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Reconciling Islamic Jurisprudence and Hadith in al-Andalus in the 5th/ 11th Century: Ibn al-Ṭallā' (d. 497/1104) and His *Aqḍiyat Rasūl Allāh*

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Abstract: The study of *Muwaṭṭa' Mālik* and the Mālikī school dominated in al-Andalus from the 2nd/8th century to the 3rd /9th century. The following two centuries marked the decline of *Muwaṭṭa' Mālik* studies in al-Andalus. Therefore, the study of the 5th/11th is very important to illustrate how the transition from the domination of *Muwaṭṭa' Mālik* to the domination of other books, in this case is al- Andalus. One of them is the work of Muḥammad bin Farj al-Qurṭubī al-Mālikī (d. 497/1104), known as Ibn al-Ṭallā' in his book, *Aqḍiyat Rasūl Allāh ṣallā Allāh 'alaihi wa sallam.* This research employs a qualitative approach, literature studies and content analysis. This article discusses the criticism of Ibn al- Ṭallā' on the orthodoxy of the Mālikī school and the process of reconciling hadith and Islamic jurisprudence (fiqh) in al-Andalus in the 5th/11th century. Ibn al-Ṭallā'enjoyed academic freedom amidst political and identity chaos at that time. With such chaos, views of non-Mālikī Islamic scholars were more numerous and they were getting freedom of expression. Hence, he was welcome to depart from Mālikī orthodoxy by quoting opinions from other schools and comparing them. The combination of fiqh and hadith sources, as well as the combination of the opinions of Mālik ibn Anas and other schools, became an achievement for Ibn al-Ṭallā'. This achievement went through several processes and stages, especially since the Mālikī school and *Muwaṭṭa'* still dominated since they became the official schools of the Umayyad dynasty in al-Andalus in the 2nd/8th century until the 3rd/9th century.
Keywords: Mālikī school; Ibn al-Ṭallā'; al-Andalus; *Aqḍiyah*; Andalusian hadith

Abstrak: *Kajian Muwaṭṭa' Mālik dan mazhab Mālikī mendominasi pada abad ke-2 H/ke-8 M hingga abad ke-3 H/ke-9 M di al-Andalus. Dua abad setelahnya, yaitu abad ke-4 H/ke-10 M hingga abad ke-5 H/ke-11 M, menandai kajian Muwaṭṭa' Mālik di al-Andalus yang mulai berkurang. Oleh karena itu, kajian abad ke-5 H/ke-11 M sangat penting untuk menggambarkan bagaimana transisi dari dominasi kitab Muwaṭṭa' Mālik menuju dominasi kitab selain Muwaṭṭa' Mālik di al-Andalus. Salah satunya adalah kajian yang dilakukan oleh Muḥammad bin Farj al-Qurṭubī al-Mālikī (w. 497/1104) yang terkenal dengan Ibn al-Ṭallā' dalam kitabnya, Aqḍiyat Rasūl Allāh ṣallā Allāh 'alaihi wa sallam. Penelitian ini menggunakan pendekatan kualitatif pustaka dan analisis konten. Artikel ini akan membahas kritik Ibn al-Ṭallā' terhadap ortodoksi mazhab Mālikī dan kitab Muwaṭṭa' Mālik serta bagaimana proses rekonsiliasi hadis dan fikih di al-Andalus abad ke-5 H/ke-11 M di al-Andalus. Ibn al-Ṭallā' menikmati kebebasan akademik di tengah kekacauan politik dan identitas. Dengan adanya kekacauan tersebut, mazhab dan pandangan selain dari mazhab Mālikī lebih banyak dan lebih bebas untuk disuarakan. Oleh karena itu, ia lebih bebas untuk keluar dari ortodoksi Mālikī dengan mengutip sebanyak mungkin dan membandingkan dengan mazhab selain Mālikī. Perpaduan sumber fikih dan hadis, serta kombinasi pendapat Mālik bin Anas dan mazhab lainnya, menjadi sebuah capaian bagi Ibn al-Ṭallā'. Capaian tersebut melalui beberapa proses dan*

tahapan, terlebih mazhab Mālikī dan Muwaṭṭa' masih mendominasi sejak menjadi mazhab resmi dinasti Umayyah di al-Andalus pada abad ke-2 H/ke-8 M hingga abad ke-3 H/ke-9 M.
Kata Kunci: *mazhad Mālikī, Ibn al-Ṭallā', al-Andalus, Aqḍiyah, hadith al-Andalus*

INTRODUCTION

Hadith discourse in al-Andalus from the 2nd/8th century to the 3rd/9th century was dominated by Mālikī school and *Muwaṭṭa' Mālik*. They had the slogan "*lā na'rif illā kitāb Allāh wa Muwaṭṭa' Mālik*" (we do not know any sources in Islam but the Qur'an and *Muwaṭṭa' Mālik*) (al-Maqdisī, 1991, p. 236). With this slogan, the people of al-Andalus had the perspective that the most correct and valid book after the Qur'an was *Muwaṭṭa' Mālik*. This perspective is different from the people of Masyriq who said that "*aṣaḥḥ al-kutub ba'da kitāb Allāh Ṣaḥīḥ al-Bukhārī*" (the most correct and valid book after the Quran is *Ṣaḥīḥ al-Bukhārī*) (al-Syahrazūrī, 1986, pp. 17–18). This difference happened because the people of al-Andalus were influenced by the spread of the Mālikī school and the use of *Muwaṭṭa' Mālik* as an important book for the guidance of government and society.

Muwaṭṭa' Mālik became a book of hadith and Islamic jurisprudence (fiqh) at the same time (*kitāb ḥadīth wa fiqh*) and includes the main ijtihad in the Mālikī school (al-Dihlawī, 2005, vol. I: 231). In addition, Mālikī school in al-Andalus reproduced many of the opinions of their predecessors. They are also considered to have manipulated the opinions of their predecessors in order to build a case in favor of the desired rule. This was related to the changing legal and political environment in al-Andalus such that fatwas were a performance of the muftis such as Abū Isḥāq al-Syāṭibī (d. 790/1388), the Tunisian mufti Abū 'Abd Allāh Muḥammad al-Māzarī (d. 536/1141), and the mufti 'Alī bin 'Abd al-Salām al-Tasūlī (Hendrickson, 2013). Only few of the Mālikī scholars performed ijtihad and produced new products. In addition, they were unwilling to accept books other than *Muwaṭṭa' Mālik* such as Aṣbagh bin Khalīl (d. 273/886) who said "*my storeroom is better filled with pig heads than Musnad Ibn Abī Syaibah.*" The books by Abū Bakr bin Abī Syaibah, known as Ibn Abī Syaibah (d. 235/850) and other books which certainly contain opinions from non-Mālikīs, were avoided by the scholars of al-Andalus.

This avoidance was to maintain the authority and permanence of the Mālikī school, the validity of *Muwaṭṭa' Mālik* and in response to the development of the Ḥanafī school and *Ṣaḥīḥ al-Bukhārī* in Masyriq. The competition between the Maghrib, particularly al-Andalus, and the Masyriq resulted in several standards, methods and characteristics, and characterized the independence and creativity of each region, such as standards on the authenticity of hadith. Even individual scholars have their own measures in assessing the authenticity of hadith (Ghani et al., 2019). Aḥmad bin Muḥammad al-Tilimsānī, known as al-Maqqarī (1041/1631), said on the great works in al-Andalus "*wa ullifat fī 'indanā ta'ālīf fī ghāyah al-ḥusn*" (and our scholars [in al-Andalus] authored many of the most excellent books). He compares Baqī bin Makhlad's (d. 276/889) tafseer with no rival in any region, including the work of Muḥammad bin Jarīr al-Ṭabarī (d. 310/923)(al-Maqqarī, 1997, vol. III: 167). Furthermore, in al-Andalus itself, the development of hadith was dominated by *Muwaṭṭa' Mālik* with its *rijāl, ma'ānī* and other studies. The understanding of hadith (*fiqh al-ḥadiṡ*) focused on *tafsīr (*interpretation of hadith), *dicta responsa* (question and answer) which is containing Mālik ibn Anas' answers to his students' questions and several other books by Mālikī schoolars such as *al-Mudawwanah* (Akmaluddin, 2015).

Muwaṭṭa' Mālik studies in al-Andalus dominated in the 2nd/ 8th century to the 3rd/ 9th century which was divided into 13 studies (68.42%), and decreased in the 4th/10th century

with 20 studies (40.82%). Next, in the 5th/11th century, the quantity of *Muwaṭṭa' Mālik* studies increased to 24 studies, but in percentage it continued to decline (38.1%). This descending trend was due to several issues such as the struggle of non-Mālikī scholars against the orthodoxy of Mālikī scholars, the permission of the government on spreading of the Mālikī school and *riḥlah 'ilmiyyah* (intellectual travel) to some areas dominated by non-Mālikīs. The fifth/eleventh century marked the position of *Muwaṭṭa' Mālik.* This is because the study of *Muwaṭṭa' Mālik* in the sixth /twelfth began to decline drastically (Akmaluddin, 2021, p. 226).

In the 6th/12th century, the number of *Muwaṭṭa' Mālik* studies became 14 studies (15.73) and continued its downward trend in the 7th/13th century to 6 studies (9.52%). Next, the 8th/14th century and the 9th/15th century marked the disappearance of *Muwaṭṭa' Mālik studies* in al- Andalus (Akmaluddin, 2021, p. 226). Therefore, the 5th/11th century is very important to illustrate how the transition from the dominance of *Muwaṭṭa' Mālik* to the dominance of other books in al-Andalus. One such study was conducted by Muḥammad bin Farj al-Qurṭubī al-Mālikī (d. 497/1104), known as Ibn al-Ṭallā' in his book, *Aqḍiyat Rasūl Allāh ṣallā Allāh 'alaihi wa sallam*.

Some articles on Ibn al-Ṭallā'include Maribel Fierro's "La Fahrasa de Ibn al-Ṭallā'" in *Estudios Onomástico-Biográficos de al-Andalus* which in this article Fierro explains sources of Ibn al-Ṭallā'and history in his book, *Aqḍiyat Rasūl Allāh ṣallā Allāh 'alaihi wa sallam.* Fierro says that there are 38 known works by Ibn al-Ṭallā', with the histories of 25 works that was still extant and possible to be partially reconstructed as his *Fahrasah*. Next, the transmission of Ibn al-Ṭallā'on *Muwatta'*, *Mudawwanah*, and *Sunan of al-Nasā'ī* is so important because it appears consistently in the narratives of his books. Ibn al-Ṭallā' reconciled Mālik's fiqh and hadith and had a narration from Muḥammad b. Husayn al-Ājurrī (d. 360/970), a jurist and hadith scholar from the Shāfi'ī school. This shows that the Mālikī school in al- Andalus had begun to absorb the doctrine of *uṣūl al-fiqh* formulated by Muḥammad b. Idrīs al-Syāfi'ī (d. 204/820) in the 5th/11th century (Fierro, 1989a). howver, in this article, Fierro focuses on reconstruction of Ibn al-Ṭallā' in his *Fahrasah* and has not discussed the critique of Mālikī orthodoxy.

In another article, *Why and What Did Legal Scholars Write in Medieval Islamic Societies?*, Fierro also writes briefly about Ibn al-Ṭallā' on how he wrote *Aqḍiyat Rasūl Allāh ṣallallāh 'alaihi wa sallam,* the sources used, the reasons for writing the book and how it was identified by book indexers such as Ḥajjī Khalifah in *Kasyf al-Ẓunūn 'an Asāmī al-Kutub wa* al-Funūn (Khalīfah, 1941), and Ismāʿīl Bāsyā al-Baghdādī, in *Hadiyyat al-ʿĀrifīn: Asmā' al-Mu'allifīn wa Āṡār al-Muṣannifīn* (al-Baghdādī, 1951). Moreover, Fierro also explains that there are several books on *aqḍiyah* that received more commentary from Ibn al-Ṭallā' such as *Kitāb Aqḍiyat Rasūl Allāh* written by the Ḥanafī scholar Ẓāhir al-Dīn ʿAlī ibn ʿAbd al-ʿAzīz al-Marghinānī (d. 506/1112) (Fierro, 2021). This article further writes about the development of fiqh studies in al-Andalus, and does not discuss much about book of Ibn al-Ṭallā'.

In *How Do We Know about the Circulation of Books in al-Andalus? The Case of al-Bakrī's Kitāb al-Anwār*, Fierro revealed that scholars in al-Andalus had to act in different ways on books they disliked as a form of censorship and control of knowledge. For example, by destroying or burning books, deleting their contents and controlling access to writing a book of rejection of books they disliked, in short, they controlled the knowledge (Fierro, 2016).

Another article is opinion of Ibn al-Ṭallā' on jihad in al-Andalus. In *Adjihâd no extremo Sudoeste Peninsular. O recém- identificado Ribat da Arrifana (Século XII),* Rosa Varela Gomes and Mário Varela Gomes explain that Ibn al-Ṭallā'ordered Muslims to do jihad in al-

Andalus according to the Prophet's hadith. Jihad not only has an individual dimension, while instilling and developing the faith of every believer, but it is also a collective obligation, in an effort to expand Islam among territories and populations considered as enemies, as well as legitimizing war (Gomes & Gomes, 2003).

There are more than 100 Mālikī scholars, writers, and jurists mentioned in the studies on marriage and divorce, and except for two specific exceptions, none of them are identified. The first exception is the case of Ibn al-Ṭallā', about whom al-Sijilmāsī quotes a bibliographical note from Ibn Farḥūn's *al-Dībāj*. The second is al-Maknāsī who was a judge in Fes for thirty years. However, according to Henry Toledano in *Sijilmâsî's Manual of Maghribî 'amal, al-'Amal al-Muṭlaq: A Preliminary Examination*, authority of Ibn al-Ṭallā' must be identified because of the peculiarities of the practice involved in his opinions (Toledano, 1974).

The interpretation of the Mālikī scholars in al-Andalus is that the sharia must be adapted to the local environment, just as zakat on tin fruits is obligatory as on dates because they are a staple food. According to Dutton in *The Origins of Islamic Law: The Qur'an, the Muwaṭṭa' and Madinan 'Amal,* the Mālikī scholars' opinion adapted to the circumstances in al-Andalus so that it was easier to be practiced and understood (Dutton, 1999). This was also done by 'Abd al-Malik bin Ḥabīb (d. 238/853) in al-Andalus in the 2nd/8th century when adapting terms in hadith into Andalusian terms. The relation between the power of the Mâlik school of thought and local knowledge in the epistemology of explanation of hadith (*syarḥ al-ḥadīṡ*) is productive, namely producing practical and pragmatic knowledge of the people in al-Andalus. This was mentioned in the article of Akmaluddin, *The Epistemology of Sharḥ Hadith in Al-Andalus in the Second to the Third Century AH: A Book Study of Tafsîr Gharîb Almuwaṭṭa by 'Abd Al-Malik bin Ḥabîb* (Akmaluddin, 2018).

From the recent studies above, there is no specific study on criticism of Ibn al-Ṭallā' on the orthodoxy and dominance of the Mālikī school and *Muwaṭṭa' Mālik;* and how the process of reconciliation of hadith and fiqh in al-Andalus in the 5th/ 11th century. Therefore, this article will discuss how was the critique of Ibn al-Ṭallā' on the orthodoxy of Mālikī school and *Muwaṭṭa' Mālik* and how was the process of reconciling hadith and jurisprudence in the 5th/ 11th century in al-Andalus. The offers of Ibn al-Ṭallā' on reconciliation would influence his students and those who came after him, such as Muḥammad bin Aḥmad bin Rusyd al-Qurṭubī (d. 520/1126), known as Ibn Rusyd al-Jadd, the author of *al-Bayān wa al-Taḥṣīl wa al-Syarḥ wa al-Taujīh wa al-Ta'līl li Masā'il al-Mustakhrajah*. Moreover, Ibn Rushd al-Jadd was the grandfather of Muḥammad bin Aḥmad bin Muḥammad bin Rushd al-Qurṭubī, known as Ibn Rushd al-Ḥafīd (d. 595/1198), an Andalusian philosopher and author of *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid* and several other books.

This paper will provide the process of the transition from orthodoxy to heterodoxy in the study of hadith in al-Andalus as well as the process of reconciliation between hadith and fiqh sources from several legal schools (*mażāhib*). This is because the 2nd/8th century to the 3rd/9th century was dominated by only one school of jurisprudence and one book of hadith, namely Mālikī school and *Muwaṭṭa' Mālik*. The works and thoughts of Ibn al-Ṭallā'corroborate the process of attempting to diversify knowledge and schools of thought in the 4th/10th century by scholars of that period.

METHOD

This research uses a qualitative approach with literary studies on sources related to Ibn

al-Ṭallā'. The used sources include Ibn al-Ṭallā''s own works, biographical books and existing literature on al-Andalus such as Ibn al-Faraḍī's *Tārīkh 'Ulāmā' al-Andalus*, Ibn Basykuwāl's *al-Ṣilah fī Tārīkh A'immat al-Andalus*, *Estudios Onomástico-Biográficos de al-Andalus* and *Prosopografía de Los Ulemas de Al-Andalus*. Data were collected by identifying the various references Ibn al-Ṭallā' used, especially those that differed from Mālikī school and *Muwaṭṭa' Mālik*.

These diverse data from Ibn al-Ṭallā' are analyzed by looking at the relationship between power and knowledge, the historical, social and political background, and the relationship between the schools of hadith and fiqh in al-Andalus and their rivalry. In addition, data on al-Andalus studies, scholarly genealogies and hadith discourses in Masyriq and Maghrib are also reviewed in this paper. After obtaining data from these sources, this paper elaborates on the position of Ibn al-Ṭallā'who diversified his sources and references in the midst of the al-Andalus society that still employs both the Mālikī school and *Muwaṭṭa' Mālik* as the main and only reference.

RESULTS AND DISCUSSION

Biography of Ibn al-Ṭallā'

Abū 'Abd Allāh Muḥammad bin Farj al-Qurṭubī, known as Ibn al-Ṭallā', was born in late Zulkaidah 404 AH/early June 1014 CE. He was a mufti and hadith expert in al-Andalus. His teachers were Yūnus bin 'Abd Allāh al-Qāḍī, Makkī bin Abī Ṭālib, Abū 'Abd Allāh bin 'Ābid, Ḥātim bin Muḥammad, Abū 'Alī al-Ḥaddād al-Andalusī, Abū 'Amr al-Mursyānī, Mu'āwiyah bin Muḥammad al-'Uqailī, and Abū 'Amr bin al-Qaṭṭān. His students were 'Alī bin Hunain, Muḥammad bin 'Abd Allāh bin Khalīl, Ibn Rushd al-Jadd and others (al-Żahabī, 2003, vol. X: 797; Ibn Basykuwāl, 1955, pp. 534–535; Ruano, 2013).

Ibn al-Ṭallā' was a scholar who specialized in fiqh, fatwa, discussion, prayer leader in Córdoba, and narrating hadith. Besides *Muwaṭṭa' Mālik,* he narrated several other books such as *Sunan al-Nasā'ī, al-Mudawwanah* and also another books. Ibn al-Ṭallā' had a high sanad (*al-isnād al-'ālī*) in the narration of *Muwaṭṭa' Mālik,* which caused many scholars narrated directly from him. When al-Murābiṭūn took control of al-Andalus, Ibn al-Ṭallā' was removed from the position of mufti and did not give fatwas until he died on 13 Rajab 497 AH/ 11 April 1104 CE. He was buried in the al-'Abbās cemetery complex (al-Żahabī, 2003, vol. X: 797; Escuela de Estudios Árabes, 2023).

The name al-Ṭallā' comes from his father's employer, Muḥammad bin Yaḥyā al-Bakrī al-Ṭallā'. Later he gave his name as Ibn al-Ṭallā'. His works include the book on *al-Syurūṭ, al-I'lām fī Mā yajib 'alā al-Anām min Ma'rifat Maulid al-Muṣṭafā 'alaihi al-Salām, al-Luma' al-Lu'lu'iyyah fī Syarḥ al-Qaṣīdah al-Fāzāziyyah* and *al-Tiżkār fī Afḍal al-Ażkār fī Faḍā'il Qirā'at al-Qur'ān, Bulghat al-Musta'jil* and *Aqḍiyat Rasūl Allāh ṣallā Allāh 'alaihi wa sallam* (al-Ziriklī, 2002, vol. VI: 328; Ballūṭ & Ballūṭ, 2001, vol. IV: 3029; IV: 2555; Khalīfah, 1941, vol. I: 81, 252). *Aqḍiyat Rasūl Allāh ṣallā Allāh 'alaihi wa sallam* is one of Ibn al-Ṭallā''s books that discusses some of the rulings (*qaḍā'*) of the Prophet based on hadith, fiqh and the opinions of scholars, either orally or written in their works.

On *Aqḍiyah Rasūl Allāh ṣallā Allāh 'alaihi wa sallam*

The compilation of *Aqḍiyah Rasūl Allāh ṣallallāh 'alaihi wa sallam* (Judgments of the Messenger of *Allāh ṣallallāh 'alaihi wa sallam*) is based on the importance of a person who applies the law based on Allah's command in the Quran, the decree of the Prophet, the consensus of scholars, or the evidence of one of these three bases. The book contains

judgments from the Prophet, or his commands on such judgments. He also mentions the common ground between al-Syāfi'ī and Mālik that a judge should not rule unless he knows hadith and fiqh at the same time, and also he is sensible and cautious or *wirā'ī* (Ibn al-Ṭallā', 2006, p. 7).

Ibn al-Ṭallā' wrote his *Aqḍiyah Rasūl Allāh ṣallā Allāh 'alaihi wa sallam* because he saw in *Musnad Ibn Abī Syāibah* that the chapter on *aqḍiyah* contained only a few decisions. Ibn al-Ṭallā' also said:

ورأيت فيما روى أبو محمد الباجي عن أحمد بن خالد عن ابن وضاح قال: سمعت أبا بكر بن أبي شيبة يقول: نظرنا فيما قضى فيه رسول الله صلى الله عليه وسلم، وأمر بالقضاء فيه فلم نجده إلا نحو مائة حديث. فرأيت أن أتتبع أقضيته صلى الله عليه وسلم تبركا بها ومحبة فيها، حرصا على الاقتداء بها، ووقوفا عند أوامره ونواهيه لقول الله تعالى: وَما آتاكُمُ الرَّسُولُ فَخُذُوهُ وَما نَهاكُمْ عَنْهُ فَانْتَهُوا، وقال الله تعالى :فَلْيَحْذَرِ الَّذِينَ يُخالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذابٌ أَلِيمٌ (Ibn al-Ṭallā', 2006, p. 148)

"I saw the narration of Abū Muḥammad (Sulaimān bin Khalaf) al-Bājī (d. 474/1081) from Aḥmad bin Khālid from Ibn Waḍḍāh (d. 286/899) saying: "I heard Abū Bakr bin Shaibah say: We saw the judgment of the Messenger of Allah (may Allah's peace and blessings be upon him) and the order of the Messenger of Allah (may Allah's peace and blessings be upon him) concerning that judgments. We found nothing but a few hundred hadiths." So, I will proceed with the judgments of the Messenger of Allah (may Allah's peace and blessings be upon him), hoping for the blessing and love of the Messenger of Allah (may Allah's peace and blessings be upon him) for that judgments, wanting to follow the Messenger of Allah (may Allah's peace and blessings be upon him) for that decision, and knowing the commands and prohibitions of the Messenger of Allah (may Allah's peace and blessings be upon him) because Allah says: "*Whatever the Messenger gives you, take it. And whatever he forbids you from, leave it*" (al-Hasyr: 7). Allah also says: "*So let those who disobey his orders beware, for an affliction may befall them, or a painful torment may overtake them*" (al-Nūr: 63)."

Aqḍiyah Rasūl Allāh ṣallā Allāh 'alaihi wa sallam consists of eight parts: an introduction, a book of jihad, a book of marriage, a book of divorce, a book of buying and selling, a book of judgment, a book of wills, and a conclusion. Several sources for the *Aqḍiyah Rasūl Allāh ṣallā Allāh 'alaihi wa sallam* are mentioned by Ibn al-Ṭallā' in his epilogue. These sources include *Muwaṭṭa' Mālik, Tafsīr Yaḥyā bin Sallām, Ma'ānī al-Zajjāj, Ma'ānī al-Naḥḥās, Ma'ānī al-Miḍal, al-Aḥkām* by Ismā'īl al-Qāḍī, *al-Hidāyah* by al-Makkī, *Ṣaḥīḥ al-Bukhārī, Ṣaḥīḥ Muslim, Muṣannaf 'Abd al-Razzāq, Muṣannaf Abī Dāwūd, Muṣannaf al-Nasā'ī, Musnad Ibn Abī Shibah, Musnad al-Bazzār, Sīrah Ibn Hisyām,* and so on. He counted 34 books as primary references in his book (Ibn al-Ṭallā', 2006, p. 148).

From the references cited by al-Ṭallā', there are seven categories of references. *First* is hadith books such as *Muwaṭṭa' Mālik* by Mālik bin Anas (w. 179/795), *Ṣaḥīḥ al-Bukhārī* by Muḥammad bin Ismā'īl al-Bukhārī, *Ṣaḥīḥ Muslim* by Muslim bin al-Ḥajjāj al-Nīsābūrī, *Muṣannaf 'Abd* al-Razzāq by 'Abd al-Razzāq bin Hammām al-Ṣan'ānī (d. 211/827), *Muṣannaf Abī Dāwūd* by Abū Dāwūd Sulaimān bin al-Asy'aṡ al-Sijistānī (d. 275/889), *Muṣannaf al-Nasā'ī* by Aḥmad bin Syu'aib al-Nasā'ī (w. 303/905), *Musnad Ibn Abī Syaibah* by Abu Bakr bin Abī Syaibah, *Musnad al-Bazzār* by Aḥmad bin 'Amr al-Bazzār (d. 292/905) and others. *Second*, books of sirah such as *Sīrah Ibn Hisyām* by 'Abd al-Malik bin Hisyām al-Ma'āfirī (d. 213/828),

Syaraf al-Musṭafā by ‘Abd al-Malik bin Muḥammad al-Nīsābūrī (d. 401/1010), *Sīrah Ibn Isḥāq* by Muḥammad bin Isḥāq al-Muṭṭalibī (d. 151/768), and others. In addition to the primary books, he also used some secondary books to complement and supplement the information in his books such as *al-Tamhīd, Kitāb al-Ṣaḥābah* and others (Ibn al-Ṭallā‘, 2006, p. 12).

Third, dictionaries such as *Gharīb al-Ḥadīṡ* by Abū ‘Ubaid al-Qāsim bin Sallām (d. 224/838). *Fourth,* books with fiqh themes such as *al-Mudawwanah* which contains questions and answers to Mālik bin Anas, *al-Mustakhrajah* by Muḥammad bin Aḥmad al-’Utbī (d. 255/868), and others. *Fifth, tafsīr* such as *Tafsīr Yaḥyā bin Sallām, Ma’ānī al-Qur’ān* by Ibrāhīm al-Sirrī al-Zajjāj (d. 311/923), *Ma’ānī al-Qur’ān* by Aḥmad bin Muḥammad al-Naḥḥās (d. 338/950), *al-Aḥkām* by Ismā’īl bin Isḥāq al-Qāḍī (d. 282/896). *Sixth,* hadith commentaries such as *Tafsīr Muwaṭṭa’ Mālik* by Yaḥyā bin Ibrāhīm Ibn Mazīn (d. 260/873), *al-Tamhīd li Mā fī al-Muwaṭṭa’ min al-Ma’ānī wa al-Asānīd* by Yūsuf bin ‘Abd Allāh bin ‘Abd al-Barr (d. 463/1071) and others. *Seventh,* biographical books such as *Kitāb al-Ṣaḥābah* by Sa’īd bin ‘Uśmān Ibn al-Sakan (d. 353/964). *Last,* historical books such as *al-Tārīkh al-Kabīr* by Abū Bakr Aḥmad bin Abī Khaiśamah (d. 279/892) (Ibn al-Ṭallā‘, 2006, p. 16).

In addition to mentioning primary reference sources, Ibn al-Ṭallā‘ also wrote the genealogy of his narration to the author of the book. Among them is narration line of Ibn al-Ṭallā‘ that reaches Mālik, al-Nasā’ī, al-Bukhārī, Muslim, Abū Dāwūd, ‘Abd al-Razzāq, Ibn Abī Shibah, al-Bazzār, Ibn Hisyām, al-Zajjāj, al-Naḥḥās, al-Qāḍī Ismā’īl, Muḥammad bin al-Qāsim Ibn Sya‘bān al-Qirṭī (w. 355/966), Saḥnūn ‘Abd al-Salām bin Sa’īd (d. 240/854), al-’Utbī, ‘Abd Allāh bin Muḥammad Ibn Abī Zayd (d. 386/996), Ibn Abī Khaythamah, Ḥamd bin Muḥammad al-Khaṭṭābī (d. 388/988) and ‘Abd al-Malik bin Ḥabīb (d. 238/853) (Ibn al-Ṭallā‘, 2006, pp. 148–150).

The methods of *Aqḍiya* writing

In his books, Ibn al-Ṭallā‘ usually mentions the book he used before mentioning a narration or opinion. After that, he then mentioned another hadith and corroborated it with the other hadith book. For example, in the discussion of the chapter *bāb kaifa yusāq al-qātil ilā al-sulṭān wa kaifa yuqarriruhū ‘alā al-qatl* (how the murderer is reported to the caliph and how he is determined for the murder), Ibn al-Ṭallā‘ quotes a tradition from *Ṣaḥīḥ Muslim,* followed by another similar hadith and a hadith from *Musnad Ibn Abī Syaibah* and then corroborated with *Sīrah Ibn Isḥāq* (Ibn al-Ṭallā‘, 2006, pp. 11–12).

He also sometimes commented on the hadith by explaining some of the opinions in it. In the chapter *ḥukm Rasūl Allāh ṣallā Allāh ‘alaihi wa sallama fī man qatala aḥadan bi ḥajar* (the ruling of the Messenger of Allah (may Allah’s peace and blessings be upon him) on those who kill with stones, he said:

في هذا الحديث من الفقه أن يقتل القاتل بمثل ما قتل من حجر أو عصا أو خنق أو شبهه وهو قول مالك، بخلاف قول أهل العراق الذين يقولون: لا قود إلا بحديدة. وفيه أن الإشارة المفهومة كالكلام، وفيه أن يقتل الرجل بالمرأة (Ibn al-Ṭallā‘, 2006, p. 13)

“In this Hadīth (narrated by al-Bukhārī from Anas bin Mālik about a Jew who killed a slave girl) there is an understanding (*fiqh*) that a murderer is killed in the same way, namely with stones, sticks, strangulation and others according to the opinion of Mālik. This is different from the opinion of the Iraqis (especially the Hanafī school) who say that nothing

can be used except a sharp tool, and in the sign that is understood is like *kalām* (the Prophet's command). With this, a man can also be killed for killing a woman."

The fiqh method of some hadith used by Ibn al-Ṭallā' is also used in some other chapters, such as the chapter on the Prophet's judgment on the oath (*qasāmah)* of the unknown killer (Ibn al-Ṭallā', 2006, pp. 15–16). Opinions of Ibn al-Ṭallā' before also shows that he compared the *mażāhib*, especially the Ḥijāzī (Mālikī) and 'Irāqī (Ḥanafī and his followers like Syāfi'ī). These two schools are the major schools in the history of Islam, especially with regard to fiqh and hadith. He also quotes from Mālik bin Anas, the founder of the school he follows. He also quotes Mālik bin Anas who said that the person who will meet Allah without having the sin of killing people will feel light and will not have a big responsibility (Ibn al-Ṭallā', 2006, p. 8).

In addition, he also criticized the narrator. For example, he discussed the narration of whether the Messenger of Allah and Abū Bakr had imprisoned someone or not. In this narration, there is a narrator named Bahz bin Hakīm whom he considers as *majhūl* (unknown) according to some scholars. However, he says that al-Bukhārī included him in the chapter on ablution, which shows that Bahz bin Hakīm is not *majhūl*, but ma'*rūf*.

He also explains some of the *mubham* names (which are vague or not mentioned in the hadith) such as in the cause of the hadith (*asbāb al-wurūd*) about the case of a woman who killed a woman, both of whom were from the Banū Hużail (Ibn al-Ṭallā', 2006, pp. 13–14). Several traditions, with their various versions of *isnād* and *matn*, as well as additional narrations, are presented to derive the understanding (*fiqh*) of the case (Ibn al-Ṭallā', 2006, pp. 15–16; 19).

Reconciling Islamic Jurisprudence and Hadith

Various references on work of Ibn al-Ṭallā' show how fiqh and hadith began to be reconciled. The reconciliation of the two disciplines was considered important because both of them, either in Masyriq or Maghrib, were in binary opposition (al-Ghazālī, 1989; Lévi-Provençal, 1989). (al-Ghazālī, 1989; Lévi-Provençal, 1986; Miquel, 1991). If hadith scholars such as those in Medina prioritize hadith reports and their authenticity, then jurists, who are synonymous with *ra'yu* (opinion) scholars in Iraq, make little use of hadith and create many branches from branches (*tafrī' al-furū'*) (al-Qaṭṭān, 2001, pp. 289–294).

There was a conflict between the hadith and fiqh scholars in Masyriq. The case in al-Andalus was the same but in a different form. The hadith scholars in al-Andalus made more use of the *ra'yu* of their predecessors despite using *Muwaṭṭa' Mālik* as their main text. On other side, the jurists used more hadith books other than *Muwaṭṭa' Mālik,* despite using *ra'yu* in their ijtihad. In this intellectual battle, the school that considered themselves as hadith scholars and used *ra'yu* (the Mālikī school), emerged victorious in al-Andalus (Akmaluddin, 2021, pp. 136–137).

This victory was expressed by the banning of hadith books other than *Muwaṭṭa' Mālik,* as well as fiqh books other than the Mālikī school (Fierro, 2016) Jurists in al-Andalus were forced to integrate theory with practical reality, the principles of *syara'* and the daily needs of a particular society as well as the individual (Sanjuán, 2006, pp. 346–347) Some scholars who tried to bring hadith books such as *Muṣannaf Ibn Abī Syaibah* or fiqh books such as the Ḥanafī school were banned by local ruling authorities and scholars (Lucas, 2008). In this case, Muḥammad bin Aḥmad al-Maqdisī (d. 380/990) said that "*fa in ẓaharū 'alā Ḥanafīyyin*

au Syāfi'iyyin nafauhu" (if they (the people of al-Andalus) saw a follower of the Ḥanafī or Syāfi'ī school, they would drive him away) (al-Maqdisī, 1991, p. 236).

Therefore, the emergence and integration of fiqh and hadith sources as well as the opinions of Mālik ibn Anas and other schools is an achievement for Ibn al-Ṭallā'. This achievement certainly did not come suddenly, especially since the Mālikī school and *Muwaṭṭa' Mālik* still dominated since it became the official school of the Umayyad dynasty in al-Andalus in the 2nd/8 century until 3rd/9th century. There are two factors led to Ibn al-Ṭallā' in that achievement: *first,* the decline of various dominations (network, symbolic, institutional and religious dominations) at the beginning of the 4th/10th century; *second* the resistance of Mālikī domination by Baqī b. Makhlad (d. 276/889) who carried on the Syāfi'ī tradition and preferred to narrate *Muwaṭṭa' Mālik* from Abū Muṣ'ab and Ibn Bukair rather than Yaḥyā bi Yaḥyā al-Laiṡī(Fierro, 1989b), and the permissibility of schools other than the Mālikī school and books other than *Muwaṭṭa' Mālik* by the Umayyad emir Muḥammad bin 'Abd al- Raḥmān (d. 272/886) (Akmaluddin, 2021, pp. 151–158; Raisuddin, 1991).

Critique of Mālikī School's Orthodoxy

Ibn al-Ṭallā' lived during the reign of the Umayyad dynasty in al-Andalus until its last caliph, Hisyām bim Muḥammad al-Mu'tadd (reigned from 418/1027 to 422/1031) (Bosworth, 1980, pp. 11–13). Next, after the Umayyads, the existed dynasty in al-Andalus was *mulūk al-ṭawā'if* (small kingdoms or *reinos de taifas*) due to the minister Abū al-Ḥazm Jahwar bin Muḥammad bin Jahwar (w. 435/1043) who is being unable to control all of al-Andalus. Hence, 'Inān calls Córdoba at that time as region "*dūna khilāfah wa dūna ḥukūmah"* (without leadership and law) ('Inān, 1997, p. II: 20).

Thus, in Córdoba, the ruling government was the Jahwarī dynasty (ruling from 422/1031 to 461/1069), then conquered by the 'Abbādī dynasty (ruling from 461/1069 to 484/1091) and then conquered by the Murābiṭūn dynasty, which entered and controlled al-Andalus from 479/1086 (Bosworth, 1980, pp. 14–17; 28–29; 'Inān, 1997, p. II: 20) From these data, the book of *Aqḍiyah Rasūl Allāh ṣallā Allāh 'alaihi wa sallam was* probably composed when the Jahwarī dynasty was in power. The Jahwarī dynasty embraced an ideology similar to today's democracy. Al-Sirjānī says that Abū al-Ḥazm Ibn Jahwar established a cabinet deliberation council (*majlis syūrī wizārī*) consisting of ministers, experts in *ra'yu,* experts in deliberation and experts in leadership. The various policies he implemented were based on the decisions of the council (al-Sirjānī, 2011, p. 329).

Based on this deliberative system, it is likely that Ibn al-Ṭallā' enjoyed academic freedom amidst political and identity chaos. With such chaos, views of non-Mālikī Islamic scholars were more numerous and they were getting freedom of expression. Hence, he was welcome to depart from Mālikī orthodoxy by quoting opinions from other schools and comparing them. Despite being of the Mālikī follower, Ibn al-Ṭallā' took a lot of knowledge and adopted it from other Mālikī school. This is in contrast to Mālikī scholars of the 3rd/9th century such as Aṣbagh bin Khalīl who strongly rejected schools other than Mālikī (*muta'aṣṣib li ra'y aṣḥāb Mālik ... syadīd al-ta'aṣṣub li al-ra'y*) (Ibn al-Faraḍī, 2008, p. I: 129-131).

Ibn al-Ṭallā''s criticism of the Mālikī school includes the Prophet's judgment on the oath (*qasāmah*) of an unknown killer in the murder of a slave girl. Ibn al-Ṭallā' said (Ibn al-Ṭallā', 2006, pp. 15–16):

"In this Hadīth (narrated by al-Bukhārī from Anas bin Mālik about a Jew who killed a slave girl) there is an understanding (*fiqh*) that a murderer is killed in the same way, namely

with stones, sticks, strangulation and others according to the opinion of Mālik. This is different from the opinion of the Iraqis (especially the Hanafī school) who say that nothing can be used except a sharp tool, and in the sign that is understood is like *kalām* (the Prophet's command). With this, a man can also be killed for killing a woman."

The use of Ibn al-Ṭallā'on *qiyās* in the Prophet's judgment above is evidence that he is no longer fanatically and orthodoxly bound to the Mālikī school. He put forward several opinions of other schools and tended to agree with them. The change of view, diversification of knowledge and dialog with the world outside the Mālikī school is one of the hallmarks of writings of Ibn al-Ṭallā'.

Acculturation of Masyriq and Maghrib

According to Maribel Fierro, the development of the integration of hadith science in the Mālikī school and the challenge of Zahirism (in the 5th/11th century) occurred in al-Andalus (Fierro, 2011). In addition, this century is considered by Khalil Masud as the consolidation period (from 404/1013 - 626/1228) for the Mālikī school in al-Andalus (Masud, 1991). Thus, both agree that the 5th /11th century was the end of the orthodoxy and dominance of the Mālikī school. However, in the case of Ibn al-Ṭallā', what actually happened there was not only the integration of hadith science in the Mālikī school and the consolidation of the school, but also acculturation.

There was an acculturation of knowledge between Masyriq and Maghrib in the case of Ibn al- Ṭallā'. For example, Ibn al-Ṭallā' studied with Ḥātim bin Muḥammad al-Qurṭubī (d. 469/1076), known as Ibn al-Ṭarābulusī. He took the line of transmission of *Musnad Ibn Abī Syaibah* from Ibn al- Ṭarābulusī·(Ibn al-Ṭallā', 2006, p. 149) Ibn al-Ṭarābulusī himself came from Tripoli, Lebanon (in the Sham at that time), and traveled scientifically (*riḥlah 'ilmiyyah*) for pilgrimage (*ḥajj*) and narrated *Ṣaḥīḥ Muslim* and went to Egypt (Sanni, 1995). Later he studied fiqh in Qairawān, and entered al-Andalus with much knowledge from Masyriq. He settled in Toledo, and was offered a judgeship in Córdoba, but he declined it. (al-Żahabī, 2003, vol. X: 275). There were ideological relations between the inhabitants of al-Andalus and Qairawān and some of the scholars and students who had visited the center of Qairawān's thought. The two regions influence each other and share in the thinking. Furthermore, Qairawān became a long history for the enrichment of the academic movement for the Maghrib, especially al-Andalus (al-Ṣabbāgh, 2011).

In addition, Ibn al-Ṭallā' also took a narration from Makkī bin Abī Ṭālib (d. 437/1045), who traveled to Masyriq and brought the various knowledge available there (Ibn Basykuwāl, 1955, pp. 597–599). From Makkī bin Abī Ṭālib, Ibn al-Ṭallā' narrated *Ṣaḥīḥ Muslim* and *al-Wāḍiḥah* by 'Abd al-Malik bin Ḥabīb. This shows that the fusion of scholars from Masyriq and Maghrib was successful in work of Ibn al-Ṭallā'. This fusion is a form of peace between the previous rivalry between Masyriq and Maghrib to catch up and surpass each other (Chejne, 1974, P. 148). A study of 'Abd al-Malik bin Habīb's *al-Wāḍiḥah* showed that he did not make extensive use of *isnād* in his work. Some traditions do not even have *isnād at* all. However, if traced back, the *isnād* can be found in other books of hadith. This also shows that according to the followers of the Mālikī school, the *dicta* (main points) of content is more important than the tradition itself (Brockopp, 1998).

Ibn al-Ṭallā' also took the opinions of scholars considered heterodox by Mālikī scholars such as opinion of 'Abd al-Malik bin Ḥabīb in *al-Wāḍiḥah* and *al-Nawādir* and non-Mālikī scholars such as Ibn Abī Syaibah, Baqī bin Makhlad. Ibn Abī Syaibah's works were banned in al-Andalus by the Mālikī scholars because they were considered to bring thoughts that

were not in accordance with the Mālikī school. With a variety of reference sources and plurality of thought, Ibn al-Ṭallā' indirectly provided the basis and role model for Ibn al-Rusyd al-Jadd in reconciling fiqh and hadith, especially in his book, *al-Bayān wa al-Taḥṣīl wa al-Sharḥ wa al-Taujīh wa al-Ta'līl li Masā'il al-Mustakhrajah*.

Ibn al-Ṭallā''s influence also led to the reform of the Mālikī school, which was followed by al-Qāḍī 'Iyāḍ bin Mūsā al-Yaḥṣubī (544/1149). Al-Qāḍī 'Iyāḍ composed and commented on books other than *Muwaṭṭa' Mālik.* He wrote *Ikmāl al-Mu'lim bi Fawā'id Muslim* which is an addition and improvement to the commentary on *Ṣaḥīḥ Muslim*, namely *al-Mu'lim bi Fawā'id Muslim* by Muḥammad bin 'Alī al-Māzirī (d. 536/1141). Al-Qāḍī 'Iyāḍ also wrote *al-Ilmā' ilā Ma'rifat Uṣūl al- Riwāyah wa Taqyīd al-Samā'*, which is a comparison between the standards and rules of validity of hadith narration in Masyriq and Maghrib, and between the Mālikī school and others.

CONCLUSION

A single and homogeneous opinion among Mālikī judges and jurists in the 2nd/8th century until 3rd/9th century was normal and legitimate. Hence, many resisted Mālikī dominance and cited books other than *Muwaṭṭa' Mālik.* Ibn al-Ṭallā' continued to resist the dominance and hegemony of *Muwaṭṭa' Mālik* in al-Andalus, which was started by Baqī bin Makhlad, 'Abd al-Malik bin Ḥabīb, al-Qāsim bin Ṡābit al-Saraqusṭī and others. By the 5th/11th century, the works in al-Andalus were again dominated by *Muwaṭṭa' Mālik,* but were also accompanied by quotations from *Ṣaḥīḥ al-Bukhārī, Ṣaḥīḥ Muslim, Sunan Abī Dāwūd, Musnad Ibn Abī Syaibah, Sunan al-Nasā'ī* and others. Mobilization and mobility factors (such as *riḥlah 'ilmiyyah* or *hajj* and hijra) determined and brought changes to al-Andalus' knowledge

Scholars who have made *riḥlah 'ilmiyyah* from al-Andalus to Masyriq and back again to al-Andalus or from Masyriq to al-Andalus brought the knowledge transfer and later form a new academic culture. Thus, this will bring more diverse and plural studies and is no longer dominated by a single discourse. Ibn al-Ṭallā''s reconciliation of jurisprudence and hadith in al-Andalus in the 5th/11th century illustrates that the two disciplines need and strengthen each other. Furthermore, fiqh and hadith should be integrated, not separated as happened in the early days of Islam in al-Andalus. In short, Ijtihad of Ibn al-Ṭallā'provided a new foundation and epistemology for people after him such as Ibn Rusyd al-Jadd who diversified knowledge and schools of thought in al-Andalus. Thus, the orthodoxy of the Mālikī school and *Muwaṭṭa' Mālik was* increasingly challenged and constructively responded to by other schools.

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