-Ārifīn*, 1:805.

19. *Aṣ-Ṣafā bi-tahrīr ash-Shifā'* (*Clarity in the formulation of the Shifā'*) by the Qāḍī which was already mentioned. This is in *Kashf az-Zunūn*, 2:1079. It is a doubtful expression where Ismā'īl Pāshā al-Baghdādī understood that *aṣ-Ṣafā bi-tahrīr ash-Shifā'* is the name of a book by 'Iyād. He mentioned it as being written by him in his biography, 1:805. That is an incorrect understanding. *Aṣ-Ṣafā bi-tahrīr ash-Shifā'* is one of the books of Muḥammad ibn Muḥammad ibn al-Khayḍarī (d. 834) as is stated in *Kashf az-Zunūn* in the discussion on the commentaries of the *Shifā'*.

20. *Al-Uyūn as-Sitta fī akhbār Sabta* (*The Six Sources in the News of Ceuta*). That is how it is mentioned in *Kashf az-Zunūn*, 2:1186, *Hidāyat al-Ārifīn*, 1:805, and *Tārīkh al-Fikr al-Andalusī*, 283. See *al-Fanūn as-Sitta*.

21. *Gharīb ash-Shihāb* (*The Unusual Words of ash-Shihāb*). *Kashf az-Zunūn* mentions it in 2:1027 as does *Hidāyat al-Ārifīn*, 1:805.

22. *Ghunya fī asmā' shuyūkhīhi* (*Wealth in the names of his Shaykhs*). It is mentioned and Ibn Khayr quotes it in the Index of what he related from his shaykhs, 437, 513, *al-Ihāta*, 183-A, *at-Ta'rif*, 133, *Kashf az-Zunūn*, 2:1213, and *Hidāyat al-Ārifīn*, 1:805.

23. *Ghunya al-Kātib wa-l-bughya at-tālib fī aṣ-Ṣudūr wa-t-tarassul* (*The Wealth of the Writer and the Desire of the Seeker in the Beginning and Correct Reading*). That is how his son relates it in *at-Ta'rif*, 133 as does al-Maḡarrī in *Azhār ar-Riyād*, 2:239. Sources vary in the presentation of this name. In the *Kashf*, it is *'ṣudūr ar-rasā'il*' and in *al-Ihāta*, it is *'aṣ-ṣudūr wa-r-rasā'il*'. Ibn Khātima said, "The book dealing with some questions and correct reading and consists of four volumes. Al-Maḡarrī said, "Look at what Ibn Khātima said and whether it is *Bughyat at-tālib* that is mentioned or something else.

24. *Kitāb al-Aqida* (*The Book of the Creed*). Adh-Dhahabī mentioned it in the *Tadhkira al-Huffāz*, 4:37, and in *Hidāyat al-Ārifīn*, 1:805.

In the index of the old house of Egyptian books, 7:295, it is titled 'Commentary on the words of the one the excellent men on the creed of the majestic Imām, Qāḍī 'Iyād'. I think that this creed is part of the book *al-I'lām bi-hudūd qawā'id al-Islām* which was already mentioned.

25. *al-Funūn as-Sitta fī akhbār Sabta* (*The Six Arts in the Reports of Ceuta*). That is how it is referred to in *al-Iḥāta*, 183-A, by his son in *at-Ta'rif*, 133, and al-Maḡarrī in *Azhār ar-Riyād*, 2:239C, and it is one of the books which he did not complete. According to *al-Iḥāta*: 'It is part of what he left in a fair copy.' See *al-'Uyūn as-Sitta* and *al-Jāmi' fī Tārīkh*.

26. *Al-Qawā'id* (*Rules*). It is the same, without ascription. He mentioned it in *Hidāyat al-Ārifīn*, and no other source mentions it. It is most likely *al-I'lām bi-hudūd qawā'id al-Islām*.

27. *Mas'ala al-ahl al-mushtarak baynahum at-tazāwur* (*The Question of the Family when exchanged visits is a precondition*). It is one of the books which the Qāḍī left in a fair copy. His son mentioned it in *at-Ta'rif*, 133, and al-Maḡarrī in *Azhār ar-Riyād*, 2:239C.

28. *Mashāriq al-Anwār 'alā ṣiḥāḥ al-athār* (*The Rising Lights on Sound Traditions*). It is one of the most apposite works that the Qāḍī left. In it he studied the *Muwattā'*, *Ṣaḥīḥ al-Bukhārī*, and *Ṣaḥīḥ Muslim*. He dealt with the words in the texts, the names of places, and the men with their *kunyas* and titles and organised all of that alphabetically. Then he began his work, and made the texts exact and verified them with their roots. He noted their different variants and indicated the right course or the most likely of them, relying on comparison of the variants and the texts of the language, and the usage and the lessons of the early generations who preceded him. After all this, he relied on minute investigation and a great deal of research.

Then he devoted a section to the names of places and pinpointed them. He did the same with the names, titles, *kunyas*, and lines of lineage which have come in the *isnāds* of these three books. He applied himself to what occurred in each of these sections, meticulously correcting grammatical mistakes and distortions, and highlighting what is correct in it. He concluded this wonderful section with a brief commentary on the unusual words in the three books.

He left a fair copy of this book. The handwriting of the Qāḍī in it is described as being very unclear, compact and challenging, lacking diacritical marks. The ḥadīth scholar, Abū ‘Abdullāh Muḥammad ibn Sa‘īd al-Ghurāī, known at aṭ-Ṭarrār, compiled the complete roots and matrices from the books of rare words and dialects, and he used that to produce the text of this book from its rough copy.

His son mentioned it in *at-Ta‘rīf*, 133 and *al-Iḥāta*, 183-A and so did al-Maqarrī in *Azhār ar-Riyād*, 2:239C. They reckoned it to consist of six large sections. Also Ibn Khallikān, 1:496, *Kashf az-Ḍunūn*, 2:1687, and *Hidāyat al-‘Arifīn*, 1:805. Sultan Moulay ‘Abdu-l-Ḥafīz published it in Fes, 1328.

29. *Maṭāmih al-afhām fī sharḥ al-ahkām* (*Goals of Understanding in the commentary on judgements*) It is mentioned in the *Kashf az-Ḍunūn*, 2:1718, and *Hidāyat al-‘Arifīn*, 1:805.

30. *Al-Mu‘jam fī dhikr Abī ‘Alī aṣ-Ṣadafī wa akhbārihi wa shuyūkhīhi wa akhbārihim* (*Lexicon on Abū ‘Alī aṣ-Ṣadafī and his reports and his shaykhs and their reports*). It contains about two hundred shaykhs. Qāḍī ‘Iyāḍ himself mentioned it in *al-Ghunya*, 123, and his son in *at-Ta‘rīf*, 133 and in *al-Iḥāta*, 183-A.

31. *Al-Maqāṣid al-ḥisān fīmā yalzamu-l-insān* (*The Excellent Goals which a person must have*). It is one of the books which he did not finish. Ibn Khātima said that it is in two volumes. His son mentioned it, 133 as do *al-Iḥāta*, 183-A, and *Azhār ar-Riyād*, 2:283C. He also left a fair copy of it, which is in one section.

32. *Nazm al-Burhān ‘alā ṣiḥḥa jazm al-adhān* (*The Order of the Proof of Soundness of Shortening the adhān*). His son mentioned it, 133, and it is mentioned in *al-Iḥāta*, 183A, *Azhār ar-Riyād*, 2:283C, *Kashf az-Ḍunūn*, 1:1961, and *Hidāyat al-‘Arifīn*, 1:805.



As for *Tartīb al-Madārik wa taqrīb al-masālik fī ma’rifā a’lām madhhab Mālik*, (*Organising the faculties and facilitating the method for recognising the eminent scholars of the School of Mālik*), his son, Ibn al-Khaṭīb and al-Maqarrī after him reckoned it to be five volumes.

There are certain things which the reader sees in the handwritten

texts of the book which require explanation. They can be summarised as follows:

1. The texts vary in the number of sections into which the book is divided. By this we mean the sections into which we think the author divided the book. They are sections whose existence is indicated by the fact that each section begins with the *basmala*, connection, and ends with a statement about the end of the section. The texts in our possession do not consistently demand a statement at the beginning of each section and its end in the form which we mentioned. I omitted more of it which I will mention.
2. Many of the differences in the texts and sentences reach a level which demands investigation. In certain cases, it reached a point where each text had a variant not common to another text.
3. The order of the biographies differs among the texts.
4. Biographies are repeated, and the biography of the same person comes in two places. These elements must have a logical explanation.

The various sources about the biography of ‘Iyāḍ agree that he did not let anyone listen to his book, *Tartīb al-Madārik*, during his lifetime. We believe that this explains the differences between the various versions. In any case, it means that people did not study the book with its author, resulting in a lack of clarity and finality in its sections and a unified overall structure. The transcript heard from him would have been a single text and in a single order and the repeated biographies omitted from it.

The book was not read out, but it remained in the author’s rough draft until the hands of the copyists passed it on, so they refined it from the rough draft through their efforts.

The handwriting of ‘Iyāḍ in the discussion of *Mashāriq al-Anwār* is described. He said that it is ‘very unclear, compact, difficult without any diacritical marks.’

Whatever the case, differences occurred and that had an impact on our work in publishing this book. In light of this, we were forced to rely on a significant number of texts to achieve a high level of confidence.

We had to choose from the differences whose proof of a sound

meaning is confirmed, although we preferred to entrust all or most of the differences to the hands of the readers, allowing them to make a choice. We only exerted our efforts to select a text which we deemed be firm and believed to be the probable text. The text with the least amount of differences is the preferred text in most cases.

In revising this section, we relied on the following texts:

- A. The text preserved at the Royal Treasury, which is a good copy. We had to number its pages, and the number in parentheses to the left or the right of the text indicates the handwritten pages of this text. It is the same with the numbers in the table of contents.
- B. The text at the Public Repository under the number 2634-D.
- C. A private text in our library.
- D. Another private text in our library.
- E. A text in the Public Repository under the number 2635-D.
- F. A text in the Public Repository under the number 2633-D.

Qāḍī ‘Iyāḍ’s clarification in the preface of the *Tartīb al-Madārik* relieved us of the need to discuss his method of writing. He cites the confirmed bases of knowledge in his commitment and their application, providing the full sources with their critiques, so we do not need to discuss that. He has a more eloquent tongue than us when he deals with his own work.



‘Iyāḍ and his books have enjoyed a special place with the Mālikī ‘Alawī family for a long time. Sultan Moulay Muḥammad ibn ‘Abdullāh exhibited a profound interest in ‘Iyāḍ’s books. He read them and was familiar with their finer points and criticised what did not please him in them. He commanded a group of scholars to write a commentary on *Mashāriq al-Anwār* by aṣ-Ṣāghānī. Shaykh at-Tāwudī ibn Sūda (Sidi Taoudi Ben Souda) wrote a commentary on the first third of it. It was left to Shaykh ‘Abd al-Qādir Bū Kharīṣ – following the command of the Sultan – to write a commentary on the second third. Sultan Moulay Muḥammad ibn ‘Abdullāh directed the shaykh to sources and references which included ‘Iyāḍ’s commentary on *Ṣaḥīḥ Muslim*.

He read the *Shifa'*, although he did not like its minute investigation of the details in the section on the judgement of the one who curses the Messenger of Allah ﷺ. Therefore he did a critique of 'Iyād and sent his critique to the scholars of Egypt seeking their opinion. He received a reply from the scholars of al-Azhar, Shaykh Amīr and Shaykh 'Abd al-Mu'ṭī al-Ḥarīrī who supported the gist of his opinion.

Sultan Moulay 'Abd al-'Azīz initiated the daily reading of the *Shifa'* of Qādī 'Iyād at the tomb of Idrīs in Fes at sunrise. He singled out a group of the distinguished scholars for that, and gave each of them a daily stipend to cover undertaking this task.

Sultan Moulay 'Abd al-Ḥafīz's interest in 'Iyād is well-known. At his own expense, he published his book, *Mashāriq al-Anwār*, and he intended to publish the *Tartīb al-Madārik* in Cairo. He entrusted it to the Moroccan state agent at that time, Ḥājj Muḥammad ibn al-'Abbās ibn Shaqrūn. He was to publish it within the precious *Collection* of books which were published at his own expense there and in Morocco. He sent some handwritten copies to him to enable him to begin the work. However, various obstacles arose to prevent that.

In 1320 AH, Moulay 'Abd al-Ḥafīz began to publish the *Tartīb al-Madārik* in Fes at his own expense. He printed sixteen pages of it, but then an unforeseen event led to the discontinuation of the publication.

During the days of the festival when the *Ulfaya* was being recited at the Qarawiyyin University, one of the Qur'an reciters of the King, Muḥammad V, informed me that the King intended to publish the *Tartīb al-Madārik* and had commanded that its manuscripts be collected for this purpose. However, it was not decreed that this desire be realised at that moment.

Similarly, interest in the *Tartīb al-Madārik* was passed on through the succession of the kings of this noble 'Alawī family, one to another. They all desired to revive the glory of this community and to preserve its pure teachings.

However, the Divine Decree denied their noble aspirations, and there were numerous obstacles that hindered their efforts. Then the Decree decided that that goal be carried out, and it was achieved by King Moulay Ḥasan II. This glorious achievement of knowledge was connected to his reign, and this accepted good deed was inscribed in his pages.

The King commanded that the *Tartīb al-Madārik* be published and gave permission for the use of a copy of it which was in the Royal Treasury. The King took an interest in the work on it from beginning to end.

The work progressed in the light of his right guidance, and the merit, beginning and end, belongs to the King for the publication of this section of the *Tartīb al-Madārik*.

The Ministry of Awqaf and Islamic Affairs assisted in bringing out the second section from the treasures of Qāḍī ‘Iyāḍ for the prince. Consequently, it is hoped that Allah will guide it and protect it so that it reaches the Community in a position which befits it and its glories, and that He will be pleased with the individual entrusted with this responsibility. Allah has charge of the granted answer.

The department responsible for writing, biography and publication within this Ministry felt compelled to express its immense gratitude to his excellency, minister Ḥājj Aḥmad ibn Barkāsh because of his unwavering encouragement and interest. May Allah repay him for his work in the best way.

As for myself, I have expended myself fully, and it is enough for me that I have expended whatever I could. If I was correct, that is by the success of my Lord. If it is otherwise, I still have the wage for my efforts. May Allah guide me to that which is the most straight.

Muḥammad ibn Tawīb aṭ-Ṭanjī
Ribat

17 Shawwāl 1384 / 19 February 1965

In the name of Allah, the Merciful, the Compassionate

May Allah bless Sayyidunā Muḥammad, the Chosen Noble Prophet, and his family and Companions and grant them abundant peace.

AUTHOR'S PREFACE

The shaykh, *faqīh* and equitable *qādī*, the *ḥadīth* scholar and *ḥāfiẓ*, the righteous, intelligent and model scholar of several sciences, Abū al-Faḍl 'Iyāḍ ibn Mūsā ibn 'Iyāḍ al-Yaḥsubī as-Sabtī, may Allah have mercy on him and be pleased with him and forgive him and give us the benefit of him by His favour!, said:

Praise be to Allah who poured out His favour on His slaves in blessings beyond measure and Who decreed by His justice who would obey and who would disobey. He singled out the people of the Garden from those of the Fire in the two separate handfuls of the Decree and He distinguished between the two parties of happiness and wretchedness while they were still in the loins of Ādam.

Then in order to complete His justice, He selected elite and pure friends from among them and He placed the Messengers and Prophets among them so that through them His path would be made clear for those He wanted to guide and so that His veil would remain over those who obstruct it and turn away from His Signs. They expended their effort for the sake of Allah and advised people as much as they could that Allah would choose for them what is with Him and give each of them what was written for him in period and term of life. May such blessings of Allah be bestowed upon them as cannot be quantified or counted.

Then Allah completed His overflowing favour to the believers and sealed His Prophets and Messengers with the one among them who had the strongest weight, the highest position, the noblest character, and most excellent lineage, and who was the most generous of them in virtues and the one with the most numerous community and followers: Abū al-Qāsim, the master of the children of Adam ﷺ as he is honoured and esteemed. He strove for the sake of Allah as one should strive and he resolved important difficult matters in the right guidance of His slaves until He set them straight on His path and leading them, willing or unwilling, by his eloquent proof, driving them to the Garden in chains, and they entered the *dīn* of Allah in droves through his call. Allah fulfilled His promise by him and Allah alone was worshipped. Allah bestowed on him the best Community that has come out to the people and they helped him establish his *Sharīʿa* during his lifetime and they continued to safeguard and protect it after his death. Elsewhere there are texts which deal with their excellence and the command to follow them and the threat against following other than their Way. Allah placed them in the abode of His revelation, the shelter of His *dīn*, the seat of His *Sharīʿa*, the place where the angels alighted and to which His Prophet ﷺ emigrated, where the Book was sent down, and the resting-place of the refuge of His Messengers and the gathering place of all good, the cave of belief and wisdom, the spring of the *Sharīʿa* and the *Sunna*, the lamp of guidance by whose light all parts of the east and west are illuminated, and the fountain of knowledge from which all rivers and ravines derive.

Then they were followed in each century by truthful and just followers, and successors who also possessed guidance and virtues. They were repositories of recognition and knowledge and lodes of good and forbearance. The Imāms of the Muslims were chosen from among them, and leaders from them were set up for this world and the *dīn*. They made clear to people what had been sent down to them, clarified for them what was difficult for them, and guided them to the *sunnas* which were firmly established for them. By their extraction and sound efforts, they looked into the judgement of matters which did not have a specific text. They formed an analogy based on what they

understood from the *Sharī'a* in relation to a judgement on something else. They adhered to the established customs of realisation, and did not deviate from the path nor impose misguiding opinions in the *dīn* and were not negligent like the heretics nor pig-headed and obstinate like aggressors. They followed in the tracks of those before them and they imitated them by adhering to their paths on the roads of the *Sharī'a*. They were not harmed by the disputes of the parties who disagreed with them nor the turmoil of those who persisted in erroneous ideas and perished. The one who is given success is the one who follows their tracks and does not deviate, unlike the one who wanders off and whose followers follow suit. The one who is successful knows that the truth lies in this Path which is Allah's guidance, and he follows its guidance without turning to every dog that barks, even if it deludes the intellects by the tone of its voice.

May Allah makes us among those who follow and are safe and who pursue what the immense masters travelled on by His favour!

Then my friends repeated their request – may Allah encompass us and them in His happiness! – that I write down what I intended to do and make a fair copy of what I wanted to write in a book which would contain the names of the notable men and leaders of the Mālikīs, clarify their ranks, times, virtues and reports, and disseminate their various biographies and reports. It should be comprehensive and inclusive. Its lessons are astonishing and its sources and springs are sweet. It is a subject on which no comprehensive book has been written nor has there been any impressive *Collection* which would bring the seeker to his goal and convey the one with desire to what he desires. This is in spite of the fact that this is a very strong prerequisite for those with *ijtihād* and those with *taqlīd*, as well as the compelling need for *faqīhs* and those who are studying *fiqh* to know what it contains. There is, however, what was compiled on that by 'Abdullāh ibn Muḥammad ibn Abī Dulaym al-Qurṭubī and Muḥammad ibn Ḥārith al-Qaranī in their time. There is also what Shaykh Abū Ishāq al-Fayrūzābī extracted about them in his *Mukhtaṣar*.

None of the books provided relief to the individual with a burning thirst, and they only contained a scant trace of the abundant substance. Even though Ibn Abī Dulaym was very extensive in what

he mentioned about the people of the Maghrib among the transmitters of Mālik among the Egyptians and a group of those from Kairouan, he was content to simply mention their ranks and their names without any information about them or any clarification of their states. None of the people of the Hijaz or the east were mentioned despite the majesty of their position and the great number of their leaders.

The Qāḍī said: Since the time when I became eager to learn this subject and formed the intention of doing so, I have continued to investigate its paths of transmission and delve into its sources. I limited the time spent in examining its anomalies and used the time I spent investigating its indexes to compile some of that for myself after an extensive and intense investigation, total concentration and repeated reading. I did not find it adequate to meet my expectations, and so it increased my hope and intention of devoting myself to it.

I have not encountered anyone whose words are considered and whose opinion paid attention to who has had any involvement in this business or who has had some report about it except that they were anxious to see it completed and encouraged that end. It was, however, postponed, and I procrastinated, encountering obstacles and occupations one after another which diverted me from that until the present moment. Now my firm resolution is to complete the book and put its contents in order.

I asked Allah for the best in that and I sought His help in smoothing these roads. I gathered my papers and retrieved the manuscript out from where I had stored it. I reviewed my notes and understood their hidden secrets, and I consulted my archives which provided me with supportive quotes. So I corrected the prose, organised the fragments and arranged the back and front, and I brought it out as a single work with its contents, being extensive in abridgements of the forms of this field of knowledge.

In respect of achieving a goal, it is crucial to present the necessary premises which the circumstances require, and then the benefit is obtained through studying them. The text contains chapters concerning Madina and its excellence, the preferment of its scholars and opinion, the binding nature of the evidence provided by the consensus of its people, and preference for the school of its Imām,

Mālik ibn Anas. These chapters are investigated in a way which will sate the thirsty. I have taken great pains to look into the position which is just and accurate.

Then I followed the method of the imāms, the praise of scholars, and disseminated their virtues and biographies, along with all that is necessary in the knowledge of history and lineage, and acquaintance with some of the events of their daily lives and proper manners. I absorbed all of this while summarising its forms and being concise in its source, with a subject which could require has lengthy books and fill up many volumes since a group of the Imāms, the early generations, and later ones among the parties of this community have written on the virtues and excellent qualities of Mālik and his news.

Some of those who wrote at length about that are:

Qāḍī Abū ‘Abdullāh at-Tustarī al-Mālikī in about three volumes.

The like of that by Abū al-Ḥasan ibn Fihri al-Miṣrī

Abū Muḥammad al-Ḥasan ibn Ismā‘īl aḍ-Ḍarrāb

Qāḍī Abū Bakr Ja‘far ibn Muḥammad al-Firyābī

Abū Bishr ad-Dūlabī

Abū al-‘Arab at-Tamīmī

Qāḍī Abū al-Ḥasan ibn al-Muntāb

Abū ‘Ilāqa Muḥammad ibn Abī Ghassān

Abū Ishāq ibn Sha‘bān

Az-Zubayr ibn Bakkār, Qāḍī az-Zubayrī

Abū Bakr Aḥmad ibn Muḥammad ibn al-Yaqīnī

Ḥāfiẓ Abū Naṣr ibn al-Ḥabbāb

Abū Bakr ibn Rāzawayh

Qāḍī Abū ‘Abdullāh al-Barakānī

Abū Muḥammad ibn al-Jārūd

Al-Ḥasan ibn ‘Abdullāh az-Zubayrī

Aḥmad ibn Marwān al-Mālikī

Qāḍī Abū al-Faḍl al-Qushayrī

Abū ‘Umar al-Maghāmī

Aḥmad ibn Rishdīn

Abū Bakr Muḥammad ibn Ṣāliḥ al-Abharī

Abū Bakr ibn al-Labbād

Abū Muḥammad ‘Abdullāh ibn Abī Zayd

Ḥāfīz Abū ‘Umar ibn ‘Abd al-Barr
 Qāḍī Abū Muḥammad ibn Naṣr
 Abū ‘Abdullāh al-Ḥākīm an-Naysābūrī
 Abū Dharr al-Harawī
 Abū ‘Umar aṭ-Ṭalamankī
 Ibn Imām at-Tuṭaylī
 Ibn Ḥārith al-Qarawī
 Ibn Ḥabīb
 Qāḍī Abū al-Walīd al-Bājī
 Abū Marwān ibn al-Aṣḥab al-Qurayshī an-Naqīb

I primarily relied on the books of at-Tustarī and aḍ-Ḍarrāb. I studied other books to ascertain any additional benefits they offered or to discover rare stories that were not included in either of these two sources. I omitted much of what they discussed at length in commentary, general statements and biographical information since that was not my goal. That has a place which is appropriate for it.

Then after that, I compiled a list of the names of the famous transmitters from Mālīk and those who learned *fiqh* and knowledge from him, including specific details about them with a little of their history and news since we went on in detail in the reports of the *fuqahā’* among them later, and it was not our intention to mention others.

In these pages I did not intend to deal fully with all that is mentioned about the subject in transmission, assembly or questioning since we put that in another book dedicated to all the transmitters of Mālīk. It contains more than 1300 transmitters which I investigated through the books written. A number of books have been written on that, like:

The book of Abū al-Ḥasan ad-Dāraqutnī
 The book of Ismā‘īl aḍ-Ḍarrāb al-Misrī
 Abū Bakr Aḥmad ibn Thābit al-Khaṭīb al-Baghdādī
 Abū Iṣḥāq ibn Sha‘bān al-Qurṭubī
 Abū al-Ḥasan ibn Abī ‘Umar al-Balkhī
 Abū ‘Abdullāh ibn al-Ḥārith al-Qarawī
 Abū Nu‘aym al-Iṣbahānī

Some of them reached a thousand and some had less than that.

The Andalusians included Abū ‘Abdullāh Muḥammad ibn Mufarrij and ‘Abdullāh ibn Abī Dulaym, and the two of them had a fewer number [of men], and Abū Muḥammad ‘Abd ar-Raḥmān ibn Muḥammad al-Bakrī. Each of these books contained what the others did not mention.

I pursued this assiduously and added to what had been separated from it and what had slipped away from it in what I read of the books of the People of *Ḥadīth* and others.

We condensed it to about a thousand of them in these pages whose names are known, whose transmission is sound and whose companionship is famous. We thought that we should not omit this number from this register in order to complete its benefits in this subject and to perfect its knowledge in this science.

Subsequently the objectives of the book progressed at a rapid pace, and I arranged the generations in chronological order. We began by writing about the *fuqahā’* among his companions and then their followers, generation by generation, and their successors, community by community, up to our shaykhs whom we met and contemporary Imāms whose imamate is famous, whose knowledge is recognised or whose books have appeared and whose words are transmitted and whose *fatwās* and opinions are obeyed according to the precedence of their times and their historical succession.

We recorded their names and clearly stated their lineages and titles. We wrote down the missing diacritical marks so that there would not be any mistake in it. We removed the cause of their uncertainty so that the one who reads it will be safe from distortion. Abū Ishāq Ibrāhīm ibn ‘Abdullāh an-Najīramī said, ‘The first thing is to be exact with the names of people because there is no analogy in it, nor anything before or after it which will indicate it.’

‘Alī ibn al-Madīnī said, ‘The greatest mistakes are those in the names of the men.’

Ibn Jurayj said, ‘I looked for the name of Junda’ ibn Ḍamra for eighty years until I learned it.’

Much of what I saw and heard in some of the mistakes is attributable to partisan bias, which is too repugnant to discuss further, and its imperfection is perceived by even those who are ignorant of it.

Generally the *fuqahā'* say Aḥmad ibn Muyassir with a *kasra*, while it is properly Muyassar with *fatha*. That is how 'Abd al-Ghanī and others recorded it. It is like that with Aḥmad ibn Mu'adhhal. Many make it 'Mu'addal' while the correct form of that is with *dhāl*.

In his book, Shaykh Abū Ishāq ash-Shīrāzī mentioned Ibrāhīm ibn Muḥammad ibn Dayyān among the transmitters of Saḥnūn among the people of Andalusia. However, that is not known among the Andalusians. The people of this field rejected that. It is most likely that it is Ibn Bāz. He was one of the group of that generation.

He made similar errors with many of their names and lineages. They are mentioned in other than their proper generations.

As for distinguishing the dubious among them, that is part of what is only known by the adept and only recognised by the intelligent person with insight into this subject.

Saḥnūn investigated Muḥammad ibn Razīn when he heard that he had related from 'Abdullah ibn Nāfi'. He asked him, 'Did you listen to Ibn Nāfi?' He answered, 'May Allah put you right! That was az-Zubayrī. It was not aṣ-Ṣā'igh.' He said to him, 'Why did you swindle?' Saḥnūn added, 'What scorpions will emerge after me?'

Saḥnūn thought that it was necessary to make the two of them clear, even though they were both reliable Imāms so that their *riwāya* and words would not be mixed together. Aṣ-Ṣā'igh was greater, older and firmer in Mālik because of the length of his companionship with him. He is the one who succeeded him in his assembly after Ibn Kināna. He is the one from whom Saḥnūn and Yaḥyā ibn Yaḥyā related. They reported from him. Saḥnūn did not receive his narrations orally. He heard it from Ashhab as we will mention later. He died in 186 AH.

Az-Zubayrī was one of the companions of Mālik. He is Shaykh Ibn Ḥabīb and Sa'īd ibn Ḥassān. He died in 216 AH.

Their transmissions are frequently muddled together by the *fuqahā'* to the extent that most of them do not know that they are two men. A transmission from one of them might come that contradicts the transmission of the other, resulting in the assertion that there is disagreement in the *riwāya* of Ibn Nāfi' from Mālik. One of the great shaykhs of the people of Andalusia had a wrong idea about

them after he had distinguished between them. He claimed that the one who received the narration orally was az-Zubayrī and that he is mentioned in *al-'Utbiyya*.

That is also the case with 'Alī ibn Ziyād at-Tūnisi and 'Alī ibn Ziyād al-Iskandarānī. Both were companions of Mālīk and both were excellent and famous. The first was a *faqīh*, the shaykh of *Saḥnūn* and others. The other was a good man known as al-Muḥtasib.

Once Ibn Ziyād was mentioned in the presence of someone who understood this subject. He did not have any doubt that the famous *faqīh* was al-Iskandarānī. I said to him, 'They are two different men,' and I acquainted him with the one who said that.

This knowledge is necessary, especially when there is a great disparity in their knowledge and a difference in their justice and excellence.

Then we mentioned where they were born and died, and their shaykhs and transmitters. We sorted out their time and their generations as far as we know them, and verified its transmission so that their times will be known by that and their ranks will be made clear before and after, and the one who is connected will be distinguished from the one who is cut off in their transmissions.

The *fuqahā'* have made errors in this area. Sometimes they relate the *riwāya* and give its *isnād* as having the earlier transmitter transmit it from a later one when their generations are unclear to them and their times not distinct.

I saw an esteemed individual among them who mentioned a question from the *faqīh*, Ibn Ḥārith. He said, 'Ibn Ḥārith is in it. I saw that Aḥmad ibn Naṣr had given a *fatwā* on that.' It is probable that this shaykh was Ibn Naṣr ad-Dāwūdī whose generation came after the later Ibn Ḥārith. Ibn Ḥārith died in 362 AH and ad-Dāwūdī died in 402 AH. 'Ibn Ḥārith' meant the earlier Aḥmad ibn Aḥmad ibn Ziyād al-Harāwī, one of the companions of Saḥnūn and Ibn 'Abdūs, the scribe of Qaḍī Himās, who died in 317 AH. If the shaykh had known that they were two men – and Allah knows best – and separated their generations, he would not have made this mistake.

It is due to their lack of knowledge in this that a group erred and they counted among the transmitters of Mālīk and his companions

those who could not have transmitted from him or ever met with him at any point in time. Allah knows best.

Shaykh Abū Ishāq ash-Shīrāzī mentioned that Abū Yaḥyā al-Waqqār was one of those who listened orally to Mālik and he included him within the generation of his companions. None of those who compiled the transmitters of Mālik mentioned this. They counted him as one of the followers of his companions, and that is what is said, and Allah knows best. Similarly Abū Ishāq mentioned among the followers of his companions those who are far from what others mention as being among his companions.

Abū Ishāq ibn Sha‘bān mentioned Ibrāhīm ibn Muḥammad ibn Baz al-Andalusī among the transmitters of Mālik while he was actually one of the companions of Saḥnūn, born some time after the death of Malik. He died in 274 AH.

Similarly, in spite of his precedence, Abū Bakr al-Khaṭīb mentioned and kept ‘Abd al-Malik ibn Ḥabīb among the transmitters from Mālik, and included him in a *ḥadīth* transmitted from him. That is a significant error, especially from someone like him. ‘Abd al-Malik ibn Ḥabīb travelled in 208 AH, about thirty years after Mālik’s death. He was born two years after Mālik’s death according to what you will see in his reports, Allah willing.

It is the same with what ash-Shīrāzī mentioned. He said that ‘Abd al-Malik ibn Ḥabīb first studied *fiqh* with Yaḥyā and ‘Īsā and Ḥusayn ibn ‘Āṣim. He erred. They were equals, and he first studied *fiqh* with the shaykhs of those men in Andalusia: Ziyād, Ṣa‘ṣa‘a, al-Ghāzī ibn Qays and their likes.

Similarly, ‘Abdullāh ibn Ghāfiq is mentioned as being in the generation of Saḥnūn. He claimed that he studied with ‘Alī ibn Ziyād, but that is untrue. He was one of the companions of Saḥnūn, and he was not one of those of the same age as them. He was born more than twenty years after the death of ‘Alī ibn Ziyād as will be mentioned.

Similarly, in his *Isti‘āb*, ar-Rāzī and Aḥmad ibn ‘Abd al-Barr mentioned that ‘Īsā ibn Dīnār studied orally with Mālik and that he travelled with Ziyād and stayed with him. All of this wrong. We will clarify all of this in its proper place, Allah willing, with examples.

Then after this, we mentioned some of their virtues and good

qualities, the praise bestowed upon the illustrious among them, the success of those who were declared honest among them, their ranks in intelligence and justice, their positions in knowledge and transmission, and those of them who spoke on the fewness of their number and were reckoned among them to be worthy of precedence and being an Imām as well as what the striving seeker needs to learn of his differences and consensus. Someone studying *fiqh* and the imitator both require this knowledge of those who are imams and their followers.

We disproved the forgery perpetrated against individuals among them through the prejudice of the fanatics or the embellishment of the people of doubt who ascribed to them the opposite of what is correct about them and well known as we will make clear, Allah willing, about them, since Allah freed the people of their *madhhab* from what the people of other schools *muddled* with erroneous views. He safeguarded them from the cause of dissensions and inconsistency. By the praise of Allah, there is no one among the Imāms for whom innovation has been substantiated nor any for whom the people who ascertain integrity have agreed to abandon due to of lying or crime.

Abū Khaythama Zubayr ibn Ḥarb spoke about Abū Muṣ'ab az-Zuhrī, and Yaḥyā ibn Ma'īn spoke about Ismā'īl ibn Abī Uways and Yaḥyā ibn Bukayr, and that did not harm them. The just Imām and author of the *Ṣaḥīḥ*, Muḥammad ibn Ismā'īl al-Bukhārī related from them since he did not ascribe lying or doubt to them.

As-Sājī was arbitrary in what he related about the faults of 'Abd al-Malik ibn al-Mājishūn. The sound position from him is the opposite of that. He was famous in his school as we will make clear when each of them is mentioned in his proper place.

This is like what Yaḥyā did to 'Abdullāh ibn 'Abd al-Ḥakam. He is not followed in what he said, and Abū Hatim ar-Rāzī and others opposed him in that, saying it was like the statement of Qāḍī Abū al-Walīd that al-Qazwīnī was unknown. One does not pay any attention to it. The same is true in his remarks about aṣ-Ṣāliḥī.

If he had concerned himself with that subject, he would have known that aṣ-Ṣāliḥī was Abū Bakr Muḥammad ibn Ṣāliḥ al-Abharī, and he would not have said this about him. The state of Abū Sa'īd

al-Qazwīnī and his importance and leadership in knowledge and his excellent books would have been clear to him. His *riwāya* is sound, and there is no doubt in his *riwāya* is sound and there is no doubt in his transmission.

Similarly, there is what he mentioned about Ibn Khuwayzīmandād being unknown when he was so famous and wrote so many books that he must be recognised. He said, ‘One of our Imāms in Baghdad did not mention him.’ This was ash-Shīrāzī who did mention him in his book. That was Abū Muḥammad ‘Abd al-Wahhab who related from him and said in it that ‘Abū ‘Abdullāh al-Baṣrī said:

‘O equitable person! when you consider them along with others, will find them to be the soundest in certainty and firmest in the *dīn*. They have the most followers and purest company and followers so that their evil deeds are the good deeds of others. Others pay no attention to the criticisms they level at one another.’

This is why Saḥnūn said, ‘Then al-Madanī was not like that,’ meaning in the *dīn* and the firmest in authority, ‘and there is none equal to him’ or words to that effect.

Al-Ḥakam al-Mustanṣir (the Andalusian Umayyad) was one of those who had read books and thoroughly investigated the information about scholars in depth, to a level that many of the people of knowledge have not reached, and he wrote in a letter to the *faqīh* Abū Ibrāhīm: ‘Whoever strays from the school of Mālik is someone whose heart has become rusty and whose evil actions have become appealing to him.’

We have thoroughly examined the information about the *fuqahā*’ and read what was written down of their reports until now, and we did not see any school sounder than it. There were Jahmites, Rāfiḍites, Khārijites, Murji’ites and Shi’ites among them except for the school of Mālik, may Allah have mercy on him. We did not hear of anyone who followed his school who followed any of the innovations. Holding on to it is a source of salvation if Allah wills.

The people of Kairouan abandoned what they had heard from Ibn Abī Ḥassān and discarded it because of a single word that he spoke to the governor of Tunis which incited him against the rebels. It is not impossible that it is correct in certain cases, but something

else is more fitting for someone like him because of his position as an Imām, his exceptional qualities, and his precedence.¹

This is why they ceased to convey from Muḥammad ibn Rāshid who was a reliable man on the model of Saḥnūn who had travelled with him, because of some indulgence seen in him regard to behaviour and a tendency to compromise regarding an *'ina* (either selling on credit for future payment, and bring what one has sold for less than one what sold it) and adopting an opinion of someone who was not seen to have proper access. Therefore they abandoned him. When he died, Saḥnūn did not even look into what he left. He referred it to Ḥabīb, the agent in charge of complaints.

Qāḍi Abū al-Faḍl said:

‘Then we collected some of their stories and reports, excerpts from the biographies of their judges and *qāḍīs*, and the rare *fatwās* of their *fuqahā'* and imāms which judges require and which the scholars cannot dispense with. We recorded some of the wisdoms of their judgements, the moving statements of their preachers, and the methods of their virtuous men and their ascetics whose *baraka* is to be hoped for and whose benefit will not fail, Allah willing.’

Sufyān ibn ‘Uyayna said, ‘Mercy descends when the righteous are mentioned.’ Abū Ḥanīfa said, ‘The stories of the scholars and their virtues are dearer to me than a lot of *fiqh* because they depict the manners of the people.’ One of the shaykhs said, ‘Stories are one of the armies of Allah by which He makes the hearts of His friends firm.’ He added, ‘Its testimony lies in His words, “*We have given you all this news about the Messengers so We can make your heart firm by means of it.*” (11:120)’

We mentioned some of the trials that they underwent, the afflictions which they endured which will give solace to those in tribulation, and proofs of the firmness of their position among the righteous. The Prophet ﷺ said, ‘The people with the strongest affliction are the Prophets, then the virtuous, and the excellent and the less excellent.’ (*Fayḍ al-Qadīr*, 1:519)

Man is tested according to the decree of his belief. If his belief is

¹ Mentioned in his entry in this book.

strong, the affliction is more intense for him until the person tested walks on the earth without any error remaining on him. The Prophet ﷺ said, ‘When Allah loves someone, He tests him in order to hear his humble supplication.’ (*Fayḍ al-Qadīr*, 1:254)

We mentioned some of their homelands and countries, those of them who travelled and those who remained in residence since the spring of the School of Madina overflowed and spread out from it. All of Madina was of that persuasion and it went out from it in the direction of the Hijaz and Yemen. It spread there through Qāḍi Abū Qurra, Muḥammad ibn Ṣadaqa al-Fadakī and those like them.

In the cities of Iraq, the School settled in Basra and dominated it through Ibn Mahdī, al-Qa‘nabī and others, and then their followers from Ibn al-Mu‘adhhal, Ya‘qūb ibn Shayba and the family of Ḥammād ibn Zayd, until some of the Shāfi‘ites joined the school, and the two schools have coexisted there until our time. The last of the Mālikī imāms there in our time and with the rank of our shaykhs were Abū Ya‘lā al-‘Abdī, Abū Manṣūr ibn Bākhī and Abū ‘Abdullāh ibn Ṣāliḥ. This school entered Baghdad and other Iraqī cities. It spread with other schools, but it was dominant and spread during the days when Ḥammād ibn Zayd was *qādī*. It was cut off in Baghdad and it did not have an *imām* there from about 450 AH when Abū al-Faḍl ibn ‘Abdūs died. Then Ibn Ṣāliḥ lived there after 90. [490?]

As for Khurasan and what is beyond Iraq in the east, this School first entered this area with Yaḥyā ibn Yaḥyā at-Tamīmī, ‘Abdullāh ibn al-Mubāarak and Qutayba ibn Sa‘īd. There were Imāms there over the course of time, and it spread at Qazwīn and Abhar and where it was followed in the lands of the mountains. Another who studied it in Nishapur was Abū Ishāq ibn al-Qaṭṭān. The schools of Abū Ḥanīfa and ash-Shāfi‘ī dominated that land.

One of the Imāms of this school also entered Persia: Qāḍi Abū ‘Abdullāh al-Barkāni, who was appointed to the judgeship of Ahwaz, and this school subsequently spread under his influence. The School of Dāwūd dominated Persia.

As for Syria, some of Mālik’s people were found there: al-Walīd ibn Muslim, Abū Mushir, Marwān ibn Muḥammad aṭ-Ṭāṭarī and others. It was at first dominated by the School of al-Awzā‘ī and then the other schools entered Syria.

As for Egypt, it was the first land to which Mālik's School spread after Madina and it dominated it, and its people agreed to follow it until the arrival of ash-Shāfi'ī. He was one of them and was counted among them until the young men of Ibn Abī as-Samḥ from their *fuqahā'* ganged up against him, and then certain matters passed between the two of them which forced him to isolate himself with his companions as we will mention in its proper place. Then the school of ash-Shāfi'ī sprang up there and he had many companions and partisans, and it spread in all directions. Mālik's school in all of that remained evident there and it has dominated it until this time. The Imāms of the people of Abū Ḥanīfa have entered Egypt.

As for Tunis and the Maghrib beyond it, of old it was dominated by the School of the people of Kufa until 'Alī ibn Ziyād, Ibn Ashrash and al-Bahlūl ibn Rāshid entered it, and after them Asad ibn Furāt and others, with the School of Mālik. Many people adopted it, and it continued to spread until Saḥnūn came. It became dominant in his time. He broke up the circles of the opponents, and the school remained after him with his companions, and it has spread throughout those areas until this day.

In Kairouan there were a few people long ago who adopted the School of ash-Shāfi'ī, and something of Dāwūd's school entered it. However, at that time it was dominated by the Schools of Madina and Kufa. During the rule of the Banū 'Ubayd,¹ the School of the people of Kufa was in the ascendant because they agreed with them in the question of preference, and they held the leadership and judgment.

Some of them became Shi'ites, aiming for their pleasures and seeking this world. They directed their anger against the Madinans and afflictions befell the Mālikīs during that period. However, in spite of that, they remained numerous. The common people followed them. Its growth among them was evident. This lasted until the state of the Banū 'Ubayd grew weak on account of the rebellion of Abū Yazīd al-Khārījī. Then they triumphed and spread among them. They wrote sublime books and among them came sublime Imāms whose renown spread throughout all areas of the earth. Things continued like that until Kairouan and its people, its neighbouring

¹ The 'Ubaydites, also known as the Fatimids, the Shi'ite dynasty in North Africa.

areas and all of the Maghrib agreed on this school and embraced it. No others were known to reside among them.

As for the people of Andalusia, their position since the time it was conquered was that of al-Awzā'ī until Ziyād ibn 'Abd ar-Raḥmān, Qa'rūs ibn al-'Abbās, al-Ghāz ibn Qays and those after them travelled to Mālik. They brought back his knowledge and made his excellence clear to the people and the fact that the community followed him. His merit was recognised and his school was studied until the ruler of Andalusia at that time, Hishām ibn 'Abd ar-Raḥmān ibn Mu'āwiya ibn Hishām ibn 'Abd al-Malik ibn Marwān, made all the people hold to the school of Mālik, and had the judgements and *fatwās* issued according to it. That was in 170 AH during Mālik's lifetime. The shaykh of the *muftīs* at that time was Ṣa'ṣa'a ibn Sallām, the Imām of the Awzā'ites and their *riwāya*. A number of the people of Mālik had joined with them. Then people adopted this school and defended it against all others with the sword. Some travellers and strangers brought into Andalusia some of the schools of ash-Shāfi'ī, Abū Ḥanīfa, Ibn Ḥanbal and Dāwūd. However, these schools failed to gain widespread acceptance and these schools died when they died in their various times, except for those who took on a personal *dīn* among those whose teachings did not gain traction. The rulers of Andalusia have continued to hold to this school until today.

We began each generation with the people of Madina, then those from the Arabian peninsula, then the people of the east, then back to the Egyptians and those after them the people of the Maghrib. We finished with the people of Andalusia except for those whose names we did not find among the people of those lands in that generation. Then we extended on to what was after that in the records.

In the course of that, we selected some rare anecdotes, exemplary manners and fine poetry which will stimulate the soul when it is lazy and remove its rust. 'Alī said, 'Polish the selves for an hour. They grow rusty just as iron rusts.'

We mentioned what each of them claimed of knowledge as well as the qualities ascribed to them. We noted the main types of knowledge which they possessed, and we named the books they wrote and their dictations which cannot be dispensed with and what the one studying *fiqh* notes in seeking to learn it.

In what we compiled in that, we did not fail to clarify it, to summarise its sciences and to investigate in order to its sources and to shorten the paths and *isnāds*, and to integrate its separate parts and fragments.

We selected from the great books of the People of *Ḥadīth* and the matrices of the works of the historians like:

The book of Abū ‘Abdullāh al-Bukhārī (*at-Tārīkh al-Kabīr*) (d. 256)

‘Abd ar-Raḥmān ibn Abi Ḥātim (*al-Ĵarḥ wa at-Ta’dīl*) (d. 327)

Abū al-Ḥasan ad-Dāraquṭnī

Qāḍī az-Zubayr ibn Bakkār

Qāḍī Abū Bakr ibn Ḥayyān Wakī‘ in *The History of the Qāḍīs* (d. 306)

The books of Abū Ja‘far at-Ṭabarī (d. 310)

Aṣ-Ṣūlī (d. 335)

Ibn Kāmil (d. 256)

The books of Abū ‘Umar al-Kindī

Aḥmad ibn Yūnus al-Miṣrī on the Egyptians (d. 302)

Some of the *History* of Ibn Abī ‘Umar aṣ-Ṣadafī al-Qurṭubī

Some of the books of Abū ‘Abdullāh ibn Ḥārith on the people of Kairouan and the Andalusians

Some of the book of Abū al-‘Arab at-Tamīmī

Abū Ishāq ibn ar-Rafīf al-Kātib

Abū ‘Alī al-Baṣrī on the people of Kairouan

Some marginal notes which I found in the handwriting of Shaykh Abū ‘Imrān al-Fāsī (d. 430) on that.

What I found in the *History* of Abū Bakr ibn Abī ‘Abdullāh al-Mālikī on the people of Kairouan.

Some of the histories of the people of Andalusia like the book of Abū ‘Abdullāh Mālik ibn ‘Abd al-Barr, *Kitāb al-Intifāl* by Abū ‘Umar ibn ‘Afīf, *al-Intikhāb* by Abū al-Qāsim ibn Mufarrij, the book of Qāḍī Abū al-Walīd ibn al-Faraḍī, the histories of Abū Marwān ibn Ḥayyān, ar-Rāzī, the book of Aḥmad ibn ‘Abd ar-Raḥmān ibn Muṭāhir of the Toledans and other books like the book of Ibn Abī Dulaym already mentioned.

Part of what I found was taken from the book of Abū Bakr al-Khaṭīb on the people of Baghdad and some pages gathered together

by al-Ḥakam al-Mustanşir billāh, which I found in his handwriting in a book of the Iraqīs, and what I found of that in the book of Amīr Abū Naşr, in the books of Shaykh Abū al-Işhāq, and the book of Abū ‘Umar ibn ‘Abd al-Barr concerning the three Imāms and their *riwāyas* and other books which might contain a small trace of our goal, even what we snatched from the mouths of men and gleaned with great concern and attention.

I humbly entreat the One with Might and Majesty not to make my portion of this book be nothing but toil, continual sleeplessness and fatigue, and to make my intention in it good and to complete the favour by pardoning our errors.

Its reader should have a good opinion and not leap to the attack until he has had a thorough examination and verified what he dislikes. If he is certain of an error, he can then rectify it, or if he finds something obscure, he can clarify it. He should be grateful for the mental work we have spared him by compiling it and giving him freedom for research and investigation, and he should excuse whatever hidden or apparent errors he might come across. Generally speaking, man is negligent and the business which I have undertaken is weighty. A little is excused by a lot.

May Allah bless Sayyidunā Muḥammad, the bringer of good news, the warner, and his family and grant them peace.

TRADITIONS REGARDING THE EXCELLENCE OF MADINA AND THE SUPPLICATION OF THE PROPHET ﷺ FOR IT

Anas ibn Mālik related that the Prophet ﷺ said, ‘O Allah, bless them in their measure and bless them in their *ṣā‘* and *mudd*,’ which means ‘bless the people of Madina.’ (*Muwattā’* 45.1.1)

Abū Hurayra reported that the Prophet ﷺ said, ‘O Allah, bless us in our fruits and bless us in our city and bless us in our *ṣā‘* and *mudd*! O Allah, Ibrāhīm is Your slave, Your close friend and Your Prophet. I am Your slave and Your Prophet. He prayed to You for Makka. I pray to You for Madina asking for the same that he prayed to You for Makka, and the like of it with it.’ (*Muwattā’* 45:1.2)

‘Umar ibn al-Khaṭṭāb asked ‘Abdullāh ibn ‘Ayyāsh, ‘Do you say that Makka is better than Madina?’ ‘Abdullāh answered, ‘I say that it is the Ḥaram of Allah and His sanctuary and His House is in it.’ ‘Umar said, ‘I am not speaking at all about the Ḥaram of Allah nor about His House and sanctuary.’ Then ‘Umar asked the like of what he had said the first time, and ‘Abdullāh answered him in the same way and ‘Umar replied in the same way as he had done the first time. This happened three times. Then he left. That is the gist of the account.

Ibn ‘Umar related that the Prophet ﷺ said, ‘No one will be patient in enduring hunger and hardship in Madina without my being a witness or an intercessor for him on the Day of Rising.’ One variant has ‘and an intercessor’. (*Muwattā’*, 45.2.3)

Jābir ibn ‘Abdullāh reported that the Messenger of Allah ﷺ said, ‘Madina is like the blacksmith’s furnace. It removes impurities and purifies the good.’ (al-Bukhārī 3:21; *Muwattā’* 45.2.4)

We find in the *ḥadīth* of Abū Hurayra: ‘It expels bad people like the blacksmith’s furnace expels the impurities from the iron.’ (al-Bukhārī 3:21; *Muwattā’* 45:2:5)

And we find in the *ḥadīth* of Zayd ibn Thābit: ‘It expels men as the blacksmith’s furnace expels the dross of silver.’ (al-Bukhārī 3:23)

Sufyān ibn Abī Zuhayr related that the Messenger of Allah ﷺ said, ‘Yemen will be conquered and people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them had they but known.’ (al-Bukhārī 3:21; *Muwattā’* 45.2.7)

He mentioned something similar regarding the conquest of Iraq and Syria but I have shortened what he said.

Abū Hurayra transmits something similar in which the Prophet ﷺ said, ‘By the One in whose hand my soul is, no one leaves it preferring to live elsewhere but that Allah replaces him in it with someone better than him.’ (*Muwattā’* 45.2.6)

Abū Hurayra reported that the Prophet ﷺ said, ‘There are angels at the gates of Madina. Neither the plague nor the Dajjāl will enter it.’ (*Muwattā’* 45:4.16)

Mālik ibn Anas said, ‘Madina is guarded by witnesses, and there are angels stationed on its roads who guard it. Neither the Dajjāl nor the plague will enter it. It is the abode of the Hijra and the *Sunna*. The best of people after the Messenger of Allah ﷺ were in it, and the Prophet ﷺ and his Companions made *hijra* to it. Allah chose it for him after his death and placed his grave in it; one of the meadows of the Garden in there as is the minbar of the Messenger of Allah ﷺ. That does not belong to any land except it.’

One version has: ‘From it the nobles of this community will be followed on the Day of Rising.’

These are words which Mālik did not express without any foundation since that such a position cannot be taken based on mere analogy.

Ḥammād ibn Wāqid aṣ-Ṣaffār asked Mālik, ‘Abū ‘Abdullah, which do you prefer? To reside here or to reside in Makka?’ He answered, ‘Here. That is because Allah Almighty chose it for His Prophet ﷺ

from all of the places of the earth.’ Then he mentioned the *ḥadīth* reported by Abū Hurayra regarding its excellence.

Ja‘far ibn Muḥammad said, ‘Someone remarked to Mālīk, “You choose to remain in Madina and you have left the rural and fertile lands.” He responded, “How could I not choose it when there is no road in Madina but that the Messenger of Allah ﷺ walked on it and Jibril, peace be upon him, came down to him from the Lord of the Worlds in less than an hour?”’

Abū Muṣ‘ab az-Zuhrī said, ‘Malik was asked, “Why do the people of Madina have soft hearts while the people of Makka are hard-hearted?” He replied, “Because the people of Makka drove out their Prophet ﷺ and the people of Madina gave him refuge.”’

Muḥammad ibn Maslama said, ‘I heard Mālīk say, “I went to al-Mahdī and he said, ‘Advise me.’ I said, ‘I advise you to have fear of Allah alone and to show kindness towards the people of the city of the Messenger of Allah ﷺ and his neighbours. We have heard that the Messenger of Allah ﷺ said, “Madina is the place to which I made *hijra*. I was sent from it and my grave will be in it and its people are my neighbours. It behooves my community to guard me in my neighbours. If someone guards them for me, I will be a witness or an intercessor for him on the Day of Rising. If someone disregards my instruction regarding my neighbours, Allah will make him drink from the foul pus of his skin in the Fire.”’”’

TRADITIONS SINGLING OUT MADINA FOR SUPERIOR KNOWLEDGE, BELIEF, THE *SUNNA* AND THE QUR'AN

‘Ā’isha related that the Prophet ﷺ said, ‘The cities were conquered with the swords, but Madina was conquered with the Qur’an.’ (*Tahqīq an-Naṣra*)

Abū Sa‘īd al-Maqburī narrated from Abū Hurayra that the Messenger of Allah ﷺ said, ‘Madina is the dome of Islam, the Abode of Faith, the land of Hijra and the starting point of the *ḥalāl* and the *ḥarām*.’ (aṭ-Ṭabarānī)

Kathīr ibn ‘Abdullāh related from his father from his grandfather that the Messenger of Allah ﷺ said, ‘The *dīn* will seek shelter in Madina (one version has, ‘in the Hijaz’) as a snake seeks refuge in its hole. The *dīn* will take itself to the Hijaz like the refuge of the wild goats at the peak of the mountains. The *dīn* began as a stranger and it will return a stranger. Good fortune to the strangers who put right what people have corrupted of my *Sunna* after me!’ (at-Tirmidhī)

‘Ā’isha reported that the Prophet ﷺ said, ‘Islam will retire to Madina as the flood sinks in the remains of the watering-trough.’

Abū Muṣ‘ab az-Zuhrī said about this *ḥadīth*, ‘By Allah, it only seeks refuge in its people who established it, promulgated its laws, recognised its interpretation and established its judgements.’

This praise from the Messenger of Allah ﷺ is not for mere land and houses, but praise for its people. This will remain among them and will disappear from others when knowledge is removed and people follow ignorant men as their leaders, and when they speak without knowledge when they are questioned, and when they are misguided and misguide others.

Ibn Abī Uways stated, ‘I heard Mālik say in the same meaning as the *ḥadīth*, “Islam came as a stranger and will return as a stranger as it began,” meaning it will return to Madina as it began from Madina.’

THE EXCELLENCE OF THE KNOWLEDGE
OF THE PEOPLE OF MADINA
AND ITS BEING PREFERRED OVER THE
KNOWLEDGE OF OTHERS,
AND THE SALAF FOLLOWING THEM

Zayd ibn Thābit said, ‘When you see the people of Madina doing something, know that it is the *Sunna*.’

Ibn ‘Umar said, ‘When a sedition occurs, if people would only refer the business to the people of Madina, and when they agreed on something, do it, then the business would be put right. But when a dog barks, the people follow it.’

Mālik said, ‘Ibn Mas‘ūd was asked about something in Iraq and he spoke about it and then he went to Madina and asked and discovered that the matter was different from what he had stated. When he returned, he did not dismount nor enter his house until he had gone back to that man and informed him of that.’

He said, ‘Umar ibn ‘Abd al-‘Azīz wrote to the cities to instruct them in the *sunan* and *fīqh*. He wrote to Madina to ask them about what had passed and if it were based on some normative behaviour (*‘amal*) which they had.

‘He wrote to Abū Bakr ibn Ḥazm asking him to compile the *sunan* for him and to record them for him, but then ‘Umar ibn ‘Abd al-‘Azīz died. Ibn Ḥazm had written some letters to him but had not sent them.’

Mālik said, ‘By Allah, do not be averse to Sa‘īd ibn al-Musayyab or any other of the people of Madina because of what any person says.

Had it not been that ‘Umar ibn ‘Abd al-‘Azīz acquired this knowledge in Madina, many people would have doubted it.’

‘Abdullāh ibn ‘Umar ibn al-Khaṭṭāb said, “Abdullāh (i.e. Ibn az-Zubayr) and ‘Abd al-Malik ibn Marwān both wrote to me and summoned me to a conference (*mashūra*). I wrote to them. “If you both desire counsel, then you must have the abode of the *Sunna* and the Hijra.””

A man sought advice from Abū Bakr ibn ‘Amr ibn Ḥazm on some matter, saying, ‘By Allah, I do not know what to do in this.’ Abū Bakr said, ‘Nephew, if you find that the people of this city agree on something, then do not doubt that it is the truth.’

Ash-Shāfi‘ī said, ‘When you find one of the people of Madina applying something, there should not be anything negative in your heart regarding it.’

Ash-Shāfi‘ī also said, ‘There are no legal tricks in the fundamental principles of the people of Madina because of their soundness.’

Ibn Nāfi‘ said, ‘Mālik used to relate that when the people of the two Ḥarams (Makka and Madina) pledged their allegiance, that allegiance became binding on all the people of Islam.’

Mālik said, ‘Ibn Sīrīn was the most like the people of Madina in one sphere of knowledge which he took.’

Abū Nu‘aym said, ‘I asked Mālik about something and he said to me, “If you want knowledge, then take up residence,” meaning in Madina. “The Qur’an was not revealed on the Euphrates.”’

Ash-Shāfi‘ī said, ‘I travelled to Madina and recorded their differences there.’ He added in one version, ‘about the [inheritance of a] grandfather.’

Mis‘ar said, ‘I asked Ḥabīb ibn Abī Thābit, “Who has the most knowledge of the *Sunna* or *fiqh*? The people of the Hijaz or the people of Iraq?” He replied, “The people of the Hijaz.”’

Ash-Shāfi‘ī said, ‘Every *ḥadīth* which does not have a root in Madina and which is broken (*munqati‘*).has weakness in it.’

Mālik, may Allah be pleased with him, said after mentioning the *tashahhud* in the *Waṣīyya*: ‘That is what I found the people of this city doing, so do not doubt that it is the truth.’

‘Abdullāh ibn ‘Umar said, “Umar ibn ‘Abd al-‘Azīz sent Nāfi‘ to Egypt to teach them the *sunan*.’

Mujāhid, ‘Amr ibn Dīnār and other people of Makka said, ‘Our business has remained ambiguous and in contention since ‘Aṭā’ ibn Abī Rabāḥ went to Madina. When he returned to us, his excellence became clear to us.’

THE LETTER OF MALIK TO AL-LAYTH IBN SA‘D STATES ABOUT THIS:

‘From Mālik ibn Anas to al-Layth ibn Sa‘d. Peace be upon you. I praise Allah to you. There is no god but Him.

‘May Allah hold us and you to His obedience, both in secretly and in public, and preserve us and you from every disliked thing! Know, may Allah have mercy on you, that I have been informed that you give people *fatwās* which are contrary to what is done by our community and in our city. You are an *imām* and have importance and position with the people of your city, and they need you and rely on what they get from you. Therefore you ought to fear for yourself and follow that whose pursuit you hope will bring you salvation.

‘Allah Almighty says in His Mighty Book, *‘The outstrippers, the first of the Muhājirūn and the Anṣār.’* (9:100) Allah Almighty further says, *‘So give good news to My slaves, those who listen well to what is said and then follow the best of it.’* (39:17-18) It is essential to follow the People of Madina. The Hijra was made to it, the Qur’an was sent down in it, and the *ḥalāl* was made *ḥalāl* and the *ḥarām* was made *ḥarām* there. The Messenger of Allah ﷺ was among them and they were present when the Revelation was revealed. He commanded them and they obeyed him. He set out the *Sunna* for them and they followed it until Allah caused him to die and chose for him what is with Him. May the blessings of Allah and His mercy and blessing be upon him.

‘Then after his death, the Muslims followed those from among his community who were given authority after him. When something happened to them that they knew how to deal with, they carried it out. If they had no knowledge on the subject, they asked about it and then they followed the most appropriate course of action based on *ijtihād*. In this they were helped by their personal proximity (with the Prophet ﷺ). If someone opposed them or proposed an alternative view which was stronger and better than the ruling they had made, they left the former and acted upon the latter.

‘Then the Tābi‘ūn after them also travelled this Path and followed

those *sunan*. If there is a practice which is clearly acted upon in Madina, I do not think that anyone may oppose it because of the inheritance they had received which no one is allowed to plagiarise or lay claim to. If the people of other cities were to say, “This is the practice in our city,” and “This is what those before us used to do,” that would not be permissible for them.

‘Investigate for yourself, may Allah have mercy on you, what I have written to you. Know that I hope that what has impelled me to write this for you was solely good counsel for the sake of Allah alone. Investigation is up to you and your opinion is up to you. Treat my letter as such. If you do that, you will know that I have not neglected to offer you good counsel. May Allah give us and you success in obeying Him and obeying His Messenger in every matter and in every circumstance. Peace be upon you and the mercy and blessing of Allah.’

Written on Sunday, 9 Şafar. We have presented this letter in its own unique manner to highlight its benefits. It is sound and has been transmitted reliably.

PART OF AL-LAYTH’S REPLY TO THIS LETTER

‘...It has come to your attention that I have issued *fatwās* that differ from those your community agrees on and that I must fear for myself because those near me rely on my *fatwās*, whereas people should follow the people of Madina to which the Hijra was made and where the Qur’an was revealed. You are correct in what you wrote about that, Allah willing, and it came to me in a way which I do not dislike. No one is more strongly inclined than I am to prefer the knowledge of the people of Madina who have passed away and no one acknowledges their *fatwās* more readily than I do. Praise be to Allah, the Lord of the worlds, who has no partner.

‘As for what you mentioned about the Messenger of Allah ﷺ residing in Madina, the Qur’an being sent down to him among the Companions and what Allah taught them from him and that people became their followers, it is as you have stated.’

I have summarised this and I put some of it where it is required.

WHAT IS REPORTED FROM
THE SALAF AND SCHOLARS REGARDING
THE OBLIGATION TO CONSULT THE ACTION
OF THE PEOPLE OF MADINA AND THE FACT
THAT THEY CONSIDER IT TO BE A PROOF,
EVEN IF THAT IS CONTRARY TO
TRADITIONS (ĀTHĀR)

It is related that ‘Umar ibn al-Khaṭṭāb said on the minbar, ‘I forbid by Allah Almighty that a man relate a *ḥadīth* different from the normative practice (*‘amal*).’

Ibn al-Qāsim and Ibn Wahb said, ‘I saw that in Mālik’s opinion, normative behaviour (*‘amal*) was stronger than the *ḥadīth*.’

Malik said, ‘The men of the people of knowledge among the Followers reported *ḥadīths* which had been conveyed to them from others and they said, “We are not ignorant of this, but the past normative action is other than it.”’

Mālik said, ‘I saw Muḥammad ibn Abī Bakr ibn ‘Amr ibn Hazm who was a *qāḍī*. His brother was ‘Abdullāh who had a lot of *ḥadīths* and was a truthful man. When Muḥammad gave a judgement when there was a *ḥadīth* which was contrary to the judgement, I heard ‘Abdullāh criticise him, saying, “Has not this and this come in this *ḥadīth*?” He answered, “Yes.” His brother said to him, “Then what is wrong with you? Why don’t you give judgement based on it?” He responded, “Where are the people in respect to it?” meaning “What

is the consensus of action on it in Madina?” He meant that the normative practice is stronger than the *ḥadīth* in it.’

Ibn al-Mu‘adhdhal said, ‘I heard a man ask Ibn al-Mājishūn, “Why did you relate the *ḥadīth* and then leave it?” He answered, “That is so that it will be known that we left it while having full knowledge of it.”’

Ibn Mahdī said, ‘The previous *sunna* of the people of Madina is better than the *ḥadīth*.’ He also said, ‘It may be that I have many *ḥadīths* on a subject and then I find that the people of the courtyard have something different than that. Therefore it becomes weak in my estimation,’ or words to that effect.

Rabī‘a said, ‘I prefer a thousand from a thousand over one from one because one from one can strip the *Sunna* out of your hands.’

Ibn Abī Ḥazm said, ‘Abū ad-Dardā’ was questioned and he gave some answers. He was told, “Such-and-such has reached us which is different from what is said.” He said, “I have heard that, but I found the normative action different from that.”’

Ibn Abī az-Zinād said that ‘Umar ibn ‘Abd al-‘Azīz gathered the *fuqahā’* together and asked about the *sunan* and the judgements which were acted upon, and confirmed them. He threw out those among them were not acted on by the people, even if they came from a reliable source.

Mālik said, ‘About so many thousand Companions came with the Messenger of Allah ﷺ from a certain expedition at such-and-such a time. Of these, about ten thousand died in Madina, and the rest split up in the cities. Which would you prefer to follow and whose words would you prefer to take? Those in whose presence the Prophet ﷺ died with his Companions I have mentioned, or the one who died with one or two of the Companions of the Prophet ﷺ?’

‘Ubaydullāh ibn ‘Abd al-Karīm ar-Rāzī said, ‘The Messenger of Allah ﷺ died in the presence of twenty thousand living eyes.’

CLARIFICATION THAT PROOF IS BASED ON THE CONSENSUS OF THE PEOPLE OF MADINA, AND THE SCHOOL OF MĀLIK REGARDING THAT

Know that all the masters of the *madhhabs* among the *fuqahā'*, *mutakallimūn*, the people of tradition and theory who form a unified front against our companions on this matter, and attack us on the basis of their assertions, raising objections against us obliquely until some of them overstep the limits of fanatical partisanship and sectarianism and even attack Madina itself, enumerating its faults are not, in fact, addressing the subject under dispute. Some of them do not even formulate the question or investigate our school. Instead, they speak about it based on mere conjecture and surmise. Some of them begin to speak about it, taking their view from those who have not looked into us. Some of them make changes and then attribute to us things we did not say about it, as was done by aṣ-Ṣayrafī, al-Muḥāmīlī and al-Ghazālī. They reported from us in the matter as saying what we did not say and they argued against us with whatever is needed by those who attack the consensus.

Here I will divide the discussion on it into distinct sections so that the unbiased reader will not find any way to deny it after careful consideration. I will clarify the positions of agreement and dispute on it, Allah willing.

Know that the consensus of the people of Madina comprises two distinct types: one type comes by way of transmission and the reports in which all relate from all and they act on that and it is not unknown.

The masses transmitted from the masses from the time of the Prophet ﷺ. This sort of consensus is divided into four categories:

CATEGORY ONE:

First is the transmission of the Shari‘a from the Prophet ﷺ in word or action, like the *ṣā‘* and *mudd*, and the fact that he used to take their *zakāt* and their *zakāt al-fitr* from them using that measure, the *adhān* and the *iqāma* and not saying, ‘*In the name of Allah, the All-Merciful, the Most Merciful*’ aloud in the prayer, and the *waqf* and the *ḥabūs*. Their transmission of these matters in words and actions is like their transmission of the place of his grave, his mosque, his minbar, his city and other things that are incontrovertibly known about his states, his biography and the description of his prayer in the number of *rak‘ats*, prostrations and the like of that.

There is also what is transmitted that the Prophet ﷺ affirmed when he saw them doing and his objection to that was not transmitted: like the transmission of a contract made by a slave and the like of that. There is also the transmission that he left certain matters and judgements without making them obligatory in spite of the fact that they were well-known and evident among them – for instance, he did not collect *zakāt* on vegetables although he knew that they were plentiful among them. This sort of consensus in these matters is a proof which must be accepted, and whatever is contrary to it in the form of a single tradition or analogy must be abandoned. This transmission is verified and what is known by it is undeniable and definite. It is not abandoned for the balance of probabilities. This is what Abū Yūsuf and other opponents who argued with Mālik and other people of Madina referred to in the question of the *awqāf* and the *mudd* and the *ṣā‘* when they saw the transmission and verified it.

A just person should not deny the evidence of this. It is that about which Mālik spoke according to many of our shaykhs. There is no dispute regarding the validity of this method and that it constitutes a proof for intelligent people, and it transmits knowledge which is perceived by necessity. There is opposition on those questions from other than the people of Madina who have not received its transmission directly.

Qāḍī Abū Muḥammad ‘Abd al-Wahhāb said, ‘There is no disagreement among our companions regarding this.’ Aṣ-Ṣayrafī and others among the adherents of ash-Shāfi‘ī agreed with it. Al-Abhurī related it from him.

Some of the Shāfi‘ites opposed that out of unwavering obstinacy. There is no rest for an opponent when he simply states, ‘This is not its method.’ They and others among the people of the provinces of Basra, Kufa and Makka are the same since they live in these lands where there is a group of the Companions from whom the *sunnas* were transmitted. ‘Traditions reported by multiple transmission must be accepted in any aspect in which they come and knowledge arises from it, and so the proof comes from the transmission. Madina was not singled out by that and therefore that is the end of the matter.’ This is the strongest of what they base themselves on.

We say to them: This is also what we say that this is also our stance if the question had been formulated in respect of others. However, an equivalent to this transmission is not found with others: the precondition of the transmission of multiple transmission is that the two ends and middle are the same. This exists with the people of Madina and their transmission of group from group from the Prophet ﷺ or the normative action in his time. The people of other cities transmit from their group when they refer to one or two of the Companions. So the question is being referred to the traditions of individuals.

To illustrate this point, consider the question of the action of the people of Makka in the *adhān*. There are multiple transmissions of the *adhān* in the presence of the Prophet ﷺ. This, however, is countered, by one of two ways in which the Messenger of Allah ﷺ had it done, and that which was in use when he died in Madina.

This is why Malik said to the one who argued with him on this matter, ‘I do not know what is the *adhān* of a day or a night. This is the Mosque of the Messenger of Allah ﷺ and the *adhān* was given in it from his time, and it is not retained from anyone that he objected to what was given in the *adhān* in it.’

CATEGORY TWO: CONSENSUS ON THE NORMATIVE PRACTICE
ACHIEVED BY *IJTIHĀD* AND DEDUCTION

This is a category about which our companions disagree. Most of them believe that it is not a proof nor is predominant. That is the position of the great men of Baghdad. Some of them were: Abū Bukayr, Abū Ya‘qūb ar-Rāzī, Abū al-Ḥasan ibn al-Muntāb, Abū al-‘Abbās aṭ-Ṭayyālīsī, Qāḍī Abū al-Faraj, Abū Bakr al-Abhurī, Abū at-Tammām, and Abū al-Ḥasan ibn al-Qaṣṣār. They said, ‘Because they are part of the community, but the proof is by all of it.’ This is the most general and comprehensive statement of the opponents.

This was the position of Qāḍī Abū Bakr ibn aṭ-Ṭayyīb and others. They denied that Mālik said this, and that it was his school or that of the Imāms among his people.

Some of them believed that it was not a proof, but it was preferred to the *ijtihād* of others.

That is the statement of a group of those who studied their *fiqh*. One of the Shāfi‘ites took that view while Qāḍī Abū Bakr, our precise Imāms and others did not like it.

Some of the Mālikīs believe that this category is a proof like the first category. They related that from Mālik. Qāḍī ibn Naṣr said, ‘It is indicated by the words of Aḥmad ibn al-Mu‘adhdhal and Abū Muṣ‘ab. Qāḍī Abū al-Ḥasan ibn Abī ‘Umar among the people of Baghdad believed that as did a group of the Maghribīs among our companions. They thought that it takes precedence over the tradition of one person and analogy. The opponents agreed that it is the school of Mālik, although it is not authenticated from him at all.’

Qāḍī Abū al-Faḍl said, ‘In respect of single reports, the normative action of the people of Madina must follow one of three positions:

‘Either it agrees with them, so it is firmer in its soundness, if that is by way of transmission, or it is probable if it is by way of *ijtihād* without any dispute in this since it is only opposed here by the *ijtihād* of others and their analogy before the single tradition.

‘If it agrees with a report contradicted by another report, their normative practice is preferred by their tradition. It is the strongest text which makes traditions probable when they are contradictory.

That is what was believed by the master Abū Ishāq al-Isfārā'inī and those who followed him among the rigorous Mālikī legists (*uṣūlī*) and *fuqahā'* and others.

'If it is contrary to reports in general, and their consensus is by way of transmission, the report is abandoned for it without opposition among them and according to other rigorous people as was already stated. In verification, it is not necessary to formulate opposition in this nor to turn to it since the absolute and certain is not abandoned for probabilities as was clear to this fair opponent who retracted. This is the crux of the question – like the question of the *ṣā'* and the *mudd*, the *waqf*, *zakāt* on vegetables and other things.

'If their consensus is based on *ijtihād*, then the report takes precedence over it according to most people. There is disagreement in it among our adherents as we already stated.

'If there is no action in opposition or agreement, then the question falls away and one must refer to the acceptance of the report of one individual, which can be from their transmission or from the transmission of others if it is sound and not opposed. If this report which they transmit is opposed by another report which other people of distant areas transmitted, what they transmitted is preferred according to the master Abū Ishāq and other meticulous scholars because of their extra advantage of witnessing factual evidence and their sitting down to transmit the reports of the Messenger ﷺ and the fact that they consisted of a great number relating from a great number from him.

'Opponents have distorted a lot of what they transmit from Mālik regarding that – except for what we already stated. Abū Bakr as-Ṣayrafī and Abū Hāmid al-Ghazālī related that Mālik said, "One only considers the consensus of the people of Madina to the exclusion of others." This is not what Malik said nor was that stated by any of his companions. One of the legists among the opponents related that Mālik thought that the consensus of the seven *fuqahā'* at Madina constituted consensus, and said that according to him, they were the people of *ijtihād* in that moment to the exclusion of others. This is not what Mālik said and it is not related from him.

‘One of them related about us that we do not accept reports unless they are accompanied by the action of the people of Madina. This is sheer ignorance or lies. They did not distinguish between our statement regarding the rejection of a report which is contrary to their actions. If they use as an argument against us in this area the fact that Mālik rejected the *ḥadīth* about the two sellers with the option to withdraw which he and the people of Madina related with their soundest *isnāds* and the statement of Malik about this *ḥadīth* and what he mentioned about it in his *Muwatta*’: “There is no specified limit nor any matter which is applied in this case according to us.” This objection is the greatest of the bugbears and the ugliest of their calumnies. They said, “This is a refutation of the sound report since the action of the people of Madina did not embellish it so that the people of Madina blamed him for it.” Ibn Abī Dhī’b said some famous harsh words about it.

‘The answer is that this was misconstrued, leading to a misunderstanding. This statement of Mālik does not mean that he rejects the sale with the option of withdrawal. It means what he said in the rest of the *ḥadīth*. That is his words, “Except the sale with the option of withdrawal.” He stated that the sale with the option of withdrawal does not have a limit in their opinion which can be exceeded except according to what is used for testing the commodity. That varies with different sales. In it, one refers to *ijtihād*, the custom of the land, the conditions of the sale and what he meant by it.

‘This is how our meticulous Imāms, may Allah have mercy on them, explain his words. Acting by the *ḥadīth* without the interpretation of the distinction in it by word and the contract of sale is abandoned. They have the option of withdrawal as long as they are bargaining with one another. This is the meaning of what is understood from the two individuals who are interacting. They are legally competent in the business they are transacting. This indicates that the option is before its completion. That is supported by his words, “None of you should bid against the sale of his brother.” This is also the case with two equals. It is called known as a sale before completion and conclusion.

‘One of our companions said that the *ḥadīth* is abrogated by his words in another *ḥadīth*, “When two parties are in dispute about a business transaction, the seller’s word is taken.” If they had had the option of withdrawal, there would be no need for disagreement and argument. Mālik’s statement is based on what is more likely by one of the two reports supported by the action of the people of Madina when it is in conflict, as was already stated. Many of our companions took the *ḥadīth* of the two sellers with the option of withdrawal and acted on it: Ibn Ḥabīb and others.

‘Part of what the opponents quoted from Mālik is, “The believers whom Allah commanded to be followed are the people of Madina.” Mālik did not say this. How could he say this when he related that consensus is a proof?

‘One of the objections which opponents raised against us is that they say: we preserved the door of transmission which we mentioned, so what is the use of mentioning consensus and action? When the transmission is obtained from a group of them, then knowledge of their report is obtained and must be referred to, even if others oppose them. So what is the benefit of you mentioning consensus when there is agreement on this?

‘The answer is that we say that the transmission of some does not exclude the rest: either opposition is related from them or it is not. If it is not related, that is what we meant. If opposition is known, and it is from a small group, one does not pay any attention to it. The opposition of a few does not detract from the transmitted consensus.

‘There is disagreement about the opposition of a few in respect of a consensus based on *ijtihād* – according to what the masters of the fundamentals affirmed whose precondition in verification is that on which the *mujtahids* agree.

‘As for what is transmitted, it must have a number which demands knowledge for us. When a few people dispute it, error and mistake are ascribed to them since that which is definite through multiple sound transmission invalidates any opposition to it.

‘If the opposition is from another group and that second large group is one in which there is multiple transmission as well, Qāḍī

Abū Muḥammad ‘Abd al-Wahhāb said, “This contradictory transmission is not a proof. This is not our question.”

Qāḍī Abū al-Faḍl said:

‘In my opinion, it is impossible to conceptualise this taking place since the multiple transmission must be known when it comes with its preconditions. It is not valid that the multiple transmission of another contradict it because that would demand that one of them be false, and that is impossible. The intellect rejects such reasoning.

‘It is not valid that both of them be true nor can they both be false, so the question falls aside again, unless there is contradictory multiple transmissions on two distinct events or two different states or two different times. So one judges in that case by the judgement of the two sound contradictory proofs, and looks to see whether it is possible to combine them and confine each of them to its event and subject, or to refer to historical evidence, the judgement of abrogation and other aspects of judgement in contradiction and preference. The place of its explanation lies in the fundamental principles of *fiqh*.

‘They said, “When what they explained is confirmed, the judgement refers to their transmission and the report with multiple paths and their knowledge and proof is derived from it. So what is the point of calling it consensus?”

‘We replied, “It means that transmission and action is ascribed to all inasmuch as none of them transmitted nor acted contrary to it.”

‘If it is said: “You have switched the question and you have gone from consensus to agreement on transmission by word or action,” the answer is that our words in this question demand the opposition of the Iraqis and others against us in the questions whose path is transmission and detailed action. In that, they rely on individual reports while our companions accept the transmission of the people of Madina and their action, which is agreed upon by multiple transmission as a proof to leave those reports as we already stated.

‘If they said that Allah says, “*If you have a dispute about something, refer it back to Allah and the Messenger*” (4:59), and this is referring it to other than the Messenger as it is reference to the action of certain people of his Community, our reply is that we only refer to the Messenger since it is confirmed with us by multiple transmission that the normative action is the *Sunna* of the Messenger ﷺ and his action and acknowledgement.’

Qādī Abū al-Faḍl said:

‘As for the statement of those of our companions who say that their consensus by way of *ijtihād* is a proof, their argument for that lies in what they possess of the excellent company, association, close relationship, questioning, and analysis of means and circumstances. All of this is excellence and merit in the strength of the *ijtihād*.

‘Our companions and our opponents said, “The explanation of a Companion who relates to someone about what is probable in the report is better than the explanations of other people, and constitutes a proof. The explanation of someone who opposes him is abandoned since the Companion saw the Messenger and heard that *ḥadīth* from him and understood it from his state, the articulation of his words and the reason for his judgement. By that, he possessed some knowledge of what it means which others do not have. Therefore his explanation is preferred. Hence it is like that with the consensus of the people of Madina in the same way. Their striving precedes that of others among those who lived far away and only recited the simple report without its circumstances, and lacks the reason why it was spoken.

‘That is why ash-Shāfi‘ī preferred the *ḥadīth* of the shaykhs of the Companions over the *ḥadīth* of Usāma regarding homicides. He said that is because Ibn ‘Umar, ‘Ubāda and the shaykhs knew the Messenger of Allah ﷺ better than Usāma. That is why some of the legists and *fuqahā’* preferred the analogy of a Companion over the analogy of others. That is why many of them preferred the action of a Companion by a *ḥadīth* when he related over other *ḥadīths* whose transmitter did not act on them. Ash-Shāfi‘ī once

Clarification that proof is based on the consensus of the People of Madina

said, “I prefer the consensus of the people of Madina to analogy.” This is a statement saying that their consensus is a proof in one aspect as opposed to the consensus of others where no one disagrees that it does not have an affect in the judgements unless it is related from one of the legists that the consensus of the people of Makka and Madina and the two cities are a proof as we have already stated. What the people of the legal principles prefer in the mutual opposition of reports is through the action of the people of Madina and Makka.’

This concludes the discussion on this subject and the core of minds and hearts. The correct objective of the question is seen to every unbiased person through verification and scrutiny.