

Khalil's reliance on some of the Scientists of the school of thought in the terminology of the summary, and the reason for that

KHAMRA Allal *	DJERRADI Mohammed
University of Ahmed DRAIA Adrar, Algeria	University of Ahmed DRAIA Adrar, Algeria
allalkhamra@gmail.com	djerradimed@univ-adrar.edu.dz

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• Abstract:

Sheikh Khalil's Mukhtasar stands as one of the foundational texts in the Maliki school of thought, widely recognized as a comprehensive summary of its jurisprudence. It has garnered exceptional attention and scholarly engagement, being preserved, studied, and annotated extensively. Despite its concise and cryptic style, the text has spread widely, particularly in the Islamic West.

The Mukhtasar's reliance on the works of four Maliki scholars—Al-Lakhmi, Ibn Yunus, Ibn Rushd, and Al-Maziri—highlights their pivotal roles in shaping the school's jurisprudential framework. These scholars were contemporaneous and geographically proximate, complementing each other's efforts to create a robust foundation for the Maliki tradition.

Their integrated contributions demonstrate a harmonious synthesis of jurisprudential refinement, organization, and interpretation, ensuring their enduring influence on Maliki legal thought.

Keywords:

Khalil, Scholars, Maliki, Fatwa, Judiciary.

• Introduction

The Mukhtasar of Sheikh Khalil ibn Ishaq al-Maliki is more renowned among the Malikis than a blazing fire on a mountain and is too evident to require elaboration. It is the essence of their jurisprudence and a comprehensive gathering of their scholarly efforts, presented with remarkable organization and unique refinement. In addition to its eloquent style, it employs articulate expression and accurate language, reflecting the years of effort that Sheikh Khalil dedicated to its authorship.

This Mukhtasar, meticulously condensed by its author to a degree of extreme brevity, drew its material from foundational sources authored by scholars of the Maliki school. In its introduction, Sheikh Khalil clarified his methodology and terminologies, stating:

* KHAMRA Allal

“By ‘Fiha,’ I refer to the Mudawwana, and by ‘Awal,’ to the interpretive differences of its commentators. ‘Ikhtiyar’ pertains to Al-Lakhmi, but when it is expressed in the verb form, it reflects his own choice; in the noun form, it refers to his selection from existing differences. ‘Tarjih’ refers to Ibn Yunus, ‘Zuhur’ to Ibn Rushd, and ‘Qawl’ to Al-Maziri.”

The exclusivity of these four scholars invites the question: why did Khalil rely solely on them, given that many other scholars significantly contributed to the Maliki school, such as Ibn Abd al-Barr, Ibn al-Arabi, Qadi Iyad, and their predecessor Ibn Abi Zayd, among others?

The Research Problem:

Why did Sheikh Khalil restrict the terminology of the Mukhtasar to Ibn Yunus, Al-Lakhmi, Ibn Rushd, and Al-Maziri, excluding other scholars of the Maliki school?

Study Outline:

This research seeks to answer the above question through an introduction and two main chapters:

- ❖ **Introduction:** Explaining the topic.
- ❖ **Chapter One:** An overview of Sheikh Khalil’s life, divided into two sections:
 - His lineage, upbringing, and death.
 - His academic life, including his teachers, students, works, and scholars’ praise for him.
- ❖ **Chapter Two:** A study of the Mukhtasar, divided into two sections:
 - A definition of the Mukhtasar.
 - Why Ibn Yunus, Al-Lakhmi, Ibn Rushd, and Al-Maziri were exclusively chosen as sources for its terminology.
- ❖ **Conclusion:** Summarizing key findings, along with a list of references and sources

1. Chapter One: Introduction to Sheikh Khalil

1.1 His Lineage and his Life

1.1.1 His Lineage

Khalil ibn Ishaq ibn Musa ibn Shu'ayb al-Maliki: there is no disagreement regarding the name of his father, Ishaq, but there is some debate about his grandfather's name. Some claim it was Ya'qub¹, while most biographers assert that his father's name was Musa, discrediting the first opinion².

Among these opinions, the majority favor the name Musa for his grandfather due to the agreement of his students and close associates. Al-Hattab noted that he had seen Sheikh Khalil's

¹ Muhammad bin Abdullah Al-Kharshi Al-Maliki (d. 1101 AH), Sharh al-Kharshi 'ala Khalil, Dar al-Fikr for Printing and Publishing, Beirut, unpublished edition.

² Ahmad bin Muhammad Al-Dardir, Al-Sharh Al-Kabir 'ala Khalil, Dar al-Fikr, Vol. 1, p. 9; Hashiyat al-'Adawi 'ala Sharh al-Kharshi, Vol. 1, p. 15.

handwriting stating: "My name is Khalil ibn Ishaq ibn Musa ibn Shu'ayb." He was nicknamed Abu al-Mawadda, known as Al-Jundi, and titled Diya al-Din³.

1.12 His Birth

The sources do not provide information regarding his exact birth date or his lifespan. However, it is widely believed that he lived between sixty and seventy years. It is mentioned in his biography that he learned from his father's friend, Abu Abdullah ibn al-Hajj al-Fasi, who passed away in 737 AH. Additionally, biographers note that he studied with Sheikh Abdullah al-Manufi, who died in 749 AH. Based on this, it is likely that he was born between the first and second decades of the 8th century AH⁴.

Furthermore, the sources provide little about his personal life compared to his scholarly prominence. Among the few references is a mention that he initially did not dedicate himself fully to seeking knowledge, spending much of his time reading tales and stories. His teacher, Abdullah al-Manufi, advised him: "O Khalil, one of the greatest afflictions is staying up late for frivolous pursuits." Khalil understood his teacher's insight and stopped this behavior from that point onward.

Sources also mention that his father was a pious man and adhered to the Hanafi school while being closely associated with Sheikh Abu Abdullah ibn al-Hajj and Abdullah al-Manufi. This connection explains why Sheikh Khalil engaged with Maliki jurisprudence.

Biographers indicate that Khalil was a soldier who earned his living from military service, following in the footsteps of his forebears. Ibn Farhun described him⁵:

"He was one of the soldiers of the victorious circle, dressed in the attire of ascetic warriors, combining knowledge and practice."

It is also noted that he married a woman named Kamaliyya bint al-Qadi, but they had no children.

1.13 His Death

Scholars differ significantly regarding the year of his death, despite his esteemed status:

- a) Ibn Farhun, in his *Al-Dibaj*, stated that he died in 749 AH. This is incorrect, as it coincides with the death of his teacher, Al-Manufi. It is likely an error, as Ibn Farhun was a contemporary of Sheikh Khalil and considered one of his students⁶.
- b) According to Ibn Hajar, Al-Suyuti, Ibn al-Qadi al-Maknasi, and many historians and commentators on the *Mukhtasar*, Sheikh Khalil died in 767 AH. This view was affirmed by Badr al-Din al-Qarafi in *Al-Tawshih*, based on Ibn Hajar's meticulous verification and

³ Abu Abdullah Al-Hattab, *Mawahib al-Jalil Sharh Mukhtasar Khalil*, Dar al-Kutub al-Ilmiyya, Beirut, Vol. 1, p. 20.

⁴ Muhammad bin Muhammad Makhlouf, *Shajarat al-Noor al-Zakiya fi Tabaqat al-Malikiyya*, Dar al-Fikr, Vol. 1, p. 223. *Al-Durar al-Kamina*, Vol. 2, p. 49. *Mawahib al-Jalil*, op. cit, Vol. 1, p. 13.

⁵ Ibrahim bin Ali bin Farhoun, *Al-Dibaj al-Madhab fi Ma'rifat A'yan Ulama' al-Madhab*, Dar al-Kutub al-Ilmiyya, Beirut, p. 186.

Ahmad Baba al-Timbukti, *Nail al-Ibtihaj fi Tatriz al-Dibaj*, Publications of the Faculty of Da'wah, Tripoli, Vol. 1, p. 196.

⁶ Ibrahim bin Ali bin Farhoun, *Al-Dibaj*, op. cit, Vol. 1, p. 219.

his contemporaneity with Sheikh Khalil. Imam Al-Hattab also supported this opinion in his *Mawahib al-Jalil*⁷.

- c) Abu al-Abbas Al-Zarrouq claimed that Sheikh Khalil died in 769 AH, a view unique to him⁸.
- d) Ibn Marzuk al-Hafid, Ibn Ghazi al-Maknasi, and others noted that he passed away in 776 AH, and this opinion seems the most plausible. Allah knows best⁹.

1.2 His Scholarly Life:

1.2.1 His Teachers

Considering Sheikh Khalil's eminent status among scholars of his time and the wealth of knowledge and writings he left behind, it is evident that he had a rich academic journey, learning from diverse teachers. Some of his notable instructors include:

- a) Abu Abdullah Muhammad ibn Muhammad ibn Muhammad al-Abdari al-Fasi (Ibn al-Hajj) (d. 737 AH): Known for his piety and asceticism, he studied under notable figures such as Abu Ishaq al-Mutamati and Muhammad ibn Abi Hamza. He taught Sheikh Khalil and Abdullah al-Manufi. Among his works is the book *Al-Madkhal*¹⁰.
- b) Abu Muhammad Abdullah ibn Muhammad ibn Sulayman al-Manufi (d. 749 AH): A scholar renowned for his piety, righteousness, and dedication to knowledge and practice. He studied under scholars like Zaki al-Din ibn Muhammad al-Qwaybi and Ibn al-Hajj. Sheikh Khalil was one of his prominent students, who even authored a work highlighting Al-Manufi's virtues¹¹.
- c) Ibn Abd al-Hadi (Zayn al-Din Abu al-Faraj Abd al-Rahman ibn Muhammad) (657–749 AH): Sheikh Khalil studied Hadith under him¹².
- d) Burhan al-Din al-Rashidi (676–749 AH): Sheikh Khalil learned Arabic and jurisprudential principles from him¹³.
- e) Ibn Khalil al-Makki (Abdullah ibn Muhammad ibn Khalil al-Makki al-Shafi'i) (654/655–777 AH): Sheikh Khalil studied *Sunan Abi Dawud* and *Jami' al-Tirmidhi* under him¹⁴.

1.2.2 His Students

Sheikh Khalil taught numerous students who became prominent scholars. Among them are:

⁷ Abu Abdullah Al-Hattab, *Mawahib al-Jalil*, op. cit, Vol. 1, p. 94.

⁸ Sharh Muhammad bin Ahmad al-Birnasi known as Zarrouq 'ala al-Risalah, Dar al-Fikr (1402), Vol. 1, p. 4.

⁹ Muhammad bin Ahmad bin Ghazi, *Shifa' al-Ghilil bi-Hall Muqfil Khalil*, edited by Dr. Ahmad bin Abdul Karim Najib, Najeebawi Center for Manuscripts and Heritage Services, Vol. 1, p. 114.

¹⁰ Al-Suyūti djellal eddine, Hassan al-Muhadara In the history of Egypt and Cairo, Vol. 1, p. 525. Shajarat al-Noor, p. 205.

¹¹ Al-Dibaj al-Madhab, p. 413. Muhammad bin Muhammad Makhoul, Shajarat al-Noor, p. 218.

¹² Ahmed bin Mohammed Al-Maknasi, Dhurrah al-Hijal, old Library, Tunis, p. 281.

¹³ Salah al-Din Khalil bin al-Aybak, *Al-Wafi bil-Wafayat*, edited by Ahmad al-Arna'out and Turki Mustafa, Dar Ihya' al-Turath, (1420/2000).

¹⁴ Abu Abdullah Al-Hattab, *Mawahib al-Jalil*, op. cit, Vol. 1, p. 20.

- a) Ibn al-Furat (Abd al-Khaliq ibn Ali ibn al-Husayn) (d. 794 AH): A student who narrated that he saw Sheikh Khalil in a dream after his death. When asked about his fate, Sheikh Khalil replied, “Allah has forgiven me and all who prayed for me.”
- b) Ibn Farhun (Ibrahim ibn Ali al-Yamari al-Madani) (d. 799 AH): Attended Sheikh Khalil’s lessons. He authored works like Al-Dibaj and Al-Tabassura.
- c) Ibn al-Tunsi (Abu al-Abbas Ahmad ibn Muhammad ibn Ata Allah al-Zubayri al-Iskandari) (d. 801 AH): A prominent judge in Egypt and a descendant of Al-Zubayr ibn al-Awwam.
- d) Al-Ghumari (Shams al-Din Muhammad ibn Muhammad ibn Ali ibn Abd al-Razzaq) (d. 802 AH): Another student of Sheikh Khalil.
- e) Abu al-Baqa Bahram ibn Abdullah al-Dimiri al-Qahiri (d. 805 AH): A leading judge in Damascus.
- f) Abu Abdullah al-Israqi (Muhammad ibn Uthman ibn Musa) (d. 810 AH): A scholar of jurisprudence who memorized Mukhtasar Khalil.

2. Chapter Two: Understanding Sheikh Khalil’s Mukhtasar and Its Scholarly Value

2.1 Introduction to the Mukhtasar:

2.1.1 A Brief Overview of the Mukhtasar

Sheikh Khalil’s Mukhtasar is one of the most renowned works of the Maliki school, enjoying widespread acceptance, popularity, and respect since its composition prior to the 9th century AH. Among the Maliki texts, only the Muwatta and the Mudawwana rival its prominence and scholarly attention. It encapsulates the essence of Maliki jurisprudence and serves as a comprehensive reference for the school’s teachings.

Its conciseness and precision made it a central text for scholars who explained, taught, and referenced it extensively. Such was its impact that its popularity almost led to the neglect of other works. The first to comment on the Mukhtasar was Sheikh Bahram (d. 805 AH), a student of Khalil, who authored three commentaries. Furthermore, Sheikh Muhammad ibn Umar ibn al-Futuh al-Tilimsani introduced it to North Africa and brought it to Fez in 805 AH¹⁵.

Before the arrival of the Mukhtasar, North African scholars focused on Khalil’s earlier work, Al-Tawdhih, but their attention shifted to the Mukhtasar after its arrival. The first commentary in the region was by Ibn Marzuk al-Hafid (d. 842 AH), titled Al-Manza‘ al-Nabil fi Sharh Mukhtasar Khalil wa Tas’hih Masa’ilihi bil-Naql wal-Dalil. Subsequently, it was explained by Ahmad ibn Muhammad ibn Zaghun al-Tilimsani (d. 845 AH).

2.1.2 The Value of the Mukhtasar and Scholarly Opinions :

The Mukhtasar was Sheikh Khalil’s last work, and he spent over twenty years refining and editing it. Such an extended period of meticulous effort reflects his dedication to precision, accuracy, and clarity in presenting legal rulings and organizing them systematically. The resulting text is concise, precise, and encompasses most issues of Maliki jurisprudence.

¹⁵ Muhammad bin al-Hasan bin al-Arabi bin Muhammad al-Hajwi al-Thi’alabi al-Ja’fari al-Fasi (d. 1376 AH), Al-Fikr al-Sami fi Tarikh al-Fiqh al-Islami, Dar al-Kutub al-Ilmiyya, Beirut, Lebanon, 1st edition (1416/1995), Vol. 2, p. 287.

The following are some remarks by prominent scholars about the Mukhtasar:

- a) **Al-Hajjawi Al-Tha'alibi** said: "It cannot be overlooked nor neglected; it must be studied and taught to those who wish to excel in issuing fatwas and judgments. This is because it compiles matters that are rarely found elsewhere. Often, one encounters a legal issue that cannot be found except in this Mukhtasar, due to its thoroughness in addressing matters and pointing out the most reliable opinions among conflicting ones."¹⁶
- b) **Ibn Ghazi** wrote: "The Mukhtasar by the distinguished Sheikh Khalil ibn Ishaq is among the most precious treasures, deserving to be held in the highest regard and sought after by skilled jurists. It offers immense value, articulate expressions, and elucidates the most reliable rulings or the strongest opinions. Sheikh Khalil achieved brevity with remarkable precision and refinement, demonstrating unparalleled mastery in its arrangement and content. None have equaled this accomplishment, nor has any mind devised a comparable work."¹⁷
- c) **Sheikh Al-Kharshi** remarked: "Among the greatest works authored in the Maliki school and the most sufficient of the summarized texts is the Mukhtasar of our master Abu al-Diya Khalil. It has resolved numerous complex issues and provided clarity to many ambiguous ones."¹⁸
- d) **Imam Al-Hattab** stated: "The Mukhtasar is one of the most outstanding summaries in the Maliki school, authored by the virtuous Sheikh Khalil ibn Ishaq. It is a book that simplifies the paths of understanding, concise in its size but vast in knowledge. It gathers more than it omits and surpasses its counterparts in both style and content. It clarifies the basis of fatwas and identifies the most reliable and predominant opinions. No other work has paralleled it, nor has any scholar produced a similar achievement."¹⁹

From these testimonials, and many others not cited here, a comprehensive picture of the Mukhtasar's scholarly significance emerges. The Mukhtasar is the culmination of Sheikh Khalil's immense efforts over two decades. He passed away leaving much of the work in need of further editing, but it remains the subject of continuous scholarly engagement, whether through formal institutions like universities and research centers or individual commentaries and analyses by scholars.

2.2 Why Sheikh Khalil Limited His Sources to Four Maliki Scholars:

¹⁶ Al-Hajwi, *Al-Fikr al-Sami fi Tarikh al-Fiqh al-Islami*, op. cit., Vol. 2, p. 461.

¹⁷ Abu Abdullah Muhammad bin Ahmad bin Muhammad bin Muhammad bin Ali bin Ghazi al-Othmani al-Miknasi, *Shifa' al-Ghilil fi Hall Muqfil Khalil*, edited by Ahmad bin Abdul Karim Najib, Najeebawi Center for Manuscripts and Heritage Services – Cairo, 1st edition (1429/2009), Vol. 1, p. 111.

¹⁸ Al-Kharshi 'ala Khalil, op. cit, Vol. 1, p. 19.

¹⁹ Abu Abdullah Al-Hattab, *Mawahib al-Jalil*, op. cit, Vol. 1, p. 3.

In the introduction to his Mukhtasar, Sheikh Khalil outlined the terminologies he used, which serve as keys to understanding the text and as a guide for memorization and explanation. Among these were references to Al-Lakhmi, Ibn Yunus, Ibn Rushd, and Al-Maziri. Why did Sheikh Khalil rely on these four scholars specifically?

2.2.1 Brief Biographies of the Four Scholars:

a) **Al-Lakhmi:**

Abu Al-Hasan Ali ibn Muhammad Al-Rab'i, known as Al-Lakhmi, hailed from Qayrawan and later settled in Sfax. He studied under Ibn Muharriz, Abu al-Tayyib, and Al-Siyuri. Renowned for his piety, expertise, and versatility, he authored an extensive commentary on the Mudawwana titled Al-Tabsira. His work often diverged from the established positions of the school due to his independent reasoning, leading to debates over the reliability of his opinions. Al-Lakhmi passed away in 478 AH²⁰.

b) **Ibn Yunus:**

Abu Bakr Muhammad ibn Abdullah ibn Yunus al-Tamimi al-Siqilli was a scholar from Sicily. Known for his profound knowledge, he authored a comprehensive commentary on the Mudawwana. His work was highly regarded for its accuracy and organization, earning him the title Mushaf al-Madhab (The Codex of the School). He passed away in 451 AH²¹.

c) **Ibn Rushd:**

Abu al-Walid Muhammad ibn Ahmad ibn Muhammad ibn Rushd, also known as Averroes, was a prominent Andalusian scholar and judge. He authored numerous works, including Al-Bayan wa al-Tahsil and Al-Muqaddimat. His logical reasoning and clear writing made him a central figure in Maliki jurisprudence. He died in 520 AH²².

d) **Al-Maziri:**

Abu Abdullah Muhammad ibn Ali ibn Umar al-Tamimi al-Maziri, known as The Imam, hailed from Sicily and later moved to Mahdia, Tunisia. He was the most prominent Maliki scholar of his time, excelling in both Islamic law and medicine. He authored Kitab al-Talqin, Sharh Sahih Muslim, and Sharh Burhan al-Juwayni. He passed away in 536 AH²³.

2.2.2 The Reason for Their Exclusivity

The author specifically mentioned and relied upon these four scholars due to the extensive scope of their deliberations and choices, a breadth not found in others. Al-Lakhmi was given precedence, even though Ibn Yunus preceded him in time, because Al-Lakhmi was the most

²⁰ Muhammad Makhlouf, Shajarat al-Noor al-Zakiya, op. cit, Vol. 1, p. 173.

²¹ Muhammad Makhlouf, Shajarat al-Noor al-Zakiya, Vol. 1, p. 164. Ibn Farhoun, Al-Dibaj al-Madhab, op. cit, p. 274.

²² Ibn Farhoun, Al-Dibaj al-Madhab, Ibi, p. 248.

²³ Muhammad Makhlouf, Shajarat al-Noor al-Zakiya, op. cit , Vol. 1, p. 187.

daring in his selections. He often transmitted jurisprudential rulings and added his opinion by stating, "I hold such-and-such an opinion."

Khalil used verbs when referring to "what they said" to indicate occurrence, which aligns with their creation of new interpretations or opinions based on their own reasoning. Conversely, he used nouns when referring to "what they chose" to highlight stability, as this pointed to their selection of established opinions from earlier scholars.

Al-Lakhmi was specifically associated with the term "selection" due to the abundance of his independent choices compared to the others. Ibn Yunus was distinguished by "preference," as most of his efforts were directed towards weighing and favoring the opinions of others, with only limited instances of independent reasoning. Consequently, Khalil's use of verbs to reference Ibn Yunus's contributions was exceedingly rare.

Ibn Rushd was distinguished by "apparent evidence" because he relied heavily on the apparent meanings of authoritative narrations and was renowned for his prominence and preeminence over the scholars of his time. Al-Maziri, on the other hand, was distinguished by the term "statement" because his exceptional mastery of both rational and textual sciences elevated his authority over his contemporaries, making "his statement" the definitive one. This meticulous analysis is attributed to Ibn Ghazi²⁴.

Al-Dusuqi stated in his commentary²⁵:

"The author did not mention these four scholars in the order of their chronological existence. The earliest of them is Ibn Yunus Al-Siqilli, who passed away in the year 451 AH, followed by Al-Lakhmi Al-Safaqsi, who passed away in the year 478 AH, then Ibn Rushd Al-Qurtubi, who passed away in the year 520 AH, and finally Al-Mazari, who passed away in the year 536 AH. The author specifically mentioned these four because no later scholars exerted as much effort as they did in refining and organizing the Maliki school of thought.

Ibn Yunus was distinguished for his preference, as most of his effort lay in leaning toward certain opinions of those who preceded him, with few independent choices of his own. Ibn Rushd was noted for his reliance on apparent evidence, as he frequently referred to the explicit meanings of narrations, saying, 'This aligns with the narration of such-and-such' or 'The apparent meaning of the hearing in such-and-such case is.'

Al-Mazari was distinguished for his "statement" because his strong expertise in both rational and textual sciences and his scholarly rigor made his statements highly authoritative and

²⁴Mohammed bin Mohammed Salem Al Majlisi Al Shinqiti, *Lawaami' al-Durr*, Dar Al-Radwan, Nouakchott Mauritania, 2015 Vol. 1, p. 176.

²⁵ Muhammad bin Ahmad bin Arfa' al-Dusouqi al-Maliki (d. 1230 AH), *Hashiyat al-Dusouqi 'ala al-Sharh al-Kabir*, Dar al-Fikr, Vol. 1, p. 22.

reliable. Al-Lakhmi was noted for his extensive "selection," as he was the most daring and independent in forming his opinions."

It is worth noting that Al-Dusuqi himself did not arrange them in chronological order when discussing their individual distinctions. He placed Al-Lakhmi last, even though Al-Lakhmi preceded Ibn Rushd in time, as he noted that Ibn Rushd passed away in the year 530 AH, while Al-Lakhmi passed away in the year 478 AH. This approach was also followed by Sheikh Aliash (may Allah have mercy on him) in his book *Manh al-Jalil*²⁶.

Al-Kharshi explained Khalil's limitation to mentioning these four scholars by saying²⁷: "These four were mentioned because no one among the later scholars exerted as much effort as they did in refining, organizing, and systematizing the Maliki school."

He further justified this by stating:

"He chose the number four to parallel the four Rightly Guided Caliphs and the four Imams (founders of the four main schools of jurisprudence), who serve as the pillars of the religion, akin to the four foundational corners of a building, without which its structure is incomplete."

Al-'Adawi, in his commentary on Al-Kharshi's explanation, added²⁸:

"The phrase 'who are,' describing the four, refers to both the four caliphs and the four imams. Since the teachings of the four caliphs align with those of the four imams, they were considered as one. Thus, they were regarded as the four foundational pillars, and similarly, these four scholars were seen as the pillars of the Maliki school, which is why they were singled out."

This reasoning, however, seems to be more of an attempt to find a symbolic connection in the number.

It is well known that Khalil did not include in his *Mukhtasar* every single selection or preference of these four scholars in all matters. Instead, he occasionally referred to their choices, preferences, or statements either to highlight a difference from his own conclusions or to underscore their weight when they aligned with what he considered the strongest opinion.

Imam Al-Hattab explained²⁹:

"Be aware that he mentions the selections of these scholars either because they differ from what he has deemed preferable or because they represent the strongest opinion when he does not mention another view."

Al-Kharshi, discussing this topic, stated³⁰:

"The specification of these scholars with these particular terms is merely a convention intended for differentiation, not an indication that the one associated with a specific term is necessarily

²⁶ Muhammad bin Ahmad bin Muhammad Alish Abu Abdullah al-Maliki (d. 1299 AH), *Minhaj al-Jalil fi Sharh Khalil*, Dar al-Fikr – Beirut – (1409/1989), Vol. 1, p. 25.

²⁷ Al-Kharshi 'ala Khalil, op. cit, Vol. 1, p. 41.

²⁸ Al-Kharshi 'ala Khalil, op. cit, Vol. 1, p. 42.

²⁹ *Mawahib al-Jalil*, op. cit, Vol. 1, p. 35.

³⁰ Al-Kharshi 'ala Khalil, op. cit, Vol. 1, p. 41.

superior in rank. Often, Ibn Rushd is referred to with the term 'apparent evidence,' even when the most correct opinion is attributed to him, as can be observed by examining their issues. It should also be understood that whenever such terms are mentioned, they are references to the prevailing opinion, not to imply that whenever one of them preferred something, it was always highlighted. This is evident from the existence of numerous preferences that were not mentioned."

Al-Tata'i commented after mentioning these four scholars³¹:

"It cannot be said that this approach is flawed because each of these four scholars had numerous personal choices and preferences, which were not all included. The response to this is that Khalil did not commit to mentioning everything they concluded. He likely mentioned only what he deemed the most preponderant, as evidenced by the fact that many such preferences are found in his Tawdih but are not mentioned here."

From the above, it becomes clear that Khalil's reliance on these eminent scholars stems from their immense contributions to the Maliki school, marked by their extensive engagement with its issues. This engagement involved rigorous refinement, correction, organization, and abridgment, enabling them to gain comprehensive knowledge of the school's principles, generalities, and nuances.

Biographies of these scholars attest to this, as they document their works, which demonstrate their thorough interaction with the foundational texts of the school, either through refinement, summarization, or compilation. This qualifies them for their esteemed position among the scholars of the Maliki school and grants their views a strength and acceptance not afforded to others.

When considering the contemporaneity of these scholars, as they lived during a relatively close time frame, the gap between the death of Ibn Yunus, the earliest of them to pass away, and Al-Mazari, the last to pass, did not exceed eighty-five years. They were also geographically close, ranging from Sicily to Mahdia in Tunisia to Cordoba in Al-Andalus. This proximity in both time and place likely contributed to the similarity of their scholarly efforts and the shared environments that shaped their intellectual development.

It is worth noting the exceptional flourishing of the scientific and intellectual movement during their era, particularly in Qayrawan and Al-Andalus. These centers of knowledge provided them with abundant resources and tools, allowing them to become leading authorities in the Maliki school. Their remarkable contributions to refining, analyzing, and organizing the school's principles elevated their opinions, views, and preferences to a status that often surpassed those of other scholars.

³¹ Abu Abdullah Shams al-Din Muhammad bin Ibrahim al-Tatayi al-Maliki (d. 942 AH), *Jawahir al-Durr fi Hall Alfaz al-Mukhtasar*, edited by Dr. Abu al-Hasan Nouri Hassan Hamed al-Mislati, Dar Ibn Hazm, 1st edition (1435/2014), Vol. 1, pp. 157/159.

• Conclusion

The following conclusions can be drawn:

- Comprehensive Coverage of Maliki Jurisprudence: Sheikh Khalil's Mukhtasar encapsulates the doctrines of the Maliki school, facilitating easy access and application, especially for those in training.
- Encompasses Vast Jurisprudential Knowledge: With over 100,000 issues explicitly stated and another 100,000 implied, the Mukhtasar provides substantial grounding in Imam Malik's jurisprudence, serving as a catalyst for further study and deeper understanding.
- Scholarly Engagement: Numerous commentaries, annotations, and analyses have been produced on the Mukhtasar. These works explore its subtle nuances, making it a resourceful guide for addressing contemporary legal issues due to Islamic jurisprudence's flexibility and comprehensiveness.
- Milestone in the Maliki School's Stability: The Mukhtasar represents a critical stage in the evolution of the Maliki school. It is both a product of the monumental efforts of earlier Maliki scholars and a foundation for subsequent juristic development.

Modern Accessibility: To ensure the Mukhtasar remains relevant, it is essential to leverage modern technological tools to present its content in accessible formats. Collaborative efforts between experts in both information technology and Islamic jurisprudence could enhance understanding and application in contemporary contexts.

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