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Muhammad Az-Zurqani's Interpretation Of Imam Malik Bn Anas- A Genesis Of Sharh Ala Muwatta For Contemporary Studies

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Abstract:

There are three kinds of Sunna. It may be Qawl- saying of the Prophet (SAW) which has a bearing on a religious question; Fi'l – an action or practice of his or Taqri – his tacit approval of the action or practice of another. These categories have characterized all works of Hadith in all ages. Hadith literature has proved a worthwhile competitive ground for Islamic scholars and orientalist alike. This is why, just like in Tafsir, some pious people had to write voluminous commentaries not only on the six authentic books of hadith but also on those of the four teachers of jurisprudence.

The four orthodox schools which survived in Islam to this day are denoted by the names of their founders viz; Maliki, Hanafi, Shafi and Hanbali. All these schools have their collections of hadith. In the Maliki School, there is the Muwatta, which is not a mere work of hadith but a compendium of Islamic jurisprudence. Perhaps, this prompted the Islamic jurists of the twelfth century Hijrah to write several commentaries on al-Muwatta, a work founded upon the traditions received from the prophet and containing all the fundamental principles of the Maliki School. One of such renowned commentaries was that of Muhammad b. Abdul Baki b. Yusuf az-Zurqani, who came across the Muwatta in 1109 A.H. during his sojourn at al-Azhar University in Cairo. Prior to this time, the Muwatta has created challenges for Islamic jurists and scholars as a result of which several commentaries and even glosses have been written on the book. Such commentaries that preceded az-Zurqani's four – volume commentary included; the Tanwir Hawali of Imam Jalal ad Din as Suyyuti (1844-911 A.H), the works of Shaykh Aliyu al-Qari al-Makiyy (d. 1014 A.H)¹ and the two commentaries of Ibn Abdul Barr (d. 463 A.H) which are titled at-Tamhid lima fi'l Muwatta min al Ma'aniwal Asanid and kitab al-Istidhkar fi Sharh Madhhib wamahil Amsar. There are a host of other commentary works on the Muwatta and also the primary source of the school's jurisprudence viz al-Mudawwanah.

Such glosses at one time or the other include the al-Maqaddimat Li'Awa li kutub al-Mudawwana by Imam Muhammad b. Ahmad b. Rushd (d. 525/1130)²; the works of Ibn Rashiq al-Qayrawani (d. 463 S.H.) and Abu Sulayman al-Khitab (d. 388 A.H.).

However, the work of az-Zurqani is held in a higher esteem than the aforementioned scholastic works. This is evident in the approach and structure of the commentary, a principal characteristic of which is his blanket commentary on all hadith unlike his predecessors. In apparent humility that was the hallmark of Islamic scholarship in those days, az-Zurqani asked all men of intelligence and knowledge not to view his book too censoriously on account of those matters in which it may be lacking or imperfect.

According to him, only God is infallible, hence his middle course approaches in the volume and structure of the work. For example, the biographies of hadith narrators are included in his work so as to facilitate its historical perspective. Likewise, terms which are employed for peculiar usage are introduced such as "al-Hafiz" which refers to Al-Hafiz b. Hajar al-Asqalani.³

1.Introduction And Biographical Summation

Muhammad Az-Zurqani flourished between 1055 – 1122 A.H/1645-1710 C.E.⁴ He was a Shaykh from Egypt who could be described as a Sunni Maliki Islamic scholar.

His full names Imam 'Abdullah "Ibn Fujlah" Muhammad Ibn "Abd al-Baqi al-Azhari az-Zurqani al-Maliki.⁵ He was the son of Abd al-Baqi az-Zurqani and is the annotator of al-Mawahib al-Ladunniyyah, and the commentator of Muwatta.⁶ Imam Muhammad az-Zurqani graduated through various stages of scholarship, the climax of which was his sojourn at al-Azhari University in Cairo. It was during this interregnum that he came across the Muwatta of Imam Malik bn 'Anas in 1109 A.H.

The mastery of classical Arabic language, which was the nucleus of Az-Zurqani's intellectual ventures, was obvious as this greatly influenced his scholarship. Apart from the Sharh on Muwatta, his other major works include:

- Sharh al-Mawahib al-Ladunniyyah
- Mukhtasar al-Maqasid al-hasanah fi bayan kathir min al-ahadith – al-

- Mushtaharah 'ala al-alsina/ta'lif Muhammad Ibn 'Abd al Baqi az-Zurqani
- Tahqiq Mahammad Ibn Lutfi al-Sabbagh
- Commentaries of al-Baiquni, which was expanded upon by among others, Az-Zurqani.⁷

The Sharh of Muhammad al-Zurqani on the Muwatta of Imam Maliki b. 'Anas is a four-volume compendium written in pure and classical Arabic language. This has made it difficult to access by beginners in the Islamic sciences, Arabic language and Oriental studies. However, the Sharh is extremely popular owing to its simplicity. It is considered to be based on three other explanations of the al-Muwatta. These are: the Al-Tawhid and Al-Istidhkar of Yusuf Ibn Abdul Barr and the Al-Muntaqa of Abu Al-Wahid Al-Baji, another famous Maliki scholar of Spain.⁸

The al-Muwatta itself which is the subject matter of the voluminous Sharh means the "beaten path."⁹ or "the well-trodden path."¹⁰ It is the earliest surviving Muslim law book. Its object is to give a survey of law and justice, ritual and practice of religion, according to the tradition applied in Madinah and to create a theoretical standard for matters which were not settled from the point of view of the tradition. In other words, the Muwatta represent the transition from the doctrinal writing of the earliest period to the pure science of hadith of the latter period.¹¹

The above analysis shows clearly that both the Sharh and the Muwatta are compendiums of parallel degrees of classical Arabic language, juristic analysis and literary studies.

Thus, this paper is a modest attempt at introducing the Sharh al-Muwatta of Imam Malik as formatted and compiled by Imam Muhammad bn Al-Baqi al-Zurqani.

2. Az-Zurqanis Commentary

This commentary is more or less a compendium in its composition and organization. A cursory look through the four-volume commentary reveals a comprehensive attention devoted to prophetic traditions on the fundamental pillars of Islam. In volume one of the book which comprises 127 separate topics, there are 462 ahadith recorded as a corollary to the Islamic tenets analyzed in the sub-headings. In a wide approach, az-Zurqani compiled these ahadith on the principles and practices of Salat (Prayer).

Volume two is structured along the same line. There are 169 sub-headings and 532 traditions. These traditions however deal with varieties of issues such as Salat (Prayer), Zakat or obligatory charity, the hows and whys of Zakat, Zakatul Fitr and Sadaqah. Other fundamental pillars – Saum and Hajj are discussed in the volume whereas Hajj receives the lion share of attention among other principles. In the same measure, volume three (3) comprises topics on Jihad, oath and vow, slaughtering of animals, a comprehensive analysis on inheritance, Nikah, Talaq, Bai' and Shirkah i.e. commercial association, sales or partnership and other issues bothering on Muamallah generally. All these are discussed under 196 sub-headings with the analysis of 485 ahadith.

In volume for (4), al-Wasiyyat (will), or ornamental wares, permitted and permissible meat, Islamic ethics, which include mode of greetings and other etiquettes are discussed.

This remarkable structural arrangement is an obvious reflection of Muwatta composition as a book of jurisprudence. Being the primary source of the commentary, az-Zurqani devoted a portion of his work to the biographical analysis of Imam Malik.

According to Az-Zurqani, born within a controversial age range of 90-96 A.H., Imam Malik was of the Asbah clan whose ancestral background was Teman.¹² It was during the time of the Prophet (SAW) that the family settled in Madinah. Conversely, Imam Malik was a disciple of the tabi'un because his grandfather was a successor while his great-grandfather was a companion to the Prophet (SAW). He was popularly known as Abu Abdullah whereas his full name was Maliki b. Anas b. Maliki b. Abu 'Amir b. Amr b. Haris al Asbahi. He was of a dedicated parentage whose love for learning is characterized by strictness, hence, Imam Malik's natural inclination towards the acquisition of knowledge.

He did not travel abroad for learning ahadith, yet, he had a very good opportunity to learn from the famous scholars of the world as most of them visited Madinah. In his pursuit of knowledge, Imam Malik passed through about nine hundred scholars, prominent among who were Ibn Shihab, Abu Aswad, Hisham b. Urwah and Yayha b. Sa'id al Ansar. The number of his students exceeded a thousand and among them, Imam Shafi' and Yahya b. Kas'ati in Makkah Ma'anu b. 'Isa alkasas and Abdullah b. Buslimah came from Madinah. So also, Abdullah b. Wahhab, Abdur Rahman b. Qasim and Abdullah Hakam in company of others came from Egypt.¹³

Imam Malik collected the results of his research studies and reflections and embodies them in a work which he called al-Muwatta. Tradition has it that when the work had been completed, the Imam, having not decided upon its title, saw in a vision the Holy Prophet (SAW) who said to him 'Watta'ta al-Din' i.e. "thou hast marked out the path of the law"¹⁴ and from this, Imam Malik styled his book as above i.e. Muwatta meaning "that which is made clear". According to Abu Bakr. B. 'Arabi,¹⁵ the book contains nine thousand hadith originally and towards his death, it was edited and reduced to seven hundred (700). Muwatta is not purely a hadith book, it contains in addition to the prophetic traditions, legal opinions of the companions and the successors and some of the latter authorities. Imam Malik revised the work steadily and it is on record that the Muwatta has more than eighty (80) versions out of which fifteen (15) are more famous. Only one version of Yahya b. Yahya is available in its original form, complete and printed and this version contains ahadith from the Prophet, athar from the companion and athar from latter authorities. The vast literature which has been produced on this book alone prompt Abu Bakr et al to uphold it in the same level with the Sahih of al-Bukhari.¹⁶ As a matter of fact, the compilers of the Sahihayn and other authentic hadith works were greatly indebted to the Muwatta in the composition of their works. Imam Malik, who was highly critical about the compilation of Abdul Aziz b. Abdullah al-Majshun (d. 164), produced the Muwatta according to the pattern which he considered ideal. He was principally motivated by the Abbasid caliph – Ja'far al-Mansur, who in his desperation to restore sanity into the socio-religious life of the people, appealed to Imam Malik to help him out with a manual of jurisprudent codes for the caliphate. It is the contention of az-Zurqani however that the criticism of Abdul Aziz's work motivated him

to compose the Muwatta.¹⁷ Imam Malik had much flavour for modesty and foresight, hence his resistance to all attempts to make the Muwatta a universal code in the caliphate.

In all, Imam Malik collected traditions from about ninety-six people among whom seven (7) only were of Madinite origin. In Abu Bakr al-Abharry's breakdown, the total collected of the athar in Muwatta is 1,720.¹⁸ In the context of *ilmul Jarh wal ta'dil*, six hundred of these are traceable to the prophet (Musnad), while about two hundred and twenty-two fall under Mursal – a tradition from whose transmission a companion is missing. While there are six hundred and thirteen which are traceable to the companions only (Mawquf) and two hundred and eighty-five (285) views of the *tabi'un* (successors) in the collection.

Az-Zurqani's commentary did not give a specific date for the compilation of the Muwatta of Imam Malik owing to the different historical records. While Abu Zahara for instance gave 159 A.H.¹⁹ Sulayman felt it was between 130 and 140 A.H.²⁰ However, it is definite that Muwatta was completed between 147 and 152 A.H. The bitter side of his life occurred when he was physically beaten on the order of the governor of Madinah Ja'far b. Sulayman because, one of his fatwas (legal decision) was regarded as a move against the authorities. He died in Rabiul Awwal, 17A A.H.²¹

3.A Review Of Az-Zurqani's Commentary

Az-Zurqani is convinced that the Muwatta, though attained its fame as a compendium of jurisprudence, is purely a book of hadith. He patterned his commentary along this thought and he emphasized this further by comparing the Muwatta with the Sahihayn. The commentary incorporates biographical data of Muhadithun in accordance with related traditions on individual topics.

In the composition of the work, Az-Zurqani was sensitive to the minutest details under the section on Waqat salat, he justifies the placement of salat as a fundamental pillar of Islam which has regular fixtures. He lends credence to this fact by alluding to the Holy Qur'an thus:

... verily prayer is enjoined on the believers
to be performed at fixed hours.²²

And that at such times, ablution should be a prerequisite;²³ for the Prophet (SAW) said: "Ablution is the key to prayer, while prayer is the key to paradise." He is of the opinion that prayer should be offered in prescribed form just as the Quranic verse points out:

... And when you are secured from danger,
Then observe prayer in the prescribed form.

Az-Zurqani further wrote comprehensively on the institution of Zakat. As was characteristic of scholars in his days, this commentator made references to the Holy Qur'an and this is a general feature of the commentary. The practice also reiterates the fact that the Qur'an is the basis and primary source of the Shari'ah. The institution of Zakat is paramount in Islam because the Qur'an says:

... And those who hoard gold and silver, and
Spend it not in the way of Allah – give to them
the tidings of a painful punishment.²⁴

The Qur'an becomes more explicit when it says:

Take alms out of their wealth, so that thou
mayest cleanse them and purify them thereby
....²⁵

With these Quranic references, Az-Zurqani discussed the principles of Zakat in Islamic jurisprudence. In the first instance, it is contained in the commentary that Zakat was revealed in 2 A.H.²⁶ as Fard kefaya (obligatory act on the Ummah). This is in contrast to the data of other historiographers whose opinions are divergent.

Like the Mukhatasar of Sidi Khalil, Az-Zurqani analyses the economic intricacies of Zakat such that agricultural products²⁷ are analysed and classified as per the payment of Zakat. In livestock farming, Zurqani is of the opinion that such animals should be grouped together under the custodian of the shepherd farmer. This, to him, will facilitate the system of taxation in the payment of Zakat on such livestock.

On the principles of Bai' Zurqani said inter-alia, that where a man buys a slave or loans some capital and makes a projective estimate to the seller that if his commodities are delivered to him intact, whatever advances that are made will go to the buyer, while if the buyer reneges on the agreement, the advances will go to the seller.²⁸ In these perspectives, Az-Zurqani made cross references to the Sahihayn and other authentic books of hadith.²⁹

Generally, Az-Zurqani exploited the opportunity of his commentary to throw light on certain contentious issues in the principles of 'adab – (social behaviour). On inheritance for example, the Islamic brotherhood which had come into being through the spiritual fatherhood of the Holy Prophet (SAW) might have led to the misconception that Muslims could inherit each other's property. Contrarily, Az-Zurqani opined that blood relationship and not faith alone is the decisive factor in determining inheritance and other kindred matters while the wider brotherhood of Islam continues and Muslims were expected to treat one another like brothers. He quoted from Suratul- Ahzab to buttress his analysis.³⁰

A characteristic feature of Muwatta which enhances its status as a book of jurisprudence is the acknowledgement of the consensus of scholars on contentious issues. Particularly in situations where the Musnad was not traceable to the Holy Prophet (SAW). Az-Zurqani followed this term in his commentary and took cognizance of the adoption by Imam Malik of the term "Sunna".³¹

Even though Az-Zurqani would want his readers to agree to his equation of Muwatta with the sahihayn, the fact remains that the sahihayn contain all kinds of hadith, embracing all aspects of Islam; hence the adjective "Jam'u" for them. This is unlike the Muwatta which comprises chapters on issues relating to all aspects of human endeavors. Ahadith work is considered as "Jam'u" when it

comprises biographies of the Prophet (SAW) and renowned traditionists among the companions, Aqidah (Belief), 'Adab (social behaviour), Tafsir (Quranic Exegesis), Siyar (international relations) and other kinds of law.

While the fact that Muwatta influenced the compilers of the Sahihayn remains an indisputable truism, it is however not a work of hadith wholly because it contains, in addition to prophetic traditions, legal opinions of the companions, the successors and some of the latter authorities.

4. Conclusion

An attempt has been made to introduce the four volume commentary of Az-Zurqani on the Muwatta of Imam Malik. It has not been the aim of this study to malign the remarkable work because this review and introduction are subject to severe criticism by more knowledge scholars.

However, the legal rules that go to make up the whole of Islamic jurisprudence are to be found in the Muwatta because they are thoroughly in accord with the traditions and the Qur'an. Whatever Imam Malik learnt in perhaps forty years are available in the Muwatta and the principles laid down in this work formed the basis of his teachings to his followers. The lessons of such teachings over long years were collected by his disciples, some of whom, by means of commentaries, further expanded his instructions; while other constructed special digests, which were the ordinary codes used in the courts until the 8th century of Hijrah. In this connection, the commentary of Az-Zurqani surpassed other works in its unique appraisal and promotion of Maliki scholarship.

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