



# A Study of the Issue of Qabd, Sadl and Irsāl with the Mālikī Scholars

With an assessment of the Madhhab Parochialism of 'Abdullāh bin Hamid 'Alī  
and other so-called "Mālikī" Madhhab Partisans

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'Abdullāh bin Hamid 'Ali and other so-called "Mālikī"  
Madhhab Partisans*

*By 'AbdulHaq ibn Kofi ibn Kwesi Addae ibn Kwaku al-Ashanti*

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## INTRODUCTION AND BACKGROUND

Indeed, all praise is due to Allāh, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allāh from the evil of our actions and from the evil consequences of our actions. Whomever Allāh guides, there is none to misguide and whoever Allāh misguides there is none to guide. I bear witness that there is no god worthy of worship except Allāh and I bear witness that Muhammad is the servant and messenger of Allāh.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ﴾

“O you who have believed, fear Allāh as He should be feared and do not die except as Muslims (in submission to Him).”

{*Āli-Imrān* (3): 102}

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ

مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ

رَقِيبًا﴾

“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh through whom you ask things from each other, and (respect) the wombs. Indeed Allāh is ever, over you, an Observer.”

{*an-Nisā* (4): 1}

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا

يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا

عَظِيمًا﴾

**“O you who have believed, fear Allāh and speak words of appropriate justice. He will amend for you your deeds and forgive your sins. And whoever obeys Allāh and His Messenger has certainly attained a great attainment.”**

{*al-Abzāb* (33): 70-71}

To proceed:

The issue of *qabd* and *sadl* is one in which there is much confusion and misunderstanding, from those who make the simplistic claim that Mālikīs only make *sadl* (leave their hands by the sides) in *Salāh* due to Imām Mālik being beaten, to those on the other hand who make odd arguments such as “praying with the right hand over the left on the chest resembles the Jews and Christians”?! Some have even claimed that only the “Wahhabī-influenced Mālikīs” who come from the African countries perform *qabd*. In any case, it is hoped that some light can be shed on this issue with this study which will look at the how the Mālikī scholars throughout history have dealt with the matter. It will also be evident that even though both arguments do have evidences, the stronger evidences are with those who opt for *qabd*.<sup>1</sup>

Two articles have also been written by one of the most vocal Mālikī Madhhab parochialists in the West: ‘Abdullāh bin Hamīd ‘Alī of Philadelphia, currently teaching at the *Zaytuna Institute*.<sup>2</sup> One of these articles entitled *Qabd or Sadl: Right Over Left or Hands at the Sides?* attempts to refute the proofs for *qabd* via throwing doubt on the *abādeeth* which indicate *qabd*. As for his second paper then it is entitled *The Mālikee Argument for not Claspings the Hands in Salāh*. Both of these papers by ‘Abdullāh bin Hamīd ‘Alī are based on two Arabic works by partisan Mālikīs from Mauritania, namely:

- ❖ Mukhtār ibn Muhaydimat ad-Daudī ash-Shinqīṭī,<sup>3</sup> *Masbrū’iyyat as-Sadl fi’s-Salat* [The Legality of Draping the Arms in Salāh].

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<sup>1</sup> Some contemporary jurists have claimed that both arguments have proofs and then stopped at that without further expounding on the fact that *qabd* has more abundant and much stronger evidences, Dr Wahba az-Zuhaylī for example has stated that both sides all have evidences.

<sup>2</sup> One of these articles was entitled *Qabd or Sadl: Right Over Left or Hands at the Sides?* It can be downloaded here: <http://thebengali.hadithuna.com/files/2007/11/qabd-or-sadl.pdf> and [http://lamppostproductions.org/files/articles/SADL\\_2.pdf](http://lamppostproductions.org/files/articles/SADL_2.pdf)

A further study into ‘Abdullāh bin Hamīd ‘Alī’s preference of the quasi-Islamic cult the Habashīs over the Salafis is also in the pipeline and will soon be available at [salafimanhaj.com](http://salafimanhaj.com), inshā’Allāh.

<sup>3</sup> A contemporary Mālikī scholar of Mauritania.

- ❖ Muhammad al-Khadr bin Mayābā ash-Shinqīṭī, *Ibram an-Naqd fima qila min Arjabīyyat al-Qabd* [Twisting the Criticism in Regards to What Has Been Stated about the Accuracy of Qabd].<sup>4</sup>

There are also other works in this regard, but which have not been utilised in the writings of 'Abdullāh bin Hamīd 'Alī, but have been referred to by other Mālikī partisans of the West or others, which include:

- ❖ Muhammad al-Mahfūdh bin Muhammad al-Ameen at-Tanwājawī ash-Shinqīṭī, *Fath Dhi'l-Minna bi-Rajhān is-Sadl min is-Sunnah* [Opening to the One Blessed about the Accuracy of Sadl Being from the Sunnah].
- ❖ Dr Yasin Dutton of the *University of Edinburgh* also has a paper entitled '*Amal v Hadīth in Islamic Law the Case of Sadl al-Yadayn (Holding One's Hands by One's Sides) When Doing the Prayer*' in the journal *Islamic Law and Society*, Vol. 3, No. 1 (1996), pp. 13-40. However, Dutton seems to hold that *sadl* and *irsāl* according to the Mālikī scholars is based on the '*amal*' of the people of Madeenah and makes scant referral to the *ahādeeth* that are discussed within this issue. Indeed, it would have been apt for Dr Dutton to at least have mentioned that in the '*amal*' of the the people of Madeenah that Imām Mālik enumerated to be 90 in number, he did not include *sadl* as being part of the *amal*! Dr Dutton also wrote his paper as if *Sadl* was *the de facto* position in the Madhhab and the majority view, which as we will see in this study is not the case whatsoever. The mention of *Qabd* within the Muwatta' itself also received scant study by Dutton.
- ❖ "Abu'l-Layth", an anonymous pseudo-Shāfi'ī partisan blogger and ex-Takfirī, recently compiled a paper dated 23 May 2008 CE entitled: *Qabd Vs Sadl: An Argument that the True Maliki Opinion is Right Hand Over the Left*.<sup>5</sup> Abu'l-Layth, whose polemics have become notorious to the Salafīs, did manage to make important references to Qādī 'AbdulWahhāb al-Baghdādī al-Mālikī, which we will transmit later. However, Abu'l-Layth's dearth of knowledge on what other Mālikī scholars have ruled on this issue was evident within his paper. Furthermore, Abu'l-Layth sufficed with arguing that *qabd* was the view of the early Mālikī scholars of 'Irāq seemingly unbeknown of the fact that *qabd* is the strongest view of the African scholars, which this paper will assess. Abu'l-Layth also neglected the fact that *sadl* and *irsāl* in the last few years has mainly been pushed by the some of the more partisan Mālikī scholars of Shinqīt (Mauritania). There are also interesting regional developments

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<sup>4</sup> Dār ul-Bashā'ir il-Islāmiyyah, 1996. The author died in 1405 AH/1985 CE.

<sup>5</sup> <http://seekingilm.com/archives/335>

within Mālikī *fiqh* and these can be categorised in the following: the 'Irāqī scholars; the Egyptian/Sudanese scholars; the Andalusian scholars and the Maghribi scholars (i.e. North and West Africa). The Andalusian trend merged into the Maghribī after the fall of Spain to the Christians while the 'Irāqī school died out completely. The Sudanese Mālikīs also remain to this day. However, today the most popular Mālikī trend is that of the Maghribī (Mali, Mauritania and Morocco in particular, along with the Tunisian and Libyan trends). Historically however, the 'Irāqī school was considered to be the strongest in *usūl* as were the Egyptians.

As for the work by Muhammad al-Khadr ash-Shinqīṭī then that was rebutted in depth by another Mālikī scholar from Morocco, namely Imām Abū 'Abdullāh Muhammad bin Ja'far al-Kattānī who wrote in support of the view of his own Shaykh in regards to this matter. His Shaykh was Ahmad bin Siddeeq al-Ghumārī.<sup>6</sup> Furthermore:

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<sup>6</sup> As we will see within this paper the Ghumārīs were paradoxical in that they were strong in hadeeth and affirming the hadeeth from the Two Saheehs, and they were also pivotal in refuting the more excessive *madhhab* partisans. However, they were weak in *'aqedah* and supported *tawassul* and had serious mistakes in *'aqedah*. Al-'Allāmah Hammād al-Ansārī (*rahimahullāh*), one of the great hadeeth scholars who was originally from Mali, wrote a book on *tawassul* refuting 'Abdullāh al-Ghumārī and Imām al-Albānī refuted Ahmad bin Siddeeq al-Ghumārī often due to his heavy influence by Sufī grave worshippers. Shaykh Dr Shamsuddeen al-Afghānī as-Salafī stated:

**Ahmad ibn Muhammad Siddeeq al-Maghribī was occupied with *fiqh* and *hadeeth* however he was from the Imāms of the *Sūfī* grave-worshippers who used to make *tafweedh* of the Attributes of Allāh and was severe against those who made *ta'weel*, see his *Ta'leeqāt of at-Tadhkār* by al-Qurtubī, pp.13-14. He had many classifications however he combines between the good and the bad in his books and you will see that his books are insignificant as they are full of superstitious *Sūfī* grave-worshipping beliefs, such as his book *al-Burhān al-Jalli fī Tahqeeq Intisāb as-Sūfiyyah ilā 'Alī* which is full of lies.**

**For a lengthy biography of him see Mahmood al-Misrī, *Tashneef al-Asmā'*, pp.71-85. Many of the people of *sunnah* and their Imāms have exposed his falsehood, our Shaykh al-Albānī stated: He calls to *ijtihād* and opposing *taqleed* yet he supports and assists desires and its people, he is a *Khalafī Sūfī* who opposes the people of *tawheed* and supports the people of innovation just as the *mujtahid Shī'ah* Imāms do. A proof of that unto you is the book entitled *Ihyā' al-Maqbūr min Adilah Istihbāb binā' al-Masājid wa'l-Qabāb 'alā Qubūr*.**

- ❖ Muhammad bin Ahmad al-Misnāwī al-Fāsī al-Mālikī (*rahimahullāh*) authored *Nusrat ul-Qabd wa'r-Radd 'ala man Ankara Mashrūa'tihi fi's-Salāt ul-Fard* [Supporting Qabd and Refuting Those Who Deny its Legitimacy in the Obligatory Salāh]. This work has been recently edited and thoroughly studied by Dr 'AbdulLateef bin al-Imām Bū'azeezī and Dr Taha bin 'Alī Būsareeh at-Tūnisī.<sup>7</sup> Al- Misnāwī was particularly concerned about some of the excesses that many of the Mālikī scholars were falling into in their rejection of *qabd* and this is what led him to author this work. In fact many of the same excesses that al- Misnāwī was critiquing are exactly the same as found within the parochialism of the likes of 'Abdullāh bin Hamīd 'Alī! Due to the length and benefit from al-Misnāwī in this book, the relevant sections of his book will be translated in detail later.
- ❖ There is also a work was authored by another Moroccan scholar in support of *qabd*, namely Imām Abu'l-Faydh Muhammad bin 'AbdulKabeer al-Kattānī and his work is entitled *ar-Radd ul-Kāfi wa'l-Jawāb ish-Shāfi' 'ala anna Fā'il il-Qabd min al-Mālikīyyah fi'l-Fareedah Ghayr Jāfi*.
- ❖ 'Abdullāh bin Muhammad bin Siddeeq authored a book entitled *Kashf Anwā' ul-Jabl fīmā Qila fi Nusrat is-Sadl* [Exposing the Different Types of Ignorance Regarding What Has Been Said in Support of Sadl]. This book is a refutation of Muhammad al-Khadr ash-Shinqīti

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... The writer of the people of *sunnah*, Bakr ibn 'Abdillāh stated: **“He is severe in arguing against Shaykh ul-Islām Ibn Taymiyyah and Ibn ul-Qayyim and whoever traversed their way from the scholars of the *Salaf*.”** See *at-Taqreeb li-Fiqh Ibn ul-Qayyim*, vol.1, p.31, ft.2. I say (i.e. Shaykh Shamsuddeen): He is one of the friends of al-Kawtharī and indulged in many of the same innovations as him, however he exposed his falsehood in a treatise, see *Tashneef ul-Asmā'*, p.216. His brother 'Abdullāh al-Ghumārī said: **“Our brother wrote a refutation against him (meaning al-Kawtharī) and compiled his knowledge-related errors and contradictions which he began his hateful partisanship...he is the one who he (Ahmad ibn Siddeeq al-Ghumārī) nicknamed ‘majnoon li Abī Haneefah’ (crazy for Abū Haneefah).”**

See: Dr Shamsuddeen as-Salafī al-Afghānī, *Juhūd ul-'Ulama al-Hanafīyyah fi Ibtāl 'Aqā'id al-Qubūriyyah* (Riyadh: Dār us-Samī'i, 1416 AH/1996 CE), vol.2, pp.639-640. Quoting from: *Bida' at-Tafāseer* (Cairo: Dār ut-Taba'ah al-Muhammadiyyah), pp.180-81 and *al-'Allāmah al-Muhaddith Muhammad Nāsiruddeen al-Albānī (rahimahullāh), Tahdheer as-Sājid min Ittikhād al-Qubūr Masājid* (Riyadh, KSA: Maktabah al-Ma'ārif, 1422 AH/2001 CE), pp.74-5.

<sup>7</sup> Muhammad bin Ahmad al-Misnāwī al-Fāsī al-Mālikī (1072-1136 AH), *Nusrat ul-Qabd wa'r-Radd 'ala man Ankara Mashrūa'tihi fi's-Salāt ul-Fard* [Supporting Qabd and Refuting Those Who Deny its Legitimacy in the Obligatory Salāh]. Eds. Dr 'AbdulLateef bin al-Imām Bū'azeezī and Dr Taha bin 'Alī Būsareeh at-Tūnisī. Beirut: Dār Ibn Hazm, 2007 CE.



and other *sadl* partisans for their excessive views in this regard. For example, in Morocco and other parts of North and West Africa they would force Imāms to make *sadl* and *irsal* and if not then they would be booted out of mosques! This is the extent of the *madhhab* parochialism that is neatly swept under the carpet by the Mālikī partisans of the current era, with 'Abdullāh bin Hamīd 'Alī leading the way in the West. 'Abdullāh bin Muhammad Siddeeq al-Ghumārī mentions their arguments point by point and responds to them based on the *hadeeth* and *usūl ul-fiqh*. He highlights that the claim that *qabd* was abrogated by *sadl* is *bātil*, firstly because *qabd* is from the Sunnah and is not to be abrogated as mentioned by Ibn 'AbdulBarr and others, and *mandoob* actions are not abrogated, yet those who are ignorant of *usūl* are oblivious to this. Secondly, abrogation is to lift a ruling from being practised and this is only done by the legislation, so if even the *ijtihād* of a companion cannot affirm abrogation then what about one less than a companion? As is frequently mentioned in *usūl*, and abrogation cannot take place except with a determined evidence (i.e. from the legislation). 'Abdullāh bin Muhammad Siddeeq al-Ghumārī also refutes the claim that *sadl* is from the actions of the people of Madeenah by noting: this action has not been transmitted at all by anyone who is specialised in transmitting the views of the Madhāhib such as at-Tirmidhī, Ibn ul-Mundhir, Ibn Jareer at-Tabarī, Ibn Hazm, Ibn Qudāmah and an-Nawawī; what has rather been transmitted from the *kebulafā'*, the companions, the successors and their followers is *qabd* except from Sa'eed ibn Musayyib<sup>8</sup>; the actions of the people of Madeenah that Imām Mālik enumerated to be 90 in number did not include *sadl*; al-'Allamāh as-Sanūsī in *Īqādh ul-Wasnān* states that the later Mālikī scholars began to accept and deem as correct the statements in *al-Mudawwanah* even though they may have opposed the Book and Sunnah as in the issue of *sadl*. So they rejected sound hadeeth out of opposition and claiming them to have been abrogated all based on the mere narration of Ibn ul-Qāsim in *al-Mudawwanah* ascribed to Imām Mālik, even though *qabd* is affirmed from Imām Mālik with trustworthy narrators. 'Abdullāh bin Muhammad Siddeeq al-Ghumārī also mentions that the narration of Ibn ul-Qāsim is *shādh* based on the principle that when a trustworthy narrator relays that which opposes a narration that is more trustworthy than him, or more in frequency than his narration, then his narration is *shādh* or weak. As Ibn 'AbdulBarr mentions: **“There is no harm in qabd within the nāfilah and fareedhah and this is what has been stated by the companions of Mālik from Madeenah, and Mutarrif and Ibn Mājishūn relayed that Mālik favoured this**

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<sup>8</sup> And also from 'Abdullāh ibn az-Zubayr as will be mentioned later, inshā'Allāh.

(qabd).” Ibn ‘AbdulBarr also stated: **“There has not arrived from the Prophet (sallallāhu ‘alayhi wassallam) anything different from this. This is the saying of the majority (jumhūr) of the companions and successors and is what Mālik mentioned in al-Muwatta’, Ibn ul-Mundhir and others did not relay anything else from Mālik.”**

As for seeking to weaken *abādeeth* within the Two Saheehs then ‘Abdullāh bin Muhammad Siddeeq al-Ghumārī says about this that: this is *harām* and sinful as Imām an-Nawawī stated in his *Sharh* of Saheeh Muslim, Ibn ‘Taymiyyah in *Iqtidā’ Sirāt ul-Mustaqeem*, al-‘Aynee in *Sharh ul-Bukhārī* and *Irsbād ur-Sārī fī Sharh il-Bukhārī* by al-Qastalānī. ‘Abdullāh bin Muhammad Siddeeq al-Ghumārī also notes that seeking to weaken the *abādeeth* of *qabd* in al-Bukhārī is also weakening the hadeeth in *al-Muwatta’*! As the same hadeeth that is relayed by al-Bukhārī is via the same chain of transmission as utilised by Imām Mālik in *al-Muwatta’*.<sup>9</sup> ‘Abdullāh bin Muhammad Siddeeq al-Ghumārī then demolishes the claim that *qabd* is resembling the Banī Isrā’eel. For the hadeeth in Ibn Abī Shaybah in his *Musannaf* is firstly weak as it is *mursal* up to al-Hasan and secondly it would only indicate that it was the way of the Prophets before and their legislations. Al-Ghumārī also highlights that in the *tafseer* of the saying of Allāh **“So pray to your Lord and sacrifice (to Him alone)”**<sup>10</sup> the placing of the right over the left is mentioned by Imām ar-Rāzī and Ibn Abī Shaybah, al-Bukhārī in *at-Tareekh*, al-Hākim and al-Bayhaqī in his *Sunan* from ‘Alī ibn Abī Tālib (*radī Allāhu ‘anhu*). Az-Zurqānī stated in his explanation of *Muwatta’*: “The ‘Ulama have said: the wisdom of this position (of the right over the left on the chest) is that it is a description of humility and protects the (hands) the most from play and is closer to humility and from the *latā’if* (subtleties) mentioned by al-Hāfidh in *al-Fath* is what has been transmitted from some of them that: the heart is the location of intention and to safeguard something usually one places his hand on it.” These are some of the things that are mentioned in the book by ‘Abdullāh al-Ghumārī in regards to refuting those Mālikīs who are partisan in regards to *sadl* and *irsāl*.<sup>11</sup>

- ❖ Al-Hāfidh ‘AbdulHayy al-Kattānī also authored a work in two volumes in support of *qabd* and the Sunnah entitled *al-Babr ul-Mutalātīm al-Awwāj lima Shāb Sunnat il-Qabd min at-Takhāsum wa’l-Lijāj*. This book was written in 1325 AH/1907 CE and within it he refutes

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<sup>9</sup> Interestingly, ‘Abdullāh bin Hamīd ‘Alī and his partisan Shaykhs refrain from attacking the *sanad* and then attempt to critique the wordings of the hadeeth from Abū Hāzim, this will be highlighted later in the paper.

<sup>10</sup> Sūrat al-Kawthar (108): 2

<sup>11</sup> Also refer to: [http://www.alghomari.com/bohot-wa-āmal/bouhoute\\_āmale9.html](http://www.alghomari.com/bohot-wa-āmal/bouhoute_āmale9.html)

another North African Mufti, Imam Mahdī al-Wazzānī, who gave an odd *fatwa* in regards to this matter.

- ❖ Another Kattānī from Morocco, Shaykh 'AbdurRahmān bin Ja'far bin Idrees al-Kattānī (*rahimahullāh*) authored a didactical poem in support of *qabd*.
- ❖ Also we find the work written in 1328 AH/1910 CE by Shaykh Muhammad al-Makkī bin 'Azūz at-Tūnisī<sup>12</sup> entitled *Hay'at li-Nāsik fi'anna'l-Qabd fi's-Salat humwa Madhhab Imām Mālik*.
- ❖ The Moroccan 'Allāmah, Muhammad Haydū Amizeyān stated that *qabd* is the Sunnah and that Ibn 'AbdulBarr stated that: **“Imām Mālik was making *qabd* up until Allāh took him (qabadhahu Allāh).”**<sup>13</sup>
- ❖ Shaykh, al-'Allāmah al-Muhaddith Muhammad Abū Madyan ash-Shinqīṭī<sup>14</sup> authored the book *as-Sawārim wa'l-Asnab fi'dh-Dhib'an is-Sunnah* [Swords and Targets in Defending the Sunnah], Beirut: Dār ul-Kutub al-'Ilmiyyah, 1422 AH/2001 CE. Within the book he makes clear that *qabd* is the most correct opinion and was practised by the *khulafā*, the *tābi'een* and the Imāms. Shaykh Abū Madyan ash-Shinqīṭī also notes that the narration recorded by Ibn ul-Qāsim in *al-Mudawannah* should be viewed as a *shādh* and singular view and not the main view of Imām Mālik. The introduction to the book includes a refutation of those who seek to throw doubt on the authenticity of the Saheeh *ahādeeth* which support *qabd*. The second chapter includes six sub-sections: the evidence of *qabd* from the Qur'ān and Sunnah;<sup>15</sup> the

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<sup>12</sup> Muhammad al-Makkī bin Mustapha bin Muhammad bin 'Azūz al-Hasanī al-Idreesī al-Mālikī at-Tūnisī (1270-1334 AH/1854-1916 CE), *rahimahullāh*. He was born in Nafta in Tunisia and was a *Qādī*, *faqeeh*, researcher and also taught hadeeth in Istanbul. Due to his environment of being under the rule of the Ottomans within North Africa he was initially a hardcore supporter of grave worship and *du'a* to saints and then Allāh gave him insight and he then began to expose the futility of it and was guided to *Salafiyyah*. Jamāl al-Qāsimī, the great 'Allāmah of Shām praised him for this in a letter that he sent to al-Alūsī. 'AbdulHayy al-Kattānī also praises him in *Fahrus ul-Fahāris*, vol.3, p.856 referring to him as **“the rare musnad of Africa...”** He had a lot of correspondence with the Salafīs of Shām during his time. The book *Hay'at li'n-Nāsik* can be downloaded here in pdf format: <http://www.tunisia-sat.com/vb/showthread.php?t=240206>

<sup>13</sup> Refer to article by Hasan al-Ashraf: [http://www.aseh.com/aseh\\_world.php?action=showpost&id=1595](http://www.aseh.com/aseh_world.php?action=showpost&id=1595)

<sup>14</sup> Shaykh al-'Allāmah Muhammad ibn Abī Madyan ibn Shaykh Ahmad bin Sulaymān ash-Shinqīṭī (*rahimahullāh*).

<sup>15</sup> Of the proofs is what was mentioned by al-Qādī Abū Bakr bin al-'Arabī in *Ahkām ul-Qur'ān* in regards to the verse:

﴿فَصَلِّ لِرَبِّكَ وَأَنْحِرْ﴾

Mālikī texts that support *qabd*; the fact that to make *qabd* is the most accurate view according to the *madhhab* and Imām Mālik; the proofs of those from other *madhabib*; the invalidity of the claim that such *abādeeth* were abrogated and a refutation of the claim that the action of the people of Madeenah was *sadl* and *irsāl*. The third chapter includes three sub-sections: some words about the 'Amal of Ahl ul-Madeenah; opposing the action of the narrator based on his narration and the reality of the *Mālikī madhhab*. The fourth chapter includes three sub-sections: the obligation of following the Sunnah and nothing else, and the Imāms innocence from whatever of their sayings opposes the Sunnah and an explanation of the error of those who ascribe such (void) sayings to their *madhhab*s. The conclusion discusses *taqleed* and *ijtihad* in seven sub-sections: the definition of *taqleed* and the 'Ulama's censure of it; cautioning against the error of the scholar; definition of *ijtihad*; its categories; *ijtihad* of the common person and a refutation of the claim that *ijtihad* has been closed. Within *as-Sawārim wa'l-Asnah* many Mālikī scholars who supported *qabd* are quoted such as the didactical poem on the subject by Shaykh Muhammad 'AbdurRaheem bin Fatā al-Mauritānī<sup>16</sup>; Shaykh Muhammad Safar al-Madanī al-Mālikī; al-Faqeeh al-Muhaddith Muhammad bin Abī Bakr bin Ahameed ad-Daymānī al-Mālikī and Shaykh al-'Allāmah Muhammad al-Fādil bin Ahmad al-Ya'qūbī al-Mālikī. Shaykh Abū Madyan also mentions (pp.61-62) the narration from Ibn us-Subkī in *at-Tabaqāt* that al-Ghazālī stated that to make *sadl* and *irsāl* is the custom of the people of innovation.

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**“...and sacrifice to Him alone.”**

{*al-Kawthar* (108): 2}

There are two sayings regarding the meaning of the verse: one is that it means place your hands on your chest when you pray and the other is to sacrifice your body and make slaughter an animal. To place your hands on your chest was stated by Ibn 'Abbās and Abu'l-Jawzā'.

Abu'l-Jawzā' is: Aws bin 'Abdullāh ar-Rabi'ī al-Basrī, a *tābi'ī* and *thiqah* he died in 83 AH and reported from al-Hasan bin 'Ali and Ibn 'Abbās, as is found in the *Fath ul-Bārī*, vol.8 and in *Sharh ul-Mawāhib* by az-Zarqānī.

See: al-'Allāmah al-Muhaddith Muhammad Abū Madyan ash-Shinqīti, *as-Sawārim wa'l-Asnah fi'dh-Dhib'an is-Sunnah* [Swords and Targets in Defending the Sunnah]. Beirut: Dār ul-Kutub al-'Ilmiyyah, 1422 AH/2001 CE, p.20.

<sup>16</sup> This poetry is transmitted thoroughly by Shaykh Abū 'Abdullāh Muhammad bin Muhammad al-Mustafā al-Ansārī of the library at *Masjid Nabawi* (Department of Rulings, Guidance Research and Biographies) in his book *Haqā'iq min al-Fiqh wa's-Sunnah al-Maranah 'alā Butlān Karahiyyat il-Qabd il-Mi'nah* (dated 1423 AH), it has been posted here at the 25<sup>th</sup> post: <http://ahlalhdeth.com/vb/showthread.php?p=228384#post228384>

- ❖ There is also an interesting story found within the biography of one of the contemporary researchers and students of Islamic knowledge in Madeenah, Shaykh 'AbdurRahmān bin 'Awf 'Umar Kūnī who is originally from Burkina Faso, yet his mother was originally from Mali. Shaykh 'AbdurRahmān had also travelled to Mālī, the land of his maternal uncles and studied with Abū Bakr Danba Wāqī who was specialised in Mālīkī *fiqh* and had himself studied with the Mufti of Eastern Mali and Mauritania at his time. He stated: “Before I arrived in Madeenah<sup>17</sup> I used to leave my hands at the side in Salāh when standing (*irsāl*) and when I saw al-Ameen (ash-Shinqītī) place his right over his left in *Salāh* (*qabd*) I asked him: ‘What is the correct position within the *madhhab* in regards to this issue.’ He said to me: ‘O my son, make *qabd* because what is correct in the *madhhab* of Mālīk is to place the right hand over the left in Salāh, with the exception of the later Mālīkī scholars who act on the narration of Ibn ul-Qāsim.’ He also mentioned to me things in the issue which assured me to make *qabd*. I went to him [‘Allāmah Muhammad al-Ameen ash-Shinqītī] with two treatises in this issue from my Shaykh in Mali. One of them was: *Ma’ayeer ul-’Adl bi-Adilat il-Qabd fi’s-Salāh wa’s-Sadl* and the second was: *Takmilat Ma’ayeer ul-’Adl bi ’Alal Ahādeeth il-Qabd ladā Abl in-Naql*. I suggested to al-Ameen that he read the two works and to give me his view regarding them, yet he refused saying: ‘I have no time for that and what I have said to you is sufficient for I already know what he will say in the two writings!’ I then went to Shaykh Hammād al-Ansārī (*rahimahullāh*) at Hayy al-Basātiyyah and I got to know him as he was from my country (i.e. Mali). I presented to him what I had presented to al-Ameen, for him to go through the two works (on *sadl*) and at first it appeared that he would do that. After I had read them to him he said: ‘Burn them both!’ He did not say much more than this. Ten years later I came across what I believe to be the basis for the Shaykh saying this, for I obtained a treatise by Ahmad bin Muhammad bin as-Siddeeq al-Hasanī al-Maghribī al-Ghumārī entitled *al-Mathnūnī wa’l-Battār fī Nabr il-’Aneed il-M’athār, at-Tā’in fīmā Sabha min al-Ahādeeth wa’l-Athār*. This book is a refutation of the treatise by Muhammad al-Khadr bin Māyābā al-Jaknī ash-Shinqītī entitled *Ibram an-Naql fīmā qila min Arjabīyyat al-Qabd* [Twisting the Criticism in Regards to What Has Been Stated about the Accuracy of Qabd]<sup>18</sup>. As a result, I ascertained that my Shaykh in Mali had based his two works on this work by Muhammad al-Khadr bin Māyābā al-Jaknī ash-Shinqītī after reading it. Al-Ghumārī refutes the expressions used by this Shinqītī point by point.”<sup>19</sup>

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<sup>17</sup> He arrived in Madeenah in 1399 AH/1979 CE

<sup>18</sup> Dār ul-Bashā’ir il-Islāmiyyah, 1996. The author died in 1405 AH/1985 CE.

<sup>19</sup> This biography can be referred to here: <http://ahlalhdeth.cc/vb/showthread.php?p=812259>

Imām Ibn 'AbdulBarr (*rahimahullāh*) often credited as being the “Muhaddith of the Mālikīs” and the “Muhaddith of the Western Islamic Lands (i.e. Andalusia and Maghrib)” stated the following in regards to this matter:

There has not arrived any difference in regards to this matter from the Prophet (sallallāhu 'alayhi wassallam). For it (to pray with the right arm over the left on the chest) is the saying of the jamhūr (majority) of the Sahābah and Tābi'een, it was what was mentioned by Mālik in al-Muwatta' and neither Ibn ul-Mundhir nor anyone else relayed anything besides this from him. Ibn ul-Qāsim however did relay irsāl (to drape the arms by the sides in Salāh) from Mālik and many of his companions remained on this way (from Ibn ul-Qāsim), and there has also arrived a difference for it in the obligatory prayers and the voluntary.<sup>20</sup>

He also stated:

**There is no difference (in regards to qabd) from the Messenger of Allāh (sallallāhu 'alayhi wassallam) and I do not know of any difference in regards to this from the Sahābah, except for something from Ibn az-Zubayr that he used to drape his hands by his sides when he prayed. Yet the opposite of this has also been reported from him wherein he said “Putting the feet together and placing one hand on the other (in Salah) is from the Sunnah.” This view was also stated by the majority of the Tābi'een and most of the fuqahā (jurists) of the Muslims from the people of opinion and narration, such as: Sa'eed bin Jubayr, 'Amru bin Maymoon, Muhammad bin Sireen, Ayyūb as-Sakhtiyānī, Ibrāheem an-Nakha'i, Abū Mijlaz, Sufyān ath-Thawrī, Hammād bin Salamah, al-Hasan bin Sālīh bin Hayy', Ishāq bin Rāhawayh, Abū Thawr, Abū 'Ubayd, Dāwūd bin 'Alī and at-Tabarī.<sup>21</sup>**

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<sup>20</sup> Ibn Hajar al-'Asqalānī, *Fath ul-Bārī, Kitāb ul-Adhān, Bāb Wada' al-Yumnā 'ala'l-Yusra* [Chapter: Placing the Right Over the Left], hadeeth no.740

<sup>21</sup> See Ibn 'AbdulBarr, *at-Tamheed* (Rabat: Wizarat ul-Awqāf, 1402 AH, 2<sup>nd</sup> Edn.), vol.20, p.74; Ibn 'AbdulBarr, *al-Istidhkār* (Damascus: Dār Qutaybah, 1414 AH), vol.6, pp.194-196; Ibn Hazm, *al-Muhallā* (Beirut: Dār ul-Fikr, n.d.), vol.4, p.114; Ibn Qudāmah, *al-Mughnī* (Riyadh: Maktabat ur-Riyādh al-Hadeethah, 1401 AH/1981 CE), vol.1, p.472. The editors of the version of *at-Tamheed* mentioned above are Muhammad Bookhabzah and Sa'eed Ahmad 'A'rāb.

Al-Hāfidh al-'Aynī al-Hanafī states in *'Umdat ul-Qārī li'sh-Sharh Saheeh il-Bukhārī* that placing the hand over the other in Salāh that:

...this was stated by ash-Shāfi'ī, Ahmad, Ishāq and the generality of the people of knowledge, it is also the saying of 'Ali, Abū Hurayrah, an-Nakha'ī, ath-Thawrī and Ibn ul-Mundhir relayed this from Mālik in at-Tawdeeh. It was also the saying of Sa'eed bin Jubayr, Abū Mijlaz, Abū Thawr, Abū 'Ubayd, Ibn Jareer and Dāwūd. Likewise, it was the saying of Abū Bakr, Ā'ishah and the jamhūr of the 'Ulama.<sup>22</sup>

Ibn Hazm stated in the fourth volume of *al-Muhalla* after mentioning many *abādeeth* regarding the authority of *qabd* in *Salah*:

We have relayed that (i.e. *qabd*) from Abū Mijlaz, Ibrāheem an-Nakha'ī, Sa'eed bin Jubayr, 'Amru bin Maymoon, Muhammad bin Sīreen, Ayūb as-Sakhtiyānī and Hammād bin Salah that they used to do that (i.e. *qabd*). It is also the view of Abū Haneefah, ash-Shāfi'ī, Ahmad and Dāwūd.<sup>23</sup>

Imām Muhammad bin Khalafah bin 'Umar at-Tūnisī al-Ubī<sup>24</sup> states in *Ikmāl Ikmāl ul-Mu'allim bi Sharhi Saheeh Muslim* stated:

...and then he placed his right hand over his left, [Qādī] 'Iyyād authenticated the narrations about it.<sup>25</sup>

In this matter it is rather odd to see the Maliki Madhhab partisans even going to the extent of throwing doubt upon Saheeh ul-Bukhārī and Saheeh Muslim, indeed in the process even doubting the *Muwatta'* of Imām Mālik who reports *qabd* in the *Muwatta'*! This is the epitome of intellectual denial that some so-called "Mālikī" Madhhab adherents put the *Muwatta'* behind their backs in this issue. It is reported in *al-Muwatta'*, in the chapter '*Shortening the Prayer*' under the sub-heading '*Placing One Hand on the Other in the Prayer*':

Yahyā related to me from Mālik that 'AbdulKareem ibn Abi'l-Mukhāriq al-Basrī said, "Among the things the Prophet, may Allāh bless him and grant him peace, said and did are: 'As long as you do not feel ashamed, do whatever you wish', the placing of one hand on the other in prayer (one places the right hand on the left), being quick to break the fast, and delaying the meal before dawn."

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<sup>22</sup> Muhammad Abū Madyan ash-Shinqīti, *op.cit.*, p.23.

<sup>23</sup> Ibid.

<sup>24</sup> He was from the village of Ubah in Tunisia and died in 828 AH/1425 CE

<sup>25</sup> Ibid., p.25

Yahyā related to me from Mālik from Abū Hāzim ibn Dinār that Sahl ibn Sa'd said, "People were instructed to place their right hands on their left forearms in the prayer."

Abū Hāzim added: "I know for sure that Sahl traces that back to the Prophet, may Allāh bless him and grant him peace."<sup>26</sup>

Interestingly, the Mālikī partisans cannot attack the *sanad* of these transmissions so instead they resort to disregarding the first of these two *ahādeeth* and throwing doubt on the wordings of Abū Hāzim. All of this is contrary to the way of most of the Mālikī scholars who affirm the Sunnah of *qabd* such as: Ibn 'AbdulBarr, Ibn ul-'Arabī, al-Lakhmī,<sup>27</sup> al-Qādī 'AbdulWahhāb, Ibn ul-Hājib, Ibn ul-Hāj, al-Bannānī, ad-Dusūqī, ad-Dardeerī, ash-Shabrakhītī, 'AbdulBāqī, al-Kharashī and others. Ibn Rushd included it as being from the virtues of the prayer, Qādī Iyyād followed him in this within his *Qawā'id*<sup>28</sup> and so did al-Qarāfi in *adh-Dhakeereah*, Ali al-Ajhūrī and al-'Adawī.<sup>29</sup>

### THE VIEW OF QĀDĪ 'ABDULWAHHĀB BIN 'ALI BIN NASR AL-BAGHDĀDĪ AL-MĀLIKĪ (D. 422 AH) IN HIS BOOK 'AL-ISHRĀF 'ALĀ MASĀ'IL IL-KHILĀF'

Before we assess what was mentioned by Qādī 'AbdulWahhāb al-Baghdādī al-Mālikī it would be useful to provide some details about who he was and about the development of the Mālikī madhhab within al-'Irāq. This has been provided more for general interest for those wishing to

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<sup>26</sup> *Al-Muwatta of Imam Malik ibn Anas: The First Formulation of Islamic Law*, trans. A.A. Bewley (Granada, Spain: Madinah Press, 1997), p.59.

<sup>27</sup> It is not clear who this Lakhmī is, but in all likelihood refers to Abu'l-Hasan 'Ali al-Lakhmī from Qayrawān (d. 478 AH/1085 CE), the author of *Kitāb ut-Tabsirah*. There were many other Mālikī scholars referred to as "al-Lakhmī" including: Ahmad bin Farāh al-Lakhmī al-Ishbīlī ash-Shāfi'ī (d. 699 AH); Tājuddeen 'Umar Ibn al-Lakhmī as-Sakandarī known as al-Fakahānī, who died in 731 AH; Ali bin Muhammad al-Lakhmī (d. 748 AH) and Imām ash-Shātībī was also referred to as being "al-Lakhmī".

<sup>28</sup> Qādī Iyyād also highlights this in *al-Ikmāl*.

<sup>29</sup> Refer to Shaykh Abū 'Abdullāh Muhammad bin Muhammad al-Mustafā al-Ansarī of the library at *Masjid Nabawi* (Department of Rulings, Guidance Research and Biographies) in his book *Haqā'iq min al-Fiqh wa's-Sunnah al-Maranah 'alā Butlān Karahiyyat il-Qabd il-Mi'nah* (dated 1423 AH), it has been posted here at the 25<sup>th</sup> post: <http://ahlalhdeth.com/vb/showthread.php?p=228384#post228384>



know about the development of the Madhhab in al-'Irāq, otherwise for those wishing to cut straight to the topic it is advised to go straight to the details of the view on Qabd, Sadl and Irsāl held by Qādī 'AbdulWahhāb al-Baghdādī al-Mālikī from page 36 onwards.

### **THE SPREAD OF THE MĀLIKĪ MADHHAB IN 'IRĀQ AND A MENTION OF ITS FOUNDERS<sup>30</sup>**

The Mālikī madhhab spread in 'Irāq and Basra at the hands of a number of the mid-level companions of Imām Mālik who relayed hadeeth from him and learnt *fiqh* from him. These were the likes of al-Imām 'AbdurRahmān bin Mahdī bin Hassān al-'Anbarī (d. 198 AH); 'Abdullāh bin Maslamah bin Qa'nab al-Qa'nabī, one of the narrators of *al-Muwatta'* (d. 221 AH) who was originally from Madeenah and then lived in Basra; Ibn Nāsiruddeen 'AbdurRahmān bin Mahdī was also a narrator of the *Muwatta'*.

The stage after them were their followers who included Ahmad bin al-Mu'adhhal bin Gheelān bin al-Hakam al-'Abdī who was of the companions of 'AbdulMālik Ibn al-Mājishoon, Muhammad bin Maslamah and other companions of Mālik. Ahmad bin al-Mu'adhhal had a great role in spreading the Mālikī madhhab in Basra and his students also did after him, who included al-Qādī Ismā'eel bin Ishāq. These taught and authored works and some of them assumed positions in adjudication and judgement for al-Qādī Ismā'eel assumed the position for a long period and this had a role in spreading the madhhab in 'Irāq.

Then came the next stage which included the students of Ismā'eel, these students took hadeeth, *fiqh* and Arabic from him. This included al-Qādī Abū 'Umar Muhammad bin Yūsuf (d. 309 AH); al-Qādī Abū Bakr Muhammad bin Ahmad bin al-Jahm aka "Ibn ul-Warrāq al-Marwazī" (d. 329 AH); al-Qādī Abu'l-Faraj 'Umar bin Muhammad al-Laythī al-Baghdādī (d. 331 AH) and Abu'l-Fadl Bakr bin Muhammad bin al-'Alā al-Qushayrī al-Basrī (d. 344 AH). All of these were people of Imāmah and virtue and they left a great deal in terms of writings on *Usūl* and *furū'*.

There then came another stage which had a major role in elevating the madhhab by authoring valuable works. This stage included the likes of Abū Bakr Muhammad bin 'Abdullāh bin

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<sup>30</sup> Refer to Dr Badawī 'AbdusSamad at-Tāhir Sālih (Lead Researcher of the Dubai Centre of Islamic Studies and Research and Revival of Heritage), *al-Ithāf bi Takhreej Ahādeeth il-Ishrāf: Takhreej wa Dirāsāt Ahādeeth wa'l-Athār fī Kitāb: 'al-Ishrāf 'ala Masā'il il-Khilāf li'l-Imām al-Qādī 'AbdulWahhāb bin 'Ali bin Nasr al-Baghdādī al-Mālikī (d. 422 AH)*, (Dubai, UAE: Dār ul-Buhūth li'd-Darasāt il-Islāmiyyah wa Ihyā it-Turāth, 1420 AH/1999 CE) vol.1, pp.65-67

Muhammad bin Sālih al-Abharī (d. 375 AH); Abu'l-Qāsim 'Ubaydullāh bin al-Hasan bin al-Jallāb (d. 378 AH); Abu'l-Hasan 'Ali bin Ahmad al-Baghdādī aka "Ibn ul-Qasār" (d. 398 AH)<sup>31</sup> and many others. The stage which followed this one included al-Qādī Abū Muhammad 'AbdulWahhāb bin 'Ali bin Nasr al-Baghdādī, the famous Imām (d. 422 AH); Abū Dharr al-Harawī 'Abd bin Ahmad (or Hameed) bin Muhammad (d. 435 AH) and others. After this stage the Mālikī madhhab within 'Irāq became weakened, particularly after the death of al-Abharī and after the hijra of al-Qādī 'AbdulWahhāb from Baghdād to Egypt. Also due to the judges leaving al-'Irāq due to the intra-madhhab disputes which were taking place and this led to only a few individuals adhering to the Mālikī madhhab in 'Irāq until it totally became obsolete in the land.

### **AN EXPLANATION OF THE SOURCES FROM WHICH THE IRĀQĪ MĀLIKĪ SCHOOL DERIVED FIQH OF MĀLIK'S MADHHAB<sup>32</sup>**

The Mālikī schools are all associated in the fact that they derive *fiqh* of their madhhab from two primary sources: the *Muwatta'* of Imām Mālik which includes *fiqh* and issues which Mālik formulated and was transmitted to his companions who would later be the ones to spread his *fiqh* throughout different lands and this led to the blossoming of the madhhab and its dissemination. From the good fortune of these schools is that they all had the fortune of having the foremost and leading companions of Mālik among them.

The case was not the same for the Irāqī school for it was somewhat odd and unique in that it did not have the fortune of having any of the leading first level companions of Mālik established in 'Irāq as they had been established in other lands. As a result of this they derived the *fiqh* of

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<sup>31</sup> This should not be confused with the first "Ibn ul-Qasār" who was mentioned by adh-Dhahabī in *as-Siyar* (vol.12, p.67) when he relayed the incident wherein Yahyā bin 'Awn said:

Sahnūn and myself went to visit Ibn al-Qasār while he was sick and Sahnūn said: "Why this worry?" Ibn al-Qasār said to him: "death, and going to Allāh." Sahnūn said to him: "Do you not believe in the Messengers, the Resurrection, the Judgement, Paradise and the Fire? And that the best of this Ummah was Abū Bakr then 'Umar? And that the Qur'ān is Allāh's Speech that is Uncreated and that Allāh will be seen on the Day of Judgement? And that Allāh is above His Throne? And that the leaders should not be rebelled against with the sword even if they transgress? Ibn ul-Qasār said: "Ay wallāhi! (yes, by Allāh!)" Sahnūn then said to him: "So die then if you should so will, die if you should so will."

For Sahnūn died in 240 AH at the age of 80, so the Ibn ul-Qasār who Sahnūn visited should not be confused with the later Ibn ul-Qasār from Baghdād.

<sup>32</sup> Ibid., vol.1, pp.68-77

Mālik's madhhab from his companions who were in other lands such as Madeenah and elsewhere. Dr Badawī 'AbdusSamad at-Tāhir Sālih highlights three main sources from which the Irāqī Mālikī school derived *fiqh*:

1. From the 'Irāqī narrators of the *Muwatta'*
2. From the Madinan school
3. From the Egyptian school

**As for the first source:** being the narrators of the *Muwatta'* then they are the earliest source to have reached the 'Irāqī environment and bring knowledge of Imām Mālik, the madhhab of the people of Madeenah and the *Muwatta'*. This was as a result of travelling to seek hadeeth which the 'Ulama preserved in, the students of knowledge would not hear of a major Muhaddith that was present in a certain land except that they would travel to him. Thus, many 'Irāqīs travelled to Madeenah and heard from Mālik bin Anas, and some of them heard the *Muwatta'* and hadeeth while some also combined *fiqh* with this. Al-Qādī 'Iyyād mentioned in *Tarteeb ul-Madārik* that four 'Irāqīs are verified to have heard the *Muwatta'* from Imām Mālik which included: 'Abdullāh bin Maslamah al-Qa'nabī al-Basrī (d. 221 AH) and Muhammad bin al-Hasan ash-Shaybānī al-Kūfī (d. 189 AH). Ibn Nāsiruddeen added ten others to this list which included: 'AbdurRahmān bin Mahdī (d. 198 AH); Yahyā al-Qattān (d. 198 AH); Abu'l-Waleed at-Tayālīsī (d. 227 AH) – all from Basra; and Abū Nu'aym al-Fadl bin Dakeen al-Kūfī (d. 218 AH). So all of them number fourteen narrators yet there are also some additional narrators who were not from 'Irāq yet travelled to 'Irāq and narrated what they heard from Mālik therein, this was the case with Suwayd bin Sa'eed al-Hadathānī for example.<sup>33</sup>

This was the way in which the *fiqh* school of Mālik spread in al-'Irāq, it began during Imām Mālik's own lifetime and the madhhab spread into Baghdād, Basra and Kūfāh before the end of the second century after Hijrah. What proves this is what was mentioned in the biography of Asad, that he was sitting in a gathering of Muhammad bin al-Hasan and then he came in lamenting about Mālik saying: "By Allāh, there is not within al-'Irāq a gathering except that Mālik is mentioned therein! All of them are saying 'Mālik this, Mālik that'! Indeed we are from Allāh and unto him we shall return!"<sup>34</sup> Muhammad bin al-Hasan died in 189 AH.

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<sup>33</sup> See *Tārīkh Baghdād*, vol.9, p.228

<sup>34</sup> Refer to al-Qādī 'Iyyād bin Mūsā as-Sabtī, *Tarteeb ul-Madārik wa Taqreeb ul-Masālik li-Ma'rīfat A'lām Madhhab Mālik* (Morocco: Wizārat ul-Awqāf wa'sh-Shu'oon al-Islāmiyyah, n.d.), eds. Panel of Scholars. Vol.3, p.295

**The second source:** the second source from which the 'Irāqīs derived Imām Mālik's *fiqh* was his Madinan companions as many 'Irāqīs transmitted *fiqh* from them, especially two main chains:

**First chain:** from Abū Yahyā Hārūn bin 'Abdullāh az-Zuhrī al-Qādī (d. 228 AH or 232 AH). Al-Qādī 'Iyyād mentions him from the later-level companions of Mālik who were *fuqahā*, these were those took *fiqh* from the foremost companions of Mālik and not from Mālik directly. In the case of Abū Yahyā Hārūn az-Zuhrī he heard from Ibn Wahb and studied *fiqh* with Abū Mus'ab az-Zuhrī, al-Hudayrī and al-Qurtī.<sup>35</sup> Abū Yahyā Hārūn az-Zuhrī also took from Ibn Abī Hāzim, al-Mugheerah, 'AbdulMalik and al-Wāqidi.<sup>36</sup> These Shaykhs are considered to be the third-level companions of Mālik and whoever studies their biographies will immediately see their status and estimation within the *fiqh* of Imām Mālik and they either authored works or were specialised in certain issues and narrations.

From this then it becomes clear that Qādī Abū Yahyā Harūn az-Zuhrī compiled much in regards to the madhhab of Imām Mālik and then travelled to 'Irāq and assumed a judicial position there for the Abbasid Khaleefah al-Ma'mūn and then later he moved to Egypt wherein he assumed another position. He also compiled a work wherein he compiled the different narrations from Mālik and ash-Shīrāzī stated about this work: **“It is the most comprehensive book in regards to the different statements of Mālik.”**<sup>37</sup> It is also stated that he used to support the statements of the people of Madeenah,<sup>38</sup> as a result there is no doubt that al-Qādī Abū Yahyā Hārūn had a major role in spreading the *fiqh* of Mālik within al-'Irāq and defending Imām Mālik, he thus had a major impact therein.

The second scholar within this chain was Abu'l-Fadl Ahmad bin al-Mu'adhhal Ibn Gheelān bin al-Hakam from Basra yet was originally from al-Kūfah. Al-Qādī 'Iyyād mentioned him as the first 'Irāqī to have taken the *fiqh* of Imām Mālik from the first-level companions and he was of those who did not see or hear directly from Imām Mālik.<sup>39</sup> He is listed after al-Qādī Hārūn in terms of *tabaqāt* yet he was a contemporary of him, his biographers praise him for his *wara'*, adherence to the Sunnah, vast knowledge of *fiqh* and of the madhhab of Mālik, he also authored some classifications.<sup>40</sup> He took knowledge from a number of Shaykhs and took much in terms of the *fiqh* of Mālik from 'AbdulMalik Ibn al-Mājishūn and Muhammad bin Maslamah, he also took

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<sup>35</sup> Ash-Shīrāzī, *Tabaqāt ul-Fuqahā*, p.153

<sup>36</sup> *Tarteeb ul-Madārik*, vol.3, p.353

<sup>37</sup> Ash-Shīrāzī, *Tabaqāt ul-Fuqahā*, p.153

<sup>38</sup> Refer to *Tārīkh Baghdād*, vol.14, p.13; Mus'ab az-Zubayrī, *Nasb Quraysh*, p.272

<sup>39</sup> His biography is within *Tarteeb ul-Madārik*, vol.4, pp.5-14

<sup>40</sup> See *Tabaqāt ul-Fuqahā*, p.164; *as-Siyar*, vol.11, pp.512-520; *Tarteeb ul-Madārik*, vol.4, p.7

mainly hadeeth from Ismā'eel bin Abī Uways. As a result then, Ahmad bin al-Mu'adhhdhal had a major role in spreading the *madhhab* of Imām Mālik within 'Irāq and Dr Badawī 'AbduSamad at-Tāhir Sālih considers him to be the first actual founder of the Mālikī school within 'Irāq and the first Mālikī Shaykh there before al-Qādī Ismā'eel. For he taught the *madhhab* of Imām Mālik in Basra and then his students, al-Qādī Ismā'eel and Ya'qūb bin Shaybah, gave further prominence to the *madhhab* throughout 'Irāq.

**Second chain:** The first scholar of this second chain of transmission of the Mālikī madhhab within al-'Irāq was Abū Yūsuf Ya'qūb Ibn Shaybah bin as-Salt bin 'Asfūr as-Sadūsī, the famous Imām of hadeeth (d. 262 AH). He was from Basra yet lived in Baghdād and within his biography he has been described as one of the Imāms of the Muslims and of the notable Ahl ul-Hadeeth.<sup>41</sup> He was also one of the Mālikī *fuqahā* of Baghdād<sup>42</sup> who had many works in regards to the madhhab.<sup>43</sup> Those Shaykhs whom he studied *fiqh* with include: Ahmad bin al-Mu'adhhdhal and stayed with him for a long time in order to gain *fiqh*; al-Hārith bin Miskeen bin Muhammad bin Yūsuf (d. 250 AH) from Basra from the level of Ibn al-Mu'adhhdhal and he had compiled his knowledge from the companions of Mālik such as Ibn ul-Qāsim, Ash-hab, 'Abdullāh bin Wahb and others; Asbagh bin al-Faraj (d. 225 AH) who was also from the level of Ahmad bin al-Mu'adhhdhal from Egypt.

The second scholar of this second chain of transmission of the Mālikī school within al-'Irāq was al-Qādī Ismā'eel bin Ishāq (d. 282 AH), he has been mentioned prior. His teachers included: Ahmad bin al-Mu'adhhdhal; Ismā'eel bin Abī Aways; Abū Mus'ab az-Zuhrī; Abū Thābit al-Madanī; Muhammad bin 'Abdullāh bin Muhammad bin Zayd bin Abī Zayd; Abū Shākir Muhammad bin Maslamah – these last two Shaykhs being from the level of Ibn al-Mu'adhhdhal.

So these four notables (mentioned in the two chains) were the first ones to establish the Mālikī madhhab in 'Irāq.

**The third source:** the third source from which the 'Irāqīs derived the *fiqh* of Imām Mālik was via Mālik's companions from Egypt, for it is well known with the Mālikīs that Shaykh al-Abharī was considered to be of the Imāms of the 'Irāqī school. He explained the *Mukhtasar* of 'Abdullāh bin 'AbdulHakam. Ibn 'AbdulBarr stated in his biography of Ibn 'AbdulHakam:

**He heard about three portions from Mālik and he heard the Muwatta', he also narrated from Ibn Wahb, Ibn ul-Qāsim and Ash-hab much of Mālik's views that they heard from him. He also classified a work which he then made into a smaller work and these two works are what**

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<sup>41</sup> *Tarteeb ul-Madārik*, vol.4, pp.150-151

<sup>42</sup> *Tārīkh Baghdād*, vol.14, p.283

<sup>43</sup> *Tarteeb ul-Madārik*, vol.4, pp.150-151

the Baghdādī-Mālikīs based their school upon. Abū Bakr al-Abharī (rahimahullāh) explained both of these works.<sup>44</sup>

Ibn 'AbdulHakam was from the younger-level companions of Imām Mālik and thus what he heard from Mālik directly was negligible, as a result most of what he benefitted from in terms of knowledge was via the aforementioned companions of Mālik.

### **THE REASONS FOR THE DIFFERENCES BETWEEN THE 'IRĀQĪ SCHOOL AND OTHER MĀLIKĪ SCHOOLS AND AN EXPLANATION OF ITS MANIFESTATIONS AND ASPECTS<sup>45</sup>**

There are two main reasons for the difference between the 'Irāqī-Mālikī school and other Mālikī schools:

**Firstly:** The *Muwatta'* came to the 'Irāqīs at an early stage before it went to others via the 'Irāqī narrators of it and others. As a result, the 'Irāqīs came to know about Imām Mālik, his *fiqh* and *manhaj* via *al-Muwatta'* and as a result Imām Mālik came to be an Imām and leader for them to follow.

**Secondly:** The differing academic environments between 'Irāq and other places wherein the Mālikī school became popularised and established. For the 'Irāqī school was in the middle of much competition and controversies due to the number of madhāhib and ideas within al-'Irāq during those times. For there were disputes in 'Irāq related to *fiqh*, philosophy, *kalām* (speculative theological rhetoric) and other matters, and the numerous *fiqh* madhāhib led to competition over higher religious positions within the judiciary and religious legal spheres. There were also debates within the gatherings of the (Abbasid) Khulafā' and other places. As for the environments of other Mālikī schools then they were abodes of relative calm and they were devoid of such competition which had beset the 'Irāqī milieu. Therefore the Mālikī madhhab was safe and sound within these other environments and the people became content with it wherever it was established. So even though the madhhab of al-Awzā'ī for example reached Andalūs before the madhhab of Mālik did, and likewise the madhhab of Abū Hanfeefah was in al-Qayrawān before that of Mālik's, they did not remain to budge the Mālikī madhhab within those places wherein it became the official state madhhab.

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<sup>44</sup> Abū 'Umar Yūsuf Ibn 'AbdulBarr, *al-Intiqā' fī Manāqib ith-Thalāthat il-A'immat il-Fuqahā* (Beirut: Dār ul-Kutub al-'Ilmiyyah, n.d.), p.53

<sup>45</sup> Refer to Dr Badawī 'AbdusSamad at-Tāhir Sālih, *op.cit.*, vol.1, pp.79-8

This leads us to another difference between the 'Irāqī-Mālikī school and that of other regions which is: the method of authoring. The methodology of the 'Irāqī school was based on evidences while that of other Mālikī schools were based on formulating that which had been dictated to the narrators from what they heard, it was not based on mentioning the evidences of issues. The next apparent difference between the 'Irāqī-Mālikī school and that of other regions is in the type of works produced. An explanation of the two differing methods of authoring and writing (between the 'Irāqī school and others) was given by al-Maqqarī who stated:

**The scholars of the past, may Allāh be pleased with them, when teaching al-Mudawwanah had two terms that they used: Istilāh 'Irāqī and Istilāh Qarawī.<sup>46</sup> Ahl ul-'Irāq within their terminologies place the issues of al-Mudawwanah as the basis and then upon this build chapters from the madhhab along with the evidences and qiyās. They did not stop over the book (i.e. al-Mudawwanah) with authenticating the narrations and discussing the wordings, rather they persevered in singling out the issues and documenting the evidences based on what had been viewed and argued by the Usūlis.**

As for the “Qarawī” term then this refers to: conducting research about the wordings of the book (i.e. al-Mudawwanah); verifying what these words include within the chapters; authenticating the narrations; explaining the possible aspects and bringing attention to confusing words used and differing articles and answering these matters; tracing the narrations; arranging the methods of narration; checking the letters based on what was mentioned in the hearings in agreement with the factors of declension.<sup>47</sup>

What can be benefitted from the words of this scholar is what distinguishes the 'Irāqī-Mālikī scholars from the others, the main differentiation being the 'Irāqīs singling out each issue from *al-Mudawwanah* and then producing the evidences for each issue. This evidence included proofs from the Book, Sunnah, individual views and *qiyās* along with documenting these proofs in accordance with the people of *Jadal* and *Usūl*. This was the way which spread among them within their lessons and their writings, this way is exemplified in the book *al-Ishraf*.

As for the type of writings that the 'Irāqī-Mālikīs authored then their academic environment also obligated them to author works on topics which their brothers from other Mālikī schools did not write on. The 'Irāqī-Mālikīs wrote books on *fiqh*, which was a topic they were not alone in

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<sup>46</sup> Related to al-Qayrawān

<sup>47</sup> *Azhār ur-Riyādh* refer to *Majallah al-Buhūth ul-Fuqahā al-Mu'āsirah* [Journal of Research into Contemporary Fiqh], no.22, 1415 AH/1994 CE, pp.55-56., vol.1, p.22; for more on the terminologies within the Mālikī madhhab that are utilised

writing about; *Usūl*; *kbilāf*; supporting the madhhab and defending it; the status of Ahl ul-Madeenah and its Imām. It could also be said that the 'Irāqī-Mālikīs were the first to write on these topics even before their brothers from other Mālikī schools. The reason for this may be due to the competition between the madhāhib which was occurring within their environment. The 'Ulama from the 'Irāqī-Mālikī school left a sizeable result in terms of works within these aforementioned topics. Here is a list of some of those who authored works and left behind a number of books<sup>48</sup>:

1. Hammād bin Ishāq bin Ismā'eel bin Hammād bin Zayd, the brother of al-Qādī Ismā'eel (d. 267 AH).
2. Al-Qādī Ismā'īl bin Ishaq (d. 282 AH).
3. Al-Qādī Abū Bakr Muhammad bin Ahmad bin 'Abdullāh bin Bakeer al-Baghdādī (d. 329 AH).
4. Abu'l-Husayn 'Umar bin Muhammad bin Yūsuf, from Āl Hammād bin Zayd (d. 329 AH).
5. Al-Qādī Abū Bakr Muhammad bin Ahmad bin Muhammad bin al-Jahm (d. 329 AH).
6. Abu'l-Husayn 'Abdullāh bin al-Muntāb bin al-Fadl (date of date unknown).
7. Abu'l-Faraj 'Umar bin Muhammad bin 'Amru al-Laythī (d. 330 AH or 331 AH).
8. Abu'l-Fadl Bakr bin Muhammad bin al-'Alā (d. 344 AH).
9. Al-Qādī Abū 'Abdullāh Muhammad bin Ahmad bin Muhammad bin 'Umar at-Tustarī al-Basrī (d. 345 AH).
10. Abū Ja'far Muhammad bn'Abdullāh, known as "al-Abharī as-Sagheer" and also "Tbn ul-Khassās" (d. 365 AH).
11. Abu't-Tāhir Muhammad bin Ahmad bin 'Abdullāh adh-Dhuhālī al-Basrī al-Baghdādī (d. 367 AH).
12. Abū Bakr Muhammad bin 'Abdullāh bin Sālīh al-Abharī al-Baghdādī (d. 375 AH).
13. Abu'l-Qāsim 'Ubaydullāh bin al-Husayn bin al-Hasan bin al-Jallāb al-Basrī (d. 378 AH).
14. Abu'l-Hasan 'Ali bin 'Umar bin Ahmad bin al-Qassār (d. 398 AH).
15. Al-Qādī Abū Bakr Muhammad bin at-Tayyib al-Bāqilānī (d. 403 AH).
16. Abū Bakr Muhammad bin Ahmad bin 'Ali bin Ishaq, well known as "Tbn Khuwayz Mīdād" (date of death unknown).
17. Al-Qādī Abū Muhammad 'AbdulWahhāb bin 'Ali bin Nasr al-Baghdādī (d. 422 AH).
18. Abu'l-Fadl Muhammad bin 'Abdullāh bin Ahmad bin 'Amrūs al-Baghdādī (d. 452 AH).
19. Abū Ya'lā Ahmad bin Muhammad al-'Abdī al-Basrī (d. 489 AH).

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<sup>48</sup> Dr Badawī 'AbdusSamad at-Tāhir Sālīh mentioned the names of the books of these authors within his original thesis.



20. The judge of the judges of 'Irāq, 'Izzaddeen al-Husayn bin Abi'l-Qāsim al-Baghdādī, known as "Nabeel" (d. 712 AH).

21. Al-Qādī Shamsuddeen Abū 'Abdullāh Muhammad bin 'Abdurrahmān Ibn 'Askar al-Baghdādī (d. 767 AH).

The last two later writers have been included as they follow the same method in their writings even though they came after the Mālikī madhhab became more or less extinct in al-'Irāq, this indicates that there was a continuation of the early 'Irāqī-Mālikī method of writing even up to this later period.

### **QĀDĪ 'ABDULWAHHĀB AL-BAGHDĀDĪ AL-MĀLIKĪ: HIS NAME, BIRTH, FAMILY AND UPBRINGING**

Many have written biographies of al-Qādī 'AbdulWahhāb (*rahimahullāh*) and the biographers<sup>49</sup> are all agreed that his full name is: **'AbdulWahhāb bin 'Ali bin Nasr**. Al-Khateeb in his *Tārīkh*

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<sup>49</sup> His biographical sources include:

- ✓ Al-Khateeb al-Baghdādī (d. 463 AH), *Tārīkh Baghdād*, vol.11, pp.31-32
- ✓ Abū Ishaq ash-Shīrāzī (d. 476 AH), *Tabaqāt ul-Fuqahā'*, pp.168-169
- ✓ Ibn Bassām (d. 532 AH), *adh-Dhakheerah*, vol.8, pp.515-529
- ✓ Al-Qādī 'Iyyād (d. 544 AH), *Tarteeb ul-Madārik*, vol.4, pp.691-695
- ✓ Ibn 'Asākīr (d. 571 AH), *Tārīkh Dimashq*, vol.10, fols. 305-306 and *Tabyeen ul-Muftarī*, pp.249-250
- ✓ Ibn ul-Jawzī (d. 597 AH), *al-Muntadham*, vol.8, pp.61-62
- ✓ Ibn Khallikān (d. 681 AH), *al-Wafayāt*, vol.3, pp.219-222
- ✓ Adh-Dhahabī (d. 748 AH), *Siyar A'lām un-Nubalā'*, vol.17, pp.61-62
- ✓ Ibn Shākīr al-Katabī (d. 764 AH), *Fawāt ul-Wafayāt*, vol.2, pp.419-421
- ✓ Ibn Katheer (d. 774 AH), *al-Bidāyah wa'n-Nihāyah*, vol.12, pp.32-33
- ✓ An-Nahāhī (d. 793 AH), *al-Murqabat ul-'Ulyā' fī man yastahiq al-Qadā' wa'l-Futyā*, pp.40-43
- ✓ Ibn Farhoon, (d. 799 AH), *ad-Dībāj ul-Madhhab*, pp.159-160
- ✓ Ibn Tughrī Birdī (d. 874 AH), *an-Nujūm uz-Zāhirah*, vol.4, p.276
- ✓ As-Suyūtī (d. 911 AH), *Husn ul-Muhādharah*, vol.1, p.314
- ✓ Ibn ul-'Imād (d. 1089 AH), *Shadharāt udh-Dhahab*, vol.3, pp.223-225
- ✓ Muhammad Maklūf (d. 1360 AH), *Shajarat un-Nūr az-Zakiyyah*, pp.103-104
- ✓ Al-Hajawī (d. 1376 AH), *al-Fikr us-Sāmī*, vol.2, pp.204-205
- ✓ 'Abdullāh Kanūn (a contemporary scholar), *Adab ul-Fuqahā'*, pp.35-38
- ✓ 'Abdurrahmān as-Siddeeq Dafa'ullāh (a contemporary scholar), *al-Qādī 'AbdulWahhāb al-Baghdādī wa Atharuhu fī'l-Fiqh il-Mālikī* (Doctoral thesis submitted to the University of

(vol.11, p.31) went further in presenting his *nisba* and highlighted that his full name and lineage is: **'AbdulWahhāb bin 'Ali bin Nasr bin Ahmad bin al-Husayn bin Hāroon bin Mālik, Abū Muhammad, al-Faqeeh al-Mālikī.** Ibn Khallikān in his *Wafayāt ul-'A'yān* (vol.3, p.219) added after Mālik: Ibn Tawq at-Taghlabī al-Baghdādī, al-Faqeeh al-Mālikī, Yāqoot mentioned that he was a famed poet.<sup>50</sup> Therefore, Qādī 'AbdulWahhāb is from the offspring of Mālik bin Tawq who lived in a square which was on the coast of the Euphrates between ar-Raqqah<sup>51</sup> and Baghdād by the border with Shām.<sup>52</sup> Adh-Dhahabī stated in *as-Siyar* (vol.17, p.430) after mentioning Hārūn in the lineage of Qādī 'AbdulWahhāb: **"Ibn Ameer ul-'Arab Mālik bin Tawq at-Taghlabī al-'Irāqī al-Faqeeh al-Mālikī from the offspring of the companion of the Square."** Al-Qādī 'AbdulWahhāb is ascribed to the Taghlab tribe which is a well-known Arab tribe named after its grandfather Taghlab bin Wā'il. As-Sam'ānī in *al-Ansāb* (vol.1, p.469) ascribed his *nisba* in turn all the way to 'Adnān.

The biographers are in agreement that Qādī 'AbdulWahhāb takes the *kunyah* of "Abū Muhammad" as mentioned by al-Khateeb, Ibn Bassām and Qādī 'Iyyād. It is mentioned in the *Fibriist* of Ibn Khayr (p.256): **"The book al-Mulakhas authored by Abū 'Umar 'AbdulWahhāb bin 'Ali bin Nasr al-Mālikī (rahimahullāh)."** This is without doubt an error because towards the end of this section in *al-Fibriist* it mentions his well-known kunyah. So the mistaken *kunyah* must have been due to a copyist or print error. Qādī 'AbdulWahhāb (*rahimahullāh*) was known as "al-Qādī" because of his lengthy time as a judge in different places, as a result he became famed for this occupation. It is also as if the name "al-Qādī" was mainly applied to him within the books of the Mālikī *fuqahā* as whenever they state "al-Qādī said..." or "al-Qādī views..." it mostly applies to Qādī 'AbdulWahhāb despite of the fact that there were many others known as "al-Qādī".

He was born in Baghdād and Ibn Khallikān mentions in *al-Wafayāt*<sup>53</sup> that Qādī 'AbdulWahhāb was born on Thursday 7<sup>th</sup> Shawwāl 362 AH (corresponding to 10 July 973 CE) in Baghdād, this was also mentioned by Ibn Farhūn,<sup>54</sup> Ibn ul-'Imād<sup>55</sup> and Muhammad Makhluḥ.<sup>56</sup> As for his family

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*Khartoum*, Sudan, 1405 AH/1984 CE). The author also mentions some other sources for the biography of al-Qādī 'AbdulWahhāb worth referring to.

<sup>50</sup> *Mu'jam ul-Buldān*, vol.3, p.35

<sup>51</sup> Ar-Raqqah is a city in north central Syria located on the north bank of the Euphrates river and for about 15 years it was the capital of the Abbasid empire while Baghdād was the administrative centre.

<sup>52</sup> *Mu'jam ul-Buldān*, vol.3, p.34; *al-Ansāb*, vol.3, p.49

<sup>53</sup> Vol.3, p.222

<sup>54</sup> *Ad-Dibāj*, p.160

<sup>55</sup> *Ash-Shadharāt*, vol.3, p.224

<sup>56</sup> *Shajarat un-Nūr az-Zakiyyah*, p.104

then the biographies only mention his father and brother and they are both mentioned briefly. Ibn Khallikān mentions that his father was one of the notables who was a just witness within Baghdād, he died in Baghdād on Saturday 2 Ramadān 391 AH (26 July 1001 CE), this is mentioned by both adh-Dhahabī<sup>57</sup> and Ibn ul-'Imād.<sup>58</sup> As for his brother then Ibn Khallikān mentions:

**He is Abu'l-Hasan Muhammad bin 'Ali bin Nasr, who was a noble writer. He classified the book al-Mufāwadhah for al-Mālik al-'Azeez Jalāl ud-Dawlah Abū Mansūr bin Abī Tāhir Bihā'ud-Dawlah Ibn Buwayh. He compiled within it what he witnessed and it is a great work in 30 parts, he also authored a number of other treatises. He was born in Baghdād in the year 372 AH and he died on Sunday 3 Rabī' al-Ākhir 437 in Wāsīt where he had travelled to from Basra.**<sup>59</sup>

Adh-Dhahabī mentioned in *as-Siyar* that his brother was from the famed poets and Ibn ul-'Imād mentioned as Ibn Khallikān did.

### **His Academic Life**

Those who were born and raised in Baghdād during the times of Qādī 'AbdulWahhāb would have been raised in an environment of knowledge, literature and culture and this would have an influence on one's upbringing. In this way then, the family of Qādī 'AbdulWahhāb was one of knowledge and virtue and under the guidance of his father 'AbdulWahhāb was also encouraged to attend the circles of knowledge be they of *hadeeth*, *fiqh*, *adab* or any other science. As a result, Qādī 'AbdulWahhāb from an early age met scholars and he sat in their circles at the age of thirteen, he thus studied under scholars such as Abū 'Abdullāh al-'Askarī (d. 375 AH) and Ibn Sanbak (d. 376 AH).

Travelling for knowledge was also of the characteristics of this period and was something which the students of knowledge safeguarded. In Qādī 'AbdulWahhāb's case he travelled to Basra and gained knowledge from there, studying under Abū 'Umar al-Hāshimī al-Qāsīm bin Ja'far al-Basrī, al-Khateeb al-Baghdādī has a biography of him within *Tārikh Baghdād* (vol.12, p.451). Also of the Shaykhs of Qādī 'AbdulWahhāb is Abu'l-Qāsīm 'Ubaydullāh bin al-Husayn ibn al-Jallāb al-Basrī, yet al-Khateeb did not provide a biography of him within *Tārikh Baghdād*, which means that al-Qādī 'AbdulWahhāb must have travelled to him in Basra to study *fiqh*. Also of the Shaykhs of

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<sup>57</sup> *Siyar*, vol.17, p.432

<sup>58</sup> *Ash-Shadharāt*, vol.3, p.225

<sup>59</sup> *Al-Wafayāt*, vol.3, p.222

Qādī 'AbdulWahhāb is 'AbdulMālik al-Marwānī who is: 'AbdulMālik bin Marwān bin 'Abdul'Azeez al-Madanī. Al-Khateeb did not provide a biography of him within *Tāreekh Baghdād* which means that al-Qādī 'AbdulWahhāb must have travelled to him in Madeenah. Al-Qādī 'AbdulWahhāb had many Shaykhs yet his biographers do not mention all of them rather they mention the names of some of them. His Shaykhs could be categorised into two: Shaykhs in *hadeeth* and Shaykhs in *fiqh* and *usūl*. As for his Shaykhs in *hadeeth* then they include the following:

1. His father, 'Ali bin Nasr, al-Qādī 'Iyyād mentioned that Qādī 'AbdulWahhāb heard from him and that there were many who relayed what they heard via him.<sup>60</sup>
2. Abū 'Abdullāh al-'Askarī, al-Husayn bin Muhammad bin 'Ubayd (d. 375 AH), al-Khateeb al-Baghdādī mentions him as being of the Shaykhs of Qādī 'AbdulWahhāb.<sup>61</sup>
3. 'Umar bin Muhammad bin Ibrāheem bin Muhammad bin Khālid, aka: Abu'l-Qāsim al-Bajalī ("Ibn Sanbak"),<sup>62</sup> d. 376 AH. Al-Khateeb al-Baghdādī and Ibn 'Asākir mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb.
4. Abū Hafs bin Shāheen 'Umar bin Ahmad bin 'Uthmān (d. 385 AH),<sup>63</sup> al-Khateeb al-Baghdādī and Ibn 'Asākir mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb.
5. Abū Bakr al-Abharī, Muhammad bin 'Abdullāh bin Muhammad bin Sālih (d. 375 AH),<sup>64</sup> but there is a difference of opinion as to whether al-Qādī 'AbdulWahhāb heard from him.<sup>65</sup>
6. Abū Bakr as-Sayyād Muhammad bin Ahmad bin Yūsuf bin Waseef (d. 413 AH),<sup>66</sup> al-Qādī 'Iyyād and Ibn 'Asākir mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb from whom he heard.
7. Abū Tāhir al-Mukhallis, Muhammad bin 'AbdurRahmān bin al-'Abbās bin 'AbdurRahmān bin Zakariyyah (d. 393 AH),<sup>67</sup> al-Qādī 'Iyyād mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb from whom he heard.

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<sup>60</sup> Refer to *Tarteeb ul-Madārik*, vol.4, p.692

<sup>61</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.8, p.100; *Shadharāt udh-Dhahab*, vol.3, p.85

<sup>62</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.11, p.261; *Shadharāt udh-Dhahab*, vol.3, p.87, yet the spelling of his name mentioned in this source is: 'Ibn Shanbak' with a *sheen* and this is an error.

<sup>63</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.11, p.265; *Tadhakirat ul-Huffādh*, vol.3, p.987; *al-Ibar*, vol.2, p.167.

<sup>64</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.5, p.462; *al-Ansāb*, vol.1, p.77 and *ad-Dibāj*, p.255.

<sup>65</sup> Refer to *Tabaqāt ul-Fuqahā'*, pp.168-169 and *Tarteeb ul-Madārik*, vol.4, p.692

<sup>66</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.1, p.378.

<sup>67</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.2, p.322; *ash-Shadharāt*, vol.3, p.144

8. Abū 'Alī ibn Shādhān al-Hasan bin Ahmad bin Ibrāheem, Abū 'Alī al-Bazār (d. 426 AH),<sup>68</sup> al-Qādī 'Iyyād mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb.
9. Abū 'Umar al-Hāshimī al-Qāsīm bin Ja'far bin 'AbdulWāhid (d. 404 AH),<sup>69</sup> al-Qādī 'Iyyād mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb.
10. Ibn Zarqawayh Muhammad bin Ahmad bin Muhammad bin Ahmad bin Zarq Abu'l-Hasan al-Bazār al-Baghdādī (d. 412 AH),<sup>70</sup> al-Qādī 'Iyyād mention him as being of the Shaykhs of al-Qādī 'AbdulWahhāb.<sup>71</sup>
11. Abu'l-Fath al-Qawās, Yūsuf bin 'Umar bin Masrūr (d. 385 AH),<sup>72</sup> he his mentioned by Ibn 'Asākir as being of those Shaykhs that Qādī 'AbdulWahhāb narrated from.
12. Abu'l-Hasan bin al-Qasār 'Alī bin 'Umar bin Ahmad (d. 397 AH or 398 AH),<sup>73</sup> he is mentioned as being of the Shaykhs of Qādī 'AbdulWahhāb by al-Qādī 'Iyyād, Ibn Farhūn and Makhlūf.
13. Abu'l-Qāsīm bin Jallāb 'Ubaydullāh bin al-Husayn bin al-Hasan, may differ over his name, he died in 378 AH.<sup>74</sup> He is mentioned as being of the Shaykhs of Qādī 'AbdulWahhāb by al-Qādī 'Iyyād, Ibn Farhūn and Makhlūf.
14. Al-Qādī Abū Bakr al-Bāqilānī Muhammad bin at-Tayyib (d. 403 AH).<sup>75</sup> Al-Qādī 'Iyyād stated about Qādī 'AbdulWahhāb: **“He gained understanding from the senior companions of al-Abharī such as: Abu'l-Hasan bin al-Qasār, Abu'l-Qāsīm bin al-Jallāb, and he studied fiqh, usūl and kalām with al-Qādī Abū Bakr al-Bāqilānī and accompanied him.”**

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<sup>68</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.7, p.279 – in here it is mentioned: 'al-Hasan bin Ibrāheem bin Ahmad'; *ash-Shadharāt*, vol.3, pp.228-229

<sup>69</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.12, p.451; *at-Taqqyeed*, vol.2, p.223 and *ash-Shadharāt*, vol.3, p.201

<sup>70</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.1, pp.351-352; *ash-Shadharāt*, vol.3, p.196

<sup>71</sup> As mentioned in *Tārīkh Baghdād*, vol.1, p.351; *Tarteeb ul-Madārik* (Moroccan print), vol.7, p.221 and vol.4, p.692 of the Beirut print; *Siyar*, vol.17, p.258

<sup>72</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.14, p.325-327; *ash-Shadharāt*, vol.3, p.119

<sup>73</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.12, p.41-42; *Tarteeb ul-Madārik*, vol.4, p.602; *ad-Dībāj*, p.146 and *Shajarat un-Nūr*, p.92.

<sup>74</sup> The sources of his biography are: *ad-Dībāj*, p.146; for further details of his biography and the difference accounts refer to *Kitāb ut-Tafri'*, edited by Dr Husayn bin Sālim ad-Dahmānī, vol.1, p.101-106.

<sup>75</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.5, p.379; *Tarteeb ul-Madārik*, vol.4, p.602; *Wafayāt ul-A'yān*, vol.4, p.269; *ad-Dībāj*, p.267 and *ash-Shadharāt*, vol.3, pp.168-169.

15. The Qādī of Madeenah, Abū Muhammad 'AbdulMālik al-Marwānī, 'Ubaydullāh bin Marwān bin 'Abdul'Azeez.<sup>76</sup> He was well known as “al-Marwānī” and then “al-Mālikī”. He is mentioned as being of the Shaykhs of Qādī 'AbdulWahhāb by al-Qādī 'Iyyād, Ibn Farhūn and Makhlūf.

All of the aforementioned Shaykhs are notables within Mālikī *fiqh* and have an elevated status as Imāms. As for the students of al-Qādī 'AbdulWahhāb then his biographical sources have preserved the names of some of them. His students, like his teachers, can likewise be categorised into two: those who heard hadeeth from him and reported from him; and those who studied *fiqh* from him. As for those who heard hadeeth from him then they are the following:

1. Al-Khateeb al-Baghdādī, Ahmad bin 'Ali bin Thābit<sup>77</sup> the author of *Tārīkh Baghdād*<sup>78</sup> and other extraordinary classifications (d. 463 AH). Ibn 'Asākir also mentioned that he was of those who took from al-Qādī 'AbdulWahhāb.
2. Abū Muhammad 'AbdulHaq bin Muhammad bin Hārūn as-Suhamī al-Qurashī (d. 466 AH),<sup>79</sup> al-Qādī 'Iyyād mentioned that he narrated from Qādī 'AbdulWahhāb.
3. Abu'l-'Abbās bin Qubays Ahmad bin Mansūr bin Muhammad bin 'Abdullāh al-Ghassānī (d. 468 AH).<sup>80</sup> In a narration from him Ibn 'Asākir states: “He heard hadeeth from al-Qādī 'AbdulWahhāb bin 'Ali al-Mālikī and others.”<sup>81</sup> Al-Qādī 'Iyyād also mentions him.
4. Abu'l-Qāsim al-'Ukbarī 'AbdulWāhid bin 'Ali bin Burhān (d. 456 AH),<sup>82</sup> he was mentioned by Ibn 'Asākir.
5. Abū Muhammad al-Kattānī, 'Abdul'Azeez bin Ahmad at-Tameemī ad-Dimishqī as-Sūfī al-Hāfidh (d. 466 AH),<sup>83</sup> Ibn 'Asākir mentions him in a narration.

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<sup>76</sup> The sources of his biography are: *ad-Dībāj*, p.157; *Shajarat un-Nūr*, p.90 – yet neither of these sources mention his date of death.

<sup>77</sup> The sources of his biography are: *Wafayāt ul-'A'yān*, vol.1, p.92; *Tadhkirat ul-Huffādh*, vol.3, p.1135 and *ash-Shadharāt*, vol.3, p.300

<sup>78</sup> See vol.11, p.31

<sup>79</sup> The sources of his biography are: *ad-Dībāj*, p.174; *Tarteeb ul-Madārik*, vol.4, pp.774-776

<sup>80</sup> The sources of his biography are: *Tārīkh Dimishq (Tahdheeb)*, vol.1, p.100); *Tarteeb ul-Madārik*, vol.4, p.765

<sup>81</sup> Ibid.

<sup>82</sup> The sources of his biography are: *Tārīkh Baghdād*, vol.11, p.17; *al-'Ibar*, vol.2, p.305 and *ash-Shadharāt*, vol.3, p.297.

<sup>83</sup> The sources of his biography are: *al-'Ibar*, vol.2, p.320; *ash-Shadharāt*, vol.3, p.325

6. Haydarah bin 'Ali bin Muhammad bin Ibrāheem bin al-Husayn Abu'n-Najā ibn Abī Turāb al-Qahtānī al-Antākī, the dream interpreter.<sup>84</sup> Ibn 'Asākir mentions him in a narration.
7. Al-Qādī Ibn Shamākh al-Ghāfiqī, he is Abu'l-Hasan 'Ali bin Muhammad bin al-Habeeb bin Shamākh. He is mentioned by Yāqūt in *Mu'jam ul-Buldān* in regards to Ghāfiq. Yāqoot states: From Ghāfiq is: "Abu'l-Hasan..." and then he mentioned him. Then Yāqoot stated: "He narrated from his father and al-Qādī Abū 'Abdullāh bin as-Sibāt and others. He was of the people of nobility and presided over adjudications in the land of Ghāfiq for a lengthy period of time which amounted to sixty-five years. He died in the year 503 AH."
8. Abū Tāhir Ibn Abī as-Saqr al-Anbārī.
9. 'Ali bin al-Khidr as-Sulamī
10. 'Ali bin Muhammad bin Shujā'a – these three all being mentioned by Ibn 'Asākir.
11. Mahdī bin Yūsuf, the companion of Ibn Shamākh, he was mentioned by al-Qādī 'Iyyād.
12. Abū 'Abdullāh al-Māzarī al-Baghdādī, he was mentioned by al-Qādī 'Iyyād.

As for al-Qādī 'AbdulWahhāb's students in *fiqh* then they include:

13. Ibn 'Amrūs, Muhammad bin 'Abdullāh bin Ahmad bin Muhammad al-Baghdādī (d. 452 AH).<sup>85</sup> He was mentioned by al-Qādī 'Iyyād and Ibn Farhūn.
14. Abu'l-Fadl ad-Dimishqī, Muslim bin 'Ali bin 'Abdullāh bin Muhammad bin Husayn, from Ahl ush-Shām,<sup>86</sup> known as "Ghulām 'AbdulWahhāb" due to his specialisation in the works of his teachers, accompanying and serving him. He is mentioned by al-Qādī 'Iyyād.
15. Abu'l-'Abbās Ibn Qushayr, he was mentioned by al-Qādī 'Iyyād.

The knowledge of Qādī 'AbdulWahhāb was multi-faceted for he was a Muhaddith, a *faqeeh*, an *Usūlī*, a literary connoisseur and a poet. In many ways this was not strange for such a scholar of his time it would rather be strange if he did not have all of these talents and such a broad knowledge of such arts and sciences. Al-Qādī 'AbdulWahhāb moved between Baghdād and its surrounding areas; Damascus and Egypt. He spent some time in each of these locations and it is thought that he narrated hadeeth in these places even if it were a small amount. He is regarded as being of a Muhaddith of the *fuqahā* not a Faqeeh of the Muhadditheen and the proof of this, within his work

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<sup>84</sup> The sources of his biography are: *Tārīkh Dimishq (Tahdheeb)*, vol.5, p.25); *ash-Shadharāt*, vol.3, p.333

<sup>85</sup> The sources of his biography are: *al-'Ibar*, vol.2, p.299; *Tarteeb ul-Madārik*, vol.4, pp.762-763; *ad-Dībāj*, p.273 and *Shajarat un-Nūr*, p.105

<sup>86</sup> The sources of his biography are: *Tarteeb ul-Madārik*, vol.4, p.765; *ad-Dībāj*, p.348 – yet his date of death is not mentioned.

relaying *abādeeth*, is his concern with the meanings of *abādeeth* more than his concern with validating terminologies.

As for in the field of *usūl* and *fiqh* then al-Qādī 'AbdulWahhāb gained prominence in this field and left a large library of works on these two sciences in particular. These two areas were the reason for why al-Qādī 'AbdulWahhāb achieved notoriety among the 'Ulama generally and the madhhab specifically. What bears testimony to this is what many have of his biographers have described him with in regards to his *fiqh* and high standards of terms of expressions. Such descriptions are only for those who are not only firmly grounded in knowledge but also prominent. Al-Khateeb al-Baghdādī stated, after mentioning the name and *nisba* of al-Qādī 'AbdulWahhāb:

**Al-Faqeeh al-Mālikī; thiqah (trustworthy); the Mālikīs did not meet anyone more knowledgable than him; he possessed good views; the possessor of good terms of expression.**

Ibn 'Asākir stated: **“Al-Faqeeh al-Mālikī, the author of classifications”** and Ibn Khallikān, adh-Dhahabī and ash-Shīrāzī stated similar. As-Suyūtī stated:

**One of the notables and one of the Mālikī Mujtahid Imāms of the madhhab. He has statements and preferences (tarjīhāt) which culminated in him attaining leadership in the madhhab.**

Ibn Farhūn stated:

**He possessed good views and had good terms of expression, he was a debater on behalf of the madhhab and supported it. He was thiqah, a hujjah and was precious in his time.**

Others said similar to this in their appraisals of al-Qādī 'AbdulWahhāb (*rahimahullāh*) due to his ability to cover many aspects of *fiqh*. Ash-Shīrāzī stated in his biography of al-Qādī 'AbdulWahhāb: **“He has many works in every aspect of fiqh.”** Al-Qādī 'Iyyād stated:

**“He authored works on the madhhab and also on difference of opinions, likewise he wrote superb and beneficial works on usūl such as Kitāb ut-Talqeen.”**

Al-Qādī 'AbdulWahhāb authored around twenty or more works:

1. *At-Talqeen/Talqeen ul-Mubtadī and Tadhkirat ul-Muntahā*<sup>87</sup>
2. *Sharh ut-Talqeen*<sup>88</sup>

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<sup>87</sup> This was mentioned by al-Qādī 'Iyyād, Ibn Khallikān, Ibn Katheer, adh-Dhahabī, Ibn Farhūn, Makhlūf, an-Nabāhī, al-Hajawī and Ibn Khayr in his *Fihrist* (p. 243).

<sup>88</sup> Mentioned by al-Qādī 'Iyyād, an-Nabāhī, Ibn Farhūn and Makhlūf



3. *Sharh ur-Risālah*<sup>89</sup> (being an explanation of the *Risālah* of Ibn Abī Zayd al-Qayrawānī in regards to *Mālikī fiqh*).
4. *Sharh ul-Mudawwanah*,<sup>90</sup> he did not complete this work.
5. *Al-Mumabhad fī Sharh Mukhtasar ash-Shaykh Abū Mubammad (Ibn Zayd al-Qayrawānī)*.<sup>91</sup>
6. *An-Nusrab li-Madhhab Imām Dār ul-Hijrah*.<sup>92</sup>
7. *Awā'il ul-Adillah fī Masā'il il-Khilāf Bayna Fuqahā ul-Millah*.<sup>93</sup>
8. *Al-Ma'ūnah li-Daras Madhhab 'Ālim il-Madeenah*.<sup>94</sup>
9. *Ar-Radd 'ala'l-Muḥḥanī*.<sup>95</sup>
10. *Al-Adillah fī Masā'il il-Fiqh*.<sup>96</sup>
11. *Al-Furuq fī Masā'il il-Fiqh*.<sup>97</sup>
12. *Al-Isbrāf 'alā Masā'il il-Khilāf*.<sup>98</sup>
13. *'Uyūn ul-Masā'il*.<sup>99</sup>
14. *Ikhtisār 'Uyūn il-Adillah*<sup>100</sup> wa *'Uyūn il-Adillah li-Ibn al-Qasār (the Shaykh of al-Qādī 'AbduWabbāb)*.
15. *'Uyūn ul-Majālis fī Fiqh Mukhtalif il-Madhāhib*.<sup>101</sup>
16. *An-Nadhā'ir fī'l-Fiqh al-Mālikī*.<sup>102</sup>
17. *Sharh Fusūl il-Abkām wa Bayān ma Madā bibi al-'Amal 'inda al-Fuqahā wa'l-Hukām*.<sup>103</sup>

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<sup>89</sup> Mentioned by al-Qādī 'Iyyād, an-Nabāhī, Ibn Farhūn and Makhlūf

<sup>90</sup> Mentioned by al-Qādī 'Iyyād, Ibn Farhūn, Makhlūf and al-Hajawī

<sup>91</sup> Mentioned by al-Qādī 'Iyyād, Ibn Farhūn, Makhlūf and al-Hajawī

<sup>92</sup> Mentioned by al-Qādī 'Iyyād, an-Nabāhī, Ibn Farhūn, al-Hajawī and Makhlūf

<sup>93</sup> Mentioned by al-Qādī 'Iyyād, an-Nabāhī, Ibn Farhūn and Makhlūf, the addition in the title of the book: *'fī Masā'il il-Khilāf Bayna Fuqahā' al-Millah* is mentioned by an-Nabāhī.

<sup>94</sup> Mentioned by al-Qādī 'Iyyād, Ibn Khallikān, Ibn Katheer, adh-Dhahabī, an-Nabāhī, Ibn Farhūn, Makhlūf, al-Hajawī, Ibn Khayr in his *Fihrist* (p. 245)

<sup>95</sup> Mentioned by al-Qādī 'Iyyād

<sup>96</sup> Mentioned by Ibn Farhūn and Makhlūf

<sup>97</sup> Mentioned by Ibn Farhūn and Makhlūf and within *Shajarat un-Nūr* it is entitled: *'al-Burūq'*

<sup>98</sup> Mentioned by Ibn Khayr in his *Fihrist* (p. 245), an-Nabāhī, Makhlūf, al-Hajawī, Ibn Farhūn and the additional title of *'ala Nukat Masā'il il-Khilāf'* is given by an-Nabāhī.

<sup>99</sup> Mentioned by al-Qādī 'Iyyād, Ibn Farhūn and Makhlūf

<sup>100</sup> Mentioned by Dr 'AbdurRahmān as-Siddeeq in his doctoral thesis, p.165

<sup>101</sup> Mentioned by Dr 'AbdurRahmān as-Siddeeq in his doctoral thesis, p.170

<sup>102</sup> Mentioned by Dr 'AbdurRahmān as-Siddeeq in his doctoral thesis, p.178

<sup>103</sup> Mentioned by Dr 'AbdurRahmān as-Siddeeq in his doctoral thesis, p.143

18. *Al-Ifādah fī Usūl il-Fiqh*.<sup>104</sup>
19. *At-Talkhees fī Usūl il-Fiqh*<sup>105</sup> / *al-Mulakhas fī Usūl il-Fiqh*.
20. *Al-Marwazī fī Usūl*.<sup>106</sup>
21. *Al-Mufākbar*.<sup>107</sup>
22. *Al-Wādībah fī Tafseer il-Fātībah*.<sup>108</sup>

'Ulama have greatly praised the writings of al-Qādī 'AbdulWahhāb, yet most of these writings are either in manuscript form or lost<sup>109</sup> and have not seen the light of day in an academic context except for three books which are:

- a. *Al-Isbrāf* – the oldest of his works that have been discovered.<sup>110</sup>
- b. *At-Talqeen*
- c. *Al-Ma'ūnah 'alā Madhhab 'Ālim il-Madeenah*, which was recently discovered.<sup>111</sup>

### **His Life as a Judge**

Al-Qādī 'AbdulWahhāb occupied most of his academic life within two main fields, the first was as a judge. He became well known for this occupation and spent most of his life in this field, Ibn

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<sup>104</sup> Mentioned by al-Qādī 'Iyyād, an-Nabāhī, Ibn Farhūn, al-Hajawī and Makhlūf

<sup>105</sup> Mentioned by al-Qādī 'Iyyād, an-Nabāhī, Ibn Farhūn, Makhlūf, Ibn Khayr in his *Fihrist*, p.256 and Dr 'AbdurRahmān as-Siddeeq in his thesis, p.195. All of these sources mention the title '*at-Talkhees*' and Ibn Khayr mentioned the title '*al-Mulakhas fī Usūl il-Fiqh*'. Dr 'AbdurRahmān as-Siddeeq provides some sources which also give the book this title.

<sup>106</sup> Mentioned by al-Qādī 'Iyyād

<sup>107</sup> Mentioned by al-Qādī 'Iyyād

<sup>108</sup> Mentioned by Dr 'AbdurRahmān as-Siddeeq in his doctoral thesis, p.211

<sup>109</sup> In order to know more about these works and investigate some samples of some of these works refer to the thesis submitted to the *University of Khartoum* in 1405 AH (1984 CE) by Dr 'AbdurRahmān as-Siddeeq entitled *al-Qādī 'AbdulWahhāb al-Baghdādī wa Atharuhu fī'l-Fiqh il-Mālikī*, pp.107-212 (Chapter entitled '*Mu'alliffāt al-Qādī 'AbdulWahhāb wa Āthāruhu al-'Ilmiyyah wa'l-Adabiyyah wa Adab il-Fuqahā*').

<sup>110</sup> It was printed in two volumes by *Matba'ah al-Irādah* in Tunisia quite a long time back yet with neither a date nor name of publisher.

<sup>111</sup> First printed in 1415 AH (1995 CE) and was edited by Muhammad Thālith Sa'eed as a doctoral thesis in *fiqh* at *Umm ul-Qura' University*. The second print was conducted in the same year yet edited by Humaysh 'AbdulHaqq also as a doctoral thesis in *fiqh* at the same university.

Farhūn compiled the different places wherein he held this position and the biographical sources differ as to these places:

**He assumed the position of judge in ad-Dīnawar,<sup>112</sup> Bādarāyā,<sup>113</sup> Bākusāyā – all of these places being in 'Irāq. He then assumed the position of judge in As'arad<sup>114</sup> and then later in al-Mālikiyyah in Egypt where he stayed for the end of his life and this is where he died.**

The biographical sources neither provide a detailed account of his life as a judge nor of the periods of time that he spent in this position within different places. One of the main results of his work within the field of adjudication was that he authored the book: *Sharh Fusūl ul-Abkām*, which has been mentioned previously.

Secondly, the other field in which Qādī 'AbdulWahhāb was famed for was teaching and it was mentioned prior that he had students in *badeeth* and *fiqh* and he had students in Baghdād and those who travelled to him from other lands such as Shām and Andalūs.

### **His Travels to Egypt and Death<sup>115</sup>**

The biographical sources of al-Qādī 'AbdulWahhāb are agreed that towards the end of his life he travelled to Egypt yet the sources differ as to the reason of his journey to the country from his own country. This is mentioned by al-Khateeb al-Bagdādī, Ibn 'Asākir, ash-Shīrāzī and adh-Dhabī. Ibn Bassām, Ibn Katheer and as-Suyūtī argue that al-Qādī 'AbdulWahhāb left Baghdād for Egypt due to poverty and the difficult living standards there.

Some other historians however stated that the reason he departed from Baghdād was because he spoke about Imām ash-Shāfi'ī (*rahimahullāh*) and feared the punishment. Al-Qādī 'Iyyād stated:

**And it has been said that the reason he departed from Baghdād is due to the story that he spoke about ash-Shāfi'ī and then feared for himself because he was sought after on account of that and thus fled from Baghdād.**

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<sup>112</sup> Ad-Dīnawar, with a kasra on the *dāl* and a *fatha* both on the *nūn* and *waw*, Yāqūt said in *Mu'jam ul-Buldān*, vol.2, p.545: "A city near Qirmīsīn." It is one of the cities that is currently in Western Irān in Kermanshah province. Refer to *Mu'jam ul-Buldān*, vol.4, p.330.

<sup>113</sup> Bādarāyā and Bākusāyā are neighbouring lands (or cities) in 'Irāq that lie between Baghdād and Wāsīt. Refer to: *Mu'jam ul-Buldān*, vol.1, p.316 and 327; *Wafayāt ul-A'yān*, vol.3, p.222

<sup>114</sup> As'arad is in Southern Mayāfāriqeen (Miyarfarqin/Meiafarakin), refer to *Mu'jam ul-Buldān*, vol.5, p.235. Mayāfāriqeen is also known as 'Silvan', which is the other Turkish name for the district, and it lies in the Diyarbakir Province in Turkey in the Kurdish Mountains.

<sup>115</sup> Refer to Dr Badawī 'AbdusSamad at-Tāhir Sālih, *op.cit.*, vol.1, pp.135-138

Al-Qādī 'Iyyād relayed this incident by saying “it has been said” and this was also stated by an-Nabāhī. Other reasons have been given as to why al-Qādī 'AbdulWahhāb left Baghdād for Egypt yet they are all hypothetical and Allāh knows best. As for the story which alleges he spoke about Imām ash-Shāfi'ī then this is unlikely as ash-Shīrāzī did not mention such an incident and he was Shāfi'ī in his *fiqh madhhab*. Ibn Katheer stated:

**He departed Baghdād due to his difficult situation there and then arrived in Egypt wherein the Maghāribah (people of the Western Islamic lands, i.e. Morocco, Algeria, Tunisia etc.) honoured him and gave him much in the way of gold.**

Al-Qādī 'AbdulWahhāb assumed the position of judge of the Mālikiyyah in Egypt, he died in Sha'bān in 422 AH according to the most authentic accounts, some reports state that he died in 421 AH. However, his date of death in 422 AH is held by al-Khateeb al-Baghdādī and Ibn 'Asākir who both relayed this date from al-Qādī 'AbdulWahhāb's student 'Abdul'Azeez al-Kattānī. This date was also given by ash-Shīrāzī, Ibn Khallikān and others. May Allāh have mercy on him. On his way to Egypt he stopped off in Damascus wherein he remained for eight months, Ibn 'Asākir relays from Ahmad bin Mansūr an-Nasā'ī (a student of al-Qādī 'AbdulWahhāb):

**Shaykh Abū Muhammad 'AbdulWahhāb bin Nasr al-Faqeeh al-Mālikī (radi Allāhu 'anhu) arrived in Damascus in Shawwāl in the year 419 AH and then left in Jumadā al-Ulā in 420 AH. He died in Egypt.**

Al-Qādī 'AbdulWahhāb intended to travel to al-Maghrib (North-West Africa, primarily Morocco, Algeria, Tunisia and Libya) and al-Andalūs, yet he remained in Egypt until he died, may Allāh have mercy on him.<sup>116</sup>

## **THE ISSUE OF QABD IN 'AL-ISHRĀF 'ALĀ MASĀ'IL IL-KHILĀF'**

As for Qādī 'AbdulWahhāb al-Baghdādī al-Mālikī (d. 422 AH) then his view has been surprisingly disregarded by many of the contemporary so-called Mālikīs. Indeed it may actually be the case that either these pseudo-Mālikīs are intentionally hiding what he stated on the issue of *qabd* or they are absolutely ignorant about what he stated on the topic.

It also has to be said that one of the possible reasons why he has been disregarded by many of the contemporary pseudo-Mālikīs is due to his name! Because his name was: **“AbdulWahhāb”**

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<sup>116</sup> Refer to *Tarteeb ul-Madārik*, *al-Murqabat ul-'Ulyā* and Dr 'AbdurRahmān as-Siddeeq's thesis *al-Qādī 'AbdulWahhāb*, pp.54-55

they do not want to refer to anyone with this name because their co-“traditional Islām” associates have actually sunk to the level wherein they pour scorn on this Name of Allāh due to their partisan promotion and simplistic referral to what they have called “Wahhābism” and the so-called “Wahhābīs”.

Qādī ‘AbdulWahhāb stated in *al-Isbrāf*:<sup>117</sup>

Issue number 158: To place the right hand over the left in *Salāh* has two narrations: one of them is that it is recommended (*istibbāb*) and the other is that it is permitted (*ibābah*). As for the view that it is disliked [*kirābah*], and this is not an area of disagreement, then this is in regards to intending *i’timād* [supporting oneself on something during *Salāh*] and *itika’* [leaning]. The side which states that there is a recommendation [*stibbāb*] then this is from the Prophet’s saying (*sallallāhu ‘alayhi wassallam*): “Three things are from the Prophetic characteristics...” and placing the right over the left in *Salāh* is mentioned. It has also been stated in regards to the interpretation of the Allāh’s saying,

﴿فَصَلِّ لِرَبِّكَ وَأَخْرُ﴾

“...and sacrifice to Him alone.”

{*al-Kanṭhar* (108): 2}

That it means: placing the right over the left in *Salāh*, because it adds and includes more *kbushū’* and *waqār* [solemnity] in *Salāh*. As for the side which argues *nafeeh* [disapproval] of placing the right over the left in *Salāh* then this argues that one is to withhold (*kaḥḥma*) from grasping your hands in *Salāh* because when the Prophet (*‘alayhis-salām*) taught to the Bedouin the obligatory aspects of *Salāh* along with the *Sunan* of the *Salāh* he did not mention that [i.e. placing the right hand over the left] within it. The first opinion is more evident [Athharu].

The editor of the above words from Qādī ‘AbdulWahhāb al-Baghdādī al-Mālikī, Dr Badawī ‘AbdusSamad at-Tāhir Sālih (Lead Researcher of the Dubai Centre of Islamic Studies and Research and Revival of Heritage), stated in the footnotes:

**Issue number 158** – there are three *abādeeth* within this topic (mentioned by Qādī ‘AbdulWahhāb al-Baghdādī al-Mālikī) and one narration (*athar*):

**317 - First Hadeeth:** The statement of the Prophet (*sallallāhu ‘alayhi wassallam*): “Three things are from the Prophetic characteristics...” the hadeeth includes placing the right

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<sup>117</sup> Ibid., vol.2, pp.446-451

hand over the left in Salāh and this has been reported by more than one Companion and these narrations contain that which is *marfū'* along with that which is *mawqūf*. The wording of the aforementioned narration is from Abu'd-Dardā' (*radi Allāhu 'anhu*) and was reported by at-Tabarānī in *al-Kabeer*, as az-Zaylā'ī ascribed to him in *Nasb ur-Rāyah*, vol.2, p.470. The chain of transmission is as he mentioned: Ja'far bin Muhammad bin Harb al-'Abdānī narrated to us: Hammād bin Zayd reported to us: from 'Ali bin Abi'l-'Āliyah from Mawraq al-'Ijlī from Abi'd-Dardā' who said: The Messenger of Allāh (*sallallāhu 'alayhi wassallam*) said: "Three things are from the Prophetic characteristics: Hastiness to break the fast; delaying the subhoor and placing the right hand over the left in Salāh." Al-Haythamī stated in *Majma' uz-Zawā'id*, vol.2, p.105: **"Reported by at-Tabarānī in al-Kabeer in both marfū' form and mawqūf up to Abu'd-Dardā', the mawqūf is Saheeh and as for the marfū' narration of the hadeeth then there were narrators for whom I could not find biographies."** As-Suyūṭī also mentioned it in *al-Jāmi' as-Sagheer*, vol.3, p.296 as being reported by at-Tabarānī with the wording "Three things are from the Prophetic characteristics..." and considered this wording to be *hasan*.

The hadeeth was also reported by Ibn ul-Mundhir in *al-Awsat*, vol.3, p.91 via the route of Hajjāj from Hammād Ibn Zayd that Abu'd-Dardā' stated: "Three things are from a good position..." then mentioned the hadeeth and this report is *mawqūf* up to Abu'd-Dardā'. The chain of transmission of this report and the one before it were narrated via Ali bin Abi'l-'Āliyah and al-Bukhārī mentioned in his *Tāreekh al-Kabeer*, vol.6, p.291: 'Ali bin Abi'l-'Āliyah from Mawraq and reported from him by Hammād bin Zayd. The likes of this report were mentioned by Ibn Abī Hātim in *al-Jarh wa't-Ta'deel*, vol.6, p.200 and Ibn Hibbān, *ath-Thiqāt*, vol.7, p.212. It was also reported via Ja'far bin Muhammad bin Harb al-'Abdānī as mentioned by al-Khateeb in *Tāreekh Baghdād*, vol.7, p.195 and he neither mentioned a critique (*jarh*) of the narrator nor a commendation (*ta'deel*) of him. As a result, I do not know what led al-Haythamī to say: **"...as for the marfū' narration of the hadeeth then there were narrators for whom I could not find biographies."** Likewise, I do not know how as-Suyūṭī made the hadeeth *hasan* as there are two men within the chain of transmission (i.e. 'Ali bin Abi'l-'Āliyah and Ja'far bin Muhammad bin Harb al-'Abdānī) for whom neither a critique (*jarh*) of the narrator nor a commendation (*ta'deel*) have been mentioned?

Ibn Abī Shaybah reported in *al-Musannaf*, vol.1, p.390 in an abridged *mawqūf* form with another chain of transmission, saying: Wakī' narrated to us: from Ismā'eel bin Abī Khālid from al-'A'mash from Mujāhid from Mawraq al-'Ijlī from Abu'd-Dardā' who said: "Of the characteristics of the Prophets are placing the right hand over the left in Salāh..." All of the narrators of the hadeeth are *thiqāt* (trustworthy) except for al-'A'mash who used to make *tadlees* however he is of those who can possibly be taken into consideration.<sup>118</sup> There is also another *marfū'* narration from Ibn 'Abbās reported by ad-Dāraqtunī (vol.1, p.284, no.4) via the route of Talhah bin 'Amru bin 'Uthmān al-Hadramī from 'Atā' from Ibn 'Abbās from the Prophet (*sallallāhu 'alayhi wassallam*) who said: "The gathering of Prophets instructed us to delay the *subūr*; make haste the *iftār* and to place our right hands over the left in Salāh." The *sanad* for this report is very weak because Talhah bin 'Amru is *matrook* as emphasised in *at-Taqreeb* (283). There is a difference over this hadeeth as Ibn 'Abbās relayed from 'Atā' as did Abū Hurayrah as reported by ad-Dāraqtunī (vol.1, p.284, no.3).<sup>119</sup> It was also relayed

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<sup>118</sup> He is Sulaymān bin Mihrān al-Asadī al-Kāhilī Abū Muhammad al-Kūfī al-'A'mash. Ibn Hajar stated in *at-Taqreeb* about him that he was a trustworthy *hāfidh* however he committed *tadlees* at times. Adh-Dhahabī stated that whenever al-'A'mash uses "an" at the beginning there is *tadlees* in his reports.

<sup>119</sup> This route of the hadeeth is mentioned by Imām al-Albānī in *Aslu Sifāt us-Salāt in-Nabī* (Riyadh, KSA: Maktabat ul-Ma'ārif, 14227 AH/2006 CE), vol.1, p.205-207.

Herein it is mentioned that this route of the hadeeth was reported by at-Tabarānī in *al-Kabeer* (hadeeth no.11485) and *al-Awsat*, vol.1, p.100, no.1, hadeeth no.1884: "Ahmad bin Tāhir bin Harmalah bin Yahyā narrated to us: my grandfather Harmalah bin Yahyā narrated to us: Ibn Wahb narrated: 'Amru bin al-Hārith said: I heard 'Atā' bin Abī Rabāh say: I heard Ibn 'Abbās say: I heard the Prophet of Allāh (*sallallāhu 'alayhi wassallam*) say..." and then he mentioned the hadeeth. Imām al-Albānī stated that the narrators within this chain of transmission of this hadeeth are all narrators utilised by Imām Muslim, except for the Shaykh of at-Tabarānī who was accused of lying. As for Harmalah then he is *sudūq* as mentioned by al-Hāfidh Ibn Hajar in *at-Taqreeb* for Harmalah had the most knowledge of Ibn Wahb, Harmalah was also deemed *thiqah* by al-'Uqaylī and Ibn 'Adiyy could not find any reason to weaken him. Imām al-Albānī concluded by grading the hadeeth with this route as Saheeh, Imām as-Suyūti deemed it as Saheeh also in his book *Tanweer ul-Hawālik*, vol.1, p.174. At-Tayālīsī (hadeeth no.346) and ad-Dāraqtunī reported two other routes of the hadeeth from Talhah from 'Atā', Ibn Hibbān stated after reporting this first route: Ibn Wahb heard it all from 'Amru bin al-Hārith from Talhah bin 'Amru.

The other route is mentioned by at-Tabarānī in *al-Kabeer* (hadeeth no.10851) and *al-Awsat* (hadeeth no.4249), and Diyā' al-Maqdisī in *al-Mukhtārah*, vol.11, p.56, no.47 also took it from at-Tabarānī: al-'Abbās bin Muhammad al-Mujāshī'ī al-Asbahānī narrated to us: Muhammad bin Abī Ya'qūb al-Kirmānī told us: Sufyān bin 'Uyaynah told us from 'Amru bin Dīnār from Tāwūs from Ibn

from another side from Ibn 'Umar as reported by al-Bayhaqī (vol.1, p.29) via the route of 'AbdulMajeed bin 'Abdul'Azeez bin Abī Rawād from his father from Nāfi' from Ibn 'Umar that the Prophet (*sallallāhu 'alayhi wassallam*) said...and then mentioned it with the wording of the hadeeth from Ibn 'Abbās. Al-Bayhaqī stated: **“AbdulMajeed was the only one to report this narration of the hadeeth; all that is known about Talhah bin 'Amru, who is not strong, is that he reported from 'Atā' from Ibn 'Abbās, and another time from Abū Hurayrah, from the Prophet (sallallāhu 'alayhi wassallam). However, what is Saheeh is from Muhammad bin Abān al-Ansārī from 'Ā'ishah (radi Allāhu 'anhā) who said: “Three are from Prophethood: making haste for iftār; delaying the suhūr and placing the right hand over the left in Salāh.””**

Also from the *mawqūf* reports are what has been reported from 'Ā'ishah (*radi Allāhu 'anhā*) which was indicated by al-Bayhaqī and reported by ad-Dāraqutnī (vol.1, p.284, no.2) via the route of Hushaym who said: **“Mansūr said: we relayed from Muhammad ibn Abān al-Ansārī from 'Ā'ishah who said...”** and then he mentioned the hadeeth with the wording mentioned prior by al-Bayhaqī. Ibn at-Turkmānī<sup>120</sup> in *al-Jawhar an-Naqī*, vol.1, pp.29-30 commented on the words of al-Bayhaqī in *Sunan al-Kubrā* saying: “The author of *al-Mīzān* mentioned this Muhammad (meaning Muhammad bin Abān al-Ansārī) and mentioned the

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'Abbās – in *marfū'* form. This sanad was deemed by Imām al-Albānī to be Saheeh and the men are those of al-Bukhārī except for al-'Abbās bin Muhammad al-Mujāshī'i, yet he is *thiqah* for Abu'sh-Shaykh Ibn Hayyān stated in his book *Tabaqāt ul-Asbahāniyyeen*:

**'Abbās bin Muhammad bin Mujāshī': also known as “Abu'l-Fadl” reported most of the from the Musnad of Muhammad bin Abī Ya'qūb al-Kirmānī. He is a Shaykh who is thiqah.**

In *al-Lisān ul-Mīzān* it is stated:

**He reported from Muhammad bin Abī Ya'qūb al-Kirmānī while Ibrāheem bin Muhammad al-Qumasī narrated from him. Ibn ul-Qattān stated: ‘he is not known, yet his hadeeth on Hajj are found within the Sunan of ad-Dāraqutnī.’ I say: Ahmad bin Muhammad al-Azraq followed him in this as al-Bayhaqī reported in his route (of the hadeeth).**

Imām al-Albānī stated that Ibn ul-Qattān's use of: **“he is not known”** is in regards to his *itlā'* (reading) and in any case Abu'sh-Shaykh deemed him as *thiqah* and he knows more about him as he is from his land and the fellow country man knows more about what is within the land.

<sup>120</sup> He is 'Ala' ud-Dīn 'Ali ibn 'Uthmān al-Mardīnī aka **“Ibn at-Turkmānī”** (d.750 AH). *Al-Jawhar an-Naqī* has been edited by Dr Yūsuf al-Mur'ishli in 10 volumes by Dār ul-Ma'rifah in Beirut, n.d.



narration, he also relayed from al-Bukhārī who said: “It is not known that he heard from ‘Ā’ishah.” Refer to *al-Miẓān*, vol.3, p.454 and *Tāreekh al-Kabeer*, vol.1, p.32. Al-Bukhārī also reported the hadeeth via Hushaym and said: “We do not know that this Muhammad heard from ‘Ā’ishah.” Therefore this hadeeth is *munqati*’ (severed). 318 – The narration: This is what Qādī ‘AbdulWahhāb mentioned when he stated: It has also been stated in regards to the interpretation of the Allāh’s saying,

﴿فَصَلِّ لِرَبِّكَ وَأُخِرْ﴾

“...and sacrifice to Him alone.”

{*al-Kawthar* (108): 2}

This is what has been reported from the narration of ‘Ali (*radi Allāhu ‘anhu*). This was reported by Ibn Abī Shaybah in *al-Musannaḡ*, vol.1, p.390. He stated: Wakī’ narrated to us saying: Yazeed bin Ziyād bin Abī’l-Ja’d from ‘Āsim al-Jahdarī from ‘Uqbah bin Thaheer from ‘Ali in regards to the saying of Allāh:

﴿فَصَلِّ لِرَبِّكَ وَأُخِرْ﴾

“...and sacrifice to Him alone.”

{*al-Kawthar* (108): 2}

That ‘Ali (*radi Allāhu ‘anhu*) said it means: **placing the right hand over the left in Salāh**. Via Wakī’ was also reported by at-Tabarī in his *Tafseer*, vol.15, p.325; ad-Dāraquṭnī, vol.1, p.285, no.6 and al-Khateeb in *Muwaddih Awḡām al-Jam’ wa’t-Tafreeq*, vol.2, p.305. Al-Bukhārī reported in *at-Tāreekh al-Kabeer*, vol.6, p.437; at-Tabarī, vol.15, pp.325-326; al-Khateeb, *al-Muwaddih*, vol.2, p.305 – all via Hammād bin Salamah from ‘Āsim al-Jahdarī from his father from ‘Uqbah bin Thaheer from ‘Ali (*radi Allāhu ‘anhu*) in regards to the saying of Allāh:

﴿فَصَلِّ لِرَبِّكَ وَأُخِرْ﴾

“...and sacrifice to Him alone.”

{*al-Kawthar* (108): 2}

That ‘Ali (*radi Allāhu ‘anhu*) said it means: “*placing the right hand over the middle of the left and then placing the hands on the chest.*” In another wording: “*placing the right hand over the left in Salāh.*” The wording of al-Bukhārī stated: “*placing them on the karsoo’ (wristbone).*” As for ‘Āsim al-Jahdarī then he is ‘Āsim bin al-‘Ajjāj al-Jahdarī and he is mentioned in: *al-Meeẓān*, vol.2, p.354; *al-Lisān*, vol.3, p.220; Ibn Hibbān, *ath-Thiqāt*, vol.5, p.240; al-Bukhārī, *Tāreekh al-Kabeer*, vol.6, p.486; Ibn Abī Hātim, *al-Jarḡ wa’t-Ta’deel*, vol.6,

p.347, who said: **“It was reported from ’Uqbah bin Thabyān, and there are those who said: ‘from his father from ’Uqbah, I heard his father say that...’”**

Ibn Maʿīn deemed him and ’Uqbah ibn Thaheer as being trustworthy narrators and in some routes: Ibn Thabyān – as mentioned by Ibn Hibbān in *ath-Thiqāt*, vol.5, p.227; al-Bukhārī, *at-Tārikh ul-Kabeer*, vol.6, p.437; Ibn Abī Hātim, *al-Jarh wa’t-Ta’deel*, vol.6, p.313, who stated: **“’Uqbah ibn Thabyān, who is also known as “’Uqbah bin Thaheer” he reported from ’Ali, ’Āsim al-Jahdarī and from his father that he heard his father say that (i.e. the hadeeth).** Then he mentioned a difference in the chain of transmission wherein:

Yazeed stated: from ’Āsim al-Jahdarī from ’Uqbah from ’Ali.

While Hammād bin Salamah stated: from ’Āsim al-Jahdarī from his father from ’Uqbah from ’Ali.<sup>121</sup>

Al-Khateeb clarified in *al-Muwaddih* that ’Uqbah bin Dhabyān is ’Uqbah bin Thaheer and this is apparent in the chains of transmission.

**319 – The Second Hadeeth:** when the author (i.e. Qādī ’AbdulWahhāb) mentioned: **“As for the side which argues nafeeh (disapproval) of placing the right over the left in Salāh then this argues that one is to withhold (kafuwwa) from grasping your hands in Salāh”** then he did not take this as a guiding proof.

**320 – The Third Hadeeth:** that the Prophet (*sallallāhu ’alayhi wassallam*) taught the Bedouin man how to perform *Salāh* and did not mention to him that the right hand should be placed over the left within the prayer. This is from the hadeeth of Rifā’ah bin Rāfi’ (see commentary point no.269 of *al-Ithāf*) and its chain of transmission is *hasan*.<sup>122</sup> It is also narrated via Abū Hurayrah (*radi Allāhu ’anhu*) (see commentary point no.287 of *al-Ithāf*).

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<sup>121</sup> This route is mentioned by Imām al-Albānī in *Aslu Sifāt us-Salāt in-Nabī* (Riyadh, KSA: Maktabat ul-Ma’ārif, 14227 AH/2006 CE), vol.1, p.220-221. Herein it is mentioned that ’Āsim al-Jahdarī is Ibn ul-’Ajjāj Abu’l-Mujashhir al-Muqri’ and none deemed him credible except for Ibn Hibbān and Yahyā Ibn Maʿīn, and likewise is the case with ’Uqbah bin Thabyān. Ibn at-Turkmānī stated that within the chain of transmission is *idtirāb* (a contradiction) yet Imām al-Albānī stated that this is incorrect.

<sup>122</sup> The hadeeth includes the words of the Prophet (*sallallāhu ’alayhi wassallam*) wherein he stated: **“The prayer of any of you is not complete until he has made wudū”** up to where the hadeeth says: **“...and then he would face the Qublah and say ‘Allāhu Akbar”**. The hadeeth with this wording was narrated from Rifā’ah bin Rāfi’ al-Ansārī az-Zarqī and the hadeeth was reported within the four *Sunan*: Abū Dāwūd in the *Book of Salāh*, *‘Bāb Salāt man la yuqeemu salbahu fī Rukū’ wa’s-Sujūd’*; at-Tirmidhī, *Book of Salāh*, *‘Bāb mā jā’ fī wasf Salah’* (*‘what has arrived in regards to the description of the*

## THE BOOK 'SUPPORTING QABD' BY SHAYKH MUHAMMAD BIN AHMAD AL-MISNĀWĪ AL-MĀLIKĪ (1072-1136 AH/1662-1724 CE)<sup>123</sup>

Muhammad bin Ahmad al-Misnāwī al-Fāsī al-Mālikī (*rahimahullāh*) authored *Nusrat ul-Qabd wa'r-Radd 'ala man Ankara Masbrūa'tihi fi's-Salāt ul-Fard* [Supporting Qabd and Refuting Those Who Deny its Legitimacy in the Obligatory Salāh], this work has been recently edited critically and studied thoroughly by Dr 'AbdulLateef bin al-Imām Bū'azeezī and Dr Taha bin 'Alī Būsareeh at-Tūnisī.<sup>124</sup> Al-Misnāwī was particularly concerned about some of the excesses that many of the

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*prayer*); an-Nasā'ī, 'Bāb: ar-Rukhsah fi tark adh-Dhikr fi'r-Rukū'; Ibn Mājah, *Book of Tahārah*, 'Bāb mā jā' fi'l-Wudū' 'ala mā amara Allāh'. Also reported by Imām ash-Shāfi'ī in his *Musnad* (tarteef, vol.1, hadeeth no.208); at-Tayalisi, *Musnad* (*Munhat ul-Ma'būd*, vol.1, hadeeth no.390); 'AbdurRazzāq, vol.2, p.370; Ibn Abī Shaybah, *Musannaq*, vol.1, p.287; Imām Ahmad, *Musnad*, vol.4, p.340; ad-Dārimī, vol.1, hadeeth no.1335; Ibn al-Jārood, hadeeth no.194; Ibn Khuzaymah, *Saheeh*, vol.1, hadeeth no.545; Ibn ul-Mundhir, *al-Awsat*, vol.3, p.67; at-Tahāwī, *Sharh Ma'anī il-Āthār*, vol.1, p.232; Ibn Hibbān (*Mawrad*, hadeeth no.484); at-Tabarānī, *al-Kabeer*, vol.5, pp.35-40; ad-Dāraqutnī, vol.1, pp.95-96; al-Hākīm, *al-Mustadrak*, vol.1, pp.241-243; al-Bayhaqī, *Sunan*, vol.2, pp.372-373.

Refer to Dr Badawī 'AbdusSamad at-Tāhir Sālih (Lead Researcher of the Dubai Centre of Islamic Studies and Research and Revival of Heritage), *al-Ithāf bi Takhreej Ahādeeth il-Ishrāf: Takhreej wa Dirāsāt Ahādeeth wa'l-Athār fi Kitāb: 'al-Ishrāf'ala Masā'il il-Khilāf li'l-Imām al-Qādī 'AbdulWahhāb bin 'Alī bin Nasr al-Baghdādī al-Mālikī (d. 422 AH)*, (Dubai, UAE: Dār ul-Buhūth li'd-Darasāt il-Islāmiyyah wa Ihyā it-Turāth, 1420 AH/1999 CE) vol.1, pp.376-377

<sup>123</sup> Sources for his biography are:

- ✓ Muhammad Makhlūf, *Shajarat un-Nūr az-Zakiyyah*, p.333
- ✓ Al-Baghdādī, *Hidāyat ul-'Ārifeen*, vol.2, p.317
- ✓ Al-Baghdādī, *Īdāh ul-Maknūn*, vol.2, p.267
- ✓ 'AbdulHayy al-Kattānī, *Fahrus ul-Fahāris wa'l-Ithbāt*, vol.1, p.397
- ✓ Abū 'Abdullāh Muhammad bin Ja'far bin Idrees al-Kattānī, *Salwat ul-Anfās wa Muhādathat il-Akyās bi man Uqbirā min al-Ulama wa al-Sulaha bi Fas* [The Delight of the Souls and Discourse of the Wise in those Scholars and Righteous People who have been Buried in the City of Fez], vol.3, pp.59-61
- ✓ 'Umar Kahālah, *Mujam ul-Mu'alliffeen*, vol.8, pp.359-360
- ✓ Az-Zirikilī, *al-A'lām*, vol.7, p.13

<sup>124</sup> Muhammad bin Ahmad al-Misnāwī al-Fāsī al-Mālikī (1072-1136 AH), *Nusrat ul-Qabd wa'r-Radd 'ala man Ankara Mashrūa'tihi fi's-Salāt ul-Fard* [Supporting Qabd and Refuting Those Who Deny its

Mālikī scholars were falling into in their rejection of *qabd* and this is what led him to author this work.

Al-Misnāwī is Abū 'Abdullāh Muhammad bin Ahmad bin Muhammad al-Misnāwī bin Muhammad bin Abī Bakr ad-Dilā'ī. He was born in the Zāwiyah (religious school) of *ad-Dilā'īyyah* in the year 1072 AH (1662 CE), he arrived in Fās (Fez) with his father and family in 1079 AH (1669 CE). He was born into a home of *deen* and knowledge and took to studying due to such an environment. His teachers included his father, grand-uncle from his father's side Abū 'Abdullāh Muhammad al-Murābit, and 'Abdul-Qādir al-Fāsī and his two sons Ahmad and 'AbdulRahmān gave him a general *ijāzah*. He also took knowledge from 'AbdusSalām al-Qādirī and his brother al-'Arabī. Also from Abū 'Ubaydullāh al-Qasmatīnī, Abu'l-'Abbās Ahmad bin al-Hāj, 'AbdulMalik as-Sijilmāsī at-Tājam'ūtī. Al-Misnāwī would teach a variety of sciences and taught *Mukhtasar us-Sa'd* of *at-Talkhees* and *Mukhtasar* of as-Sanūsī in *mantiq*. Towards the end of his life he taught *tafseer* and *hadeeth* from the *Two Sabeehs* and he became a reference point to go back and he would also answer questions on marriage and divorce issues. His students included Muhammad Jasūs; Muhammad al-Yafranī, the author of *Nuzhat ul-Hādī*; Muhammad al-'Ilmī, the author of *al-Anees al-Mutrib*; Ahmad bin al-Mubāarak, to whom al-Misnāwī gave a general *ijāzah*; Muhammad Mayārah as-Sagheer; Muhammad bin Hamūd al-Bannānī; Abū 'Abdullāh Muhammad bin Hamūd al-Bannānī; his cousin, Ibn 'AbdusSalām al-Bannānī; 'Abdullāh bin Zakarī and others.

## AL-MISNĀWĪ'S WORKS

1. *Jubd al-Maql al-Qāsir fi Nusrat ish-Shaykh Sayyiddi 'AbdulQadir*
2. *Nateehab at-Tabqeeq fi Ba'd Abl in-Nasb il-Watbeeq*
3. *Al-Qawl ul-Kāshif 'an Abkām il-Istinābah fi'l-Wadhā'if*
4. *Sarf ul-Himmah ilā Tabqeeq Ma'nā idh-Dbimmah*
5. *Fawā'id ut-Tasawwuf*
6. *Risālat fi'l-Husayn as-Sabt wa Zawjatibi wa Awlādibi*
7. *Nusrat ul-Qabd wa'r-Radd 'ala man Ankara Masbrū'a'tibi fi's-Salāt ul-Fard* [Supporting Qabd and Refuting Those Who Deny its Legitimacy in the Obligatory Salāh]
8. He also has a *Qaseedah* which he compiled while he was sick and it is forty couplets wherein he beseeches Allāh for mercy, pleasure with him, forgiveness and acceptance. Al-Misnāwī requested in his will that the poem be spread after his death and it was as he requested and

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Legitimacy in the Obligatory Salāh]. Eds. Dr 'AbdulLateef bin al-Imām Bū'azeezī and Dr Taha bin 'Alī Būsareeh at-Tūnisī. Beirut: Dār Ibn Hazm, 2007 CE.

people in Fez used to read it when the dead would be carried from the home to the grave, but this action is not adhered to at present.

The author of *Shajarat un-Nūr iz-Zakiyyah* stated: “He has many answers and beneficial points in various issues and if these answers were to be compiled it would come up to one large volume.”

Al-Misnāwī died on a Saturday morning on 16 Shawwāl in 1136 AH (7 July 1724 CE), many people went to his funeral. Al-Kattānī said about him: **“He is the seal of the ’Ulama of ithbāt (verification).”**<sup>125</sup> Muhammad Makhloof described al-Misnāwī as: **“Shaykh ul-Islām, a notable scholar, the seal of the Muhaqqiqeen, a pillar in issuing rulings.”**<sup>126</sup> Some of them said when he died: “He was the last of Āl Abī Bakr ad-Dilā’ī in knowledge and the last of the people of his era and region in terms of *deen* and purity.”<sup>127</sup>

### THE VALUE OF THE TREATISE ‘NUSRAT UL-QABD’<sup>128</sup>

It has a number of important aspects which can be summarised in the following:

- a. It was authored by one of the later Mālikī ’Ulama and many of the later Mālikī ’Ulama rarely attached concern to *tabqeeq* (verification) and balance, they also lacked referral to the evidences and extracting the most accurate view when a difference of opinion arose. Yet al-Misnāwī’s (*rahimabullāh*) presentation of this matter demonstrates his courage for the truth and his support for the *deen*.
- b. The excellent choice of subject matter, i.e. *qabd* in *Salāh* within the madhhab of Imām Mālik (*rahimabullāh*) and those *fuqahā* who follow him. As many of the followers of the madhhab abandoned *qabd* and adhered to *sadl* within the obligatory *Salāh* to the extent that it became a symbol of the Mālikīs and has become ingrained within the common people within al-Maghrib (Morocco, and also classically including Mauritania, Algeria, Tunisia and Libya). This led to the actions of the Shaykhs of the blind following *fuqahā* becoming a proof in the *deen*.
- c. The author, al-Misnāwī, conducted a superb *fiqh*-based research in the book based upon evidence. In doing so he did not avert from the way of the Muhaqqiq and did not move away from what is most accurate according to the Mālikī scholars. He gave the matter its

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<sup>125</sup> *Fahrus ul-Fahāris*, vol.1, p.397

<sup>126</sup> *Shajarat un-Nūr iz-Zakiyyah*, p.333

<sup>127</sup> *Salwat ul-Anfās*, vol.3, p.61

<sup>128</sup> *Nusrat ul-Qabd*, *op.cit.*, pp.15-18

due right and extracted different types of evidences which should be acknowledged by all who are just and seek that which is correct.

- d. The *fajeeh* al-Misnāwī was granted success in explaining the detailed ruling of this issue and clarifying the correct view which is followed by the notable Muhaqqiqeen of the *madhhab*. He acted on what has been affirmed from the authentic Sharee’ah texts of the Messenger of Allāh (*sallallāhu ‘alayhi wassallam*) which is the *madhhab* of the majority. None opposed this view in the madhab except for al-Layth bin Sa’d, Ibn ul-Qāsim in his narration from Mālik within *al-Mudawwanah* of Sahnūn, in which Ibn ul-Qāsim asked Mālik about *qabd* and Mālik replied: **“That is only to be done in the nawāfil due to lengthy standing, I do not like that this be done in the maktūbah (prescribed obligatory Salāh).”**<sup>129</sup>

This narration from Ibn ul-Qāsim is *shādh* from a number of aspects:

**Firstly:** It opposes the narration from a group of students of Mālik and it is known that taking from the jama’ah takes precedence over the narration of one person. In *al-Wādiyah* of Ibn Habeeb<sup>130</sup>: “I asked Mutarrif and Ibn ul-Mājishūn about this and they both said ‘There is no problem in this (*qabd*) whether in the *nāfilah* (extra voluntary prayers) or in the *maktūbah* (prescribed obligatory prayers)’. They both relayed this from Mālik and they both said: ‘Mālik favoured this (i.e. *qabd*)’.” Ibn Habeeb said: “Ash-hab reported from Mālik that he said: ‘There is no problem (in *qabd*) within the maktūbah and nāfilah’. Likewise Ibn Nāfi’ stated: ‘That (i.e. *qabd*) is from the Sunnah.’” Ibn Muzayyin stated: “Ash-hab, Ibn Nāfi’ and Ibn Wahb reported from Mālik that he permitted that (i.e. *qabd*) within the farā’idh.”<sup>131</sup>

**Secondly:** the narration of Ibn ul-Qāsim clearly opposes what the illustrious Imām Mālik bin Anas (*rahimahullāh*) himself penned within his glorious work *al-Muwatta’*. For it is mentioned within the

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<sup>129</sup> Al-Mudawwanah, (Cairo: Matba’ah as-Sa’adah, 1323 AH), vol.1, p.74

<sup>130</sup> Ibn Habeeb first studied the madhhab of Mālik in Andalus from al-Ghāzī bin Qays (d. 199 AH), Ziyād bin ‘AbdurRahmān (aka “Shabtūn”) and other students of Mālik who combined between *fiqh* and hadeeth. Then Ibn Habeeb travelled to the East and heard from the Egyptian and Madinan students of Mālik, and he also heard from their students. Refer to Dr Badawī ‘AbdusSamad at-Tāhir Sālih, *op.cit.*, vol.1, p.52-52.

<sup>131</sup> These statements are transmitted from Imām Ibn ‘AbdulBarr within his book *Ikhtilāf Aqwāl Mālik wa Ashābihi* (Dār ul-Gharb al-Islāmī), p.107

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*Book of Salāh*: 'Placing the (right) hand over the other in Salāh'.<sup>432</sup> Imām Mālik relays two hadeeths within this chapter one of which is ascribed to the Prophet (*sallallāhu 'alayhi wassallam*). It is well known that *al-Muwatta'* is the first source that is depended upon within the *madhhab* because it is the book which Imām Mālik authored with his very own hands and dictated to a large group of his students, and spread its repute throughout the lands. As a result, if any issues or narrations arise which conflict with what is found in *al-Muwatta'* then these are either accurate or weak. What confirms what we say here is that even if the narration of Ibn ul-Qāsim is sound, the narration of the *Muwatta'*<sup>433</sup> is his last view based upon what has arrived from the later companions of Mālik, such as Yahyā al-Andalūsī (d. 234 AH), Abū Mus'ab az-Zuhrī (d.242 AH)<sup>434</sup> and al-Qa'nabī (d. 221 AH)<sup>435</sup> who was said to have remained with Mālik for twenty years in one narration.<sup>436</sup>

**Thirdly:** The narration of Ibn ul-Qāsim from Mālik clearly conflicts with what has been confirmed from the Prophet (*sallallāhu 'alayhi wassallam*) in the ahādeeth of Sahl bin Sa'd, Wā'il bin Hujr and Ibn Mas'ūd (*radi Allāhu 'anhum*). So ascribing this (*sadl* and *irsāl*) to Imām Mālik would mean that he opposed what came from the Prophet and was affirmed from him in the hadeeth. Yet this would not be the case for one lower than Imām Mālik in knowledge, *fiqh* and love of the Messenger of Allāh, so then how can this (opposition to the hadeeth) be ascribed to the Imām of Dār ul-Hijrah and the leader of believers in hadeeth?! It has been authentically reported with a sound chain of transmission that Imām Mālik said: "Indeed I am a man, I err at times and I am correct at other times, so look at my views and take all that agree with the Book and Sunnah, and leave all that which does not agree with the Book and Sunnah."<sup>437</sup> So it is therefore obligatory upon all who uncritically follow the madhhab to adhere to what has been authenticated from the Prophet (*sallallāhu 'alayhi wasallam*), or at the very least what has been stated by Imām Mālik or what he chose based on the evidence. This takes precedence over resorting to a *shādh* view or a view which is not adequately documented as a sound proof from the Qur'ān or Sunnah. There are some

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<sup>432</sup> Contemplate on this with is O brother reader, Imām Mālik mentions 'Salāh' in an absolute sense and did not differentiate between the *fareedhah* and the *nāfilah*.

<sup>433</sup> *Al-Muwatta'*, Bashhār 'Awwād (ed.), vol.1, pp.225-226, 436-437

<sup>434</sup> *Ibid.*, vol.1, pp.164-165, nos.424 and 426. Abū Mus'ab adds to this saying:

**“Mālik narrated to us: placing the right (over the left in Salāh), being hasty in breaking the fast and delaying Suhūr.”**

Number 425, this is clear in indicating Mālik's view.

<sup>435</sup> *Ibid.*, pp.203-204, nos.230 and 231

<sup>436</sup> Qādī 'Iyyād, *Tarteeb ul-Madārik*, vol.3, p.198

<sup>437</sup> Reported by Ibn 'AbdulBarr in *Jāmi' Bayān il'-Ilm wa Fadlihi*, vol.1, pp.775-776, nos.1435 and 1436

beautiful words on this from one of the later Mālikī verifiers, al-'Allāmah Abū 'Abdullāh al-Maqqarī who stated within his *Qawā'id*:

It is not permissible to reject ahādeeth for the views of the madhāhib out of degrading the hadeeths legitimacy and removing its credibility, for that is corruption of the ahādeeth and lowering its position. Allāh will not rectify the madhāhib by their corruption of ahādeeth and will not raise the madhāhib by their devaluing of the position of ahādeeth. For the speech of all are accepted or rejected except for what has been authenticated from Muhammad (sallallāhu 'alayhi wassallam).

Rather, it is not permissible at all to reject what has been authenticated from Muhammad (sallallāhu 'alayhi wassallam), and it is actually the case that the madhāhib have to refer back to these statements as ash-Shāfi'ī said, not that the ahādeeth are to be referred back to the madhāhib. Bigoted partisanship is not permissible.....this is veneration of the blind followers by mockery of the deen and preferring desires over guidance.<sup>138</sup>

## THE METHOD OF THE AUTHOR IN THE TREATISE<sup>139</sup>

**First study:** This is in regards to the ruling of *qabd* within the *nāfil* and *fardh Salāh* and that there is *ikhtilāf* over whether it is desirable, disliked, permitted or to be avoided. As for *qabd* being *mustahab* then this is the view of Mālik as mentioned in: *al-Wādiḥab* of Ibn Habeeb; from what the Two Companions (al-Qareenayn) heard (i.e. Ibn Nāfi' and Ash-hab); the choice of al-Lakhmī who used to say: “Qabd is better to do as it is affirmed in the hadeeth from the Prophet (*sallallāhu 'alayhi wassallam*)”; Ibn 'AbdulBarr; Ibn al-'Arabī; Ibn Rushd<sup>140</sup>; al-Qādī 'Iyyād, who viewed *qabd* as being what the majority of Mālikī 'Ulama held; al-Qarāfi and Ibn Juzayy. Qabd is mentioned in the Two Saheehs and elsewhere and performing it was also stated by three Imāms as well as Sufyān ath-Thawrī, Ishāq bin Rāhawayh, Abū Thawr, Dāwūd bin 'Alī, at-Tabarī and others.

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<sup>138</sup> Vol.2, pp.396-397

<sup>139</sup> *Nusrat ul-Qabd, op.cit.*, pp.19-20

<sup>140</sup> This is the *madhhab* of Ibn Rushd (the grandson) who stated in the end of his words on the issue: “It is evident that it is the form of humility (i.e. *qabd*) and thus takes precedence.” Refer to *Bidāyat ul-Mujtahid*, vol.1, p.99.



As for those who viewed that *qabd* is disliked then this includes: al-Layth bin Sa'd and is also the final view of Mālik and the madhhab of *al-Mudanwanah*, which argues that *qabd* is disliked within the *farḍ* but is permitted within the *nāfilah* according to Ibn ul-Qāsim. Al-Misnāwī explains the possible reasons which led to this view of Mālik that is documented in one of the two narrations from Mālik which state there is a dislike of *qabd*. One of these narrations states that Mālik viewed that *qabd* is disliked if people believed that it is obligatory or if it was done out of appearing to have *kbushū'* when there is no *kbushū'* internally. As for the view that *qabd* is permitted then this is the view of Mālik and the madhhab of al-Awzā'ī. Al-Misnāwī ends the first case study by saying:

If the difference in this issue is acknowledged as you see, and none of the people have any proof for their view, then one has to return back to the Book and the Sunnah of the Messenger of Allāh (*sallallāhu 'alayhi wassallam*) as Allāh said,

**“And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day.”**

{*an-Nisā* (4): 59}

Referring back to Allāh is in referring back to His Book and if we do not find an *ayah* which solves the problem then we go back to the Sunnah of the Messenger of Allāh and herein we find that the Sunnah rules that *qabd* is sought-after within *Salāh* based on the testimony of *al-Muwatta'* and the *Sabeehayn* from *abādeeth* which are free from criticism. As a result, it is obligatory to refer to these *abādeeth* and take a view based on them, for Allāh says,

**“It is not for a believing man or a believing woman, when Allāh and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair.”**

{*al-Ahzāb* (33): 36}

May Allāh make us from those who listen to the word and follow the best of it, and to be of those who hold tight to the guidance of al-Mustaphā.

## VERIFYING THE TREATISE

There is a manuscript in al-Maktabah al-Azhariyyah, no.315377 which is in 28 folios which each have about 25 lines written in a clear Eastern script. It contains some errors and corrections and the name of the copyist is not mentioned. A copy from this was printed in Tetouan in Morocco in 1948 CE. As for authenticating the book as being penned by al-Misnāwī then this is confirmed from the manuscript and the book was also ascribed to al-Misnāwī by other 'Ulama within their

works and it is mentioned as being his book in his biographies. Shaykh Makkī bin 'Azūz<sup>141</sup> and Shaykh Ahmad bin Siddeeq<sup>142</sup> both mention the book as being ascribed to him, so it is totally affirmed and verified as being a book by al-Misnāwī.<sup>143</sup>

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<sup>141</sup> *Hay'at li'n-Nāsik*, p.42

<sup>142</sup> Vol.1, p.17

<sup>143</sup> Therefore it cannot be ridiculously claimed that the book has been “tampered with by Salafis” or the likes of such intellectually bankrupt excuses which are vainly made by those who try to find absolutely any excuse they can lay their hands on in order to rebuff the Sunnah.

## *Nusrat ul-Qabd*

### [Supporting Qabd]<sup>144</sup>

Know that placing of the right over the left in Salāh has four different opinions in the madhhab of Imām Mālik that have been mentioned in the well-known books of the Imāms of his madhhab, such as Mukhtasar Ibn ul-Hājjib<sup>145</sup>, Ibn 'Arafah<sup>146</sup> and others:

1. *Istibbāb* (recommended)
2. *Kirābah* (disliked)
3. *Jawāz* (permitted)
4. *Man'* (not to be done)

As for the view that it is recommended in the *fardh* and *nafl* and more accurate to be done over *irsāl* and *sadd*,<sup>147</sup> then this is the view of Mālik as found in *al-Wādībah*.<sup>148</sup> The two companions (al-Qareenayn)<sup>149</sup> also heard this view and it was a view which was chosen by more than one of the

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<sup>144</sup> Abridged from *Nusrat ul-Qabd*, *op.cit.*, pp.31-40

<sup>145</sup> *Jāmi' ul-Ummahāt* (Damascus: al-Yamāmah), p.94

<sup>146</sup> Mukhtasar Ibn 'Arafah, vol.1, folio no.33/b (in Wataniyyah library no.10844)

<sup>147</sup> Refer to *Hāshiyat ul-Bannānī* on *Sharh uz-Zurqānī* of *Sharh Khaleel*, vol.1, p.214. Ahmad bin Siddeeq said: **“The Mudawwanah does not contain a text about irsāl at all.”** Refer to *al-Mathnūnī wa'l-Battār*, p.19

<sup>148</sup> One of the mother books in Mālikī *fiqh*, authored by the faqeeh 'AbdulMālik bin Habeeb al-Andalūsī al-Ishbīlī (d. 238 AH). Refer to *Jadhwat ul-Muqtabis*, p.283; Ibn ul-Khayr, *al-Fahrasah*, p.202; Mayklūsh Mūrānī, *Masādir ul-Fiqh il-Mālikī*, pp.36, 52, 67

<sup>149</sup> This is in referral to 'Abdullāh bin Nāfi', the client of Banī Makhzūm, also well known as Abū Muhammad “as-Sā'igh” who studied with Mālik and shared his views and became the Mufti of Madeenah after Imam Mālik. He was not a person of hadeeth however and was weak in narrating, al-Bukhārī stated: “His hadeeth are known and rejected.” As-Sā'igh said: “I accompanied Mālik for forty years and I did not write down a thing from him, rather I used to memorise and hear and compare this with what Ash-hab heard.” Ash-hab stated in al-'Utbiyyah: “I did not attend a gathering of Mālik's except that Ibn Nāfi' would also be there. I did not hear anything except that he would have also heard it. He has a *tafseer* which is in the *Muwatta'* which was relayed from him by Yahyā bin Yahyā. He died in Madeenah in Ramadān 186 AH. His hadeeth are verified in the Six Books of hadeeth except for Saheeh ul-Bukhārī. He was a client of Banī Makhzūm and he was born in 125 AH.” Refer to *Siyar A'lām un-Nubalā'*, vol.10, p.372 and *ad-Deebāj*, vol.1, p.131.

The other one of the “two companions” is Ash-hab bin 'Abdul'Azeez bin Dāwūd bin Ibrāheem, the Mufti of Egypt. It is said that his name was Miskeen and “Ash-hab” was a nickname, he was born in 140 AH

Muhaqqiqeen such as the two Imāms Abu'l-Hasan al-Lakhmī and al-Hāfidh Abū 'Umar bin 'AbdulBarr, and the two Qādīs Abū Bakr bin al-'Arabī and Abu'l-Waleed bin Rushd, who included this opinion in his *Muqaddimāt* in the section on the virtues of Salāh and Qādī 'Iyyād agreed and followed him in that in his *Qawā'id*. Likewise al-Qarāfī in his book *adb-Dhakbeerah* mentioned this view as being from the virtuous acts of *Salāh* and then he mentioned the different opinions in the matter. From al-Qarāfī's terminologies is that he gives precedence to that which is the famous view (i.e. *qabd*) over all else as he indicated when he said: **“It (qabd) is in the authentic collections from the Prophet (sallallāhu 'alayhi wassallam).”** The likes of what al-Qarāfī stated can also be found with: Ibn Juzayy in his *Qawāneen*; 'Iyyād ascribes *qabd* to the majority view in his *al-Ikmāl*; as does al-Qarāfī in *adb-Dhakbeerah*; as does ash-Sha'rānī in *al-Meezān* wherein he stated that it (*qabd*) is the view of the three Imāms: ash-Shāfi'ī, Abū Haneefah and Imām Ahmad; Ibn 'AbdulBarr in *al-Istidhkār* ascribes *qabd* to Sufyān ath-Thawrī, Ishāq bin Rāhawayh, Abū Thawr, Dāwūd bin 'Alī, Abū Ja'far at-Tabarī and other Imāms of madhhabs. Al-Qabbāb stated in *Sharh Qawā'id 'Iyyād*:

**Al-Lakhmī said “Qabd is better due to the verified hadeeth from the Prophet (sallallāhu 'alayhi wassallam) in al-Bukhārī and Muslim, and also due to it being a humble standing position for the servant in front of his Lord.”**

The hadeeth in al-Bukhārī is in the chapter of *Placing the Right (hand) over the Left in Salāh*, from 'Abdullāh bin Maslamah from Mālik from Abī Hāzim from Sahl bin Sa'd who said: “The people were instructed to place their right hands on their left forearms in the prayer.” Abū Hāzim added: “I know nothing except that he traces this back to the Prophet, may Allāh bless him and grant him peace.” H<sup>150</sup> said:

**“The people were instructed” this takes the ruling of being raised (to the Prophet), because the one “instructing” is the Prophet (sallallāhu 'alayhi wassallam) as will be mentioned. As for Abū Hāzim saying: “I know nothing except that he...” means Sahl bin Sa'd traced (“yanmī”) it back to the Prophet (sallallāhu 'alayhi wassallam).**

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and heard from Mālik bin Anas, Layth bin Sa'd, Yahyā bin Ayyūb. Ibn 'AbdulBarr stated: “He was a faqeeh who had good views, Ibn 'AbdulHakam preferred him over Ibn ul-Qāsim in his views. Sahnūn said: ‘May Allāh have mercy on Ash-hab, he never added a single letter in what he heard.’ He died in 204 AH.” refer to *al-Intiqā'*, pp.96-97; *Siyar*, vol.9, p.500, 502

<sup>150</sup> This is what it mentioned in the manuscript 'hā' and it the intent of it is probably al-Hāfidh Ibn Hajar or the explainer.

The likes of such hadeeth are *mursal* as Abū Hāzīm did not mention who traced it back, the linguists say that when the words “the hadeeth is traced back to someone else other than me...” this means: ‘raised and ascribed to’.<sup>151</sup> Ibn Hajar said:

**Within the terminologies of Ahl ul-Hadeeth if a narrator says: “namaytu (I traced it back to...)” then this means that it is ‘ascribed to the Prophet (sallallāhu ’alayhi wassallam)’ even if he does not specify this.<sup>152</sup>**

Some of them object and say that such a hadeeth is *ma’lūl* (defective) because it is based on the speculation of Abū Hāzīm, Ibn Hajar said:

**It is claimed that Abū Hāzīm, if he did not say “I know nothing of it except that he...”, then the ruling of the hadeeth would be marfū’.<sup>153</sup> This is because if a Companion says: “We were instructed to do such and such...” then this apparently refers back to the one who instructs, who is the Prophet (sallallāhu ’alayhi wassallam). This is because a Companion is in the position of one who defines the Shar’ has transmitted from the one who the Shar’ has come from. Similar to this is the statement of Ā’ishah who stated: “We were instructed to complete the fast...”<sup>154</sup> indicating that the one “instructing” was the Messenger of Allāh (sallallāhu ’alayhi wassallam). Al-Bayhaqī stated that there is no difference in regards to this among the people of transmission (Ahl un-Naql) and Allāh knows best.<sup>155</sup>**

Then Ibn Hajar stated:

**So if it is said: ‘if it was marfū’ then Abū Hāzīm would not have needed to say: ‘I know nothing of it except that he...’ So it is obligatory here to understand that he meant a clear transmission (from the Prophet). So it should not be said that: ‘this is marfū’ rather it is to be said that: ‘this has the ruling of marfū’.’**

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<sup>151</sup> Refer to *al-Lisān al-’Arab*, vol.6, pp.4551-4552 (under ‘namā’)

<sup>152</sup> *Fath ul-Bārī*, vol.2, p.225

<sup>153</sup> A *marfū’* hadeeth is a hadeeth which has been reported by a companion and due to what is within the *hadeeth* is elevated to a saying of the Prophet (*sallallāhu alayhi wassallam*).

<sup>154</sup> Bukhārī and Muslim

<sup>155</sup> As-Sakhāwī, *Fath ul-Mugheeth*, vol.1, pp.144-145.

The hadeeth of Muslim<sup>156</sup> in the chapter of *Placing the right hand over the other in Salāh* from Wā'il bin Hujr that he saw the Prophet (*sallallāhu 'alayhi wassallam*) do that, so look at his words used. Al-Muwwāq<sup>157</sup> said:

**Ibn 'Arafah said: al-Qareenayn reported that: qabd is recommended in the fareedhah and the nāfilah. Ibn Rushd said that this (i.e. qabd) is more evident, because the people were instructed to do that during the first generations and the Prophet (sallallāhu 'alayhi wassallam) used to do it.**

Al-Muwwāq also reported from Ibn al-'Arabī that he said:

**Mālik disliked that the right hand be placed over the other hand in Salāh and said: nothing of the sort is heard in the saying of Allāh:**

﴿فَصَلِّ لِرَبِّكَ وَأَنْحَرْ﴾

**“...and sacrifice to Him alone.”**

{*al-Kawthar* (108): 2}

**Ibn al-'Arabī said: we have heard from our hasan and saheeh narrations that it (i.e. qabd) is to be done in the fareedhah.<sup>158</sup>**

It is mentioned in *Sunan ul-Muhtadeen*<sup>159</sup> from Ibn 'AbdulBarr that he stated in his *Tamheed*<sup>160</sup>:

**There is no room for disliking placing the right over the left in Salāh because its basis is permitted and neither Allāh nor his Messenger forbade it. So to dislike has no meaning and how can it be said that the Messenger of Allāh did not permit it when 'it has been authenticated from him that he did that and exhorted to it'.<sup>161</sup>**

<sup>156</sup> *Kitāb us-Salāh*, vol.1, p.301, hadeeth no.401, the wording of the hadeeth from Wā'il bin Hujr being that he saw the Prophet (*sallallāhu 'alayhi wassallam*) raise his hands and make *takbeer* when he entered the *Salāh* and then place his right hand over his left.

<sup>157</sup> Abū 'Abdullāh Muhammad bin Yūsuf bin Abi'l-Qāsīm al-'Abdarī al-Gharnātī, known as “al-Muwwāq”. He was a Mālikī *faqeeh* and a scholar of Gharnātah (Granada in Andalusia, Spain) and the Imām of the city. He was a specialist in the subsidiary branches of the *madhhab* and he has two explanations of the Mukhtasar Shaykh Khaleel entitled *at-Tāj wa'l-Ikleel* and also *Sunan ul-Muhtadeen fī Maqāmāt id-Deen*. He died in the year 897 AH. Refer to *Shajarat un-Nūr iz-Zakiyyah*, pp.261-262; *Tūsheeh ud-Deebāj*, pp.234-235; *ad-Daw' ul-Lāmi'*, vol.10, p.98 and *at-Tāj wa'l-Ikleel*, vol.1, p.536

<sup>158</sup> *At-Tāj wa'l-Ikleel*, vol.1, p.536 ad *Ahkām ul-Qur'ān*, vol.4, p.1975

<sup>159</sup> Printed in Morocco in 2002 CE, p.240

<sup>160</sup> Vol.20, p.79

<sup>161</sup> This is what al-Misnāwī says but in *at-Tamheed* Ibn 'AbdulBarr actually said:

Ibn Hajar said:

Ibn 'AbdulBarr stated<sup>162</sup>: There has not arrived any difference in regards to this matter from the Prophet (*sallallāhu 'alayhi wassallam*). For it (to pray with the right arm over the left on the chest) is the saying of the *jambūr* (majority) of the Sahābah and Tābi'een, it was what was mentioned by Mālik in *al-Muwatta'*<sup>163</sup> and neither Ibn ul-Mundhir<sup>164</sup> nor anyone else relayed anything besides this from him. Ibn ul-Qāsim<sup>165</sup> however did relay *irsāl* (to drape the arms by the sides in Salāh) from Mālik and many of his companions remained on this way (from Ibn ul-Qāsim), and there has also arrived a difference for it in the obligatory prayers and the voluntary.<sup>166</sup>

It is reported in *al-Muwatta'*, in the chapter '*Shortening the Prayer*' under the sub-heading '*Placing One Hand on the Other in the Prayer*':

**Yahyā related to me from Mālik that 'AbdulKareem ibn Abi'l-Mukhāriq al-Basrī said, "Among things the Prophet, may Allāh bless him and grant him peace, said and did are: 'As long as you do not feel ashamed, do whatever you wish', the placing of one hand on the other in prayer (one places the right hand on the left), being quick to break the fast, and delaying the meal before dawn."**<sup>167</sup>

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**When what we have mentioned (i.e. qabd) has been confirmed from the Messenger of Allāh (sallallāhu 'alayhi wassallam).**

See *at-Tamheed*, vol.20, p.79

<sup>162</sup> In *at-Tamheed*, vol.20, p.74

<sup>163</sup> *Al-Muwatta'*, *Kitāb us-Salāh: 'Placing the Two Hands, one of them over the other in Salāh'*, vol.1, p.225, hadeeth no.436, the narration of Yahyā bin Yahyā al-Laythī and the narration of Abū Mus'ab, vol.1, p.164, hadeeth no.424

<sup>164</sup> Ibn ul-Mundhir stated after relaying the views of the Fuqahā in this issue:

**We have relayed from more than one of the people of knowledge that they used to leave their hands draped at their sides (irsāl) in Salāh. Whoever is heedless of the Sunnah, forgetful of the Sunnah or has a lack of knowledge of the Sunnah cannot be a proof over one who has knowledge of the Sunnah and acts according to it.**

Refer to *al-Awsat*, vol.3, p.92

<sup>165</sup> *Al-Mudawwanah*, vol.1, p.74

<sup>166</sup> Ibn Hajar al-'Asqalānī, *Fath ul-Bārī, Kitāb ul-Adhān, Bāb Wada' al-Yumnā 'ala'l-Yusra* [Chapter: Placing the Right Over the Left], hadeeth no.740, vol.2, p.224

<sup>167</sup> Supporting narrations of the hadeeth are:

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This 'AbdulKareem,<sup>168</sup> even if he is *da'eef* to the extent that it was said about him that: **'he was the weakest of narrators within the Muwatta'**, the hadeeth is immediately followed and supported by another hadeeth also in *Muwatta'*:

Yahyā related to me from Mālik from Abū Hāzim ibn Dinār that Sahl ibn Sa'd said, "People were instructed to place their right hands on their left forearms in the prayer."<sup>169</sup>

Abū Hāzim added: "I know nothing except that he (i.e. Sahl) traces that back to the Prophet, may Allāh bless him and grant him peace."

Al-Bukhārī also reported it and some remarks about it have been mentioned prior, Ibn Hajar also stated:<sup>170</sup>

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What al-Bukhārī verified in the hadeeth of Abū Mas'ūd in *marfū'* form that: what the first people comprehended from the Prophetic speech is: "If you have no shame then do what you want." In *Kitāb ul-Adab*, Chapter: 'If you have no shame then do what you want', vol.10, p.523, hadeeth no.6120. As for placing the right over the left then this has been reported by Mālik in *al-Muwatta'* and Shaykhayn. As for delaying the *suhoor* then this is also mentioned in al-Bukhārī from the hadeeth of Sahl bin Sa'd in the chapter on '*DelayingFitr*', vol.4, p.198, hadeeth no.1957 and Saheeh Muslim in the book of fasting, vol.2, p.771, hadeeth no.1091. Refer to *at-Tamheed*, vol.20, p.80

<sup>168</sup> 'AbdulKareem bin Abi'l-Mukhāriq only reports *maqtū'* (severed) hadeeth within *al-Muwatta'* which resemble *mu'dal* hadeeth and the last of the hadeeth he reports is *mawqūf*.

He is Abū Umayyah al-Basrī, a resident of Makkah, Yahyā bin Ma'een said about him: 'a weak narrator from Basra.' Imām Ahmad said about him: **'He is nothing, there is a suspicion that he is matrūk (a rejected narrator).'** Refer to Ibn Abī Hātim, *al-Jarh wa't-Ta'deel*, vol.6, p.59-60. An-Nasā'ī stated in *ad-Du'afā* (no.406): "He is matrūk." Ibn 'Adiyy stated: "He is clearly weak in all he narrates", refer to *al-Kāmil fi'd-Du'afā*, vol.5, p.1978. Al-Khaleel stated: **"He is narrated, Mālik narrated from him and Mālik did not report from anyone da'eef except for him."** Refer to *al-Irshād*, vol.1, p.214. Ibn 'AbdulBarr stated in *at-Tamheed*, vol.1, p.60 that:

**Mālik reported from 'AbdulKareem ibn Abi'l-Mukhāriq and there is consensus on his weakness because he did not know him, meaning that he was not from Mālik's land. He had good character, observed Salāh yet this changed. Mālik did not report from 'AbdulKareem Ibn Abi'l-Mukhāriq a narration from him which contained a ruling that 'AbdulKareem ibn Abi'l-Mukhāriq was alone in reporting (i.e. Mālik only reported from 'AbdulKareem ibn Abi'l-Mukhāriq ahādeeth which were supported by other narrations).'**

Refer to *Tahdheeb ul-Kāmil*, vol.18, no.3506

<sup>169</sup> *Al-Muwatta'*, *Kitāb us-Salāh*, Chapter: '*Placing the hands one over the over in Salāh*', vol.1, p.225, hadeeth no.437

<sup>170</sup> *Fath ul-Bārī*, vol.2, p.224



The 'Ulama say: the wisdom in this position (i.e. qabd) is that it prevents playing about with the hands and is closer to khushū' (tranquillity in Salāh)' and al-Bukhārī mentioned this and commented on this in regards to khushū'. Also from the subtleties of some of them is that they said: the heart is the location of intention and to safeguard something usually one places his hand on it.

'Iyyād said in *al-Ikmāl*:<sup>171</sup>

The Jamhūr (majority) of the 'Ulama from the Imāms of fatwa view that the left should be held by the right in Salāh and that it (i.e. qabd) is from the Sunan of Salāh and completes its perfection. It is also a position which limits movement and play (in Salāh). Qabd in the fardh and nafl prayers is one of the two views of Mālik. A group of scholars view that irsāl in Salāh is to be done such as al-Layth, this is also the last saying of Mālik.

Then Qādī 'Iyyād said:

The narrations about the Prophet's actions (sallallāhu 'alayhi wassallam) (in regards to qabd) and his exhorting to it are authentic. There is agreement that it is no wājib (obligatory). From 'Alī (radi Allāhu 'anhu)<sup>172</sup> that he said in regards to the saying of Allāh,

﴿فَصَلِّ لِرَبِّكَ وَأَحْزِرْ﴾

“...and sacrifice to Him alone.”

{*al-Kawthar* (108): 2}

That it means: placing the right over the left in Salāh, meaning on the chest.

It has also been said that it has another meaning which is 'to sacrifice' and

<sup>171</sup> Vol.2, p.291

<sup>172</sup> Verified from 'Alī (radi Allāhu 'anhu) by: Ibn Abī Shaybah, *al-Musannaḥ*, vol.2, p.208, hadeeth no.3958; at-Tabarī, *Tafseer*, vol.10, nos.38064 and 38068; ad-Dāraqutnī, *Sunan*, vol.1, p.285 – both via 'Āsim al-Jahdarī from 'Uqbah bin Thaheer from 'Alī. Likewise, the hadeeth is reported by: al-Bukhārī, *Tārīkh ul-Kabeer*, vol.6, p.437; at-Tabarī, *Tafseer*, vol.10, nos. 38064, 38068 and 38070; Ibn ul-Mundhir, *al-Awsat*, vol.3, p.91; al-Bayhaqī, *Sunan ul-Kubrā*, vol.2, pp.29-30 – via Hammād bin Salamah from 'Āsim al-Jahdarī from 'Uqbah bin Thabyān from 'Alī. Both Bukhārī (in *at-Tārīkh*, vol.6, p.437) and Ibn Abī Hātim (in *al-Jarh wa't-Ta'deel*) indicated the different chains of transmission for the narration in addition to the *jahālah* of this 'Uqbah. It is possibly for this reason that Ibn 'AbdulBarr stated in his *Tamheed*, vol.20, p.78 that there was some weakness in the hadeeth and as for Ibn Katheer then he absolutely avoided verifying this hadeeth in his *Tafseer*, vol.4, p.559

also Salāt ul-'Ēid. It has been said: 'nahar' refers to the body and Salāt us-Subh at Jama'<sup>173, 174</sup>.

The accuracy of *qabd* is also mentioned by al-Muwwāq that the difference of opinion in regards to *qabd* us over whether it has the highest level of allowance. 'Izzaddeen bin 'AbdusSalām ash-Shāfi'i in his *Qawā'id* stated:

**If there is a difference of opinion over its legislation, doing it is still better and none of the Imāms disliked doing it such as raising the two hands for the takbeerāt. We only say that because the Shar' encompasses doing the mandūbāt just as it encompasses doing the wājibāt.**<sup>175</sup>

As for those who viewed that *qabd* is disliked then this includes: al-Layth bin Sa'd and is also the final view of Mālik and the madhhab of *al-Mudawwanah*, which argues that *qabd* is disliked within the *fardh* and wherein it is stated: 'the right is not to be placed over the left in the fareedhah yet it is permissible in the nawāfil due to lengthy standing.' Layth said:

**"Sadl of the two hands in Salāh is preferred, except if the standing is lengthy then there is no problem in placing the right hand over the left in Salāh."**<sup>176</sup>

There is a difference of opinion in regards to the dislike reported from Mālik, and this is what the Muhaqqiqeen agree with, such as Qādī 'AbdulWahhāb and others: that it is disliked for the one who does it out of intending to support and lighten himself during standing for Salāh, because it resembles one who leans against something in order to support himself. For this reason he stated in one instance: "there is no problem in doing that (i.e. *qabd*) in the *nawāfil* due to the length of the Salāh", as within the *nāfilah* it is permissible to sit without an excuse, so then how about supporting oneself (by *qabd*)? As for the one who does it (i.e. *qabd*) out of following the Sunnah and not out of supporting oneself in Salāh then this is not disliked<sup>177</sup> ...

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<sup>173</sup> A name of Muzdalifah as mentioned in Abū 'Ubayd 'Abdullāh bin 'Abdul'Azeez al-Bakrī, *al-Mu'jam mā Usta'jam min Asmā il-Bilād wa'l-Mawādī* [A Dictionary of What has been Found Incomprehensible from the names of Lands and Materials], vol.2, pp.392-393 and Qādī 'Iyyād, *al-Mashāriq*, vol.1, p.168  
**Translator's note:** *Mu'jam mā Usta'jam* has been edited by Mustaphā as-Saqqa' (Beirut: 'Alam al-Kutub, 1983), it was also printed in Cairo in 1945-51

<sup>174</sup> The sentence '...and Salāt us-Subh at Jama'' is not mentioned in the printed edition of *al-Ikmāl*

<sup>175</sup> Mentioned in his *Qawā'id*, p.362

<sup>176</sup> The statement of Layth is mentioned in *al-Istidhkār*, vol.6, pp.196-197; *at-Tamheed*, vol.20, p.75; al-Bāji, *al-Muntaqā*, vol.2, p.302

<sup>177</sup> Al-'Allāmah Makkī Ibn 'Azūz stated:

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**Whoever investigates the Mudawwanah itself will clearly see that from the context the dislike is restricted for whoever intends qabd to supporting oneself in Salāh, and not for any other reason.**

**The View of Contemporary Non-Partisan Mālikī Jurist, Dr Qutb ar-Raysūnī al-Maghribī (Professor of Fiqh and Usūl, College of Islamic Studies, Dubai) in his Book *at-Ta'ārudh Bayna'l-Rājih wa'l-Mashhūr fi'l-Madhhab il-Mālikī: Dirāsah Ta'seeliyyah Tatbeeqiyyah* [Conflicting Views Between Preferred and Widespread Views in the Mālikī Madhhab: A Practical and Foundational Study]**

Here it is worthy bringing attention to a contemporary Mālikī jurist, whom we quote to show that the view of the likes of 'Abdullāh bin Hāmid 'Ali and similar Mālikee Madhhab parochialists is an excessive partisan approach. It also demonstrates that what has been mentioned within this study is not mere “Salafī propaganda” or “bias from people who claim to follow the hadeeth”, which are simplistic aspersions usually cast in such discussions as a get-out-clause to reject the proofs and evidences, but rather an impartial study of the issue. The importance is that such modern Mālikī jurists are not in agreement with the pseudo-Mālikī fanaticism which is exemplified by 'Abdullāh bin Hamid 'Ali and the “traditional Islam” movement of the West.

Dr Raysūnī's book is an impartial study of well-known opinions which were differed over in the Mālikī Madhhab, and contains discussion on which views are the stronger in the Madhhab. In the book Dr Raysūnī has a section on ‘principle: it is not permissible to reject the hadeeth for the view of Madhāhib’. Dr Raysūnī says in this section:

In the *Qawā'id* of al-Maqqarī al-Mālikī is:

Principle: it is not permissible to reject the ahādeeth for Madhāhib in a way which degrades its beauty and removes trust in what is apparent [from the ahādeeth], as that would be corruption of the ahādeeth and degradation of them. Allāh neither rectifies the Madhāhib via deeming the ahādeeth as corrupt nor does he raise a Madhhab by debasing the status of the ahādeeth. All words can be accepted or rejected except for that which has been authenticated from Allāh's Messenger.<sup>178</sup>

**The general meaning of the principle is that the necks of ahādeeth should not be cut for the sake of the Madhāhib, or averted from the apparent sense via void means based on fanaticism to the Imām, as this removes trust in the apparent sunnah and degrades it and is defamation against their narrators.**

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<sup>178</sup> *Qawā'id ul-Maqqarī*, vol.2, p.396

Even though this is based on desires and in the name of defending certain men, Allāh does not rectify a Madhhab by laying waste to the authentic sunnah, the Madhhab is not raised by debasing verified guidance. Al-Maqqarī did not put in place this principle in his book except after his finding how some Muqallideen were rejecting ahādeeth for the views of Madhāhib at a whim, rejecting with with falsehood and out of desire. This is even though infallibility is for Allāh and His Messenger, not for a weak person who words can be accepted or rejected.<sup>179</sup>

Enough said! Not much more for us to add to that! The so-called “Mālikī Madhhab” partisans should take time to reflect!

Indeed, Dr Raysūnī then notes the principle: **‘Fanaticism to Madhhabs is Impermissible by Joining to Support [a Madhhab]’:**

In the *Qawā'id* of al-Maqqarī al-Mālikī is:

Principle: it is not permissible have fanaticism to Madhāhib and join in to support [a Madhhab] by putting in place proofs for arguments sake while one believes that [a certain view] is incorrect...

In regards to the issue of *Qabd*, *sadl* and *irsāl*, Dr Raysūnī mentions after relaying the view expressed in the *Mudumwanah* that qabd is disliked, what is to be deemed as the most accurate and preferred view of the Mālikī jurists in the issue and says:

Sadl of the two hands in Salāh, as relayed in *al-Mudumwanah* which claimed qabd was disliked, was not a way of praying liked by many of the Mālikee jurists. Their position indicates their good following [of the strongest view] and their utmost justice and revolving around the evidences. This is suitable for men who have been given a degree of ijtihād and inspection...

Ar-Raysūnī then relays the statements of Ibn 'AbdulBarr, Abū Bakr ibn al-'Arabī, Ibn Rushd the grandfather, Ibn Rushd the grandson and also al-Bāji. It is worth relaying some of these statements here. For example, al-Bāji said:

**As for placing the right over the left then this has been transmitted from the Prophet (sallallāhu 'alayhi wassallam) via authentic routes. Wā'il bin Hujr reported that he saw the Prophet (sallallāhu 'alayhi wassallam) raise his**

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179 Dr Qutb ar-Raysūnī, *at-Ta'ārudh Bayna'l-Rājih wa'l-Mashhūr fi'l-Madhhab il-Mālikī: Dirāsah Ta'seeliyyah Tatbeeqiyyah* [Conflicting Views Between Preferred and Widespread Views in the Mālikī Madhhab: A Practical and Foundational Study]. Beirut: Dār Ibn Hazm, 2009 CE/1430 AH, p.59.

**hands to begin the prayer, make takbeer...and then place his right over his left.**<sup>180</sup>

Dr Raysūnī therefore states that the most accurate and preferred view in the Mālikī Madhhab is Qabd and not sadl and irsāl. He states (with my abridgement):

The texts from the Mālikees in supporting qabd are many...the truth is that qabd is a widely-dispersed famous sunnah and Mālik transmitted some of thee narrations and his Usūl obligates practising it because:

**One:** The authentic Mutawātir ahādeeth testify to *Qabd* such as the hadeeth of Sahl bin Sa'd and the hadeeth of Wā'il and the hadeeth of al-Hulb at-Tā'ī that: **“Allāh’s Messenger used to lead us in prayer and held his left hand with his right hand.”**<sup>181</sup>

We mentioned prior that from the Usūl of Mālik (*rahimahullāb*) is that if the hadeeth is found to be authentic then that is his Madhhab. Thus, there is no need to oppose the sunnah in this matter especially when what has transmitted from him affirms the Sunniyyah of *Qabd* and many have transmitted that from him.

**Two:** *Qabd* has been relayed from Mālik in a variety of routes which are:

- ❖ The narration of Ash-hab from Mālik that he said “There is no problem (in *qabd*) within the maktūbah and nāfilah”.<sup>182</sup>
- ❖ The narration of Mutarrif and Ibn ul-Mājishūn In *al-Wādībah* [of Ibn Habeeb] that Mālik favoured this (i.e. *qabd*)’ and that in the fareedah it is better to do it than to leave it.<sup>183</sup>
- ❖ The narration of Ibn ‘AbdulHakeem that Mālik said: “there is no problem in this”.<sup>184</sup> Whoever contemplates on these narrations will clearly comprehend the accuracy and preference of *Qabd* in the Madhhab of Mālik.<sup>185</sup>

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<sup>180</sup> Al-Bājī, *al-Muntaqā*, vol.1, p.281

<sup>181</sup> Tirmidhī, no.252 and he said that it was **“hasan saheeh”**; Ibn Mājah, no.809. Al-Albānī said in *Takhreej Mishkat ul-Masābeeh*, no.803: **“hasan saheeh”**.

<sup>182</sup> Al-Bājī, *al-Muntaqā*, vol.1, p.281

<sup>183</sup> Ibid.

<sup>184</sup> Al-Qādī ‘AbdulWahhāb, *‘Uyūn ul-Majālis*, vol.1, p.290

<sup>185</sup> Dr Qutb ar-Raysūnī, *op.cit.*, pp.117-118

Then Dr Raysūnī states that *Qabd* has been reported from Imām Mālik in five reports while *Sadl* is only reported from him by Ibn ul-Qāsim and hence as a trustworthy narrator has opposed more of those who are more trustworthy than him the report of Ibn ul-Qāsim is to be deemed as weak and *shādh*. Dr Raysūnī also notes that what Imām Mālik himself relayed in his own book *al-Muwatta'* was *Qabd* and thus this is to take precedence as the accurate view in the Madhhab. Moreover, the Usūl principle:

### المثبت مقدم على النافي

*What verifies has precedence over what negates*

Thus, the reports of the *Muwatta'*, Ibn 'AbdulHakeem, Ash-hab, Mutarrif and Ibn Mājishūn all verify *Qabd* and thus take precedence over Ibn ul-Qāsim's report in *al-Mudumwanah* which negates *Qabd*. What verifies is given precedence to what negates. Dr Raysūnī also highlights that even the report of Ibn ul-Qāsim is not clear in its support of *Sadl* and is open to interpretation.

## ASSESSMENT OF THE PAPERS OF 'ABDULLĀH BIN HAMĪD 'ALI ON THE ISSUE OF QABD, SADL AND IRSĀL<sup>186</sup>

One immediately notices in Abdullāh bin Hamīd 'Alī's paper *Qabd or Sadl* that when he outlines the “weaknesses” of the hadeeth on page 3 of his paper, the arguments presented are not only specious but also devoid of referral to what the scholars of hadeeth have stated about the hadeeth, in fact this is the same method as those partisan Mālikī scholars whom he quotes from in the matter. There is also an inconsistency in his approach as more recently Abdullāh bin Hamīd 'Alī has argued along the lines of “**all ways are acceptable**” yet in his writings he proceeds to try to show that the narrations documenting *Qabd* are weak?!

As the hadeeth states “*People were instructed...*” this in itself indicates that the people “were instructed” by the Prophet (*sallallāhu 'alayhi wassallam*), as in the hadeeth wherein Ā'ishah states “*We were instructed to complete the fast...*”<sup>187</sup> indicating that the one “instructing” was the Messenger of Allāh (*sallallāhu 'alayhi wassallam*). Al-Bayhaqī stated that there is no difference in regards to this among the people of transmission.<sup>188</sup>

In his paper *The Malikee Argument for not Claspng the Hands in Salah* 'Abdullāh bin Hamīd 'Alī brings as evidence from the Sahābah and the Tābi'een for *sadl* and *irsāl* the following examples:

**In the Musannaf of Ibn Abī Shaibah, the following can be found.**

- 1. Abū Bakr (ibn Abī Shaibah) declared: Hushaym declared to us about Hasan (Al-Basarī) – about Yūnus (declared) about Ibrāheem (An-Nakha'i) that they used to release their hands (at their sides) during prayer.**
- 2. 'Affān declared to us: Yazeed ibn Ibrāheem declared to us. He said: “I heard 'Amr ibn Deenār say: “(Abdullah) Ibnuz-Zubayr (the grandson of Abū Bakr bin Siddeeq), whenever he prayed, he used to release his hands (at his**

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<sup>186</sup> Also refer to this audio clip from 'Abdullāh bin Hamid Ali on the topic which was replete with inconsistencies, contradictions and weak arguments. In the audio clip Abdullah bin Hamid Ali opts for the view that sadl and qabd are both acceptable, from whence he argued in the two papers from him which we are critiquing here that qabd was weak and sadl the accurate view?! Audio clip here: <http://www.youtube.com/watch?v=F7IE2TeWsc8>

<sup>187</sup> Bukhārī and Muslim

<sup>188</sup> Muhammad Abū Madyan ash-Shinqīti, *op.cit.*, p.21.



sides).”

3. Ibn ‘Aliyyah declared to us: On the authority of Ibn ‘Aun about Ibn Sireen that he was asked about the man who holds his right hand with his left. He said: “That was merely done because of the Romans’ (influence).”

4. ‘Umar ibn Hārūn declared to us: On the authority of ‘Abdullāh ibn Yazeed. He said: “I never saw (Sa’eed) Ibn Al-Musayyib (the most knowledgeable of the Tābi’een) clasping his right hand in the prayer. He used to release them (at his sides).”

5. Yayhā Ibn Sa’eed declared to us: On the authority of ‘Abdullāh ibn Al-‘Īzār. He said: “I used to accompany Sa’eed ibn Jubair. So, he saw a man praying while placing one of his hands on the other. This one on this one and this one on this one. So, he went, separated them, and then returned (to me).”

So let’s look at these *ahādeeth* in more detail:

1. The hadeeth that ‘Abdullāh bin Hamīd ‘Alī makes reference to are from the *Musannaf* of Ibn Abī Shaybah in the chapter ‘*Man Kānā yursal yadayhu fī’s-Salāh*’ [Those who used to leave their hands by their sides in Salāh]. Within this chapter it is reported that al-Hasan al-Basrī, Ibrāheem an-Nakhaṭī, Sa’eed ibn al-Musayyib, Muhammad bin Sireen and Sa’eed ibn Jubayr all prayed with their hands by their sides.
2. The first hadeeth contains Hushaym bin Basheer bin al-Qāsim bin Dīnār who is Mudallis who frequently makes ‘*an’an*. **In fact it is odd that ‘Abdullāh bin Hamīd ‘Alī utilises this hadeeth from Hushaym when ‘Abdullāh bin Hamīd ‘Alī himself stated that Hushaym bin Basheer was weak!**<sup>189</sup> Refer to page 8 of his paper *Qabd or Sadl*:

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<sup>189</sup> The hadeeth of Ibn Mas’ūd (*radi Allāhu ‘anhu*) which is narrated via Hushaym which supports *qabd* was critiqued by ‘Abdullāh bin Hamīd ‘Alī for its reports in an-Nasā’ī and Abū Dāwūd. However, the hadeeth was also reported by al-Bayhaqī, vol.2, p.28; ad-Dāraqtunī (hadeeth no.107); Ibn Mājah, vol.1, p.271 and Ibn Hazm, *al-Muhalla*, vol.4, p.112-113. Imām an-Nawawī in *al-Majmū’*, vol.3, p.312 stated about this hadeeth: “**It is Saheeh according to the conditions of Muslim except that some words have been mentioned about al-Hajjāj.**” In at-Taqreeb it is stated about al-Hajjāj bin Abī Zaynab as-Sulamī: “**He is Sudūq but makes some errors.**” Imām al-Albānī stated that for this reason al-Hāfidh Ibn Hajar in *al-Fath*, vol.2, p.178 deemed this hadeeth to be hasan and Ibn us-Sakan mentioned the hadeeth in his Saheeh and ad-Dāraqtunī mentioned the hadeeth via the route of Muhammad bin Yazeed al-Wāsītī from al-Hajjāj.

Refer to Imām al-Albānī, *Aslu Sifāt us-Salāt in-Nabī* (Riyadh, KSA: Maktabat ul-Ma’ārif, 14227 AH/2006 CE), vol.1, p.208

[http://lamppostproductions.org/files/articles/SADL\\_2.pdf](http://lamppostproductions.org/files/articles/SADL_2.pdf) So 'Abdullāh bin Hamīd 'Alī is merely using absolutely anything that he can lay his hands on! Mugheerah bin Muqsim ad-Dabbī who is also in the chain was declared by Ibn Hajar as being *thiqah* but would make *tadlees* especially from Ibrāheem (an-Nakha'ī). Therefore the *sanad* of this is weak, incidentally, 'Abdullāh bin Hamīd 'Alī left out any mention of Mugheerah in his translation which has been quoted above.

3. The second hadeeth above that 'Abdullāh bin Hamīd 'Alī relayed does have a Saheeh *isnad* up to Ibn az-Zubayr so maybe he prayed like this in order to make clear to the people that *qabd* was *mandūb* and not *wājib*, Ibn 'AbdulBarr stated in *at-Tambeed*: **“A scholar may pray with his hands by the sides in order to show the people that it is not wājib (to make qabd).”**<sup>190</sup>
4. The third hadeeth that 'Abdullāh bin Hamīd 'Alī relayed then it is authentic up to Ibn Sīreen however it is still *mursal* and thus there is no use in referring to it.
5. The fourth hadeeth that 'Abdullāh bin Hamīd relayed contains Abū Hafs 'Umar bin Hārūn al-Balkhī ath-Thaqafī about whom an-Nasā'ī stated: **“He is matrūk!”** Abū Nu'aym said about 'Umar bin Hārūn: **“He relays that which is rejected.”** In *at-Taqreeb ut-Tabdheeb* (Riyadh: Dār ul-'Āsimah, 1416 AH), p.728, no.5014 al-Hāfidh Ibn Hajar stated about 'Umar bin Hārūn: **“He is matrūk, but he was a Hāfidh.”** Adh-Dhahabī said: **“He was confused, so this hadeeth is weak.”** 'Abdullāh bin al-Mubāarak, Yahyā ibn Ma'īn, 'AbdurRahmān bin al-Mahdī and others accused him of lying (*kadhib*). Ibn Hibbān stated that he claimed to have Shaykhs that he actually had never seen. Adh-Dhahabī also stated about 'Umar bin Hārūn in *Tadbkirat ul-Huffādh*, vol.1, p.341: **“There is no doubt in his weakness, but he was an Imām and Hāfidh in the letters of the recitations.”**
6. As for the fifth hadeeth that 'Abdullāh bin Hamīd 'Alī mentioned, which we have quoted above, then it differs from another hadeeth which also includes 'Abdullāh bin al-'Īzār who is *majhūl* and no one wrote a biography of him and this defect affects the authenticity of the hadeeth. However, Yahyā bin Sa'īd al-Qattān mentions an **“Ubaydullāh bin al-'Īzār”** as being from his Shaykhs and deemed him as being *thiqah*, just as Yahyā ibn Ma'īn classed him as being *thiqah* and Ibn Hibbān also mentioned him from the *thiqāt*. Therefore the letter *yā'* was left out of some copies and thus the *hadeeth* is authentic up to Sa'īd bin Jubayr. In any case, Ibn 'AbdulBarr states: “It was possible that he saw a person praying with his left hand over his right and thus changed them around and placed them as had been related

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<sup>190</sup> Vol.20, p.76, Bāb 'AbdulKareem bin Mālik al-Jazarī.

from the Prophet (*sallallāhu 'alayhi wassallam*) and how he taught Ibn Mas'ūd. What has been reported from Sa'īd bin Jubayr affirms the accuracy of this interpretation as it has been verified that Sa'īd bin Jubayr used to place his right hand over his left in his prayer above the navel."<sup>191</sup>

So Ibn 'AbdulBarr concludes that in regards to the *abādeeth* of Ibn Abī Shaybah the following (which again refutes 'Abdullāh bin Hamid 'Alī who falsely argued that Ibn 'AbdulBarr deemed sadl and irsāl to be an acceptable choice other along with qabd)<sup>192</sup>:

This is what has been reported from some of the Tābi'een in this regard and there is no disagreement on the fact that there is no dislike (of qabd) affirmed from them. **And even if this was affirmed from them then it would not be proof because the proof is in the Sunnah for those who follow it. Those who oppose the Sunnah require such proofs, especially those acts of the Sunnah which have been confirmed that none of the Sahābah opposed.**<sup>193</sup>

As for the claim that Abū Bakr as-Siddeeq (*radī Allāhu 'anhu*) never used to make *qabd* then this is *bātil*, for it is mentioned within the *Musannaf* of Ibn Abī Shaybah, which this time the *Sadl* and *Irsāl* partisans avoid referring to, that: Yahyā bin Sa'eed narrated to us from Thawr from Khālid bin Ma'dān from Abū Ziyād, the freed slave of Āli Darāj: "I will never forget that when Abū Bakr used to stand in prayer he would place his right over his left." This *isnad* is Saheeh up to Abū Bakr and the men in the *sanad* are those utilised by al-Bukhārī except for Abū Ziyād and al-Hāfidh Ibn 'Asākir provides a biography of him twice and states that he reported from Abū Bakr,<sup>194</sup> so this confirms the authenticity of this hadeeth.

As for the summary and conclusion of 'Abdullāh bin Hamīd 'Alī within this particular paper, *The Mālikee Argument for not Claspng the Hands in Salah*, then it is as follows:

**We know the validity of praying with our hands at our sides from the following:**

**1. It was the position held by our Imam Mālik, and most of his disciples and Mālikees historically.**

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<sup>191</sup> Ibid.

<sup>192</sup> Also refer to this audio clip from 'Abdullāh bin Hamid Ali:

<http://www.youtube.com/watch?v=F7IE2TeWsc8>

<sup>193</sup> Ibid.

<sup>194</sup> *Tārīkh ud-Dimashq*, under letter 'zāy', 'Ziyād, Mawla Āli Darāj al-Qurashī al-Jamhī', personality no.2320; also referred to by Ibn 'Asākir by an additional use of a *kunyah* 'Abū Ziyād, Mawlā Āli Darāj', personality no.8533.

2. The hadiths of the Prophet indicate that he prayed that way.
3. It was the opinion taken by the Tābi'oon, the most knowledgeable of them being by unanimous consensus Sa'eed ibn Al-Musayyab.
4. It was the position of 'Abdullah ibn Az-Zubayr who learned from Aboo Bakr As-Siddeeq who learned from the Prophet himself. In addition, it hasn't been confirmed in any sound reports that any of the other Sahābah prayed while clasping their hands.<sup>195</sup>
5. None of the Imams of the other madhhabs (law schools) hold it to be an obligation to pray while clasping ones hands. They only consider it to be a Sunnah. As for Mālik, it is permitted without dislike during voluntary prayers when the standing is long.<sup>196</sup> As for the obligatory prayers, he disliked it, although dislike does not mean that something is prohibited according the scholars.
6. Some Imams hold both folding the hands as well as leaving them at ones sides to be Sunnahs that have been both related about the Prophet – may Allah grant him peace.

There are a number of problems with this rather duplicitous conclusion from 'Abdullāh bin Hamīd 'Ali. Firstly, the only evidence that *sadl* and *irsāl* was the position of Imām Mālik is what has been mentioned by Ibn ul-Qāsim which has been viewed as being a *shādh* view with many of the Mālikī scholars, as we saw earlier with Imām al-Misnāwī al-Mālikī's study. The fact that Imām Mālik himself in his own hadeeth compilation *al-Muwatta'* relays the hadeeth of praying with the right over the left on the chest is the strongest proof with the Mālikī scholars that *sadl* and *irsāl* was not the main "position held by Imām Mālik, most of his disciples and the Mālikīs historically". According to the Mālikīs, when the narrations apparently appear to conflict then the *Muwatta'* has to be given precedence without doubt as it was what Imām Mālik (*rahimabullāh*) penned with his own hand. Al-'Allāmah Taqiuddeen al-Hilālī al-Maghribī<sup>197</sup> stated in his book *Al-Hisām al-Mābiq li-Kulli Mushrikein wa Munāfiq* [The Decisive Sword for Every Polytheist and Hypocrite]:

**Imām Mālik authored his book al-Muwatta' and taught it for sixty years and went over all what is mentioned within it. So all statements that are attributed to him and conflict with what is in the Muwatta' either have to have narrators who agree with him or they differ from him. If they differ from him in their**

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<sup>195</sup> This is blatant deception! As we will soon see insha'Allāh.

<sup>196</sup> This is neither affirmed nor clear from Imām Mālik, rather it is to be regarded as a *shādh* view.

<sup>197</sup> For a biography of him refer to: [http://salafimanhaj.com/pdf/SalafiManhaj\\_Hilalee.pdf](http://salafimanhaj.com/pdf/SalafiManhaj_Hilalee.pdf)

narrations then the Muwatta' takes precedence because his narrations (in the Muwatta') are more abundant and better preserved as he had written it with his own hands and it has been transmitted mutawātir from Imām Mālik. So all that conflicts with it (the Muwatta') is to be rejected and those who conflict with it have no recourse to ascribe anything to him that conflicts with what is in it...<sup>198</sup>

Secondly, the *abādeeth* do not indicate whatsoever that the Prophet (*sallallāhu 'alayhi wassallam*) prayed with *sadl* and *irsāl*. The only hadeeth that 'Abdullāh bin Hamīd 'Alī and his partisan Shaykhs of Mauritania have are *da'eef abādeeth* along with questionable narrations about the prayer of the *Salaf* within the *Musannaf* of Ibn Abī Shaybah. This is not to mention the fact that the *abādeeth* affirm and verify that the Prophet (*sallallāhu 'alayhi wassallam*) prayed with his right hand over his left on the chest, as has been seen.

Thirdly, the narration from 'Umar bin Hārūn that Sa'eed ibn ul-Musayyib (*radi Allāhu 'anhu*) performed *sadl* is very weak due to 'Umar bin Hārūn reporting it and he is *matrūk* and rejected due to his weakness.

Fourthly, the bold statement of 'Abdullāh bin Hamīd 'Alī that **“in addition, it hasn't been confirmed in any sound reports that any of the other Sahābah prayed while clasping their hands”** is incorrect as has been seen and corroborated within this paper by the will of Allāh.

*With Allāh success is granted, and may peace and blessings be upon Allāh's Messenger, his family and all of his companions*

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<sup>198</sup> *Al-Hisām al-Māhiq* can be downloaded here in book form:  
<http://www.mahaja.com/library/books/book/171>

An audio explanation of the book by the Shaykh Muhammad Taqiuddeen al-Hilālī (*rahimahullāh*) himself, can be accessed here:

<http://www.alhilali.net/index.php?c=4&p=1&f=12>

or

<http://www.albaidha.net/vb/showthread.php?t=6379>