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### AL-IMAM MALIK IS ONE OF THE PIONEERS OF AL-RAY (OPINION) SCHOOL: A HISTORICAL VISION

*Dr. Hassain Milhim*

Assister of Islamic university president for affairs of administrative

Email: [hassain.milhim@gmail.com](mailto:hassain.milhim@gmail.com)

[hassan.milhim@iunajaf.edu.iq](mailto:hassan.milhim@iunajaf.edu.iq)

*Tawfeeq Alghazali*

The director of Islamic University in Najaf.Iraq

Email: [gazali.tawfeeq@gmail.com](mailto:gazali.tawfeeq@gmail.com)

[gazali\\_alkufi@iunajaf.edu.iq](mailto:gazali_alkufi@iunajaf.edu.iq)

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#### ABSTRACT

Malik bin Anas is a great Muslim scholar who is known as AL-Imam Malik by Sunnis because he founded AL Maliki doctrine. So this study is an attempt to investigate the constituents of Diligences that Malik has and it also deals with the analysis of his methodology in his book Al-Muwatta which it is regarded as one of the top books of Hadith and fiqh. This book involves rituals, habits, traditions, norms and laws of the era of Muhammad the prophet of Islam. It has seen throughout Islamic history, Malik has been dignified as an idealistic person in all the classical schools of Sunni thought; therefore; the present study tackled the ideas and behavior of this great character and his influence on the society.

#### 1. Introduction

It seems that the diligences carry the main aspect in all doctrines in the world. For instance, In Buddhism, Diligence is one of Buddhist teaching which is considered the leading to liberation in Mahayana tradition. While In Christianity, Diligence is considers as one of seven virtues that represents

accuracy, wholeness, and assertiveness of an action, in matters of faith. On the other hand, diligence and honest in Hinduism, are considered as essential characteristics for success in good living, but in Islam, diligence is a Method for extracting the provisions of the legitimacy of the sources of legislation recognized.

## 2. The concept of diligence

Linguistically, diligence means the exerting effort in an arduous act. He strived in carrying the millstone, i.e. expending radiant energy. (Al-Asfahani; 1404 H.D: 101)

Idiomatically, diligence is defined by the scientists of *usul alfiqh* (اصول الفقه) as the effort to realize the legal laws, or it is exerting the effort to know the legal ruling, and the traditionalist counterpart is the deduction of the legal ruling. (Al-Tehrani; 1403.H.D:289)

## 3. Malik bin Anas (93 -179 H.D)

According to (Ibn Al-Nadeem; 2000:198) and (Ibn Khalghan ; 1971:135), The famous Arab Muslim jurist, theologian, and hadith traditionalist Abu Abdullah Malik bin Anas bin Malik bin Abi Amir Alhumayri Almedeni was born in 93 H.D in Almedinah Al-Munawwarah. He was known as Al-Imam Malik by Maliki Sunnis. His book (AL-Muwatta) is one of the famous books of Al-Hadith. In his fatwa, Malik relied on several legislative sources pertaining to the Qur'an, the Prophet's Sunnah, consensus, the work of the people of Medina, measurement, sending interests, approval, custom and etc. He started his knowledge when he was young by various famed scholars including Muhammad bin Muslim Al-Zuhri who was died in (124 H.D) and Rabyah bin Abi Abdulrahman who was died in (126 H.D).

### 3.1 Malik is one of the pioneers of AL-Ray school

Malik was well-known among the scientists that his school is of AL hadith and this is what followed by the earlier and the later. So the others believe that the school of Iraq is an opinion school (AL-Ray school) (مدرسة الرأي) and the school of Medinah which belongs to Malik is a school of AL-Hadith. Though the investigating appears that Malik is the first one who fellow the opinion as ibn Qutaybah said that Malik is an opinion follower side by side with Abi Hanifah. (AL-Makhzumi;2016:150)

In the other hand, some of his teachers were of the opinion followers such as AL-Zuhri and Rabi'ah bin Abdulrahman who is called by opinion of Rabi'ah (Rabi'aht Al-Ray) (ربيعة الرأي). (Milhim; 2011:24)

According to (Tarabishi; 2010:127), Malik was known as the legal heir to Rabi'ah untill it inquired who is after Rabi'ah , the answer came it is the young boy Malik.

It has seen that Malik used the words (it is my opinion, وهو رأي), terms such as ( I see, ارى ), (I like and I don't like, انا احب و انا لا احب ذلك ), and he also used the words (yes. نعم, it is Okay, لا بأس به). (Malik; 1951; 217)

#### 4. Constituents of Diligences That Malik Has.

Malik depended on the four constituents that form the Maliki's thought (fiqh) which are presented in Al-Qur'an, Al-Sunnah or Al-Hadith, Fatwas of the companions and followers, and finally the work of people of Medinah.

##### 4.1. Al-Qur'an.

Malik's adherence to the Qur'anic text was absolutely. At the level of the Qur'anic text, the Muwatta includes Qur'anic readings that are no longer applicable in the Qur'an approved by consensus today. Including a reading attributed to the second caliph (Yahya told me about Malik that he asked Ibn Shihab about almighty saying, "O you who believe! When the call is made for prayer on Friday, hasten to the remembrance of Allah". (Surat Al-Jumu'ah: verse 9)

Ibn Shihab said that Umar used to recite it (if they were called to pray on Friday, then go to the remembrance of Allah). And other texts and readings until the readings closed with the reading of Hafsa bin Asim Al-Kufi.

There are references in the Book of Muwatta about verses that copied Malik's era. In the words of Aisha and Hafsa he gives an identical narration indicating that the verse (Keep the prayers, the middle prayer, and stand for Allah devoutly obedient.) (Surat Al-Baqarah; verse: 238)

It contained afternoon prayer that is copied from the Ottoman's Qur'an and when it reached her ear she recited it and hoped on keep the prayers and middle prayer and stand for Allah devoutly obedient. Aisha said that I heard it from the messenger of Allah.

In breastfeeding, it was reported by Aisha, the Prophet's wife who said, "There were ten known feedings in the Qur'an then they were copied with known five, so the Messenger of Allah died while he was reading from the Qur'an.

Yehya claimed that Malik said "it is not on this work" (وليس على هذا العمل)

In spite of what Malik reported of verses that copied in the Qur'an, it was mentioned by other texts like Alsihah (الصحيح) and Al-Sunan (السنن) after him. Malik mentioned the verse of stoning which is narrated by him alone.

Malik told me saying when Umar came from Mina to Al-Madinah preaching "Oh, no people, Sunnahs have been enacted for you and obligatory obligations are imposed for you .... Be aware of being perished from any stoning. If someone said that there are two verdicts in Qur'an. The messenger of Allah has stoned and we stoned.

Whose himself is in his hands if not people to say: Umar ibn al-Khattab added in the book of Almighty Allah, I wrote it (The sheikh and the sheikh did not stone them at all) (Malik; 1951:517)

Although Malik had invented the principle of sending interests, he was, in fact, one of th

e hardliners in devising rulings, until he arrived at the clear violation of the Qur'an verses in rulings, contrary to the rest of the imams of other jurisprudential, according to the verse 178.

Abdul-Jabbar said: I attended Malik and the governor brought him with a group of scholars on behalf of a man who ran against his brother until he realized that he pushed him into a well and took his garment, and the father of the two boys were present. Some scholars said that the choice is for the parents in amnestying or punishment. Malik said "I see that his head should cut. Then the parents said: did the son of yesterday be killed and will we suffer at the other today? We are the guardians of blood and we are forgiving him. The governor said: O Abu Abdullah is there any demanded else. Malik said: And there is no Allah except him. I never talked about knowledge or cut his head. When the governor saw his intention to remain silent, the boy came and cut his head. Here, Malik disagreed with the text of the verse: O those who believe, punishments are written on you for the dead, so free is for free, and slave is for slave, and female Whoever is exempted from his brother, then he should follow the favor and pay him favor, that is relief from your Lord and mercy . (Al-Qadhi ;1965: 174)

#### **4.2. Al-Hadith (Al-Sunnah)**

Linguistically: The method or biography that is good or bad.

Idiomatically: Synonymous with the definition of Al-Hadith, the saying, deed and report of the Prophet. (Ibn Al-Atheer; 1426 HD: 409)

Al-Hadith linguistically: Against the old, Abadi says, there has been an occurrence and modernity against the old.

Idiomatically: Al-Hadith is what was added to the Prophet in terms of words, deeds, and reports before or after the mission. (Abadi; 1410 HD: 164)

Scholars say that when Malik placed the Book of Mutt on about ten thousand hadiths, he still looked at them every year and dropped them and they said four thousand hadiths according to a novel. So he died a thousand hadith and a half Malik was preceded by his fame in the novel and by the fatwa until it was said (Malik, the Commander of the Faithful in the Hadith), and with this it was famous for him that he was the founder of the hadith system, and he was strict about the conditions of the novel and repeated many hadiths, especially if it came from Iraq.

Despite of that, Malik's stance was contrary to some of the well-known hadiths in which he worked, such as the hadith of breaking the fast (breaking the fast in Ramadan by forgetfulness and forgetfulness).

And the hadith is mutawatir, (متواتر) which was mentioned in all the books of al-Sahih, contrary to what Malik said, the Prophet says (it does not break the fast, but rather it is the provision of the provision of God Almighty). This is a daring to the text.

#### 4.3. Fatwa of companions and followers

Al-Sahaby: linguistically means companionship and cohabitation

As a convention, Ibn Katheer al-Sahaby said, "Whoever saw the Messenger in peace, his opinion, even if his companionship did not overlook him, even if he did not see anything from him? And the definition of companions among the Shiites and Sunnis is of great difference, because among the Shiites, the Companions are like other men, among them are just and in them the one who does not like the Sunnis who gave them all justice. (Milhim; 2011:210)

Malik completed his legal basis on the fatwas of the Companions and their issues, and also relied on the sayings of the followers, so he cited the fatwas of Umar bin Abdul Aziz and Saeed bin Al-Musayyib.

The evidence of Malik's sayings in Al Muwatta

We have a difference in it

The Sunnah of Muslims that there is no difference in

We have no difference in the year.

Our Sunnah that I heard from scholars.

It is the community on it here.

After extrapolating Malik's issues in the Muwatta, it has seen that the sayings or Sunnah of the Companions have a great position, especially the most present among them, Umar ibn al-Khattab, his son Abdullah and Abu Hurairah.

The indication of Umar's position in the discourse is not in the Sunnah, in that when he invented something that was Sunnah, such as AL- Taraweeh prayer..... Rather, more than that, the Sunnah enacted by Umar remains a Sunnah even if it was originally a year of Jahiliyyah. Thus it was according to Malik that Umar and his son Abdullah were present in the reference of Malik by saying: The work of the people of Medina or the matter with us is almost on the authority of Ibn Umar and has been cited more than a hundred times.

#### 4.4. The work of AL-Madinah people (عمل اهل المدينة)

Malik enacted a law. The cities were not able to claim for themselves the trustworthy inheritors of Medina, so the people of the regions have no right to turn into another doctrine than that of the people of Medina. From what have mentioned previously, we see that there is no Sunnah except for the Sunnah of Medina according to the famous saying about them (the people follow the

origin of Medina) and the Sunnah of Malik does not mean the Sunnah of the Messenger Allah alone, but also the Sunnah of the Companions and the people of Medina, and the Sunnah of all Muslims.

### **5. The analysis of Malik's methodology in his book Al-Muwatta**

Malik's methodology was clear in his book Al-Muwatta, according to what the scholars reported:

a- He committed himself to mentioning trustworthy men, until mentioning the man in the Muwatta was a judgment for him for documentation. Ibn Ma'in said: Whoever narrates from Malik is trustworthy except Abdul Karim, the father of Umayya. He used to select his men and distinguish between the good and the pious, the hafiz, and the good, the wise, the non-Hafiz; he used the established proofs of narrators. He said to Al-Rasheed when he asked him: Why do we not see in your book a mention of Ali and Ibn Abbas? He said: They were not in my country, nor did their men cast their men. Al-Zarqani defended him by saying: He wanted more remembering, otherwise there are hadiths about Al-Muwatta. (Al-Suti; 1380 HD: 7, 31)

b- Malik committed himself to mentioning the correct hadith according to his doctrine and diligence. In the book, the related hadiths that carried the highest conditions of validity and entered into all the correct year, which is six hundred hadiths, and it contains hadiths whose authenticity is not related, but they are notifications or correspondence, as if he says in which he says: I have reached an age or that Umar or from Abu Hurairah He said ... and neglects to mention the proof of transmission to the one who mentioned his communication on him or he used to mention the evidence even if it reached the Tabi'i, he raised the hadith to the Prophet, which is the hadith that was sent, and Malik's doctrine was to correct these statements and messages because they are close to the era of prophet hood. Its narrators were distinguished by honesty and fairness (Adnan; 2001:160), but the scholars did not accept these communications and correspondence at all. Some of them were mentioned by Ibn Abdul-Birr in his book (AL-Tamheed التمهيد) Preface an example from Malik: He told him on the authority of Jabir bin Abdullah al-Ansari that the Messenger of Allah said: Whoever does not find two garments let him pray in one garment wrapped in it. If the garment is short, let him wear it. This hadith was narrated by Malik in a communiqué, so he dropped the bond between him and Jabir, and it was narrated in continuity with others, and the hadith was provided by (Al-Bukhari;2001:472)

The number of communications and correspondence in Al-Muwatta reached two hundred and twenty-two hadiths that Al-Suyuti defended and made for them.

C- The book of the Muwatta was not limited to the hadiths submitted to the Prophet, whether they were continuous or interrupted, but rather it contained the reports raised on the Companions and the Followers and the followers, so the detainees reached six hundred and thirteen, and the sayings of the followers

were two hundred and eighty-five. The statements of the followers and the people of Medina were a deliberate goal of Malik in the Muwatta.

d. Malik's book mixes the hadith and the jurisprudence of the hadith, and we see it extrapolated and branching and transferring the reader to the environment of the Sunnah and the Hadith. This is a feature that is unique to the season among other AL-Sunnah's books. As the books of the other Sunnah contain collections of modern texts that are abstract from time and space, while al-Mouta preserves these relationships and transfers the seeker of knowledge to the experience of the Prophet's Sunnah and stands on its implications.

e- Al-Muwatta book is the first systematic book, so it is not surprising for them that the praise for it is great until AL-Qadhi Ibn al-Arabi said about it in the introduction in Ardhat al-Ahwathi, explanation of Sahih al-Bukhari: Know that the book of al-Ja'afi (Bukhari) is the second original, in this chapter and AL-Muwatta is the first and the core. (AL-Qadhi; 1965: 5)

f. He followed a special methodology for tabulation, in addition to his keenness on news of transmitted hadiths, and he arranged the chapters on jurisprudence. (Ibn Khaldun;1971:442)

g. The first person to invent the author's collection chapter, and he used to collect various issues in it, including hadiths on Sunnah, morals, ethics, behavior and the like.

h. Malik began his book's curriculum with the Book of Prayer and ended with the Book of the collection (ALJami'a الجامع), and the number of books reached thirty-two, and many jurists have followed the path of tabulating Malik in AL- Muwatta, with a slight difference in the arrangement and den of the chapters, and this methodology helped the jurists in identifying the hadiths that are sources of diligence, and deduction.

i. The proof of transmission of the hadith may occur in AL- Muwatta in various ways from what it was narrated, and the hadith may also fall into multiple chapters with different meanings that it includes. (AL-Ahwathi; 2003:18)

## 6. Conclusion

Malik bin Anas is considered the founder of the Hadith School in Medina, which opposes the famous Iraq School of Ray, and through the study and investigation it was found that Malik was one of the pioneers of Al-Ray (opinion) School because he was diligent in the principles of his hadith and its rulings on terms such as (لا بأس به) (I recommended), (أرى) (I see), (It's OK). So, the idea of the hadith school that adopts hadith only is invalidated, as it is similar to what happened in Iraq in terms of analogy and the opinion with which Abu Hanifa al-Nu'man was famous with.

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