

The Methodology of Ibn Habib al-Maliki (d. 238 AH) and Its Impact on His Jurisprudential Preferences

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Abstract (English):

The Maliki school of thought is characterized by two distinct methodologies. The first prioritizes authentic hadith over practice, giving precedence to raised hadith. The second relies on hadith supported by practice and prioritizes them accordingly. The latter approach was predominantly adopted by Egyptian students of Malik, led by Abdul Rahman ibn al-Qasim. The first approach was championed by Medinese students, led by Ibn al-Majshun, with support from Egyptians like Ibn Wahb. Although Ibn Habib was a later figure, he was known among the Andalusians for adhering to this methodology. This research highlights the significance of Imam Ibn Habib within the Maliki school by examining his opinions on various jurisprudential issues, clarifying his methodology, and noting the attention given to his views by scholars. The findings confirm that while Ibn Habib respected Malik's opinions, he was independent-minded, upholding the truth as he perceived it, even when it contradicted his Imam's views.

Keywords: Choices; Ibn Habib; Jurisprudential Methodology; Maliki School.

ملخص باللغة العربية

لقد تميز المذهب المالكي بظهور منهجين مختلفين، الأول يرى تقديم الأحاديث الصحيحة على العمل، أي تقديم السنة المرفوعة على السنة الأثرية، والثاني يرى اعتماد الأحاديث التي أيدها العمل وتقديمها، وقد تزعم هذا الاتجاه أكثر تلاميذ مالك المصريين، وعلى رأسهم عبد الرحمن بن القاسم. وممن تزعم المنهج الأول تلاميذ مالك المدنيين وعلى رأسهم ابن الماجشون، وناصره فيه من المصريين ابن وهب، وقد كان ابن حبيب - وإن كان متأخراً - ممن اشتهر من الأندلسيين بانتسابه إلى هذا المنهج. فيعنى هذا البحث ببيان أهمية الإمام ابن حبيب ومنزلته العلمية داخل المذهب المالكي خاصة وخارجه عامة، وذلك بدراسة مجموعة من المسائل الفقهية التي صرح فيها برأيه، مع توضيح منهجه الفقهي في ذلك، وعناية علماء المذهب برأيه. وقد أسفرت نتائج البحث، إلى صدق ما ذكره كثير من العلماء عن ابن حبيب، من كونه كان شديد العناية بأراء مالك فيما وافق فيه الحق، ولكنه كان متحرراً، لا يتخثر جهداً في نصرته للحق الذي يراه، ولو خالف بذلك إمام مذهبه.

الكلمات المفتاحية: ابن حبيب؛ اختيارات؛ المذهب المالكي؛ المنهج الفقهي.

1.Introduction

In the name of Allah, the Most Gracious, the Most Merciful.
Peace and blessings be upon the Messenger of Allah:

The scholars of Andalusia have made significant contributions to Islamic jurisprudence through their profound knowledge, diverse expertise, and meticulous understanding. They are known for their strong memorization, breadth of knowledge, and excellent writing. Among the notable scholars from Andalusia who played a prominent role in advancing Maliki jurisprudence is the esteemed scholar of Andalusia, Abd al-Malik ibn Habib ibn Rabi' ibn Sulayman ibn Harun ibn Jalhama, known as Abu Marwan al-Sulami al-Qurtubi (d. 238 AH). He was considered one of the most accomplished scholars of his time in Andalusia, described as "a meticulous keeper of the jurisprudence of the Medinese school, noble in it." (Ibn al-Faradi, 1988, p. 313). Ibn al-Majshun regarded him as superior in jurisprudence to Sahnun. Ibn Abd al-Barr said, "He was a collector of knowledge, a vast reader, eloquent, a learned jurist, grammarian, poet, genealogist, and news reporter." (Al-Adawi, 1100 AH, p.122)

Ibn Habib authored numerous works in various fields, including his notable jurisprudential work, al-Wadiha fi al-Sunnah. Al-Qadi Iyad remarked, "No work like it has been written." (Al-Adawi, 1100 AH, p.127)

This book is considered one of the foundational texts of the Maliki school, alongside other major works. Al-Adawi stated, "The foundational texts are four: the Muwatta (by Malik), the Muwafiq (by al-Lakhmi), the Atbiyyah, and al-Wadiha by Ibn Habib." (Al-Adawi, 1100 AH, p.38)

The book is substantial, as noted by al-Humaydi, who described it as "a large book titled al-Wadiha dealing with hadith and

jurisprudential issues categorized by topics." (Ibn al-Mu'ayyad, 1967, p. 377)

hadith over practice, that is, giving precedence to the raised hadith over narrated hadith. The second methodology relies on hadith supported by practice and gives them precedence. The former approach was mainly followed by the Medinese students of Malik, led by Ibn al-Majshun, and supported by the Egyptians such as Ibn Wahb. In contrast, the latter approach was adopted by many of Malik's Egyptian students, notably Abdul Rahman ibn al-Qasim. Ibn Habib, although a later figure, was well-known among Andalusians for his adherence to the latter methodology.

Yahya ibn Yahya al-Laythi describes these two methodologies by saying: "I used to go to Abdul Rahman ibn al-Qasim, who would ask me: 'Where have you been, Abu Muhammad?' I would reply: 'From Abdullah ibn Wahb.' He would then say: 'Fear Allah; most of these hadith are not followed in practice.' Then I would go to Abdullah ibn Wahb, who would ask me: 'Where have you been?' I would reply: 'From Ibn al-Qasim.' He would then say: 'Fear Allah, Abu Muhammad; most of these issues are based on opinion.'"

Yahya ibn Yahya explains these methodologies by stating: "May Allah have mercy on them both. Each of them was correct in his stance. Ibn al-Qasim advised me against following hadith not supported by practice, which was correct. Ibn Wahb cautioned against excessive reliance on opinion and urged adherence to practice, which was also correct." (Al-Adawi, 1100 AH, p. 387)

Problematic

jurisprudence and his preferences? Was Ibn Habib truly an independent thinker who followed what he deemed most sound and aligned with authentic evidence, even if it contradicted his

school of thought? Or was he constrained, adhering strictly to the branches of his school and the opinions of his teachers, even at the expense of clear, authentic texts?

This is the question I have sought to address in this article titled: "The Methodology of Ibn Habib al-Maliki (d. 238 AH) and Its Impact on His Jurisprudential Preferences."

The reasons for choosing this research can be summarized as follows:

1. The Distinguished Scholarly Status of Abd al-Malik ibn Habib
2. The Jurisprudential Methodology Adopted by Ibn Habib: Despite being Andalusian, Ibn Habib inherited the Maliki jurisprudence with its Medinese, Egyptian, and Qayrawani methodologies. He authored Wadiha, in the tradition of the Medinese scholars, was renowned for his precise preservation of the jurisprudence of the Medinese school. (Ibn al-Faradi, 1988, p. 313)

Al-‘Attabi’s Comments on al-Wadiha "May Allah have mercy on Abd al-Malik. I am unaware of anyone who has written on the methodology of the people of Medina in a manner comparable to his work..." (Al-Adawi, 1100 AH, p.122)

The Medinese school is considered one of the most reliable among the various city-based schools. Ibn Taymiyyah (may Allah have mercy on him) stated: "During the centuries commended by the Messenger of Allah (peace be upon him), the Medinese school was the most precise of the city schools, as they closely adhered to the example of the Messenger of Allah Muhammed (peace be upon him) more than other cities, and others were less knowledgeable about the Prophetic tradition and its practice..." He also said: "All people with Malik and the people of Medina are either supporters or opponents. Those who

agree with them are allies and supporters, while those who oppose them are respectful and knowledgeable of their status...”(Ibn Taymiyyah, 1995, pp . 327-328) .

3. The Praise of Scholars for His Choices: Al-‘Attabi added to his previous comments: “I do not know anyone who has written on the methodology of the people of Medina like him, nor is there a book more beneficial or better chosen for students than his works” (Al-Yahsubi, 1965, p. 126).

3.The aim of the study

The aim of this study is evident in several aspects, most notably the status of Imam Abd al-Malik ibn Habib among scholars, both within the Maliki school to which he belongs and in other schools of thought. This is due to his known adherence to evidence. Although he often referred to Malik’s opinions on many jurisprudential issues, he also consulted the views of his contemporaries from Medina, whose rulings and jurisprudential opinions sometimes differed from those of his teacher. He generally inclined towards correctness in cases where he disagreed. Ibrahim ibn al-Qasim said: “May Allah have mercy on Abd al-Malik; he was a staunch defender of Malik’s views, even though he sometimes disagreed in ways that were permissible, and he accepted nothing but the truth” (Al-Yahsubi, 1965, p. 126) .

4.Research Methodology

In this research, I will employ both the analytical and comparative methodologies. This involves gathering examples of issues where Ibn Habib explicitly stated his opinions and outlining his methodology in these matters. I will then analyze the collected data by comparing these opinions and preferences to Malik’s views, if available, or those of his students and the

established opinions of the school. I will address any noted disagreements and relate them to the four major schools of jurisprudence. Subsequently, I will examine the foundational principles and assess the extent of Ibn Habib's adherence to and independence from his school.

5.Literature Review

Concerning Ibn Habib's preferences, I have come across the following study:

1. "Ibn Habib's Jurisprudential Preferences: A Comparative Analytical Study of Financial Transactions." (A thesis submitted for a Master's degree in Comparative Jurisprudence) prepared by student Nasira Khalil under the supervision of Ms. Wasila Khalfi, 1433-1434 AH / 2012-2013 CE, at the University of Algiers 1, Faculty of Islamic Sciences (Kharouba), Department of Sharia and Law.
2. "The Jurisprudential Preferences of Imam Ibn Habib al-Maliki in Family Law: A Comparative Jurisprudential Study" (PhD dissertation, University of Omdurman Islamic, Sudan—Faculty of Sharia and Law), prepared by student Muhammad Hind Hassan Ahmad, under the supervision of Muhammad Musa Muhammad Othman, 2014 (The Scout website, 2014).

6.Introduction: In the Life of Abd al-Malik ibn Habib, Including Four Sections

6.1.The First Section: His Name, Lineage, and Kuniyyah

He is Abu Marwan Abd al-Malik ibn Habib ibn Sulayman Rabi' ibn Harun ibn Jalhama ibn the Companion al-Abbas ibn Mirdas, the Abbasid Mirdasi al-Sulami al-Ilibiri al-Qurtubi al-Andalusi. The title "Abbasid Mirdasi al-Sulami" indicates his lineage, with his ancestor being al-Abbas ibn Mirdas and his tribe being Banu Sulaym. "Ilibiri al-Qurtubi al-Andalusi" refers to his place of

origin: Ibira is his origin, Cordoba is his residence, and Andalusia is his homeland (Ibn al-Faradi, 1988, p. 313)

6.2.The Second Section: His Scholarly and Jurisprudential Status and the Praise of Scholars

Ibn al-Majshun was asked: “Which of the two men is more knowledgeable to you, the Quraishi al-Tanukhī or the Andalusian al-Sulami?” He replied: “The al-Sulami is more knowledgeable than the al-Tanukhī in his sphere.” He then asked the questioner: “Did you understand?” The reply was: “Yes,” indicating Sahnun and Abd al-Malik(Ibn al-Faradi, 1988, p. 315)

Al-Qadi Iyad said: “Ahmad ibn Abd al-Barr said that Ibn Habib was a collector of knowledge, a vast reader, eloquent, a learned jurist, grammarian, poet, genealogist, and news reporter. He was often visited by kings and their sons who were interested in literature. Ibn Galboun described him similarly, noting that he only pursued high matters. Ibrahim ibn Qasim ibn Hilal (may Allah have mercy on him) said: ‘Abd al-Malik ibn Habib was a staunch defender of Malik’s views.’ It is said that when he traveled, Isa remarked that he was more knowledgeable than those seeking to learn from him. Said ibn Naim said: ‘The Commander of the Faithful, Abd al-Malik ibn Habib, has taught us, and I do not find fault in his brothers.’ Others noted that he was seen leaving the mosque with around three hundred students studying hadith, inheritance, jurisprudence, and grammar. Each day, thirty students were assigned to him, and nothing was taught except the compilation of Malik’s Muwatta. He was reported to wear fine clothes, which Ibn Ubayd attributed to his respect and reverence for knowledge. Al-Mughami said: ‘Had you seen what was outside Ibn Habib’s door, you would have thought differently of others.’ One person mentioned that he sailed to Andalusia with Ibn Habib and witnessed a storm. Ibn Habib was

seen holding onto the ship's rope, praying: 'O Allah, if you know that what I sought by my rulings was for Your sake and what is with You, then deliver us by Your mercy and benefit us with what we have provided Your servants.' Shortly after, the storm subsided, and they arrived safely, by the grace of Allah" (Al-Yahsubi, 1965, p. 126).

Abu al-Qasim ibn Bashkuwal said: When Sahnun was told that Ibn Habib had died, he remarked: "The scholar of Andalusia has passed away! Indeed, he was, by Allah, the scholar of the world" (al-Dhahabi, 2002, p. 105).

. The Third Section: The Jurisprudential School of Ibn Habib

The students of Malik spread throughout the Islamic world, adhering to his school and its jurisprudential principles. From this major jurisprudential school emerged several sub-schools, each with its own scholarly activities, distinctive methodologies, jurisprudential preferences, and authoritative texts.

These schools are characterized by three different jurisprudential approaches:

1. **The First Approach:** Advocates prioritizing authentic hadith over practice, i.e., giving precedence to the raised hadith over the transmitted hadith. This approach was led by the Medinese students of Malik, foremost among them Ibn al-Majshun, and supported by Egyptian scholars like Ibn Wahb. Ibn Habib, although a later figure, was also associated with this approach among the Andalusians.
2. **The Second Approach:** Holds that hadith supported by practice should be relied upon and given precedence. This direction was championed primarily by the Egyptian students of Malik, particularly Abd al-Rahman ibn al-Qasim.
3. **The Third Approach:** Differs from the previous two as it is influenced by the "methodology of the أهل الرأي" (People of

Opinion), which was prevalent in Iraq due to the spread of the Hanafi school. This approach emerged later than the first two and was led by the Iraqi Maliki scholars, particularly Ismail ibn Ishaq al-Qadi, who "authored works defending Malik's methodology and explaining it in a manner that became an exemplar and path for the followers"(al-Khatib al-Baghdadi, 392, p. 272)

The Maliki schools are five. Ibn Habib belonged to the Andalusian school, which was established by Ziyad ibn Abd al-Rahman, known as Shabaton (Al-Azdi, 1988, p. 182; Al-Yahsubi, 1965, p. 126). He was the first to introduce Malik's Muwatta to Andalusia, having studied it from him, and was followed by Yahya ibn Yahya (Al-Azdi, 1988 ; Al-Yahsubi, 1965, p. 394) who said of his teacher: "Ziyad was the first to bring to Andalusia the knowledge of the Sunnah, matters of halal and haram, and various aspects of jurisprudence and rulings" (Al-Yahsubi, 1965, p. 117). The people of Andalusia "from the time it was opened followed the opinions of al-Awza'i (Ibn Hibban, 1379 AH, p. 180), until Ziyad ibn Abd al-Rahman traveled to Malik... They brought his knowledge, made his merits known to the people, and set an example for the community"(Al-Yahsubi, 1965, p. 26).

The consolidation of Malik's school in Andalusia is credited to Yahya ibn Yahya, Ziyad's student. Yahya ibn Yahya was the chief advisor to Caliph Abd al-Rahman ibn al-Hakam (al-Qurtubi, 1390 AH, p. 158) "No scholar in Andalusia, since the advent of Islam, received the favor, esteem, and high respect that Yahya ibn Yahya received. Emir Abd al-Rahman ibn al-Hakam revered him like a father, never deviated from his opinions, and consulted him on all matters, including appointments and dismissals; thus, the number of judges increased during his time" (Al-Yahsubi, 1965, p. 382).

The Andalusian school's jurisprudential views are a scholarly extension of the Tunisian and Qayrawani schools, due to the strong connections and overlapping scholarly activities between the Andalusian and Ifriqiya schools. Thus, there is no distinction made by later scholars between the two schools, with many Andalusian scholars migrating to Morocco after the hardships in Andalusia and being considered part of the Moroccan school.

7. The First Discussion: Examples of Ibn Habib's Methodology in Preference, Including Four Sections:

7.1. The First Section: His Attention to Hadith in His Preferences, Even if it Contradicts the School's Established Views

This is illustrated in the following issues:

7.1.1 The First Issue: Following the Mu'adhdhin

Ibn Habib said: "the encouragement to echo the words of the muadhin. Some have even suggested that this practice is as significant as bearing witness. Ibn Umar, for instance, when the muadhin called out 'Hayya 'ala al-salah,' would respond with: 'There is no power and no strength except through Allah, the Most High, the Most Great,' and would repeat this. for the remainder of the adhan. This is more preferable to me" (Malik ibn Anas, 1994, p. 454).

Echoing the adhan after the muezzin is generally considered recommended by consensus of the four jurisprudential schools (Ibn Abidin, n.d, p. 399; Al-Nawawi, n.d, p. 117; Ibn Qudamah, 1986, p. 309), and this is supported by the consensus reported (Ibn Qudamah, 1986, p. 309), This is based on the guidance from the Messenger of Allah (peace be upon him), who instructed: "When you hear the muadhin, repeat his words, then invoke blessings upon me; those who do so will receive tenfold blessings from Allah. Also, ask Allah to grant me the wasilah, a

special status in Paradise reserved for just one of His servants, and I hope to be that servant. Whoever asks for me to be granted the *wasilah* will be granted intercession” (Muslim, 1330 AH, p.4).

The widely accepted view in the Maliki school is to imitate the muadhin up to the declaration of the two testimonies. This is explicitly stated by Malik in Al-Mudawwana (Muslim, 1330 AH, p.4). In contrast, Ibn Habib, As previously mentioned, it was held that the imitation should persist until the adhan is completed, replacing the calls to prayer ('hayya') with the phrases "la hawla wa la quwwata illa billah" (there is no power nor strength except through Allah). Al-Mazari affirmed this as the correct view, while Khalil deemed it the most apparent (Malik ibn Anas, 1994, p. 59) .

The Popular View: As noted by Abu Muhammad Abd al-Wahhab, the imitation should end at the last testimony because this is a form of glorification and exaltation. The listener is encouraged to replicate what the muadhin says, but since "hayya 'ala al-salah" (come to prayer) is a call to prayer, it is not relevant for the listener who is not calling others to prayer, making it unnecessary to imitate the muadhin in that regard (Al-Abdari al-Gharnati, 1994, p. 97; Al-Jundi, 2008, p. 298; Al-Kharshi, n.d., p. 28; Al-Mahdawi, 2007, p. 395; Al-Mazari, 2008, p. 446) .

The View of Ibn Habib: Ibn Habib's position, supported by those who agree with him, is based on a narration from Umar ibn al-Khattab (may Allah be pleased with him) who reported that the Prophet Muhammad (peace be upon him) said: “When the muadhinin says: 'Allahu Akbar, Allahu Akbar' (Allah is the Greatest, Allah is the Greatest), and one of you responds: 'Allahu Akbar, Allahu Akbar,' and then the muadhin says: 'Ashhadu an la ilaha illallah' (I bear witness that there is no god but Allah), and

he responds: 'Ashhadu an la ilaha illallah,' and then he says: 'Ashhadu anna Muhammadur Rasulullah' (I bear witness that Muhammad is the Messenger of Allah), and he responds: 'Ashhadu anna Muhammadur Rasulullah,' and then he says: 'Hayya 'ala-s-Salah' (Come to prayer), and he responds: 'La hawla wa la quwwata illa billah' (There is no power and no strength except by Allah), and then he says: 'Hayya 'ala-l-falah' (Come to success), and he responds: 'La hawla wa la quwwata illa billah,' and then he says: 'Allahu Akbar, Allahu Akbar,' and he responds: 'Allahu Akbar, Allahu Akbar,' and then he says: 'La ilaha illallah' (There is no god but Allah), and he responds: 'La ilaha illallah' sincerely from his heart, he will enter Paradise” (Malik ibn Anas, 1994, p. 454) .

Ibn Bashir remarked: “All the phrases of the adhan are beneficial for the one who repeats them. However, the phrases ‘Hayya 'ala al-salah’ and ‘Hayya 'ala al-falah,’ which translate to ‘come to prayer’ and ‘come to success,’ which does not benefit the imitator in private. Instead, it is appropriate for them to say words that match the muadhin's call, affirming that one’s ability to perform prayer and attain success is only through Allah’s help” (Muslim, 1330 AH, p.4) .

7.1.2.The Second Issue: Standing for Prayer Upon Hearing the Iqamah

Ibn Habib noted that Ibn Umar would not stand until he heard "Qad qāmati al-salah" (The prayer has been established). This is considered commendable (Al-Mahdawi, 2007, p. 395) .

Ibn Habib’s position on standing at the phrase “Qad qāmati al-salah” contrasts with the Maliki view, which does not specify a set time for standing when the iqamah is announced (Abu Muhammad, 1999, pp. 162, 184).

Ibn al-Qasim said: “Malik did not specify a time for people to stand when the prayer was established; he believed it depended on the strength of the individuals—some are strong, and others are weak” (Al-Jundi, 2008, p. 28; Al-Tarabulsi, 1992, p. 469).

This issue is debated among scholars. Al-Nawawi listed several opinions (Malik ibn Anas, 1994, p. 160)

1. The First Opinion: Stand when the muadhin begins the iqamah, as held by ‘Ata’ and al-Zuhri.
2. The Second Opinion: Stand when the muadhin says “Hayya ‘ala al-salah,” as held by Abu Hanifa.
3. The Third Opinion: Stand when the muadhin finishes the iqamah, as held by al-Shafi’i.
4. The Fourth Opinion: There is no fixed time for standing; the worshipper may stand at the beginning, during, or at the end of the iqamah. This is the Maliki view.
5. The Fifth Opinion: It is recommended to stand when the muadhin says “Qad qāmati al-salah” if the worshipper sees the imam. If not, they should stand upon seeing their imam. This is the view of Imam Ahmad.

It appears that there is no clear evidence from the Sunnah supporting any of these opinions definitively; they are the result of the scholars' ijtihad (independent reasoning) based on their understanding. Therefore, the practice is flexible, and one should stand when ready to pray and catch the Takbir al-Ihram (initial Takbir) (Al-Nawawi, n.d., p. 253). However, the Sunnah indicates that if the muadhin completes the iqamah and the imam has not yet entered the mosque, the worshippers should not stand until they see him.

Reportedly, Abu Qatadah said: The Prophet Muhammad (peace be upon him) said: “When the prayer is established, do not stand

until you see me” and, in a narration by Muslim: “Until you see me having come out” .

Ibn Rushd the Younger commented: “... There is no specific legislation on this issue except for the hadith of Abu Qatadah. If this hadith is authentic, it must be followed; otherwise, the matter remains as it is in its general permissibility (meaning that there is no fixed ruling) and each person’s action in standing is acceptable (Ibn Rushd, 2004, p. 160)

7.1.3. The Third Issue : The Description of the Descent into Prostration

Ibn Habib stated: "Ibn Umar would first place his knees on the ground, then his hands, then his face, and then he would raise his face, followed by his hands, and then his knees... This is commendable." (Abu Muhammad, 1999, p. 183).

What Ibn Habib reported about Ibn Umar, regarding placing the hands before the knees, contradicts what is narrated by Al-Bukhari in his Sahih, where it is stated: "Nafi’ said: Ibn Umar used to place his hands before his knees." (Ibn Battal, 2003, p. 159)

There are differing reports from Malik concerning the manner of descending into prostration. Some reports indicate placing the knees before the hands, while others mention placing the hands before the knees, and it has also been reported that he did not specify a particular method (Al-Mazari, 2008, p. 588, Al-Tarabulsi, 1992, p. 541).

The preference for placing the knees first, as advocated by Ibn Habib, aligns with the opinion of the majority of scholars from the Hanafi, Shafi'i, and Hanbali schools (Al-Tahawi, 1994, p. 256; Al-Nawawi, n.d., p. 421; Ibn Qudamah, 1986, p. 317).

In the Maliki school, the accepted practice is to place the hands first (Al-Tarabulsi, 1992, p. 541; Al-Dasuqi, n.d., p. 250), which

is also a view attributed to Imam Ahmad and is supported by Al-Awza'I (Al-Asqalani, 1379, p. 291; Al-Mardawi et al., 2003, p. 200; Al-Basri al-Baghdadi, 1999, p. 125). They base this on the hadith of Abu Huraira, who reported that the Prophet (peace be upon him) said: "When one of you prostrates, do not bow like a camel; rather, place your hands before your knees." (An-Nasa'I, n.d, p. 311)

Ibn Habib's position, and that of his supporters, is supported by the hadith of Wail ibn Hajar, who said: "I saw the Prophet (peace be upon him) when he prostrated, he placed his knees before his hands, and when he stood up, he raised his hands before his knees." (An-Nasa'I, n.d, p. 235)

Among those who preferred placing the knees before the hands in the descent were Ibn Taymiyyah and his student Ibn al-Qayyim. Ibn al-Qayyim extensively discussed this issue in his book *Zad al-Ma'ad* and contended that the first hadith is inverted (Ibn Qayyim al-Jawziyya, 1994, p. 237).

Ibn Habib stated: "I was informed by 'Ubaydullah ibn Musa from 'Isa al-Hannat, who said: Nafi' reported from Ibn Umar that he saw the Prophet (peace be upon him) sitting on his privy facing the Qibla.

- Isa al-Hannat said, and Abu Huraira reported that the Prophet (peace be upon him) said: 'Do not face the Qibla when relieving yourself nor turn your back to it.'
- Al-Sha'bi said: Abu Huraira and Ibn Umar are both correct. As for Abu Huraira's statement, it applies in the desert, where one should neither face nor turn their back to the Qibla. Ibn Umar's statement, however, pertains to a privy, which is a place built for waste and thus does not have a Qibla; you may face any direction you wish.

Ibn Habib said: Malik narrated both the strict and lenient opinions in a general manner without detailed explanation. Malik did not clarify his narrations as al-Sha'bi did in the hadith of al-Hannat. Malik's opinion was that the prohibition applies in the desert, while the permissibility applies in a privy designed for waste.

Ibn Habib continued: The original prohibition is intended for open areas and other places not designated for waste because there are angels traveling through the land, in addition to the guardian angels who pray to Allah on the earth. Therefore, facing or turning one's back to the Qibla while relieving oneself is prohibited out of respect for their prayers. Privies, however, are constructed for waste and are not considered places of prayer." (Abu Muhammad, 1999, p. 51).

7.2.3. His Attention to the Opinions of Early Scholars of the Madhhab in Strengthening His View

Ibn Habib is noted for his approach to jurisprudential issues, in which he refers to Malik's opinions while also considering the views of his contemporaries and successors from Medina who may have differing opinions from his teacher. Ibn Habib would present differing views from Malik's era, as well as variations in the opinions of Malik's students and contemporaries, such as Ibn al-Qasim, Ibn al-Majshun, Sahnun, and Matarf, particularly those associated with the Madinan school. An example of this is found in the following issue:

The Timing of the Solar Eclipse Prayer: Ibn Habib said: "The time for the solar eclipse prayer is from the moment the sun begins to eclipse until the time when prayer is prohibited after the Asr prayer. This was stated by Matarf, Ibn al-Majshun, Ibn Abd al-Hakam, and Asbagh, who rejected Ibn al-Qasim's narration that it should be prayed until the zenith. One should not pray at

the sunrise before the sun has completely risen and the prayer time is valid; instead, people should stand, make supplications, and remember Allah. If the eclipse persists, they may pray; if it clears, they should praise Allah and not pray."

Ibn Habib reported: Ibn Abd al-Hakam narrated from al-Layth ibn Sa'd that the sun eclipsed after Asr while we were in Mecca in the year 113 AH, with many scholars present, including Ibn Shihab, 'Ata ibn Abi Rabah, Amr ibn Dinār, Abu al-Zubair al-Makki, Ibn Abi Hussayn al-Nufali, Ayyub ibn Musa al-Qurashi, Ibn Abi Muliqa, Qatadah, and others.

He said: We stood facing the Kaaba, making supplications to Allah. I asked Ayyub ibn Musa: Why are they not praying for the eclipse, even though the Prophet (peace be upon him) prayed for it? He replied: The prohibition of prayer after Asr applies here, and this prohibition overrides the action." (Abu Muhammad, 1999, pp. 511).

The Madhhab has three opinions regarding the timing of the eclipse prayer:

1. **The first opinion, which is the established position of the Madhhab** (Al-Tarabulsi, 1992, p. 202) is that the time for the eclipse prayer is like the time for the Eid prayer, from the beginning of the time when voluntary prayers are allowed until the zenith. It should not be prayed after this time. This is the view of Ibn al-Qasim as recorded in the Mudawwanah (Malik ibn Anas, 1994, p. 59).
2. **The second opinion** is that it can be prayed at any time of day except during the prohibited times, as long as it is not during a time when prayer is prohibited. This is the view of Ibn Wahb from Malik, which is preferred by Ibn Habib (Malik ibn Anas, 1994, p. 59; Ibn Battal, 2003, p. 38). This opinion is also held by the majority of Hanafi and Hanbali scholars (al-Kasanai, 1986, p.

282; Ibn Qudamah, 1986, p. 317). Al-Lakhmi said: "This is better. It is not like the Eid prayers. This prayer was commanded for an event that occurs, so it should be prayed when it happens, unless it is during a prohibited time." (al- Loukhmi, 2011, p. 612).

3. **The third opinion** is that it can be prayed after Asr and at any time. Al-Baji mentioned: "This was narrated by Sheikh Abu al-Qasim ibn al-Jallab (al-Qurtubi, 1390, p. 329)." This is the position of the Shafi'i school (Al-Nawawi, n.d, p. 170) and a view chosen by Ibn Taymiyyah (ibnQudamah, 1986, p. 318; Ibn Taymiyyah, 1995, p. 191).

Supporting Evidence for Ibn Habib's View and that of the Majority:

The narration of Abu Huraira (may Allah be pleased with him) mentions that the Messenger of Allah Muhammed (peace and blessings be upon him) forbade performing two types of prayer: after Fajr (dawn) until the sun has risen, and after Asr (afternoon) until the sun has set. (al-Bukhari, 1422 AH, p. 120)

According to Abu Sa'id al-Khudri (may Allah be pleased with him), the Prophet Muhammad (peace and blessings be upon him) prohibited performing any prayers after the 'Asr prayer until sunset and after the Fajr prayer until sunrise. " (al-Bukhari, 1422 AH, p. 120).

The implication is that these prohibitive hadiths are general and include even the eclipse prayer.

Arguments for Allowing the Eclipse Prayer at Any Time:

- It is claimed that the eclipse prayer is performed for a particular reason, and that any prayer tied to a specific cause is permissible. can be performed when its cause is present, even during times when prayer is otherwise prohibited. Some prayers with causes are explicitly permitted by texts, such as the two

rak'ahs after Tawaf, and others are permitted by both text and consensus, such as the funeral prayer after 'Asr. The only reason for permitting such prayers is their causative nature (Ibn Taymiyyah, 1978, p. 135).

- The sun and moon do not eclipse because of someone's death; rather, they are signs from Allah. Therefore, when you witness them, rise and perform prayer." (al-Bukhari, 1422 AH, p. 34).

This hadith is general and its generality is preserved without exceptions, unlike the prohibitive hadiths which are specific. Abu Salamah reported: He asked Aisha about the two prostrations that the Prophet (peace and blessings be upon him) used to perform after 'Asr. She said: He used to perform them before 'Asr, but he was either occupied or forgot them and then performed them after 'Asr. He confirmed their practice, and whenever he prayed a prayer, he affirmed it.

Thus, the general hadith which does not have any specific restrictions should be given precedence as it is accepted by consensus. Furthermore, the performance of prayers with specific causes is necessary during these times, and their benefits would be lost if not performed, thus they are permitted due to their greater benefit.

Section 2: The Impact of Ibn Habib's Legal Opinions on the Choices of Scholars

The opinions of Abdullah ibn Habib resonated among jurists, particularly among the Malikis, especially when they diverged from the prevalent views of Imam Malik. This clearly reflects the scholarly value of Ibn Habib's opinions and highlights the cases where his views were prominent. Examples include:

1. Issue of Combing a Thick Beard During Wudu

Scholars agree on the necessity of washing the visible parts of the beard but differ on whether it needs to be combed. The school has three opinions, with the third being that combing is recommended but not obligatory, which is Ibn Habib's view. Ibn Rushd the grandfather commented: "This is the most apparent opinion" (al-Qurtubi, 1390 AH, p. 94).

2. Whether One Who Cannot Rub the Body Should Appoint Another or Is It Sufficient to Apply Water

This issue arises from the obligation of rubbing, as is well-known in the school. There are three opinions on this matter. Ibn Habib said: "If someone cannot rub their body themselves, there is no obligation to appoint someone else" (Al-Jundi, 2008, p. 175; Al-Gharnati, 1994, p. 457)

Ibn Rushd the grandfather corrected this by stating: "If the person cannot reach their entire body, the correct view is that they should pass their hands over all the parts they can reach and continue pouring water on the parts they cannot reach, which is sufficient, considering the differences in opinion and the ease of religion" (al-Qurtubi, 1390 AH, p. 50).

Al-Dardir said: "What the author mentioned about the obligation to rub with a cloth and appoint another if unable by hand is the view of Sahnun, which the author chose. Ibn Habib said: If it is impossible by hand, it is waived and there is no need for a cloth or appointment, which was preferred by Ibn Rushd and is thus the relied-upon view" (Al-Jundi, 2005, p. 135).

3. The Imam Saying "Ameen" in Congregational Prayer

The school maintains that the Imam does not say "Ameen," according to the *Mudawwanah* (Malik ibn Anas, 1994, p. 167) Ibn Habib argued that the Imam should say "Ameen," which was supported by al-Lakhmi who said: "The opinion that the Imam says 'Ameen' is preferable. The hadith: 'When the Imam says

Ameen, you should say Ameen'... The interpretation is that if the Imam says the verse {and not the path of those who go astray} [Surah Al-Fatiha:7], which is a prayer, and as Harun (peace be upon him) used to say 'Ameen,' Allah said: {Your prayer has been answered, so remain steadfast and do not follow the path of those who do not know} [Surah Yunus:89]. This is incorrect because it is not said that someone who prays and does not say 'Ameen,' like 'O Allah, forgive me,' 'O Allah, grant me sustenance,' is considered to have said 'Ameen.' Not every prayer is said by the one who prays until it includes 'Ameen" (al-Loukhmi, 2011, p. 612).

8.Conclusion

In conclusion, after examining these specific issues as examples, the following key points are reached:

1. Al-Nawadir wa al-Ziyadat is considered the most comprehensive book that has focused on Ibn Habib's opinions, followed by Al-Tawdeeh and its comprehensive work Jami' al-Ummihat.
2. The Attention of Ibn Habib to the Methodology of the People of Medina in His Composition of "Al-Wadiha."
3. The Clarity of His Language and the Connection of His Opinions with Evidence from the Quran, Sunnah, and the Sayings of the Companions and Successors, along with his reliance on consensus, analogy, and other sources indicating a judicious intellect.
4. Ibn Habib's Attention to Prophetic Hadiths and Narrations in His Legal Reasoning.
5. The Narration of Hadiths and Narrations with Chains of Transmission either to the Prophet (peace be upon him) or to the Companions and Successors.

6. His Care for the Opinions of the Early Students of the School, such as Ibn al-Qasim, Ibn al-Majshoon, Sahnun, and Matarf, among others.

7. Ibn Habib's Objective and Independent Approach in His Legal Reasoning is Clearly Evident. His dedication to supporting the truth, in alignment with Malik's opinions when they conform to the truth, is apparent. When encountering less favored opinions or those that contradict explicit texts, Ibn Habib did not spare any effort in supporting the truth as he saw it. This approach should be the standard for Islamic scholars, who should consider the opinions of prominent Imams without bias or intellectual confinement. What aligns with the authentic and explicit Sunnah of the Prophet (peace be upon him) should be given precedence and followed faithfully.

9.Recommendation:

It is advised to pay close attention to Ibn Habib's legal opinions and choices, and to explore them in the volumes of Maliki literature. Ibn Habib authored a substantial book in jurisprudence and hadith titled "Al-Wadiha" in Sunnah—as noted in the introduction. This book was a major reference in Andalusia before the emergence of the "Muwatta." It is considered one of the four foundational texts in the Maliki school. Therefore, dedicating effort to preserving, organizing, and publishing his opinions and work would be akin to a new verification of his lost book.

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