

# The Maliki Doctrine in Andalusia: From the Scientific Voyage to the Official Authority of the Umayyad State

## A Socio-Historical Study on the Causes of Spread and Factors of Empowerment



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### **Abstract:**

This Scientific Article aims to Introduce the Sunni Maliki Doctrine, to Investigate the Causes and Factors that Led to its Entry into Andalusia, and How the Andalusians' Voyage to Medina and Meeting with Imam "Malik ibn Anas" Played a Role in the Spread of His Doctrine. Then it Clarifies the Transition of the Umayyad State in Andalusia from the Doctrine of the People of the Levant (the Doctrine of Imam Abu Amr Al-Awza'i) to the Doctrine of the People of the Hijaz (the Maliki Doctrine), without Neglecting the Role of Andalusian Society in Empowering the Maliki Doctrine.

**Keywords:** Andalusia, the Maliki Doctrine, the Umayyad State, the Doctrines.

### **Introduction:**

Many Theological and Jurisprudence Doctrines Spread in Andalusia, including the Shi'a Doctrine, the Ibadi Doctrine, the Awza'i Doctrine, the Shafi'i Doctrine, the Zahiri Doctrine, and the Masarri Doctrine (Ibn Masarra). However; None of these Doctrines Could withstand the Maliki Doctrine, which Succeeded the Awza'i Doctrine and remained Dominant for Nearly Seven Centuries Until the Fall of Andalusia. **What is meant by the**

**Maliki Doctrine? How did it Enter Andalusia? Were there any Andalusian Jurists who met the Founder of the Doctrine, Imam Malik ibn Anas? And What Role did the Umayyad Political Authority Play in Adopting the Doctrine?**

## **Firstly: An Introduction to Andalusia from the Conquest to the Umayyad State:**

The Words “Andalusia” and “Andalus” are Foreign Words that were not Widely Used by Arabs Until the Islamic Era. They are Most Likely attributed to the Vandal Tribes who Settled in North Africa. The Lands they Crossed (Southwest Europe) were Called the Land of the Vandals. The Word then Evolved into Andalusia, and the Island of Andalusia, or the Iberian Peninsula, or Present-Day Spain and Portugal (Lusitania), is Located in Southwestern Europe. It is bordered to the East by: the Mediterranean Sea, to the West by: the Atlantic Ocean (the Sea of Darkness), to the South by: the Strait of Gibraltar (the Sea of the Alley or the Passage), and to the North by: the Pyrenees Mountains.<sup>1</sup> Thus; Andalusia is Considered the Dividing Line between Christian Continent of Europe and the Muslim Maghreb Countries.

Andalusia was Conquered in (92-95 AH/711-714 CE) by Tariq ibn Ziyad, the Governor of Tangier. At that time; Musa ibn Nusayr was the Governor of the Islamic Maghreb. The Islamic Maghreb Region was Under the Umayyad Caliphate in the East, during the Reign of Caliph Al-Walid ibn Abdul Malik. With the Conquest of the Andalusia; The Rule of the Visigothic Kings Ended with their Last King, Rodrigo Teodofredo. After the Conquest; The Andalusia was Ruled by Governors, a Period Known as the Rule of the Governors (96-138 AH/715-755 CE). Following the Rule of the Governors Came the Umayyad Rule (138-422 AH/756-1031 CE). The Umayyad State in Andalusia (138-422 AH/756-1031 CE) went through Two Phases; The First Phase was Known as the Principality Epoch (138-316 AH/756-929 CE), during which the Maliki Doctrine Entered Andalusia, spreading and expanding. The Second Phase was Known as the Caliphate Epoch (316-422 AH/929-1031

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<sup>1</sup>- For Further Information on Andalusia and its Geography; see: Anonymous: **History of Andalusia**, edited and researched by: Abdul Qadir Bubaya, Scientific Book House, 1st edition, Beirut, Lebanon, 1427 AH/2007 CE, p. 140. Yaqut Al-Hamawi: **Dictionary of Countries**, Dar Sader, Beirut, Lebanon, 1397 AH/1977 CE, 1/262. Muhammad ibn Abdul Mun'im Al-Himyari, **The Fragrant Garden in the News of the Regions**, edited by: Ihsan Abbas, Library of Lebanon, Beirut, 1975 CE, p. 33. Ibn 'Idhari Al-Marrakushi, **Al-Bayan Al-Mughrib fi Akhbar Al-Andalus wa'l-Maghrib**, edited and revised by: J.S. Colin and Lévi-Provençal, House of Culture, 3rd edition, Beirut, Lebanon, 1983 CE, 2/3. Ahmad ibn Muhammad Al-Maqqari Al-Tilimsani, **The Fragrant Scent of Andalusia's Verdant Branch, and the Mention of its Minister, Lisan Al-Din Ibn Al-Khatib**, explained, edited, and annotated by: Yusuf Ali Al-Tawil and Maryam Qasim Al-Tawil, Scientific Book House, 2nd edition, Beirut, Lebanon, 2012 CE, 1/127 Et Seq. Ahmad Mukhtar Al-'Abadi, **On the History of the Maghreb and Andalusia**, Arab Renaissance House, Beirut, Lebanon, Undated Edition, pp. 18-19.

CE), with the Reign of Prince Abdul Rahman ibn Muhammad Al-Nasir marking a Turning Point for Andalusia from a Principality Epoch to a Spiritual Caliphate. During this Period; Andalusia rivaled the Fatimid Caliphate in North Africa and the Abbasid Caliphate in the East.

## **Secondly: Definition of the Maliki Doctrine:**

The Maliki Doctrine is attributed to Imam Malik ibn Anas<sup>2</sup> and is One of the Four Major Doctrines of Islamic Jurisprudence (along with the Hanafi, Shafi'i, and Hanbali Doctrines). The Maliki Doctrine Originated in Medina, where the Prophet Muhammad (Peace Be Upon Him) lived, and which was the Seat of the Islamic Caliphate during the Reigns of Abu Bakr, Omar ibn Al-Khattab, and Othman ibn Affan (may Allah Be Pleased with them all). Medina remained a Repository of the Sunnah (Prophetic Traditions), even after the Center of the Caliphate Shifted to Syria and Iraq. Many Companions and Followers resided there, including Aisha, the mother of the Believers (may Allah Be Pleased with her), Abdullah ibn Abbas, Abdullah ibn Omar, Zaid ibn Thabit, Sa'eed ibn Al-Musayyib, Rabi'ah Al-Ra'i, and Others (may Allah Be Pleased with them). From their Knowledge Emerged the Maliki Doctrine of Jurisprudence, especially Considering that Imam Malik Only Left Medina for the Hajj Pilgrimage. The Muwatta' of Imam Malik is Considered A Cornerstone of Hadith Scholarship, and He was among the First to Compile Hadith Works in this Field. The Maliki Doctrine is Distinguished, in terms of its Origins, after its Features appeared and its School was Formed; By Advantages and Characteristics Collected by "Professor/Muhammad Al-Tawil", the Most important of which are: the Abundance of its Sources and the Multitude of its Origins represented in the Holy Qur'an, the Prophetic Sunnah, Consensus, the Practice of the People of Medina, Analogy,

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<sup>2</sup>- **Malik ibn Anas:** Abu Abdullah Malik ibn Anas ibn Malik Al-Asbahi Al-Madani, named after Medina, His Place of Residence. There is Disagreement regarding the Date of His Birth, but the Most Likely, according to Qadi Iyad, is (93 AH), the Year of the Death of Anas ibn Malik, the Servant of the Messenger of Allah (Peace and Blessings Be Upon Him), in Medina. His Father was Anas ibn Malik, One of the Successors (Tabi'in) and a Narrator of Hadith. He is Best Known for His Book "Al- Muwatta'", although He also Authored Other Works, including: (a Treatise on Predestination, a Book on the Interpretation of Rare Words in the Quran, and Others). He Died in Rabi' Al-Awwal (179 AH/795 CE) and was Buried in Al-Baqi'. For Further Information on the Biography of Imam Malik (may Allah Have Mercy on him); See: Qadi Iyad, **Arranging Perceptions and Approximating Paths to Know the Scholars of Malik's Doctrine**, edited by: Ahmad Bakir Mahmud, Life Library Publications- Beirut, and House of Library of Thought- Tripoli, Libya, 1387 AH/1967 CE, Vol. 01, p. 102 Et Seq. Ibn Abd Al-Barr: **Selection of the Virtues of the Three Imams and Jurists**, edited by: Abd Al-Fattah Abu Ghudda, Dar Al-Basha'ir Al-Islamiyya, Beirut, Lebanon, 1st edition, 1417 AH/1997 CE, p. 36 Et Seq. Ibn Farhun Al-Maliki: **The Gilded Preamble on Knowing the Most Prominent Scholars of the Doctrine**, study and verification by: Ma'mun ibn Muhyi Al-Din Al-Jannan, Scientific Book House, Beirut, Lebanon, 1417 AH/1996 CE, p. 56 Et Seq. Malik ibn Anas: **Al-Muwatta' (Narration of Yahya ibn Yahya Al-Laythi)**, Dar Ibn Al-Jawzi, 1st edition, Cairo, Egypt, 1432 AH/2011 CE, pp. 07-22. Muhammad ibn Muhammad Makhlouf: **The Pure Tree of Light in the Layers of the Malikis**, Arab Book House, Beirut, Lebanon, Undated Edition, p. 52 Et Seq.

Preference, the Saying of the Companion, the Law of those before us, Presumption of Continuity, Unrestricted Interests, Blocking the Pretexts, Custom, Induction, Taking the Most Cautious Approach, and Taking into Account the Difference of Opinion. There are Branches that may Branch Out from these General Origins. Therefore; the Maliki Doctrine is Considered One of the Richest Doctrines that Provided Scholars with the Means of Independent Reasoning and the Tools of Deduction. The Maliki Doctrine is also Distinguished by the Fact that its Principles Combined Established Transmission with Sound Opinion derived from Islamic Sharia Law. This Duality between Reason and Transmission, Tradition and Reasoning—that is, not remaining Solely on Transmission or being Led Astray by Reason—is the Characteristic that Distinguished the Maliki Doctrine from the School of Hadith Scholars and the School of Opinion Scholars. It is the Secret of its Moderation and Spread, as the “Professor/Al-Tawil” mentioned, and it is the Secret of its Appeal to Many, including the People of Andalusia.<sup>3</sup>

### **Thirdly: Clarification before Addressing the Maliki Doctrine in Andalusia:**

At the time of its Conquest, Andalusia was Far removed from the Ideologies and Doctrines that Originated in the East and whose Influence had Spread to North Africa, particularly the Kharijite and Shiite Sects. The Primary Concern of the Conquerors and Governors of Andalusia were the Military Defense of the Peninsula and Expansion Northward into the Territory of the Northern Christians. They also Focused on Educating the Muslims Entering Andalusia, as well as the Spaniards who had Converted, about the Tolerance of Islam, teaching them to Read the Holy Qur'an, understand Religious Obligations, and Learn the Fundamentals of the Arabic Language. As for its Religious Doctrine; Andalusia Initially Adhered to the General Doctrine of the Muslim Community, namely the Sunni Doctrine Creed (The Belief of Ahlus Sunnah wal Jama'ah), as they Constituted the Vast Majority. They were the Ones who Pledged Allegiance to all Rulers and Adhered to the Community, expressing their Approval of all Four Rightly Guided

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<sup>3</sup>- For Further Information on the Life of Imam Malik (may Allah Have Mercy on him) and His Doctrine; See: Qadi Iyad, Vol. 01, p. 102 Et Seq. ibn Abd Al-Barr, Selection, p. 36 Et Seq. Ibn Farhun, the Preamble, p. 56 Et Seq. Malik ibn Anas, Al-Muwatta', pp. 07-22. Ibn Makhluf, Tree of Light, p. 52 Et Seq. Abdul Hamid Al-Jayyash, **Introduction to Islamic Jurisprudence**, Arab Renaissance House, Beirut, Lebanon, Al-Zahra' Library for Publishing and Distribution, Libya, 1430 AH/2009 CE, pp. 63-64. Ibn Hanifa Al-Abidin, **How We Serve the Maliki Jurisprudence**, Dar Al-Imam Malik, 2nd ed., Algeria, 1434 AH/2013 CE, p. 214 Et Seq. Muhammad Al-Tawil: **Characteristics of the Maliki Doctrine**, The Hassanian Lessons in the Maghreb, Thursday, 07 Ramadan 1425 AH / 21 October 2004 CE, pp. 04-05.

Caliphs and Acknowledging their Superiority Over Other Companions. Politically; They accepted the Rule of those who Succeeded them, including the Umayyads, Abbasids, and those who Came after them. They also expressed their Approval and Mercy upon all the Companions of the Prophet Muhammad (Peace and Blessings Be Upon Him), His Family, Wives, and Relatives, and they all turned to them for Religious Knowledge. The Holy Qur'an, Prophetic Hadith and Biography, until among them appeared Reciters, Jurists and Hadith Scholars from among the Senior Followers, and among the Most Famous of them were the Students of Ibn Abbas in Mecca, and Ibn Masoud in Kufa, in addition to the Students of all the Scholars of the Companions who Spread in Mecca, Medina, Kufa, Basra, the Levant and Egypt, from whom appeared the Seven Jurists of Medina, and the First Compilers of Hadith, until the Era reached the Senior Imams of Jurisprudence Fiqh<sup>4</sup> and Prophetic Hadith,<sup>5</sup> including Imam Al-Awza'i, and Imam Malik bin Anas, who Gained Status in Andalusia. Qadi Iyad "Judge Iyad" mentioned in His Book "Madarik—Perceptions" regarding the Maliki Doctrine in Andalusia: "As for the People of Andalusia; Their Opinion since it was Conquered was Based on the Opinion of Al-Awza'i Until Ziyad bin Abdul Rahman, Qar'us bin Al-Abbas, Al-Ghazi bin Qays, and those after them traveled to Imam Malik. They brought His Knowledge and Explained to the People His Virtue and the Nation's Following of Him. So, His Right was Known and His Doctrine was Studied, until Prince Hisham bin Abdul Rahman (172-180 AH) made all the People Adhere to the

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<sup>4</sup>- **Definition of Fiqh: Linguistically:** Fiqh means Understanding. **In Islamic Legal Terminology:** It is the Knowledge of Practical legal Rulings Derived from their Detailed Evidence. For Further Elaboration on the **Linguistic and Technical Definitions**; See: Muhammad ibn Abi Bakr Al-Razi, **Mukhtar Al-Sihah**, edited, annotated, and commented on by: Mustafa Dib Al-Bugha, Dar Al-Huda, 4th edition, Ain M'lila, Algeria, 1990 CE, p. 325. Ibn Manzur, **Lisan Al-Arab**, edited, annotated, and indexed by: Ali Bishri, Arab History Foundation and Arab Heritage Revival House, 2nd edition, Beirut, Lebanon, 1412 AH/1992 CE, Vol. 10, pp. 305-306. Abd Al-Mannan Al-Rasikh, **Dictionary of Islamic Jurisprudence Terms**, Dar Ibn Hazm, 1st edition, Beirut, Lebanon, 1424 AH/2003 CE, p. 104. Qahtan Abdul Rahman Al-Douri, **Jurisprudential Research**, **Journal of the Prince Abdul Qadir Islamic University**, Issue: 05, Ramadan 1414 AH/March 1994 CE, p. 169. Muhammad Mahdah, **A Summary of the Science of Islamic Jurisprudence Principles**, Al-Shihab Company, 4th Edition, Algeria, 1990 CE, pp. 08-09.

<sup>5</sup>- The Majority of Sunnis did not Delve into the Disputes that Occurred among the Companions, nor did They Declare Any of them to be Disbelievers. They Considered them to be Mujtahids (those who Exercise Independent Judgment in Islamic Law), and a Mujtahid is Rewarded. If He is Correct; He receives Two Rewards; If He is Mistaken; He receives One. Their Motto is: "Just as Allah Has Cleansed Our Swords of their Blood; We ask Allah to Cleanse Our Tongues from Speaking ill of them". For Further Reading; See: Sa'd Rustum, **The Islamic Sects and Doctrines**, Al-Awa'il Publishing, Distribution, and Printing Services, Damascus, Syria, 2004 CE, pp. 73-83. For More Information on the Categories and Beliefs of Ahlus Sunnah wal Jama'ah (the People of the Sunnah and the Community); See: 'Abdul Qahir Al-Baghdadi, **The Difference Between the Sects**, edited and annotated by: Ibrahim Ramadan, Knowledge House, 2nd edition, Beirut, Lebanon, 1417 AH/1997 CE, p. 276 Et Seq. Mustafa Al-Shak'a: **Islamic Studies in Creed and Thought**, Lebanese Book House, Beirut, Egyptian Book House, 2nd Edition, Cairo, 1403 AH/1983 CE, p. 94 Et Seq.

Doctrine of Imam Malik, and made the Judiciary and the Fatwa Based on it, so the People Adhered to this Doctrine from that Day".<sup>6</sup>

The Maliki Doctrine Prevailed in Many Parts of the Islamic World. It Existed in Iraq (the Iraqi School), in Egypt Land (the Egyptian School),<sup>7</sup> and in North Africa and Andalusia (the Andalusian and Maghrebi Schools), where it was Most Prevalent. Imam Malik Held His Students from North Africa and Andalusia in High Esteem. Biographical Dictionaries "Books of Classes" Provide Numerous Examples of this, some of which We will Discuss in this Article.

The Maliki Doctrine Entered Andalusia, just as it had Entered the Islamic Maghreb.<sup>8</sup> The Islamic West became Predominantly Maliki in its Doctrine, and its Students Disseminated its Legal and Theological Views, becoming Standard-Bearers of the Prophetic Sunnah in Defending the Faith and the Doctrinal Unity of Andalusia, until the Doctrine of Imam Al-Awza'i<sup>9</sup> Began to Decline. For Your Information; The Maliki Doctrine Expanded Until It Reached Three Continents, and its Founder was still alive,<sup>10</sup> that is, it

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<sup>6</sup>- Qadi Iyad: **Arranging Perceptions and Approximating Paths to Know the Scholars of Malik's Doctrine**, Undated Edition, Ministry of Endowments and Islamic Affairs, Rabat, 1965 CE, 1/26-27.

<sup>7</sup>- Sources Differ on Who First Introduced the Maliki Doctrine to Egypt. Some point to Abdul Rahman ibn Al-Qasim, about whom Malik Said: "Ibn Al-Qasim is A Jurist". Others; Point to Othman ibn Al-Hakam Al-Judhami, who belonged to the First Generation of Malik's Students. The Author of "The Preamble" Said of Him: "He was the First to Introduce Malik's Knowledge to Egypt". (D. 163 AH). Ibn Farhun, The Preamble, p. 239 ff., [Biography: Othman ibn Al-Hakam, p. 287]. Muhammad Abu Zahra, **Malik: His Life, Times, Opinions, and Jurisprudence**, Anglo-Egyptian Library, Al-'Itimad Press, Cairo, Egypt, Undated Edition, p. 425. Mustafa Al-Harous, "The Rise of the Maliki School in Andalusia", **Symposium on Maliki Heritage in the Islamic West, Publications of the Faculty of Arts and Humanities**, Hassan II University, Al-Ma'arif Al-Jadida Press, Rabat, 1998 CE, p. 207.

<sup>8</sup>- Ali ibn Ziyad is Considered the First to Introduce Malik's Muwatta to North Africa, specifically to the Maghreb. See: Iyad, The Perceptions, 1/186 ff. Al-Harous, Op. Cit., p. 207.

<sup>9</sup>- **Imam Al-Awza'i**: He was Imam Abu Amr Abdul Rahman ibn Amr ibn Yahmad Al-Awza'i. He lived in Damascus and then moved to Beirut, where he remained Until His Death. He was an Imam in Jurisprudence and Hadith, and He narrated Hadith from Ata ibn Abi Rabah (D. 115 AH/733 CE), as well as Al-Zuhri and their Contemporaries. Al-Awza'i was asked about Jurisprudence when He was Thirteen Years Old, and Great Scholars, such as: (Sufyan Al-Thawri, Abdullah ibn Al-Mubarak and Others whom learned from Him). Al-Awza'i met with Imam Malik in the Mosque of Medina, and They would Study Jurisprudence and Hadith from Noon Prayer Until Sunset Prayer. Imam Malik Said of Him: "Al-Awza'i is An Imam to be Followed". Imam Al-Awza'i answered Seventy Thousand Issues due to His Vast Knowledge. He was An Opponent of Relying on Personal Opinion and An Advocate of Relying on Hadith, to the Point that Abdul Rahman ibn Mahdi Said of Him: "There was No One in Syria More Knowledgeable about the Sunnah than Al-Awza'i". Although the Judiciary and Legal Opinions in the Levant were Based on His Doctrine; He refused the Position of Judge. His Doctrine remained Prevalent in the Levant Until the Fourth Century AH, when the Shafi'i Doctrine Expanded at its Expense. He Passed Away in Beirut in (157 AH/774 CE). For Further Information on His Life; See: Ibn Sa'd, **Al-Tabaqat Al-Kubra (The Grand Layers)**, Dar Beirut for Printing and Publishing, Beirut, 1405 AH/1985 CE, Vol. 07, p. 488. Ahmad Abdul Mun'im Al-Bahi, **Al-Awza'i: The Jurist of the Levant and Andalusia and Their Imam**, **Al-Arabi Magazine**, No. 107, Year: 27, Jumada II 1387 AH/October 1967 CE, Kuwait, p. 37. Ibrahim Al-Tuhami, **The Efforts of the Maghrebi Scholars in Defending the Creed of the People of the Sunnah**, Al-Risalah Publishers, Damascus, 1st ed., Syria, 1426 AH/2005 CE, pp. 39-40.

<sup>10</sup>- Omar Al-Jidi, **Lectures on the History of the Maliki Doctrine in the Islamic West**, Al-Najah Al-Jadeeda Press, Casablanca, 1987 CE, p. 29.

reached the Continent of Africa (Egypt and the Maghreb), the Continent of Asia (Medina, Iraq), and the Continent of Europe (Andalusia).

## **Fourthly: The Entry of the Maliki Doctrine to Andalusia:**

The Maliki Doctrine reached Andalusia Early on, during the Lifetime of Imam Malik ibn Anas. However; the Scholars<sup>11</sup> Differ on who was the First Jurist to Introduce the Doctrine to Andalusia, and who was the First to Bring Imam Malik's *Muwatta*<sup>12</sup> to the Region. This Difference Stems from the Ambiguity Found in the Sources, as We will Explain. At the same time; They Agree that the Andalusians themselves Introduced it to their Land, not through Foreigners. Al-Nasiri Clarified this View, stating: "It is Well-Known that the Maliki Doctrine first appeared in Andalusia, and then Spread from there to the Maghreb during the Idrisid Dynasty".<sup>13</sup> Therefore; Its Presence in Andalusia Predates its Arrival in the Maghreb at Least.

Some Considered "Al-Ghazi ibn Qays" to be the First to Introduce the Doctrine to Andalusia, while Others attributed it to "Ziyad ibn Abdul Rahman (Shabtun)", and A Few

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<sup>11</sup>- Among them are: the Orientalist González Ángel Palencia, Omar Al-Jidi, Mustafa Al-Harous, and Others. All of them have Research on the Maliki Doctrine in Andalusia, and their Studies are Serious, as We will mention them in Places in this Article.

<sup>12</sup>- *Al-Muwatta*: The First Book Compiled on Hadith, revised by the Imam over Forty Years. Qadi Iyad, in His Book "Madarik", Quotes Him as Saying: "After the Book of Allah, there is No Book More Beneficial to People than *Al-Muwatta*", and also: "I do not know of any Islamic Knowledge after the Qur'an More Authentic than Malik's *Al-Muwatta*". The Caliph Abu Ja'far Al-Mansour, rather than His Son Al-Mahdi, played A Role in Encouraging its Compilation. Among the Narrations is that He Said to Imam Malik: "Compile A Book for the People that I Can Guide them to". He also said: "Compile it, for No One Today is More Knowledgeable than You". So; Imam Malik Compiled *Al-Muwatta*, but the Caliph Died before its Completion. In Another Narration; He Said to Imam Malik: "O Servant of Allah; Compile this Knowledge, write A Book, and avoid in it the Strict Opinions of ibn Omar (may Allah Be Pleased with them both), the Lenient Opinions of Abdullah ibn Abbas (may Allah Be Pleased with them both), and the Anomalous Opinions of ibn Mas'ud (may Allah Be Pleased with him). Instead; Aim for the Middle Ground and what the Companions and Imams Unanimously Agreed Upon". These Narrations are Available in Various Books. The Caliph wanted to Impose it on the Entire Muslim Community, but Imam Malik refused, arguing that the Companions of the Prophet (Peace and Blessings Be Upon Him) had Dispersed throughout the Lands and Held Differing Opinions that Could Lead to Discord or Similar Problems. As Ibn Farhun reported; Imam Malik's *Muwatta* Contained Approximately Ten Thousand Hadiths, which He reviewed Annually Until it reached its Final Form. Imam Malik spent Forty Years Compiling His *Muwatta*, and while His Contemporaries wrote Several *Muwattas*; None Survived because they were Not Written with the Intention of Pleasing Allah, as Malik himself stated. For Further Details; See: Ibn Farhun, the Preamble, p. 72 ff. Qadi Iyad, **Arranging Perceptions and Approximating Paths to Know the Scholars of Malik's Doctrine**, edited and corrected by: Muhammad Salim Hashim, Scientific Book House, Beirut, Lebanon, Vol. 01, p. 100 ff. Malik ibn Anas: *Al-Muwatta*, edited by: Muhammad Mustafa Al-Azami, Zayed bin Sultan Al Nahyan Charitable Foundation, Abu Dhabi, United Arab Emirates, 1425 AH/2004 CE, Vol. 01, p. 72 ff.

<sup>13</sup>- Abu Al-Abbas Shihab Al-Din Ahmad Al-Nasiri, **Investigating the News of the Maghreb Countries**, Scientific Book House, 1st edition, Beirut, Lebanon, 1428 AH/2007 CE, 1/113.

Considered "Yahya ibn Yahya Al-Laythi" to be the One who Introduced it. Below; We Present Some of the Opinions Documented in the Sources:

**1) The First Opinion (that of Al-Ghazi ibn Qays); Abu Muhammad Al-Qurtubi (D. 199 AH/814 CE):**

Some believe that Al-Ghazi ibn Qays was the First to Introduce the Maliki Doctrine to Andalusia. Ibn Al-Qutbiyya, in his history, mentions: "During the Reign of Abdul Rahman ibn Mu'awiya; Al-Ghazi ibn Qays Entered Andalusia with the Muwatta' of Malik ibn Anas and the Recitation of Nafi'". Ibn Al-Faradi, in his history, mentions: "He traveled during the Early Days of Abdul Rahman ibn Mu'awiya and heard the Muwatta' from Malik ibn Anas...". Similarly, Qadi Iyad "Judge Iyad", in his Madarik, wrote: "He traveled long ago and heard the Muwatta' from Malik... He was the First to Introduce Malik's Muwatta' and the Recitation of Nafi' to Andalusia". Al-Zubaydi also held this view.<sup>14</sup> It was also said; Al-Ghazi ibn Qays had memorized the Muwatta by Heart. Some Students Used to Test Him by Rearranging the Order of Certain Chapters, and He would Correct them Until He Discovered they were doing so Deliberately to Demonstrate His Memorization; He then Forbade them from doing so. Al-Ghazi also Introduced the Recitation of Nafi' Al-Madani, having studied the Qur'an with Nafi' ibn Abi Nu'aym,<sup>15</sup> A Scholar who narrated Many Hadiths. It was said of him: "He was Intelligent and Noble, narrated Many Hadiths, was Well-Versed in Legal Matters, A Leading Authority on Qur'anic Sciences, devoted to Reciting the Qur'an at Night, and Prayed Frequently".<sup>16</sup> In Fact; Al-Ghazi ibn Qays is Most Likely the First to Introduce the Maliki Doctrine to Andalusia.

**2) The Second Opinion (that of Ziyad ibn Abdul Rahman); Abu Abdullah Shabtun Al-Qurtubi (D. 199 AH):**

Qadi Iyad "Judge Iyad" Stated that Ziyad Introduced the Muwatta' in a Complete, Perfected, and Well-Prepared form through Oral Transmission. Al-Sallawi Indicated to this by Saying: "Its Appearance in Andalusia was at the Hands of the Jurist Ziyad

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<sup>14</sup>- For Further reading, see: Ibn Al-Qutbiyya, *History of the Conquest of Andalusia*, p. 58. Abū Al-Walīd ibn Al-Farḍī: *History of the Scholars of Andalusia*, revised by: Yakhlef Shalha, Studio Al-Tarqīya, Blida, Algeria, 2011 CE, p. 308. Iyad, Arranging Perceptions, 1/199. Abu Bakr Muḥammad ibn Al-Hassan Al-Zubaydi, *Layers of Grammarians and Linguists*, edited by: Muḥammad Abū Al-Fadl Ibrāhīm, Dar Al-Ma‘arif, Egypt, 1973 CE, pp. 254-256.

<sup>15</sup>- Iyad, Arranging Perceptions, 1/199-200. Ibn Farhun, the Preamble, p. 314. Ibn Al-Faradi, History of the Scholars of Andalusia, pp. 308-309.

<sup>16</sup>- Qadi Iyad, Arranging Perceptions, Vol. 01, pp. 199-200, pp. 348-349. Ibn Farhun, the Preamble, p. 314. Ibn Makhlof, Tree of Light, 1/63. Ibn Al-Faradi, Op. Cit., p. 309. Abu Bakr Al-Zubaydi, *Layers of Grammarians and Linguists*, pp. 254-256.

ibn Abdul Rahman, known as Shabtun, and He was the First to Introduce it to Andalusia...A Group of People from Andalusia and the Maghreb traveled to Him, and among the Best and First of them were Shabtun and Qar'us ibn Al-Abbas...".<sup>17</sup> Ziyad ibn Abdul Rahman was A Descendant of Huyayy ibn Akhtab, or, according to Another Account, A Descendant of Hatib ibn Abi Balta'ah. He traveled to the East in the Second Year of Hisham ibn Abdul Rahman's Reign. Ziyad is Considered the First to Introduce the *Muwatta'* to Andalusia, having Learned it through Direct Transmission. He was also the One who advised Yahya ibn Yahya Al-Laythi to Seek Out Imam Malik. Yahya ibn Yahya Said of Him: "Ziyad was the First to Introduce to Andalusia the Science of the Prophetic Sunnah, the Matters of Halal and Haram (Issues of What is Permissible and Forbidden in Islam), and Various Aspects of Jurisprudence and Rulings". The Andalusians Called Ziyad the Jurist of Andalusia. Qadi Iyad; Quoting Al-Shirazi, stated that the People of Medina Called Ziyad the Jurist of Andalusia. The Author of *Shajarat Al-Nur Al-Zakiyya* (The Book of the Blessed Tree of Light) Described Him as A Versatile Scholar who Combined Asceticism and Piety, and as the First to Introduce the *Muwatta'* to Andalusia, having Studied it through Oral Transmission. It is said that Prince Hisham wanted to Appoint Ziyad as A Judge, but Ziyad Fled. When Prince Hisham's Ministers Offered Him the Position, Ziyad Said: "If You Force Me; My Wife is Divorced Three Times". Prince Hisham replied: "I Wish Everyone were Like Ziyad, so I Could Satisfy those who Crave Worldly Things". He then Granted Him Safe Passage, and Ziyad returned to Cordoba. Prince Hisham Held Ziyad in High Regard, Honoring Him, Giving Him a Share of the Spoils, and Meeting with Him Privately to Consult on Matters of Religious Practice. He would Accept Ziyad's Advice and Show Him Great Kindness. There is Disagreement regarding the Date of His Death, between: Between: [(193 AH) — (199 AH) — (204 AH)].<sup>18</sup>

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<sup>17</sup>- Qadi Iyad, Arranging Perceptions, Vol. 01, pp. 349-353. Al-Nasiri, Investigating, Vol. 01, p. 113. For Further Information; See: Abu Abdullah Muhammad ibn Harith Al-Khushani Al-Qarawi, **Judges of Cordoba**, edited by: Ibrahim Al-Ibyari, Egyptian Book House, Cairo, Lebanese Book House, 2nd edition, Beirut, Lebanon, 1410 AH/1989 CE, p. 28. Ibn Al-Faradi, History of the Scholars of Andalusia, pp. 145-146.

<sup>18</sup>- For Further Expansion and to Learn More about Ziyad's Merits; See: Al-Khushani, Judges of Cordoba, edited by: Ibrahim Al-Ibyari, Egyptian Book House, Cairo, Lebanese Book House, 2nd edition, Beirut, Lebanon, 1410 AH/1989 CE, p. 28. Ibn Farhun, the Preamble, pp. 193-194. Qadi Iyad, Arranging Perceptions, pp. 200-201. Ibn Al-Faradi, Op. Cit., pp. 131-132. Muhammad ibn Muhammad ibn Makhlu, **The Pure Tree of Light in the Layers of the Malikis**, Salafi Press, Cairo, 1349 AH, Vol. 01, p. 63. Muhammad ibn Muhammad ibn Makhlu, **The Pure Tree of Light in the Layers of the Malikis**, edited and annotated by: Abdul Majeed Khayali, Scientific Book House, Beirut, Lebanon, 1424 AH/2003 CE, Vol. 01, p. 94.

Prince Hisham ibn Abdul Rahman Said of Him: "O Allah; Help me to Obey You through Such this Man", when the prince went to Ziyad's House at Night and Offered Him a Large Sum of Money to Distribute as Charity to whomever He Deemed Worthy. Ziyad refused the Prince's Offer Out of Asceticism and Fear.<sup>19</sup> It was through Such Scholars that the Maliki Doctrine was able to Take Root in Andalusia, gaining Acceptance among the Common People, and the Princes Submitted to its Proponents.

### **3) The Third Opinion (Held by Yahya ibn Yahya Al-Laythi); Abu Muhammad Al-Qurtubi (D. 234 AH/819 CE):**

This Opinion is Considered Weak, and its Proponent Argues that Yahya ibn Yahya had A Narration of the Muwatta—which We have Used in this Article—and that He Introduced it as A Supplementary and Enriched Version through Oral Transmission.<sup>20</sup> Al-Maqqari Stated that the Maliki Doctrine Entered Andalusia during the Reign of Al-Hakam ibn Hisham, and that Legal Rulings (Fatwas) Shifted to Malik's Opinion in Cordoba and throughout Andalusia.<sup>21</sup> This is because, during Al-Hakam's Reign; He Issued an Order that Legal Rulings and Judgments Should be Based on the Opinion of Malik ibn Anas, and Yahya ibn Yahya Held Considerable Influence with Al-Hakam. In Fact; The Maliki Doctrine Spread during the Reign of Prince Hisham ibn Abdul Rahman Al-Dakhil, not during the Reign of His Son Al-Hakam, especially Since Hisham brought Maliki Scholars Close to Him, such as Ziyad ibn Abdul Rahman, seeking A Legal Basis to Permit them to Establish a Princedom while the Legitimate Sunni Abbasid Caliphate Existed in Iraq. Furthermore; Yahya ibn Yahya Al-Andalusi is Not the Same Yahya ibn Yahya from whom Imam Al-Bukhari and Muslim Narrated; That Latter was Yahya ibn Yahya ibn Bakr Al-Hanzali Al-Tamimi.<sup>22</sup> Yahya ibn Yahya Heard Malik's Muwatta' from Ziyad ibn Abdul Rahman, as well as from Yahya ibn Mudar. Qadi Iyad, the Judge, mentioned that Yahya Used to Attend Ziyad's Gatherings and Listen to His Speeches. Ziyad was Impressed by Him and One Day Drew Him Close, saying: "My Son...If You are Determined to Learn, then Cut Your Hair and Improve Your Appearance". Yahya did so, and Ziyad was

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<sup>19</sup>- Op. Cit., 1/202.

<sup>20</sup>- Anonymous, History of Andalusia, edited by: Boubaya, p. 176.

<sup>21</sup>- Al-Maqqari, The Fragrant Scent, 4/202.

<sup>22</sup>- Muhammad ibn Al-Hassan Al-Hajawi Al-Tha'alibi: **The Sublime Thought in the History of Islamic Jurisprudence**, Press of the Department of Knowledge in Rabat, 1340 AH / and it was Completed by the Municipal Press in Fez, 1345 AH, 3/98.

Pleased. He Diligently taught Him Until He became One of His Best Students.<sup>23</sup> Then Ziyad Encouraged Yahya ibn Yahya to Seek Knowledge and Travel to its Sources and Scholars. So, at the Age of Twenty-Eight; He traveled to the Orient and Studied Under Malik ibn Anas in the Year that Malik Died. He returned to Medina on A Second Voyage to Study Under Malik and Ask Him Questions, but He Found Malik ill. So; He Chose to Remain in Medina Until Malik Passed Away and Attended His Funeral.<sup>24</sup> Imam Malik (may Allah Have Mercy on him) Called Yahya the Wisest Man of Andalusia. Yahya Differed with Malik on the Issue of Omitting the Supplication (Qunut), following the Opinion of Al-Layth ibn Sa'd, as well as on Other Issues.<sup>25</sup> Yahya arrived in Andalusia with Vast Knowledge, and the Responsibility for Issuing Legal Opinions (Fatwas) Shifted to Him after Issa ibn Dinar. Both the Sultan and the Common People Deferred to His Opinion. However; He Lacked Expertise in Prophetic Hadith, though He resembled Malik in His Demeanor and Imposing Presence. It was Even Said of Him that No Scholar in Andalusia since the Arrival of Islam had been Granted the Favor, High Standing, and Esteemed Reputation that Yahya ibn Yahya Enjoyed.<sup>26</sup> The Maliki Jurist Muhammad ibn Lubaba Said of Him: "The Jurist of Andalusia is Issa ibn Dinar, its Scholar is Abdul Malik ibn Habib, and its Narrator is Yahya ibn Yahya Al-Laythi".<sup>27</sup>

Due to Yahya ibn Yahya's Efforts in Spreading and Consolidating the Maliki Doctrine; A Large Number of Jurists Narrated from Him, too Many to Mention Here in this Article. The Jurist Yahya Participated with the Jurists who Revolted against the Prince Al-Hakam ibn Hisham when the Latter Marginalized Maliki Scholars and Engaged in Practices that Displeased them. Yahya then Fled to Toledo, seeking Refuge with the Jurist Sa'id ibn 'Abdus. After being Granted Safe Passage; He returned to Cordoba.<sup>28</sup> The Maliki Doctrine then became Stronger during the Reign

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<sup>23</sup>- Ibn Al-Faradi, History of the Scholars of Andalusia, p. 431. Qadi Iyad, Arranging Perceptions, 1/310.

<sup>24</sup>- Qadi Iyad, Arranging Perceptions, 1/310. Ibn Al-Faradi, History of the Scholars of Andalusia, p. 431. Ibn Abd Al-Barr, Selection, p. 106.

<sup>25</sup>- Ibn Al-Faradi, History of the Scholars of Andalusia, p. 431. Ibn Abd Al-Barr, Selection, pp. 105-109. Abu Abd Allah Muhammad ibn Harith Al-Khushani Al-Qarawi, **News of Jurists and Hadith Scholars**, pp. 348-367. Issam Al-Din Shabaru, **Andalusia from the Arab Conquest to the Lost Paradise**, Arab Renaissance House, Beirut, Lebanon, 1423 AH/2002 CE, p. 142.

<sup>26</sup>- Ibn Abd Al-Barr, Selection, pp. 106-109. Ibn Al-Faradi, History of the Scholars of Andalusia, p. 431.

<sup>27</sup>- Al-Fath Ibn Khagan, **The Aspirations of Souls and the Stage for Sociability in the Salt of the People of Andalusia**, Study and Verification: Muhammad Ali Shawabkeh, Dar Ammar, Al-Risalah Foundation, 1st Edition, Beirut, Lebanon, 1403 AH/1983 CE, pp. 234-235. Ibn Al-Faradi, History of the Scholars of Andalusia, p. 432.

<sup>28</sup>- Ibn Al-Faradi, History of the Scholars of Andalusia, p. 432.

of Prince Al-Hakam ibn Hisham. Yahya Died in Jumada Al-Akhirah in the Year (234 AH), at the Age of Eighty-Two.

**From All of the Above;** We arrive at the Conclusion that **Al-Ghazi ibn Qays** was the First to Introduce the Muwatta' to Andalusia, during the Reign of Prince Abdul Rahman ibn Mu'awiya, at a time when the Jurist Ziyad had not yet left Andalusia. However; It was **Ziyad ibn Abdul Rahman** who Introduced the Muwatta' in its Revised and Complete form, along with the Jurisprudence Fiqh of Imam Malik, after He traveled to the Orient during the Reign of Prince Hisham.<sup>29</sup> As for **Yahya ibn Yahya**; He transmitted A Narration of the Muwatta' and was Considered One of Imam Malik's Students. During his time; Maliki Jurisprudence Fiqh Prevailed over all Other Doctrines.

## **Fifthly: Factors Contributing to the Spread of the Maliki Doctrine in Andalusia:**

Several Political, Religious, and Social Factors Contributed to the Spread of the Maliki Doctrine in Andalusia, particularly during the Reign of Prince Hisham, and in the Umayyad Era in General; And We will attempt to Summarize the Causes as Follows:

- 1) The Voyage of the People of the Maghreb and Andalusia were Mostly to the Land of Hijaz, in order to Perform the Hajj Pilgrimage and Umrah Rituals. In this Regard; Ibn Khaldun Said: "As for Malik (may Allah Almighty Have Mercy on him); His Doctrine was Exclusive to the People of the Maghreb and Andalusia...Because their Voyage was Mostly to the Hijaz, which was the End of their Voyage, and Medina was the Center of Knowledge at that time, and from there They went to Iraq, and Iraq was not on their Route, so They refrained from Learning from the Scholars of Medina, and their Sheikh and Imam at that time was Malik".<sup>30</sup> Dr. Boutchich Paused at the Environmental and Cultural Interpretation, and Considered that the Phenomenon of the Andalusians not Traveling to Iraq was not Limited to the Maghreb and Andalusia Only; But also to Some Other Islamic Countries, and there

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<sup>29</sup>- Moulay Al-Hussain bin Al-Hassan Al-Hayyan, **Cordoba and the Maliki Doctrine**, Symposium on the Maliki Heritage in the Islamic West, Seminar Series of the Faculty of Arts and Humanities, Hassan II University, Ain Chock, Al-Maarif Al-Jadida Press, Rabat, Morocco, 1998 CE, p. 111.

<sup>30</sup>- Ibn Khaldun, **The History of ibn Khaldun**, Vol. 01, p. 568.

was not the Same Result,<sup>31</sup> i.e. They Entered Medina but their Doctrine was not the Doctrine of the People of Medina, but Ibn Khaldun's Statement is Closer, because Egypt and the Hijaz were their Destinations Most Often, rather than others.

2) The Nature of the People of Andalusia and the Maghreb is More Inclined towards the Nature of the People of the Hijaz in their **Bedouin Ways**, as Ibn Khaldun mentions, unlike the People of Iraq. He Means Here the Bedouin Nature of the Mentality and its Simplicity, devoid of Mental Complexity, and not the Similarity of Nature and Climate, as He Says: "Bedouin Life was Dominant among the People of the Maghreb and Andalusia, and They did not Suffer from the Civilization of the People of Iraq, so; They were More Inclined towards the People of the Hijaz in terms of the Suitability of Bedouin life. Therefore; The Maliki Doctrine remained Fresh among them, and it was not Subjected to the Refinement and Polishing of Civilization as Happened with Other Doctrines".<sup>32</sup> While Ibn Khaldun's Statement Has Opened Him Up to Criticism from Many Scholars, on the One Hand, the Green, Water-Rich, and Pleasant Climate of Andalusia Differs from the Hot, Desert Climate of the Hejaz. On the Other Hand; The Inhabitants of Medina during this Period were no longer Nomadic; They had become Urbanized during the Umayyad Era due to the Caliphs' Interest in the Cities of the Hejaz Region. Furthermore; Many Iraqi Influences, and Even More so Andalusian Ones, subsequently Entered Medina. Some believe that the Similarity of Environments in Ibn Khaldun's Text is Shrouded in Ambiguity. Does He mean the Agricultural Environment of Medina? Or the Commercial Environment of Mecca? Or Other Rural, Tribal Areas of the Hijaz?<sup>33</sup> Dr. Boutchich also Points Out that Ibn Khaldun was the First to Realize that the Maliki Doctrine was More Suitable for the Maghrebi Mentality due to its Ease and Simplicity, and They tend towards Simplicity.<sup>34</sup> Ibn Khaldun's Statement that the

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<sup>31</sup>- Ibrahim Al-Qadiri Butshish, "The Awakening of the Maliki Doctrine in the Islamic West during the Fifth Century AH: An Attempt at Interpretation", From the Book: [Missing Links in the History of Civilization in the Islamic West], Dar Al-Tali'ah for Printing and Publishing, Beirut, Lebanon, 2006 CE, p. 90 ff.

<sup>32</sup>- Ibn Khaldun: The History of ibn Khaldun, Vol. 01, p. 568.

<sup>33</sup>- Ibrahim Al-Qadiri Butshish, Missing Links in the History of Civilization in the Islamic West, Dar Al-Tali'ah for Printing and Publishing, Beirut, Lebanon, June 2006 CE, p. 91. Sheikh Abu Zahra Discussed this Issue and Refuted Ibn Khaldun's Statement on the Matter of Bedouin Life; He Even went so Far as to Say: "The Leading Historian Has Wronged His Berber People and the Doctrine of the Imam of Medina; May Allah Forgive Him, and Reward Him Well for His Knowledge". Muhammad Abu Zahra, Malik: His Life, Times, Opinions, and Jurisprudence, Anglo-Egyptian Library, Al-I'timad Press, Cairo, Egypt, Undated Edition, pp. 399-401.

<sup>34</sup>- Ibrahim Al-Qadiri Boutchich: **The Emergence of the Maliki School in the Maghreb and Andalusia**, [The Article is on the Internet without a Source of information, and Dr. Boutchich mentioned it to Me Personally (Meaning to the Researcher/ Abdeldjalil Mellakh) in a Meeting with Him in Meknes, Morocco], p. 03.

Two Environments (Hijazi and Andalusian) Accept Only Simple Thought without Intellectual or Philosophical Complexity, by Virtue of their Nature, Traditions, and Simple Ideas, and that They were Not Greatly Influenced by the Civilization in Iraq and elsewhere, which was Influenced by Greek Philosophy and Persian Civilization, is Debatable. Given that We Find that the Maliki Doctrine in Andalusia was Revised and Refined, its Principles were Derived and Expanded Upon,<sup>35</sup> meaning that the Andalusians had an Intellectual Aspect that Influenced Maliki Jurisprudence Fiqh, but it Came Centuries Later.

Anyone Who Studies Imam Malik and His Jurisprudence Fiqh; Will Find that He did not Delve into the Intellectual Issues Adopted by the Theologians. For Example; Qadi Iyad mentioned in His Book “Madarik—Perceptions”: “Abu Talib Al-Makki Said: Malik was the Furthest removed from the Doctrines of the Theologians and the Most Averse to the Iraqis, and the Most Committed to the Sunnah of the Early Generations of Companions and Followers”.<sup>36</sup> He then recounted the Story of the Man who asked Imam Malik about the Interpretation of Allah’s “Istiwa’u ‘arshihi” (Establishment Upon His Throne). We Find the Same thing among the Andalusians, who avoided the Gatherings of Theologians. Ibn Al-Faradi and Others mentioned the Story of Khalil Al-Ghafla, who was A Theologian in Andalusia, and what happened to him with the Jurists, such as Baqi ibn Makhlad, who Prevented him from Attending His Gatherings.<sup>37</sup> Therefore; The Intended Environment is Perhaps that of the Intellectual Milieu, untouched by Rational Philosophies, as was the Case in the Hijaz. However; Some have asked; How Can We Apply the Same Interpretation to the Maliki School in Iraq and the Maliki School in Egypt, given that They were the Domains of Earlier Civilizations?

- 3) The Strength and Prestige of the Scholars of the Doctrine Contributed to their High Standing in Society and with the Authorities, and this was also the Case with Imam Malik. His Personality was Characterized by Knowledge and Asceticism, and His Face Exuded an Aura of Dignity. Imam Malik's Student, “Sa'id ibn Abi Hind Al-Andalusi”, nicknamed “The Wise One” by Imam Malik, said: “I Never Felt such Awe for Anyone as I did for Abdul Rahman ibn Mu'awiya Until I Performed the Hajj Pilgrimage and

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<sup>35</sup>- For Further Information on this Issue; See: Muhammad Abu Zahra, *Malik: His Life, Era, Opinions and Jurisprudence*, Anglo-Egyptian Library, Al-I'timad Press, Cairo, Egypt, Undated Edition, p. 398 ff.

<sup>36</sup>- Perhaps He meant by Hating the Iraqis, because They rely more on Analogy than on Hadith. Qadi Iyad, *Arranging Perceptions*, 1/87.

<sup>37</sup>- For Further Information; See: Ibn Al-Faradi, *History of the Scholars of Andalusia*, p. 120. And Others.

Entered Upon Malik. I was So Overcome with Awe that Even the Awe I Felt for Abdul Rahman Paled in Comparison”,<sup>38</sup> referring to Abdul Rahman Al-Dakhil, the Founder of the Umayyad Dynasty. The Andalusians Held A Special Place with Imam Malik, and He Drew them Close, which Only Increased their Prestige.

- 4) Imam Malik Praised Prince Hisham bin Abdul Rahman Al-Umawi in One of His Circles, in the Presence of A Number of His Andalusian Students, when He Said: “We ask Allah to Adorn Our Sanctuary with Your King”, and according to the Narration of the Author of the Collection of News: “I wished that Allah would Adorn Our Season with him”. So; The Students Carried it to Prince Hisham,<sup>39</sup> and that was A Strong Factor in Bringing Prince Hisham Closer to the Students of Imam Malik, and at the same time the Doctrine Found Support from the State as We mentioned earlier.
- 5) The Role of the Sultans in Protecting and Promoting the Maliki Doctrine and its Followers is Exemplified by Prince Hisham's Favoring of Maliki Scholars over Others, particularly Yahya ibn Yahya Al-Laythi, and His attempt to Gain Legitimacy for the Umayyad Principality<sup>40</sup> (Since the Legitimate Abbasid Caliphate was Based in the Orient). As Imam Abu Zahra stated: “The Umayyads Learned of Malik's Praise for their Rule at a time when He was not entirely Comfortable with the Abbasids, so They Encouraged People to Follow His Teachings. Perhaps this was to Gain Favor with the Public, who appreciated Him, or to Curry Favor with them so that He would remember them Favorably, or Continue to do so”.<sup>41</sup> Thus; The Rulers Gravitated towards the Public because Most of them Followed the Maliki Doctrine. Al-Humaidi Commented on this; I Heard the Jurist and Scholar Abu Muhammad Ali ibn Ahmad (Ibn Hazm) Say: “Two Doctrines Spread in their Early Stages through Leadership and Authority: The Doctrine of Abu Hanifa...And the Doctrine of Malik ibn Anas in Our

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<sup>38</sup> - Ibn Al-Faradi, Op. Cit., p. 136. Al-Harous, Op. Cit., p. 215. Sheikh Abu Zahra, in his Biography of Imam Malik; Dedicated a Separate Section to Malik's Awe-Inspiring Presence, stating that the Accounts Agree that Malik was So Imposing that a Man would Enter His Gathering, greet those present, and receive No Response Except a Murmur in A Low Voice, signaling Him to Remain Silent. However; Once He had a Good Look at Malik's Bearing and Demeanor, and Fallen Under the Spell of His Penetrating Gaze, he would Adopt their Mannerisms and Sit with them, as Still and Silent as Any Other. Muhammad Abu Zahra: **The History of Islamic Doctrines in Politics and Beliefs and the History of Doctrines of Jurisprudence**, Arab Thought House, Cairo, Egypt, pp. 406-408.

<sup>39</sup> - Ibn Al-Qūtiyya, Op. Cit., p. 64. Anonymous, News of the (Al-Ibyari) Collection, p. 109.

<sup>40</sup> - Farhat Al-Dashrawi, **The Sectarian Conflict in Andalusia: The Era of the Princedom and the Caliphate**, **Arab Journal of Culture**, Issue: 27, Arab Organization for Culture and Science, March/September 1994 CE, p. 12.

<sup>41</sup> - Muhammad Abu Zahra: **Malik: His Life and Era, His Jurisprudential Opinions**, Al-l'timad Press in Egypt, Anglo-Egyptian Library, Undated Edition, p. 427.

Region (i.e., in Andalusia). Yahya ibn Yahya was Highly regarded by the Sultan, and His Word was Accepted in Judicial Issues. No Judge was appointed in Our Lands Except with His Advice and Selection, and He would only recommend His Companions and those who Followed His Doctrine...”.<sup>42</sup> During the Reign of Al-Hakam ibn Hisham, Legal Opinions, Judicial Rulings, and Other Matters Shifted to the Opinion of Malik ibn Anas, by Order of Al-Hakam, as Some Sources mention.<sup>43</sup> The Historical Examination of ibn Hazm's Statements reveals Exaggeration, as Yahya ibn Yahya, as A Jurist, cannot be Compared to the Other Maliki Judges and Jurists of Andalusia. Furthermore; There were States where the Ruling Authority Adhered to One Doctrine While the General Populace Followed Another, such as the Fatimids and the Kharijite Sects in North Africa, and the Hanafi Aghlabids alongside the Maliki Populace in Kairouan.

Omar Al-Jidi Stated that Ibn Hazm's Statement was Correct, and He Provided Examples of the Ottomans who Forcibly Spread the Hanafi Doctrine and the Saudis who Imposed the Hanbali Doctrine.<sup>44</sup> Al-Jidi Pointed out that Qadi Iyad's Opinion Aligns with that of Al-Hafiz Ibn Hazm, regarding the Spread of Doctrines through the Power and Influence of the Ruler. He Quoted Qadi Iyad as Saying: “After the Death of Al-Abhari and His Senior Followers, and their Subsequent Persecution, and the Transfer of Judicial Authority from them to Others Adhering to the Shafi'i and Hanafi Doctrines, the Maliki Doctrine Weakened in Iraq and its Popularity Waned, as People Followed those in Positions of Power and Prominence”.<sup>45</sup>

Al-Qadi Iyad and Al-Wansharisi also Pointed to the Role of Authority in Spreading the Doctrine, such as Hisham Al-Rida, as Qadi Ayad wrote: “...Until the Prince of Andalusia at that time, Hisham bin Abdul Rahman bin Mu'awiya bin Hisham bin Abdul Malik bin Marwan, took all the People to Adhere to the Doctrine of Malik, and made the Judiciary and Fatwa Based on it, and that was in the Year (170 AH) during the Life of Malik, may Allah Almighty Have Mercy on him...So the People Adhered to this Doctrine, and Protected with the Sword from all Others.”<sup>46</sup>

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<sup>42</sup>- Al-Hamidi, *The Spark of the Quote*, p. 346. Al-Maqqari, *The Fragrant Scent*, 2/230.

<sup>43</sup>- Anonymous: History of Andalusia, edited by: Boubaya, p. 175. Al-Maqqari: *The Fragrant Scent*, 4/202.

<sup>44</sup>- Omar Al-Jidi, Lectures on the History of the Maliki Doctrine in the Islamic West, Al-Najah Al-Jadeeda Press, Casablanca, 1987 CE, footnote p. 35.

<sup>45</sup>- Quoted from Al-Jidi, Lectures, p. 36.

<sup>46</sup>- Qadi Iyad, *Arranging Perceptions*, 1/15, 16. Abu Al-Abbas Ahmad ibn Yahya Al-Wansharisi: *The Standard of Arabization and the Comprehensive Collection of the Maghreb Rulings on the Fatwas of the People of Tunisia, Andalusia, and the Maghreb*, published by the Ministry of Endowments and Islamic Affairs in Morocco, 1401 AH/1981 CE, 12/26.

Al-Wansharisi also wrote regarding Al-Hakam Al-Mustansir ibn Abdul Rahman Al-Nasir that He Said: "Whoever Deviates from the Maliki Doctrine is among those whose Hearts have been Hardened and whose Evil Deeds have been made Appealing to them...Adherence to it is Salvation, Allah Willing".<sup>47</sup> The Jurists Used to Pledge Allegiance to the Rulers Based on the Holy Qur'an, the Sunnah of His Messenger, and the Maliki Doctrine. This was Explicitly Stipulated by the Jurist Abu Ishaq Al-Saba'i.<sup>48</sup> Therefore; The Role of Judges and Advisors Can be Important in the Spread of the Doctrine, through the Appointment of Judges and Jurists to Positions, as the Umayyad Caliphs Ordered the Necessity of Adopting the Maliki Doctrine.<sup>49</sup>

- 6) The Desire for Doctrinal Independence; Since the Hanafi Doctrine was the Official Doctrine of the Abbasid State for a time, Andalusia wanted Independence with A Doctrine that it Found in the Maliki Doctrine.
- 7) Most of those Who Entered Andalusia during the Conquest were from the Hijaz, during the time of Musa ibn Nusayr. This Helped them to Connect with Imam Malik and His Students, especially When Visiting their Families or during Hajj Pilgrimage and Umrah Ritual.
- 8) Imam Malik resided in Medina, the City of the Messenger of Allah (Peace and Blessings Be Upon Him), and Several Prophetic Hadiths have been Narrated Praising It and Its Inhabitants. The Prophet (Peace and Blessings Be Upon Him) Said: "Soon People will travel Far and Wide Seeking Knowledge, but They will not Find A Scholar More Knowledgeable than the Scholar of Medina".<sup>50</sup> Sufyan ibn 'Uyaynah Said: "We Believe that the One Meant by this Hadith is Malik ibn Anas".<sup>51</sup>
- 9) There is A Story Narrated by the Geographer Al-Maqdisi, who Confirmed that He Heard it from Several Sheikhs in Andalusia, that Two Groups Debated One Day in

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<sup>47</sup> The Author of "The Standard" Mentions [Al-Hakam Al-Muntasir Billah], meaning [Al-Hakam Al-Mustansir ibn Abdul Rahman Al-Nasir], because He was renowned for his knowledge and jurisprudence, and his library contained many books and rare manuscripts, some of which he commented on. As for Qadi Iyad, he mentioned that [Al-Hakam Al-Mustansir] sent a letter to the jurist Abu Ibrahim. Al-Hakam was One who studied books and investigated the Biographies of men with a thoroughness that Few Scholars attained. He said in his Book: "And whoever Deviates from the Maliki Doctrine...". Qadi Iyad, Arranging Perceptions, 1/13; Abu Al-Abbas Ahmad ibn Yahya Al-Wansharisi, The Standard, 6/357.

<sup>48</sup>- This was mentioned by Al-Jidi, Lectures on the History of the Maliki Doctrine, p. 33.

<sup>49</sup>- Refer to: Ibn Sahl: **Information on Legal Rulings and a Selection of Biographies of Judges and Rulers**, [extracted by Farhat Al-Dashrawi from a Manuscript by Professor/ Hassan Hosni Abdel Wahab, a Series of Texts and Studies on the History of Tunisia and the Maghreb, the Case of the Preacher/ Abu Al-Khair Al-Shi'i who Crucified in Cordoba during the Reign of Al-Mustansir Billah], **Annals of the Tunisian University**, Issue: 01, 1964 CE, pp. 70-71.

<sup>50</sup>- There are Other Narrations of the Hadith; See: Qadi Iyad, Arranging Perceptions, 1/68 ff.

<sup>51</sup>- For Further Information; See: Qadi Iyad, Arranging Perceptions, p. 70 ff.

the Presence of Prince Hisham, and He Said to them: "Where is Abu Hanifa from?"; They Said: "From Kufa"; He Said: "Where is Malik from?"; They Said: "From Medina". He Said: "The Knowledge of the House of Migration is Sufficient for us". So; He Ordered the Companions of Abu Hanifa to Leave, and He Said: "I do not like that there be Two Doctrines in My Work".<sup>52</sup>

**10)** Imam Malik Loved the People of the Islamic Maghreb in General, and the Andalusians in Particular. He kept abreast of their News, and Even Nicknamed One of them, Sa'id ibn Abi Hind, "The Wise One".<sup>53</sup> Malik also Held Abu 'Omar Hafs ibn 'Abd Al-Salam in High Regard, and Hafs remained with Malik for Seven Years.<sup>54</sup> 'Abdul Rahman ibn 'Ubaydullah, from Lisbon, was also Highly Esteemed by Imam Malik.<sup>55</sup>

**11)** The Maliki Doctrine was Opposed to the Kharijite Doctrines that Infiltrated the Maghreb Countries in the Early Second Century AH, coming from Iraq. Al-Jidi argues that the Kharijites Rejected the Umayyad Caliphate, and Since Andalusia was Under Umayyad Rule, the Rulers Sought to Consolidate the Maliki Doctrine against the Kharijites.<sup>56</sup> It is worth noting that Political Relations with the Kharijites in the Maghreb Countries were Generally Good, given that the Rustamid and Umayyad States were at Odds with the Abbasid Caliphate.

There are Other Reasons—which require Further Investigation—that We have not mentioned due to A Lack of Evidence Until the time of Writing this Article. For Example; Some have Suggested that the Spread of the Maliki Doctrine during the Reign of Prince Hisham was due to His Representing the Andalusian Aspect of the Umayyad Dynasty, as His Mother was Andalusian and His Father was from the Levant.<sup>57</sup>

Thus; the Maliki Doctrine became the Official Doctrine in Andalusia, and Legal Rulings and Judgments were Based Upon it. An Andalusian Maliki School was Established, founded by Ziyad ibn Abdul Rahman, and Many Jurists Graduated from it. These Jurists—

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<sup>52</sup>– Shams Al-Din Abu Abdullah Muhammad ibn Ahmad Al-Shami Al-Maqdisi, *The Best Divisions for Knowledge of the Regions*, Brill Press, 2nd edition, Leiden, 1967 CE, p. 237.

<sup>53</sup>– Op. Cit., p. 136.

<sup>54</sup>– Op. Cit., p. 103.

<sup>55</sup>– Op. Cit., p. 210.

<sup>56</sup>– Al-Jidi, Lectures, p. 37.

<sup>57</sup>– For Further Information on this Topic; See: Ibn 'Idhari, *Al-Bayan*, 2/61. Al-Maqqari, *The Fragrant Scent*, 1/322. Muhammad Abdullah Anan: *The Islamic State in Andalusia (The First Era, Part One, from the Conquest Until the Beginning of the Reign of Al-Nasir)*, Al-Khanji Library, 4th edition, Cairo, Egypt, 1417 AH/1997 CE, p. 224.

especially the Early Ones—adopted the Words of Imam Malik as their Motto; When asked about the Awe He Commanded, he replied: "This Awe Elevates the Prestige of Knowledge".<sup>58</sup> Therefore; Many of them Declined Administrative Positions, such as Judgeships, out of Piety and Asceticism, just as their Teacher, Imam Malik, had Done with the Abbasid Caliphate. The Sources have Preserved Accounts of Many Jurists on this Matter; We will mention Only Some of those Who Met Imam Malik.

## **Sixthly: Phases of the Spread and Consolidation of the Maliki Doctrine in Andalusia:**

Dr. Mustafa Al-Harous Proposed a division that We Consider the Most Suitable for Study, and the Most Accurate and Clear Compared to Other Researchers. He Divided the Phases of the Maliki Doctrine in Andalusia into Three Phases, which are:

**1) The Emergence and Establishment Phase:** This Phase began with the Establishment of the Umayyad State in Andalusia (During the Reign of the Two Princes: Abdul Rahman Al-Dakhil and the Beginning of His Son Hisham's Rule). Some Jurists traveled to the Hijaz, where They had their First Encounter with the Scholar of Medina, Imam Malik ibn Anas. They Learned the *Muwatta'* from Him before He wrote it down. This Phase was represented by the Jurists Ghazi ibn Qays and Abu Musa Abdul Rahman Al-Hawari, as They were the First to Meet Imam Malik ibn Anas and Hear the *Muwatta'* from Him. When They returned to Andalusia; They began Teaching, encouraging the Community and Students of Knowledge to Meet Imam Malik. This Phase was also represented by Sa'id ibn Abi Hind and Qar'us ibn Al-Abbas, who thus Laid the Foundations for the Andalusian School of Jurisprudence.<sup>59</sup>

**Among the Distinctive Features of this Phase according to Al-Harous Observes; Are:**

- The Dominance of the *Awza'i* Doctrine and its Leading Scholar, Sa'sa'ah ibn Salam.

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<sup>58</sup>- Hussein Mu'nis, *The Sheikhs of the Era in Andalusia*, The Egyptian General Book Authority, Egypt, 1986 CE, p. 16. Hamid Lahmar, *Terms that Cannot be Excused by Ignorance in the Maliki School of Jurisprudence*, *Islamic Civilization Magazine*, Issue: 02, April 1996 CE, published by the National Institute of Higher Education for Islamic Civilization, Oran, Algeria, p. 129.

<sup>59</sup>- Al-Harous, Op. Cit., p. 210.

- The Ingress of Imam Malik bin Anas's the Muwatta', both in terms of Narration and Hearing (Oral Transmission), and with its Ingress; the First Building Blocks (Foundation Stones) of the Maliki School in Andalusia were Laid.
- The Eagerness of Andalusian Scholars to Meet Imam Malik and Learn Directly from Him, leading to the Emergence of Scholarly Voyages from Andalusia to the Islamic Orient, particularly the Hijaz.<sup>60</sup>

**2) The Dissemination and Spread Phase:** This Encompassed the Reign of Prince Hisham ibn Abdul Rahman and the Beginning of His Son Al-Hakam's Rule. Prince Hisham Cultivated Close Relationships with Scholars and Jurists, and He would not Undertake any Action without their Consultation. During this Phase; The Andalusian Voyages to the Hijaz to Meet Imam Malik Increased Significantly. At the Forefront of this Elite Group was the Jurist Ziyad ibn Abdul Rahman, who Introduced Imam Malik's the Muwatta'. Other Scholars who traveled during this Phase Included: Shabtun, Sa'id ibn 'Abdus, Muhammad ibn Bashir Al-Ma'afiri, and Others. Prince Hisham Played A Major Role in Establishing the Maliki Doctrine as the Official Doctrine of the State. He Cultivated Close Relationships with Jurists, gaining Widespread Acceptance and Obedience in Andalusia. Despite His Rebellion against the Legitimate Abbasid Caliphate in the Orient; He was, as Hussein Mu'nis notes; A Just Ruler.<sup>61</sup>

**The Distinctive Features of this Phase, as mentioned by Al-Harous; Are:**

- The Arrival of Imam Malik's the Muwatta' to Andalusia in its Entirety and Complete Form.
- The Large Number of Narrators Transmitting Malik's Teachings and Disseminating His Jurisprudence and Legal Opinions.
- The Beginning of the Decline of the Awza'i Doctrine and the Abandonment of it by its Followers.
- The Decision of Prince Hisham ibn Abdul Rahman to Adopt the Maliki Doctrine in Legal Rulings and Fatwas.<sup>62</sup>

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<sup>60</sup>- Mustafa Al-Harous: *The Andalusian Maliki School Until the End of the Third Century AH: Origins and Characteristics*, Ministry of Endowments and Islamic Affairs, Fadala Press, Kingdom of Morocco, 1418 AH/1997 CE, pp. 41-42.

<sup>61</sup>- Al-Maqqari, *The Fragrant Scent*, 1/ p. 325. Ibn 'Idhari, *Al-Bayan*, 2/65-66. Al-Harous, Op. Cit., p. 42 ff. Hussein Mu'nis, *Sheikhs of the Era*, p. 18.

<sup>62</sup>- Al-Harous, Op. Cit., pp. 50-51.

**3) The Sovereignty and Influence Phase:** This Phase Included the Reign of Al-Hakam bin Hisham and those Who Came after Him. Prince Al-Hakam bin Hisham Initially Deviated from His Father's Policies, attempting to Bring Poets Closer and Preferring Wine Gatherings to Gatherings of Jurists. This Provoked the Public and the Jurists against Him, resulting in the Jurists' Revolt in (189 AH/805 CE) and the Hayj Al-Rabadh Incident (the Uprising in the Suburbs) in (202 AH/818 CE), in which Maliki Jurists Played A Role against Prince Al-Hakam and His Policies. Al-Hakam recognized the Need to Bring the Maliki Scholars Closer Together, so He Issued A Decree Requiring the People of Andalusia to Adhere to the Maliki Doctrine.<sup>63</sup> This Phase was represented by Figures: Yahya ibn Yahya Al-Laythi, Talut ibn Abd Al-Jabbar, Issa ibn Dinar, Yahya ibn Mudar Al-Qaysi (whom Al-Hakam Crucified), and Others.<sup>64</sup> Some have argued that Al-Hakam ibn Hisham, after the Revolt in the Suburbs, Al-Rabadh Uprising; Consolidated the Maliki Doctrine by Allowing Maliki Scholars to Dominate His Realm over Other Doctrines. He recognized that Military Force alone was Insufficient to Subdue A Society governed by the Deeply Rooted Legal Traditions of Andalusian Society.<sup>65</sup> Most Subsequent Umayyad Rulers Followed His Example, though with A Degree of Openness to Other Doctrines in the Period that Followed. With the Rise of the Taifa Kings Period; The Maliki Jurists Formed the Reference for Most of the States and Principalities that Arose in Andalusia. Some of them were Judges who were able to Establish Independent Principalities that transformed the Religious Judge into A Prince who Ruled and Consulted, as was the Case with the Banu Abbad in Seville.

## **Seventhly: The Senior Maliki Jurists during the Umayyad Era:**

We have already mentioned that Andalusia Initially Adopted the Sunni Doctrine, choosing the Doctrine of Jurisprudence Fiqh of Abu Amr Al-Awza'i (may Allah Have Mercy

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<sup>63</sup>- For Further Details on the Phases; see: Mustafa Al-Harous, "The Rise of the Maliki School in Andalusia", *Symposium on Maliki Heritage in the Islamic West, Publications of the Faculty of Arts and Humanities*, Hassan II University, Al-Maarif Al-Jadida Press, Rabat, 1998 CE, pp. 207-219.

<sup>64</sup> We will Discuss their Biographies in the Related Topics. For Further Information on this Phase; See: Al-Harous, Op. Cit., p. 51 ff.

<sup>65</sup>- Hawalif Ukasha: *The Revolution of the Jurists and the Reasons for the Dominance of the Maliki Doctrine in Andalusia*, Proceedings of the Fourth National Forum of the Maliki Doctrine after its Establishment, Ministry of Religious Affairs and Endowments, House of Culture in the State of Ain Defla, 08-10 Rabi' Al-Thani 1429 AH/14-16 April 2008 CE, pp. 116-117.

on him). With the Establishment of the Umayyad State in Andalusia; The Star of the Maliki Doctrine Jurists began to Shine in the Cities of the Peninsula, until the State adopted it, making the Maliki Doctrine, the Official Doctrine of the State, whether during the Princedom or the Caliphate, and that Sovereignty remained Until the Almoravid Era.

Some Andalusians Studied Directly Under Imam Malik, as the Voyage to the Hijaz was More Frequent than the Voyage to Other Regions. Below; We will mention Some of the Jurists who had Direct Contact with Imam Malik, in addition to those Previously Mentioned (Ziyad, Al-Ghazi, and Yahya ibn Yahya Al-Laythi); Among them Are:

- 1) Sa'id ibn 'Abdus Al-Tulaytuli (D. 180 AH):** He was from Toledo. He traveled to the Hijaz and heard the Muwatta' from Imam Malik.<sup>66</sup> Sa'id is Considered One of the First to Meet Imam Malik. He was Known as A Pious and Virtuous Man, and He was a Scholar of Jurisprudence and Knowledge, which Qualified Him to be the Mufti of His City at that time. He Served as the Judge of Toledo. Sa'id ibn 'Abdus Died in the Year (180 AH).<sup>67</sup>
- 2) Abu Othman, Sa'id ibn Abi Hind Al-Tulaytuli, later Known as Al-Qurtubi:** Originally from Toledo, and He resided in Cordoba. He was A Virtuous, Noble, and Wise Man, and He Commanded Respect. He traveled to the Hijaz and Studied Under Imam Malik, who Nicknamed Him "The Wise One". Imam Malik would ask the People of Andalusia about Him, saying: "What has the Wise One you have Done in Andalusia?". It is reported that Abu Othman Said of Imam Malik: "I Never Feared Anyone as much as I Feared Abdul Rahman ibn Mu'awiya, until I Performed the Hajj Pilgrimage and Visited Malik; I was Overcome with Awe of Him, to the Point that My Respect for Abdul Rahman Paled in Comparison".<sup>68</sup> Abu Othman Died during the Early Days of Prince Abdul Rahman ibn Mu'awiya, according to Ibn Al-Faradi.<sup>69</sup> However; The Correct Date is Likely during the Early Days of Prince Abdul Rahman ibn Al-Hakam, rather than Abdul Rahman ibn Mu'awiya, because Qadi Iyad Stated that Abu Sa'id was In Charge of the Judiciary during the Reign of Al-Hakam ibn Abdul Rahman, and both Al-Khushani and Qadi Iyad believed He Served as A Minister to Some of the Caliphs.<sup>70</sup>

<sup>66</sup>- Ibn Al-Faradi, History of the Scholars of Andalusia, p. 137. Qadi Iyad: Arranging Perceptions, 1/199.

<sup>67</sup>- Ibn Al-Faradi, History of the Scholars of Andalusia, p. 137. Qadi Iyad: Arranging Perceptions, 1/199.

<sup>68</sup>- Al-Khushani, News of the Jurists, p. 233. Ibn Al-Faradi, History of the Scholars of Andalusia, p. 136.

<sup>69</sup>- Ibn Al-Faradi: History of the Scholars of Andalusia, p. 136. Qadi Iyad: Arranging Perceptions, 1/203.

<sup>70</sup>- Al-Khushani: News of the Jurists, p. 233. Al-Qadi Iyad: Arranging Perceptions, 1/203.

**3) Abu Zakariya and Abu Bakr, Yahya ibn Mudar Al-Qaysi, also Known as Al-Yahsubi (D. 189 AH):** Yahya ibn Mudar was of Levantine Origin and is Considered to have been from Cordoba. He Heard Hadith from Imam Malik, and it is Said that Malik Narrated Hadith from Him. One of Malik's Companions Heard a Man asking Malik about the Issue of "Al-Talh Al-Mandud" (a Type of Acacia), and Malik Said: "It is the Banana Tree", and added: "This was narrated to me by Sufyan, Yahya ibn Mudar, the Jurist of Andalusia".<sup>71</sup> He was A Learned Scholar, A Man of Sound Judgment.<sup>72</sup> He was mentioned by Abdul Malik ibn Habib in "The Class of Andalusian Jurists", as reported by Al-Khushani.<sup>73</sup> A Group of Andalusians narrated Hadiths from Him, including Yahya ibn Yahya Al-Laythi. Yahya ibn Mudar also Participated in the Jurists' Revolt against Al-Hakam ibn Hisham, seeking to Replace Him with Someone from the Umayyad Family. When the Matter of the Participating Scholars, Jurists, and Pious Men was Discovered; Yahya was among those Crucified by Al-Hakam along with His Companions —It is Said that They were [72] Jurists and Pious Men. It is also Said [140]— and the Gallows were Erected from the Top of the Cordoba Bridge to the End of the Pavement. Yahya Died in the Year (189 AH).<sup>74</sup>

**4) Abu al-Fadl (Abu Muhammad), Qar'us ibn Al-'Abbas ibn Qar'us Al-Thaqafi Al-Qurtubi (D. 220 AH):** Qar'us Heard the Muwatta' during His Voyage to Imam Malik. He was A Pious, Virtuous, and Devout Man. Yahya ibn Yahya Al-Laythi Described Him as the Man of Knowledge and the Great Jurist. Others Said; I have not Seen in Andalusia A Man of such Integrity as Qar'us. He was Knowledgeable in Legal Rulings according to the Doctrine of Malik and His Followers, but He had No Knowledge of Hadith.<sup>75</sup> Both Asbagh ibn Khalil and Abdul Malik ibn Habib narrated from Qar'us. According to Qadi Iyad; He was among those accused in the Hayj Al-Rabadh Incident (the Uprising in the Suburbs), along with Other Jurists and Pious Individuals. When He appeared before the Messenger of Prince Al-Hakam; the Messenger Said to Him: "A Man of Piety and Integrity in Knowledge like yourself, following the Rabble?", Qar'us replied: "Allah Forbid that I Should do such a thing, by Hand or Tongue. I

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<sup>71</sup>- Ibn Al-Faradi: History of the Scholars of Andalusia, p. 429. Al-Khushani, News of the Jurists, p. 347. Qadi Iyad: Arranging Perceptions, 1/204.

<sup>72</sup>- Qadi Iyad: Arranging Perceptions, 1/ p. 204.

<sup>73</sup>- Al-Khushani, News of the Jurists, p. 347.

<sup>74</sup>- For Further Reading; See: Al-Khushani, News of the Jurists, p. 347. Ibn Al-Faradi: History of the Scholars of Andalusia, p. 429. Qadi Iyad: Arranging Perceptions, 1/204.

<sup>75</sup>- Ibn Al-Faradi, History of the Scholars of Andalusia, p. 291. Qadi Iyad: Arranging Perceptions, 1/285.

Heard Malik and Al-Thawri Saying: "A Tyrannical Ruler for Seventy Years is Better than A Nation in Disarray for Even an Hour of the Day". Al-Hakam asked him: "Did You Hear this from them?", He replied: "Yes, I Heard this from them", and so He was Released.<sup>76</sup> Qar'us Died during the Reign of Prince Abdul Rahman ibn Al-Hakam, in the Year (220 AH).<sup>77</sup>

**5) Abu Musa, Abdul Rahman ibn Musa Al-Hawari, Al-Istiji:** Abu Musa Passed Away during the First Caliphate of Prince Abdul Rahman ibn Mu'awiya. He is Considered among the First Andalusians to Meet Imam Malik ibn Anas, Sufyan ibn Uyayna, and Others. He had A Great Interest in the Arabic Language, having Met Al-Asma'i, Abu Zaid Al-Ansari, and Others.<sup>78</sup> It is mentioned about Him that during His Return to Andalusia; He was Injured in the Sea of Tudmir (the Old Name for Murcia), and His Books were Lost. People Came to Congratulate Him on His Safe Arrival and to Console Him for the Loss of His Books, and He would Say to them: "The Saddlebag is gone, but the Drawer remains (Meaning what is in His Chest)".<sup>79</sup> Abdul Rahman was Known for His Eloquence and His Mastery of Jurisprudence, Exegesis, and Quranic Readings. Ibn Al-Faradi and Qadi Iyad mentioned that He had written A Commentary on the Holy Qur'an, and Each of them had Seen Parts of it.<sup>80</sup> It is mentioned that He was appointed to the Judiciary during the Days of Prince Abdul Rahman ibn Al-Hakam, and He was In Charge of the Judiciary during the Days of Al-Hakam ibn Hisham, after Sa'sa'ah ibn Salam.<sup>81</sup>

**6) Talut ibn Abd Al-Jabbar Al-Mu'afiri, Al-Qurtubi:** Talut is Considered One of the First to travel to Medina and Study Under Malik ibn Anas, and He also Studied Jurisprudence Under his Companions. He was Highly Esteemed by the Jurists,<sup>82</sup> and His Residence in Medina was Adjacent to the Mosque. He became Famous during the Hayj Al-Rabadh Incident (the Uprising in the Suburbs), which was Instigated by the Jurists, and His Name was on the List Requested by Al-Hakam. However; He

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<sup>76</sup>- Qadi Iyad: Arranging Perceptions, 1/286.

<sup>77</sup>- Ibn Al-Faradi: History of the Scholars of Andalusia, p. 291. Qadi Iyad: Arranging Perceptions, 1/286.

<sup>78</sup>- Ibn Al-Faradi: History of the Scholars of Andalusia, p. 212. Qadi Iyad: Arranging Perceptions, 1/294.

<sup>79</sup>- Al-Khushani: News of the Jurists, p. 234. Ibn Al-Faradi: History of the Scholars of Andalusia, p. 212.

<sup>80</sup>- Ibn Al-Faradi: History of the Scholars of Andalusia, p. 212. Qadi Iyad: Arranging Perceptions, 1/294.

<sup>81</sup>- For More on His Biography and the Stories told about Him by His Companions and Students; See: Al-Khushani: News of the Jurists, p. 234. Ibn Al-Faradi: History of the Scholars of Andalusia, p. 212. Qadi Iyad: Arranging Perceptions, 1/294. Abu Bakr Muhammad Al-Zubaydi: Layers of Grammarians and Linguists, pp. 253-254.

<sup>82</sup>- Ibn Al-Qūtiyya, History of the Conquest of Andalusia, p. 70. Qadi Iyad: Arranging Perceptions, 1/293. Abdul Wahid Al-Marrakushi: **Al-Mu'jib fi Talkhis Akhbar Al-Maghrib (Book Three)**, edited by: Muhammad Saeed Al-Aryan, Committee for the Revival of Islamic Heritage, United Arab Republic, Undated Edition, p. 44.

Chose to Remain in Cordoba in Disguise, rather than Leave. A Jewish Neighbor Sheltered Him for a Whole Year and treated Him with Great Hospitality, according to Some Sources. When Talut wished to Leave; Neighbor Insisted on Keeping Him with him, and that His Presence with him did not Bother Him in any way, but Talut Insisted on Going out to One of His Students, Abu Al-Bassam the Scribe, perhaps He would Intercede for Him with Prince Al-Hakam, and Abu Al-Bassam had become a Scribe with the Prince. When He Entered with him, He told him His Story with the Jew Who Hid Him for a Whole Year, then He Stayed with him. In the Morning; the Scribe went to Prince Al-Hakam, and told him what he knew about his Sheikh Talut. When Prince Al-Hakam Summoned the Jurist Talut; A Dialogue Ensued between them in which Prince Al-Hakam rebuked the Jurist Talut ibn Abd Al-Jabbar, despite Him Being One of the Jurists the Prince respected and with Whom he shared both Joys and Sorrows. The Prince Even went So Far as to Walk on Foot to Talut's Wife's Funeral and Escort Him back to His Home, among other Virtues He Enumerated. Talut responded: "...I wish What Happened hadn't Happened". The prince replied: "If it hadn't Happened, it would have been Better for you" ...etc.,<sup>83</sup> And so on; Granting Him Safe Passage.<sup>84</sup> According to Ibn Al-Qūtiyya, Talut remained Protected and Honored Under the terms of the Agreement Until His Death, and Prince Al-Hakam attended His Funeral.<sup>85</sup>

### **Some Jurists Also Heard from Imam Malik, including:**

- **Abdul Rahman ibn Ubaydullah:** From Lisbon.<sup>86</sup>
- **Hassan and Hafs, sons of Abd Al-Salam Al-Sulami:** From Zaragoza, who heard from Imam Malik.<sup>87</sup>

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<sup>83</sup>- Ibn Al-Qūtiyya: The History of the Conquest of Andalusia, pp. 71-72. Qadi Iyad: Arranging Perceptions, 1/293.

<sup>84</sup>- Ibn Al-Qūtiyya recounted the Dialogue that took place between Prince Al-Hakam and the Jurist Talut ibn Abd Al-Jabbar, in which He said: "...Where did Abu Bassam find you?" He replied: "By God, he did not find me; I found him myself. I approached him because of a connection that existed between us." Al-Hakam asked him: "Where were you this year?" He replied: "With a Jewish man." Al-Hakam then said to the vizier: "O Abu Bassam, a Jewish man has preserved his position of religious and scholarly standing with me, and he risked himself, his family, and his children for me, and you wanted to embroil me in something I regret." Then he said to Abu Bassam: "Get out of my sight! By God, I will never see your face again!" He ordered that his bedding be removed and that he be dismissed. This is the justification given for Abu Bassam's dismissal. Ibn Al-Qūtiyya: The History of the Conquest of Andalusia, p. 72.

<sup>85</sup>- Ibn Al-Qūtiyya: The History of the Conquest of Andalusia, p. 72.

<sup>86</sup>- Qadi Iyad: Arranging Perceptions, Vol. 01, pp. 294-295.

<sup>87</sup>- Op. Cit., 1/295.

- **Shabtun ibn Abdullah Al-Ansari:** Who heard from Imam Malik and Died in the Year (212 AH).<sup>88</sup>
- **Muhammad ibn Yahya Al-Saba'i:** From Cordoba, who narrated the Muwatta' from Imam Malik.<sup>89</sup>
- **Dawud ibn Ja'far ibn Al-Sughayyar:** From Cordoba, who also heard from Imam Malik.<sup>90</sup>

## Conclusion:

The Voyage of Andalusian Scholars to the Land of Hijaz Contributed to the Introduction of the Maliki Doctrine there. With the Introduction of Maliki Jurists; The Awza'i Doctrine, which was Widespread in Andalusia, especially during the Era of the Governors and the Beginning of the Umayyad State, weakened. It is the Doctrine of the People of the Levant and has Important Military Legislations that Suit Newly Conquered Andalusia. Several Religious, Political, and Social Factors Combined to Spread and Establish the Maliki Doctrine in Andalusia, so It became the Doctrine of the Ruling Authority and the General Public. Political and Religious Authority were Never United in the Islamic World as the Maliki Doctrine was United with the Umayyad State in Andalusia. The Maliki Doctrine maintained Doctrinal Unity, and the Umayyad State maintained Political Unity, until the Caliphate was Declared during the Reign of Abdul Rahman Al-Nasir, with the Blessing of Maliki Scholars. With the Weakness of the Sultans; Andalusia Weakened and then Fell into the Hands of the Christian Spaniards.

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<sup>88</sup>- Op. Cit., 1/295.

<sup>89</sup>- Op. Cit., 1/295.

<sup>90</sup>- Op. Cit., 1/296.

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