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Paths of Jurisprudential Reasoning in Resolving the Tension Between Legal Branches and Foundational Principles of the Mālikī School

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Abstract:

This article highlights the stages through which a hadith has passed: from the time of it being reported by Imam Mālik in the Muwatta', up until its presence in the Commentaries on the Abridged Works (Mukhtasaraat) following the consolidation of his school (madh-hab), and the interpretive processes it underwent in between. Beyond examining the specific issue, the reader is invited to reflect upon the insights recorded by eminent jurists and to benefit soundly from the diverse works of the Maliki tradition. The study further delineates the methodological paths of jurisprudential reasoning in reconciling apparent contradictions between subsidiary legal rulings and the foundational principles of the school, thereby preventing inconsistency. In doing so, it cautions against conclusions that may ultimately prove detrimental despite their initial appeal.

Keywords: Maliki legal principles, interpretation of opinions, contradiction, jurisprudential reasoning, Imam Mālik's transmission.

Introduction:

All praise is due to God, who has elevated the standards and symbols of knowledge, manifested the rites and rulings of the Sacred Law, and sent forth His messengers and prophets—may peace and blessings be upon them all—as guides to the paths of truth, and who placed scholars as their successors, calling to the traditions (Sunan) they established. I praise Him for granting success to whomever He wills among His servants in attaining deep understanding of religion in accordance with His will. I further invoke blessings and peace upon the noblest of His creation, Muhammad, the Master of the Messengers, who declared: “Whomever God intends good for, He grants him understanding in religion”; and upon his family and companions, for as long as the mindful remember and the heedless forget. To proceed:

The gradual progression in the paths of jurisprudential inquiry, and the writings of the virtuous masters in narrations and reports concerning preference and choice—such as giving precedence to what is found in the Mudawwana over what is contained in the Muwatta'—often involve a degree of affectation that leads to undue strain. Yet God Almighty said to His Messenger (peace be upon him): “Say: I ask of you no reward for this, nor am I one of those who feign” (Qur'ān, Ṣād 86). To the discerning reader, such elaborations may appear akin to some lean camel meat, placed atop a rugged mountain: it is neither easily accessible — so that one might climb to it — nor is it fat enough to be worth the journey. The path grows long, the terminology and rhetoric becomes expansive, and one encounters obscure words and meanings stranger still; yet upon reaching the end, one finds little of substance. As the saying goes: “You hear the noisy rumbling of the mill, but the flour is nowhere to be seen.”

In these pages, I present a representative example among many, illustrating the stages through which a particular ḥadīth passed: from when it was reported by Imām Mālik in the Muwatta', to its presence in the commentaries on the Abridged Works (Mukhtasaraat) after the consolidation of his school, and the various treatments it underwent in between. Beyond the study of the specific issue, the reader may gain insight into the sound methodology for benefiting from the diverse books of the Mālikī tradition. These notes have been supplemented with concise, verified doctrinal statements and

carefully edited scholarly annotations on points of disagreement and divergent perspectives, which needed clarification so that the student may become familiar with this mode of study and devote to it the attention it deserves. Such an approach is more likely to render the benefit clear and well-founded. This introduction, necessarily brief, is offered so as not to prolong discussion in matters that lie beyond the scope of our present inquiry — and Allaah is the Guardian of success and guidance.

Problem statement

- Core authority: Is decisive weight to be given to Imām Mālik's transmission in the Muwatta', or to what is transmitted in the Mudawwana?
- Conflict with qiyās: Should a report be set aside when it conflicts with analogical reasoning (qiyās)?
- Impact on abridgments: What is the effect of variant transmissions within the Mudawwana on the later Abridged Works of Jurisprudence (mukhtaṣarāt)?
- Methodological reconciliation: What are the pathways of jurisprudential reasoning for resolving tensions between subsidiary legal rulings (furū') and the foundational maxims of the school?

To address these and related questions, it is necessary to examine a representative case in which the stages of analysis are delineated with rigorous verification and careful precision, while maintaining complete detachment from mere blind imitation (taqlīd).

Significance of the Study

The critical investigation of the Islamic scholarly heritage constitutes an indispensable prerequisite for the construction of intellectual identity in both the present and the future. This is because objective research cannot be undertaken without relying, to a considerable extent, upon these foundational texts, but such reliance is only possible if the texts are properly edited and properly verified. Otherwise, how could they be relied upon? For this reason, it is essential that the researcher attain mastery of the jurisprudential craft, firmly grounded in its principles, while remaining free from blind imitation. He must be well-versed in the pathways of jurisprudential reasoning, both in contexts of consensus and in situations of conflict or divergence. This study outlines the key parts of this jurisprudential pathway with precise and consistent criteria.

Structure of the Study

Chapter One: Examination of the Muwatta' transmission, including the gathering of its chains of narration, assessment of its level of authenticity, and analysis of the variations within the Mudawwana and their impact on the juristic epitomes. This chapter comprises three sections:

- Section One: Analysis of the chains of transmission (isnād study).
- Section Two: Judgement upon the ḥadīth.
- Section Three: Variations in the Mudawwana transmissions and their influence on the Abridged Works of Jurisprudence (mukhtaṣarāt).

Chapter Two: The conformity of the Mudawwana transmission with the report, presentation of the opinions of the Mālikī authorities regarding the ḥadīth and its interpretation, followed by critical discussion. This chapter comprises three sections:

- Section One: Conformity of the Mudawwana transmission with the report.
- Section Two: Presentation of the opinions of Mālikī authorities concerning the ḥadīth, its interpretation, and critical discussion.
- Section Three: Critical evaluation of the opinions.

Conclusion: A synthesis of the findings obtained.

First Path: The Mursal Chain of Transmission

Narrated by Mālik, from Zayd ibn Aslam, from 'Aṭā' ibn Yasār: that the Messenger of God (peace and blessings be upon him) said:

"If any of you is uncertain in his prayer and does not know how many units he has prayed—whether it's three or four—let him perform one additional unit, and then prostrate twice while seated before the salutation. If the unit he prayed was a fifth, these two prostrations will render it even; and if it was a fourth, the two prostrations will be a humiliation for Satan."¹ It was also narrated by Ibn Wahb in his Jāmi', with a mursal chain of transmission from Zayd ibn Aslam from 'Aṭā' ibn Yaasir.²

Those Who Followed Mālik in Transmitting the Report as Mursal:

- It was narrated by Abū Dāwūd in his Sunan as a mursal report.³

¹ This narration was transmitted by Imām Mālik in the Muwatta', in the chapter Completing the Prayer When the Worshipper Remembers After Doubt (vol. 2, p. 131).

² ibn Yasār, as a mursal report (p. 254).

³

Sunan Abī Dāwūd, Book of Prayer, vol. 1, p. 269, chapter: "If one doubts between two and three, let him cast aside the doubt".

- It was narrated by Abū Nu‘aym in his Musnad, from Zayd ibn Aslam, and the wording of Sulaimaan ibn Bilaal.⁴
- It was narrated by al-Baghawī in his Sharḥ al-Sunna, from ‘Aṭā’ ibn Yasār⁵
- It was narrated by al-Kindī in his ‘Awālī Mālik⁶

Second Path: The Connected Chain of Transmission with the Addition “while seated before the salutation”

Narrated by Muslim with a connected chain from Zayd ibn Aslam, from ‘Aṭā’ ibn Yasār, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...then he should prostrate twice before giving the salutation.”⁷

Additional Transmissions

- Narrated by Aḥmad in his Musnad, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...then he should prostrate twice before giving the salutation.”⁸
- Narrated by al-Bazzār in his Musnad, from Ibn ‘Abbās (may God be pleased with him): “...he should prostrate twice, while seated, before giving the salutation.”⁹
- Narrated by Ibn al-Jārūd in al-Muntaqā, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...then he should perform the two prostrations of forgetfulness before giving the salutation.”¹⁰
- Narrated by Ibn Ḥibbān in his Ṣaḥīḥ, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...and let him prostrate twice before the salutation.”¹¹
- Narrated by al-Dāraqutnī in his Sunan, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...then he should perform the two prostrations of forgetfulness before giving the salutation.”¹²
- Narrated by al-Bayhaqī in his al-Sunan al-Ṣuḡhrā, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...and he prostrates twice while seated before giving the salutation.”¹³
- Narrated by al-Bayhaqī in his al-Sunan al-Kubrā, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...and let him prostrate twice while seated before giving the salutation.”¹⁴
- Narrated by Abū Bakr al-Nīsābūrī in his Ziyādāt ‘alā Kitāb al-Muzanī, from Abū Sa‘īd al-Khudrī (may God be pleased with him): “...then he should perform the two prostrations of forgetfulness before giving the salutation.”¹⁵

Third Path: The Connected Chain of Transmission Without the Addition: This refers to the narration transmitted with a connected chain (isnad mawsūl) but without the additional wording: “while seated before giving the salutation” or “while seated before the salutation.”¹⁶

- An-Nasā’ī narrates it with his chain on the authority of Ibn ‘Abbās (may Allāh be pleased with him): “He performs two prostrations.”
- Ibn Ḥibbān, in his Ṣaḥīḥ, narrates on the authority of Abū Sa‘īd al-Khudrī (may Allah be pleased with him): “Then he performs two prostrations while seated.”¹⁷

⁴ Aslam, with the wording of Sulaymān ibn Bilāl [Musnad Abī Nu‘aym, vol. 2, p. 168.

⁵ Sharḥ al-Sunna, vol. 3, p. 281

⁶ Awālī Mālik, vol. 1, p. 342.

⁷ This narration is recorded by Muslim in his Ṣaḥīḥ, Book of Prayer, vol. 1, p. 400, chapter: Forgetfulness in Prayer and Prostration for It.

⁸ Musnad Ahmad, Musnad of Abu Said al-Khudrī, vol. 18, p. 305.

⁹ Musnad al-Bazzār, vol. 11, p. 428. This report is noted as having been transmitted uniquely by al-Darāwardī. No other transmitter is known to have followed him in this wording. Rather, it is commonly narrated by Ibn ‘Ajlān, Dāwūd ibn Qays, and others among the companions of Zayd, from Zayd, from ‘Aṭā’ ibn Yasār, from Abū Sa‘īd. However, al-Darāwardī reported it in this particular form, stating: “...he should prostrate twice before giving the salutation.”

¹⁰ al-Muntaqā, p. 70, Chapter on Forgetfulness.

¹¹ Recorded in Ṣaḥīḥ Ibn Ḥibbān, Book of Prayer, vol. 6, p. 386, under the chapter: Clarification that the one who builds upon the lesser number in his prayer when in doubt must perform the two prostrations of forgetfulness before the salutation, not after it.

¹² Recorded in Sunan al-Dāraqutnī, vol. 2, p. 201, under the chapter: Description of Forgetfulness in Prayer, Its Rulings, and the Variations in Transmission Thereof.

¹³ Recorded in al-Sunan al-Ṣuḡhrā, vol. 1, p. 312.

¹⁴ Recorded in al-Sunan al-Kubrā, vol. 2, p. 468.

¹⁵ Recorded in Ziyādāt ‘alā Kitāb al-Muzanī, p. 246.

¹⁶ Al-Nasā’ī records in his al-Sunan al-Kubrā (vol. 1, p. 307): “The completion of the prayer is as mentioned when one is in doubt.”

¹⁷ This narration is recorded in Ṣaḥīḥ Ibn Ḥibbān, Kitāb al-Ṣalāh (Book of Prayer), vol. 6, p. 391.

- Abū 'Awānah, in his *al-Mustakhraj*, narrates on the authority of Abū Sa'īd al-Khudrī (may Allah be pleased with him): "Then he should perform two prostrations while seated."¹⁸
- Al-Shāshī, in his *Musnad*, narrates on the authority of Ibn 'Abbās, who said: "'Abd al-Rahman ibn 'Awf told me: 'Then he should perform two prostrations.'"¹⁹
- Al-Hakim, in his *al-Mustadrak*, narrates on the authority of 'Abd Allāh ibn 'Umar (may Allah be pleased with him): "And he performs two prostrations."²⁰
- Abū Nu'aym, in his *Musnad*, narrates on the authority of Abū Sa'īd al-Khudrī (may Allah be pleased with him): "Then he performs the two prostrations of forgetfulness."²¹
- Al-Maqdisī, in his *al-Mukhtārah*, narrates on the authority of Ibn 'Abbās from 'Abd al-Rahmān ibn 'Awf: "Then he performs two prostrations."²²

Section Two: The Ruling on the Hadīth

It appears that both the connected (*mawṣūl*) and disconnected (*mursal*) transmissions are valid. That is to say, the narrator—whether Zayd ibn Aslam or 'Aṭā' ibn Yāsār—sometimes transmitted it as *mursal* and at other times as *mawṣūl*. So each camp narrated what they had heard from the two of them. It is well known that a narrator may, at times, exert effort and transmit the report in full connection, while at other times he may suffice with transmitting it in a disconnected form. The decisive proof lies with the version that contains the additional detail, namely the connected transmission. And Allah knows best.²³

As for its attribution to Ibn 'Abbās, this is an error. Abū Ḥātim remarked: "Al-Darāwardī erred in this chain of transmission when he said: 'from Ibn 'Abbās', whereas it is in fact from Abū Sa'īd al-Khudrī. Moreover, Ishāq would often narrate from memory, and it is possible that this was one of his mistakes."²⁴ Abū Ḥātim Ibn Hibbān included this narration in his *Ṣaḥīḥ*, mentioning Abū Sa'īd al-Khudrī after 'Aṭā' ibn Yāsār. He also transmitted a similar version from 'Aṭā' on the authority of Ibn 'Abbās, then commented: "This narration is erroneous; the correct version is from Abū Sa'īd al-Khudrī." Al-Māwardī cited Ibn al-Mundhir as saying: "The most authentic ḥadīth on this subject is this report of Abū Sa'īd."²⁵

As for the narration attributed to Ibn 'Abbās (may God be pleased with him), Ibn Ḥajar clarifies its reality by stating: "He said: 'Al-Darāwardī erred in this chain when he said: from Ibn 'Abbās.' I say: Rather, 'Abdullāh ibn Ja'far al-Madīnī and al-Dhuhli also brought follow-up narrations from the same source as he, and what is apparent is that 'Aṭā' had in fact narrated from both of the [two companions]."

[Ad-Daraqutni reports] in *Kitāb al-Ṣalāh*: 'Abū Ishāq Ismā'īl ibn Yūnus ibn Yāsīn narrated to us, that Ishāq ibn Abī Isrā'īl narrated to us, that 'Abdullāh ibn Ja'far narrated to us, from Zayd ibn Aslam, with the same content.' I say: Others also narrated it from Zayd ibn Aslam, from 'Aṭā', from Abū Sa'īd al-Khudrī, as has already been mentioned, and this is the *mahfūdh* (chosen to be preserved)."²⁶

And in another place he [Ibn Ḥajar] says: "There is a difference regarding 'Aṭā' ibn Yāsār: it has been transmitted as a *mursal* report, it has been transmitted with the mention of Abū Sa'īd therein, and it has been transmitted from him on the authority of Ibn 'Abbās — which is an error. Ibn al-Mundhir stated: The most authentic ḥadīth in this chapter is the report of Abū Sa'īd."²⁷

Abū 'Umar [Ibn 'Abd al-Barr] said: "This is a connected and sound ḥadīth. Al-Darāwardī ('Abd al-'Azīz ibn Muḥammad) and 'Abd Allāh ibn Ja'far ibn Najīḥ erred in it, for they narrated it from Zayd ibn Aslam, from 'Aṭā' ibn Yāsār, from 'Abd Allāh ibn 'Abbās. Al-Darāwardī is *sadūq* (very truthful), yet they did not consider his memorization to be very good. As for 'Abd Allāh ibn Ja'far — he is the father of 'Alī ibn al-Madīnī — and consensus has been reached regarding his weakness. The narration of these two does not outweigh the narration of those we have mentioned. And to God belongs our success."²⁸

¹⁸ This narration is found in *al-Mustakhraj* (vol. 1, p. 508). He then followed it with the narration of Sulaymān, who added: "He performed two prostrations while seated before concluding the prayer with *salām*."¹⁸

¹⁹ This narration is recorded in *Musnad al-Shāshī*, among the reports transmitted from the Companions, including Ibn 'Abbās, vol. 1, p. 265.

²⁰ This narration is recorded in *al-Mustadrak*, vol. 1, p. 392.

²¹ This narration is recorded in *Musnad Abī Nu'aym*, vol. 2, p. 168.

²² This narration is recorded in *al-Mukhtārah* by al-Maqdisī, vol. 3, p. 100.

²³ *Ṣaḥīḥ Abī Dāwūd*, verified by al-Albānī, vol. 4, p. 186.

²⁴ *Al-Iḥsān fī Taqrīb Ṣaḥīḥ Ibn Hibbān*, by Abū Ḥātim al-Dārimī [d. 354 AH], vol. 6, p. 390.

²⁵ *Al-Badr al-Munīr fī Takhrīj al-Aḥādīth wa al-Āthār al-Wāqī'a fī al-Sharḥ al-Kabīr*, by Ibn al-Mulaqqin [d. 804 AH], vol. 4, p. 225, ed. Muṣṭafā Abū al-Ghayt, 'Abd Allāh ibn Sulaymān, and Yāsir ibn Kamāl, Riyadh: Dār al-Hijrah li-l-Nashr wa-l-Tawzī', 1st ed., 1425 AH/2004 CE).

²⁶ *Ithāf al-Maharah bi-l-Fawā'id al-Mubtakirah min Aṭrāf al-'Asharah*, by Ibn Ḥajar, vol. 7, p. 458"

²⁷ *Al-Talkhīṣ al-Ḥabīr fī Takhrīj Aḥādīth al-Rāfi'ī al-Kabīr*, by Ibn Ḥajar, vol. 2, p. 11

²⁸ *Al-Tamhīd limā fī al-Muwatṭa' min al-Ma'ānī wa-l-Asānīd*, by Ibn 'Abd al-Barr [d. 463 AH], vol. 5, p. 24.

As for the claim that Mālik transmitted it in mursal form, Imām al-Khaṭṭābī refutes this, saying: “Some have weakened the ḥadīth of Abū Sa‘īd al-Khudrī, alleging that Mālik transmitted it from ‘Aṭā’ ibn Yasār without mentioning Abū Sa‘īd al-Khudrī. Yet this does not impugn its authenticity. It is well known of Mālik that he would transmit aḥādīth in mursal form while in fact he regarded them as musnad, and this is recognized as his established practice.”²⁹

Al-Nawawī said: “Some of Mālik’s companions objected, claiming that Mālik (may God have mercy on him) transmitted it in mursal form. This objection is invalid for two reasons: First, the majority of reliable and precise ḥadīth preservers transmitted it with a connected chain, so the disagreement of a single transmitter who reported it as mursal does not harm its authenticity, for they preserved what he did not, and they are trustworthy, accurate, and meticulous. Second, the mursal report, according to Mālik (may God have mercy on him), is authoritative; thus, in any case, the objection is not sustained against him.”³⁰

The final conclusion regarding the authenticity of the ḥadīth, whether transmitted in mursal or connected form, is resolved by Ibn ‘Abd al-Barr who states: ‘This ḥadīth has been transmitted with a connected chain and supported by reliable authorities, in accordance with the narration of al-Walīd ibn Muslim from Mālik. Among those who narrated it are ‘Abd al-‘Azīz ibn Abī Salamah al-Mājishūn, Muḥammad ibn ‘Ajlān, Sulaymān ibn Bilāl, Muḥammad ibn Muṭarrif Abū Ghassān, Hishām ibn Sa‘d, and Dāwūd ibn Qays, apart from the narration of al-Qaṭṭān. The ḥadīth is connected, musnad, and sound; it is not harmed by the deficiency of those who failed to transmit it in connected form, for those who did connect it are reliable preservers whose additions are accepted. And all success belongs to God.’³¹

He then quotes from Al-Athram who said: “I asked Aḥmad ibn Ḥanbal about the ḥadīth of Abū Sa‘īd concerning forgetfulness in prayer: ‘Do you act on it?’ He replied: ‘Yes, I act on it.’ I said: ‘But they differ regarding its chain of transmission?’ He said: ‘It was only Mālik who transmitted it in a shortened form, whereas several others have transmitted it with a connected chain, among them Ibn ‘Ajlān and ‘Abd al-‘Azīz ibn Abī Salama.’”³²

So the ḥadīth — even if the soundest transmission from Mālik is the mursal form — is otherwise connected through reliable chains, narrated by transmitters whose additional wording is accepted.³³ In summary, the agreement of these reliable transmitters upon connecting the chain of transmission affirms the authenticity of the ḥadīth and diminishes the likelihood of error on the part of Ibn ‘Ajlān or Ibn Sa‘d, especially since they are more numerous than those who transmitted it in the mursal form.³⁴

Section Three: Variations in the Narrations of the Mudawwana and Their Impact on the Summarized Jurisprudential Works (Mukhtasaraat):

Sahnūn transmitted what Ibn Wahb narrated from Mālik regarding the reports on the prostrations of forgetfulness (sujūd al-sahw). So he began with the ḥadīth of doubt, without the phrase “before the salutation” (as reported by Ibn Waḍḍāh), and that Ibn Mas‘ūd prayed the zuhr or ‘aṣr with five units due to forgetfulness, and then performed the two prostrations of forgetfulness after the salutation, mentioning evidence that indicates its attribution to the Prophet. Likewise, he cited the narration of Ibn Buḥayna: “The Messenger of God (peace and blessings be upon him) stood after two units of zuhr without sitting; when he completed his prayer, he performed two prostrations before the salutation.” Sahnūn then concluded: “On the basis of these reports, one prostrates after the salutation in cases of addition [to the prayer], and before the salutation in cases of omission [from the prayer].”³⁵

Ibn Yūnus explains the apparent contradiction between the narration in the Muwaṭṭa’ and the established principle of the Mālikī school, stating: “Thus, in the Muwaṭṭa’ it is reported that ‘he should perform two prostrations before the salutation.’ This supports the view of those who maintain that all prostrations, whether for omission or addition, are to be performed before the salutation, since this case involves an addition. This is the opinion of Ibn Shihāb and al-Layth. However...”³⁶

As for the ḥadīth in the Mudawwana, reported from Ibn Wahb, narrating from Mālik and Hishām ibn Sa‘d that Zayd ibn Aslam narrated to them from ‘Aṭā’ ibn Yasār that the Messenger of God (peace and blessings be upon him) said: “If any of you is uncertain in his prayer and does not know how many he has prayed — whether it is three or four units — let him rise and pray one unit, then perform two prostrations before the salutation.”

The chain of transmission in al-Muwaṭṭa’ of Ibn Wahb reads: “It was read to Ibn Wahb: Mālik ibn Anas, Ḥafṣ ibn Maysara, Dāwūd ibn Qays, and Hishām ibn Sa‘d informed you that Zayd ibn Aslam narrated to them from ‘Aṭā’ ibn Yasār that the Messenger of God (peace and blessings be upon him)”

At the end of the narration it states: “...then he performs two prostrations while seated before the salutation, and if the unit he prayed was a fifth, it is made even by these two prostrations; and if it was a fourth, the two prostrations serve as a humiliation for Satan.”

²⁹ Ma‘ālim al-Sunan, his commentary on Sunan Abī Dāwūd, p. 240.

³⁰ Al-Minhāj: Sharḥ Ṣaḥīḥ Muslim ibn al-Ḥajjāj, by al-Nawawī, vol. 5, p. 60

³¹ Al-Tamhīd limā fi al-Muwaṭṭa’ min al-Ma‘ānī wa-l-Asānīd, by Ibn ‘Abd al-Barr [d. 463 AH], vol. 5, p. 19

³² Recorded by Ibn ‘Abd al-Barr in al-Istidhkār, vol. 1, p. 513

³³ al-Istidhkār, Ibn ‘Abd al-Barr, vol. 5, p. 21

³⁴ Ṣaḥīḥ Abī Dāwūd, al-Albānī, vol. 4, p. 186

³⁵ al-Mudawwana, Mālik, vol. 1, p. 220

³⁶ al-Jāmi‘ li-Masā’il al-Mudawwana, Ibn Yūnus, vol. 2, p. 801.

Except that Hishām ibn Sa’d extended the chain to Abū Sa’īd al-Khudrī, making the report connected, so in its original form it is *mursal* from ‘Aṭā’. However, a similar narration was recorded by Muslim in the Book of Mosques, under the chapter ‘Forgetfulness in Prayer’, and in some of its chains Dāwūd ibn Qays narrates from Zayd ibn Aslam. This corresponds to the *isnād* of Ibn Wahb: from ‘Aṭā’, from Abū Sa’īd al-Khudrī.³⁷

Chapter Two: The Conformity of the Mudawwana Narration with the Report — Presentation of the Opinions of the Authorities of the Mālikī School Regarding the Ḥadīth, Their Interpretations, and Critical Discussion.

And it contains three sections:

Section One: The Conformity of the Mudawwana Narration with the Report.

Ibn Wahb reported from Mālik ibn Anas and Hishām ibn Sa’d that Zayd ibn Aslam related to them from ‘Aṭā’ ibn Yasār that the Messenger of God (peace and blessings be upon him) said: “If any of you is uncertain in his prayer and does not know whether he has prayed three or four units, let him rise and pray one unit, then perform two prostrations before the salutation.”³⁸

Section Two: The Views of the Mālikī Authorities on the Ḥadīth, Their Interpretive Approaches, and Critical Discussion

- ✓ Al-Qarāfi’s Judgment on the Ḥadīth: “Its chains of transmission are contradictory, and the majority of the ḥadīth masters regard it as *mursal*.”³⁹
- ✓ Al-Qarāfi’s Interpretation of the Ḥadīth: “It is possible that the term ‘prostration’ here refers to the two prostrations attached to the compensatory rak‘ah, as a means of reconciling the various reports.”⁴⁰
- ✓ Ibn Lubāba’s Judgment on the Ḥadīth: “...and this is the position I adopt, in accordance with what is found in the *Muwatta’*, wherein the Messenger of God (peace and blessings be upon him) said: ‘If any of you is uncertain in his prayer and does not know whether he has prayed three or four units, let him dismiss the doubt and build upon what he is certain of, then perform two prostrations before he gives the salutation.’”⁴¹
- ✓ Ibn Lubāba’s Interpretation of the Ḥadīth: “He prostrated before the salutation because the rak‘ah in which doubt arose might have been the first or the second; in that case, the third would effectively become the second, thereby becoming a case of omitting the action of recitation of the sūrah and the sitting.”⁴²
- ✓ Ibn ‘Abd al-Barr’s Judgment on the Ḥadīth: “This is a connected and authentic ḥadīth.”⁴³
- ✓ Ibn ‘Abd al-Barr’s Interpretation of the Ḥadīth: He says: “The prostration after the salutation is to be understood as applying when the doubt concerns continuity—whether the rak‘ah was the fourth or the third. The soundness of the first two rak‘ahs is thereby assured, since the recitation of the sūrah and the sitting after them are confirmed. Otherwise, one should prostrate before the salutation, due to the possibility of both addition and omission, as the rak‘ahs may be inverted if the doubt involves the omission of a prostration or bowing in the first two rak‘ahs. Likewise, if a compounded doubt arises—whether three or four rak‘ahs were prayed, and whether in the case of three or four the sūrah was recited in the first two rak‘ahs or not—then one should prostrate before the salutation, for deficiency is to be considered even when only suspected.”⁴⁴
- ✓ Muhammad Ibn Rushd’s Judgment on the Ḥadīth: Ibn Rushd considered the ḥadīth to be authentic, as evidenced by his reliance upon it when interpreting the statement of the Infallible Prophet (peace and blessings be upon him): “If any of you is uncertain in his prayer and does not know how many units, he has prayed...”⁴⁵
- ✓ Muhammad Ibn Rushd’s Interpretation of the Ḥadīth: “The view here is based on the fact that the Sunnah has established that when a man doubts in his prayer, he must return to what he is certain of. Thus, the Prophet’s words— ‘If any of you is uncertain in his prayer and does not know whether he has prayed three or four rak‘ahs, let him pray one rak‘ah...’—indicate that the principle in such cases is to rely upon one’s own certainty, not upon the certainty of another, whether he be an individual or an imam. The exception to this is the case of the imam returning to the certainty of those behind him, as in the ḥadīth of Dhū al-Yadayn. Beyond this exception, the rule remains that prayer is incumbent upon him with certainty, and he cannot exit from it except with certainty. Certainty cannot be attained by relying on the statement of one who is not engaged in the prayer, since it is possible that he erred in what he reported, as he is not bound to preserve and safeguard it in the same way as one who is actually performing the prayer.”⁴⁶

³⁷ al-Mudawwana, Mālik, vol. 1, p. 229

³⁸ al-Mudawwana, Mālik, vol. 1, p. 220

³⁹ al-Dhakhīra, al-Qarāfi, vol. 2, p. 293

⁴⁰ al-Dhakhīra, al-Qarāfi, vol. 2, p. 293

⁴¹ al-Fawākih al-Dawānī on the Risāla of Ibn Abī Zayd al-Qayrawānī, al-Nafrawī, vol. 1, p. 223

⁴² al-Fawākih al-Dawānī on the Risāla of Ibn Abī Zayd al-Qayrawānī, al-Nafrawī, vol. 1, p. 223

⁴³ al-Tamhīd, Ibn ‘Abd al-Barr, vol. 5, p. 24

⁴⁴ al-Fawākih al-Dawānī on the Risāla of Ibn Abī Zayd al-Qayrawānī, al-Nafrawī, vol. 1, p. 223

⁴⁵ al-Bayān wa-l-Taḥṣīl, Ibn Rushd, vol. 1, p. 235

⁴⁶ al-Bayān wa-l-Taḥṣīl, Ibn Rushd, vol. 1, p. 235

- ✓ Abū al-Walīd Ibn Rushd's Judgment on the Ḥadīth: Abū al-Walīd Ibn Rushd's reliance upon the ḥadīth in the chapter on forgetfulness (sahw) in prayer serves as clear evidence of his acceptance of its authenticity. Indeed, he derived from it a substantive juristic ruling within the discussion of forgetfulness in prayer.⁴⁷
- ✓ Abū al-Walīd Ibn Rushd's Interpretation of the Ḥadīth: "It becomes evident, through what the Prophet (peace and blessings be upon him) legislated for his community by word and deed, that forgetfulness in prayer falls into three categories: one in which prostration of forgetfulness does not suffice, one in which it is not obligatory, and one in which it rectifies the error. Thus, the report attributed to the Prophet—"For every forgetfulness there are two prostrations"—is not to be taken in its absolute generality. Rather, it refers specifically to the recommended acts (sunan), not to the obligatory pillars (farā'id) or the supererogatory merits (faḍā'il). For the obligatory pillars are those in which prostration of forgetfulness cannot compensate, while the supererogatory merits are those in which prostration of forgetfulness is not required."⁴⁸
- ✓ Al-Bājī's Judgment on the Ḥadīth: After citing the ḥadīth "If any of you is uncertain in his prayer and does not know whether he has prayed three or four rak'ahs, let him pray one rak'ah", al-Bājī remarked: "Its chain of transmission is inconsistent, for Mālik and the majority of the ḥadīth masters consider it mursāl. It has been reported with contradictory chains: Ibn Bilāl and others narrated it from 'Aṭā' on the authority of Abū Sa'īd, while al-Darāwardī and others narrated it from 'Aṭā' on the authority of Ibn 'Abbās."⁴⁹
- ✓ Al-Bājī's Interpretation of the Ḥadīth: Al-Bājī mentioned one consideration, and then said: "The second consideration is that the report of 'Aṭā' was transmitted by a single narrator, whereas the reports upon which we rely were transmitted by a group of eminent Companions; reliance upon their testimony is preferable, for forgetfulness among a group is less likely.

The third consideration is that the transmitters of the reports we rely upon are more reliable, since 'Alqama and Muḥammad ibn Sīrīn are more firmly established than 'Aṭā', and thus reliance upon their narration is stronger.

As for reconciling the two reports, we harmonize them by understanding that the 'salām' mentioned in the ḥadīth of Abū Hurayra, Ibn Mas'ūd, and 'Imrān ibn Ḥuṣayn refers to the salutation concluding the prayer, whereas the 'salām' mentioned in the ḥadīth of 'Aṭā' refers to the salutation of the tashahhud. The Prophet (peace and blessings be upon him) employed the term 'salām' in both contexts, as is well known."⁵⁰

- ✓ The Judgment of a Group of Mālikī Scholars on the Ḥadīth: Al-Dāwūdī, quoting the companions of Mālik, stated: "...The ḥadīth of Abū Sa'īd was transmitted by Mālik as mursāl from 'Aṭā', while others narrated it with a connected chain; this inconsistency indicates a degree of disturbance in its transmission."⁵¹
- ✓ The Interpretation of the Group Regarding the Ḥadīth: Al-Dāwūdī, quoting the companions of Mālik, explained: "Mālik's opinion varied concerning the one who does not know whether he has prayed three or four rak'ahs. He said at times: he should prostrate before the salutation; and at other times: after the salutation. The correct view in this case, according to his school, is prostration after the salutation. Our scholars have justified this ḥadīth with several arguments:
 1. It is contradicted by the ḥadīth of Dhū al-Yadayn, in which the Prophet (peace and blessings be upon him) added to his prayer and then prostrated after the salutation. This report is free of defects, whereas the ḥadīth of Abū Sa'īd was transmitted by Mālik as mursāl from 'Aṭā' and connected by others, which indicates inconsistency; thus, staying safe from this inconsistency is more correct.
 2. The phrase 'before he salutes' may be understood as referring to the salutation upon the Prophet (peace and blessings be upon him) in the tashahhud—namely, his words: 'Peace be upon you, O Prophet, and the mercy of God'—so it is as though he prostrated without completing the tashahhud.
 3. It is also possible that the Prophet (peace and blessings be upon him) forgot that the prostration should be after the salutation, and he performed it before instead, then he sufficed with that, since the act had been carried out. Prostration of forgetfulness is not repeated nor performed twice."
 4. It is possible that the doubt may have concerned the recitation of the sūrah in one of the first two rak'ahs. In such a case, there would be both an additional rak'ah and an omission in the recitation of the sūrah, and consideration of the omission is given precedence.
 5. That the prostration in this situation was before the salutation, because the addition was only presumed and thus controllable, unlike a confirmed addition as in the ḥadīth of Dhū al-Yadayn. In that case, when the addition was certain, the Prophet (peace and blessings be upon him) prostrated after the salutation. This interpretation accords with what al-Dāwūdī narrated from Mālik, as mentioned earlier, and it is the view adopted by Ibn Lubāba.

⁴⁷ al-Muqaddimāt al-Mumahhidāt, Ibn Rushd, vol. 1, p. 195

⁴⁸ al-Muqaddimāt al-Mumahhidāt, Ibn Rushd, vol. 1, p. 195

⁴⁹ al-Muntaqā, al-Bājī, vol. 1, p. 176

⁵⁰ al-Muntaqā, al-Bājī, vol. 1, p. 176

⁵¹ al-Mufhim li-mā Ashkala min Talkhīṣ Kitāb Muslim, Abū al-'Abbās al-Qurṭubī, vol. 2, p. 182

6. That the ḥadīth of Abū Sa'īd is to be understood as the Prophet (peace and blessings be upon him) intending thereby to demonstrate the permissibility of prostrating either before or after the salutation. This interpretation aligns with the narration that the order of the prostrations of forgetfulness is a matter of preference rather than obligation. This is the most fitting view, for it reconciles the reports in a sound manner, and it corresponds to the opinion of al-Ṭabarī and others who held that one has the choice: he may prostrate for omission or addition either before or after the salutation, whichever he prefers. A similar position is reported from Mālik in al-Majmū'a. And God knows best."⁵²

Qāḍī 'Iyād's Judgement and Interpretation of the Ḥadīth:

Qāḍī 'Iyād stated: "Our scholars have argued regarding this ḥadīth, supporting the Mālikī position with what the Imām indicated concerning Mālik's transmission of it as mursal, and the disagreement among his contemporaries as to whether they followed him in transmitting it as mursal or with a connected chain, as well as the disagreement among his own students in reporting it both as mursal and with isnād. They therefore considered this inconsistency to be a disturbance in the ḥadīth, which necessitates preferring other reports over it. This is further justified because those other transmitters are more reliable and more firmly established than 'Aṭā', and because of the greater number of narrators in those reports, while 'Aṭā' alone transmitted this particular wording."⁵³

Qāḍī 'Iyād's Interpretation of the Ḥadīth:

Qāḍī 'Iyād reported: "Al-Dāwūdī stated: Mālik's opinion varied concerning the one who does not know whether he has prayed three or four rak'ahs. At times he said: he should prostrate before the salutation; and at other times: after the salutation. Al-Dāwūdī said: And his position that the prostration is before the salutation is based on when the doubt concerns one of the first two rak'ahs, since in that case there is both an addition and an omission in the recitation of the sūrah. The ruling of prostrating after the salutation applies when the doubt concerns the last two rak'ahs, for in that case it is a matter of pure addition." Qāḍī 'Iyād added: "It is conceivable that doubt in the first two rak'ahs may also involve omission of the middle sitting."⁵⁴

He further noted: "It is possible that Imām Mālik included the ḥadīth of Abū Sa'īd in his Muwaṭṭa' to indicate that the Prophet (peace and blessings be upon him) intended thereby to demonstrate the permissibility of prostrating either before or after the salutation."⁵⁵

Mālik himself stated in al-Majmū'a: "People did not use to be overly cautious regarding prostration of forgetfulness, whether before or after the salutation; it was considered easy among them."⁵⁶

Section Three: Discussion of the Opinions:

The starting point is with those who described the report as inconsistent (muḍṭarib) or disconnected (mursal). Such claims are refuted on several grounds. The masters of the discipline within the Mālikī school have testified that the report is free from inconsistency and is in fact properly connected. Ibn 'Abd al-Barr stated: "This ḥadīth was transmitted with a connected chain by trustworthy narrators, according to the transmission of al-Walīd ibn Muslim from Mālik: 'Abd al-'Azīz ibn Abī Salama al-Mājīshūn, Muḥammad ibn 'Ajlān, Sulaymān ibn Bilāl, Muḥammad ibn Muṭarrif Abū Ghassān, Hishām ibn Sa'd, and Dāwūd ibn Qays, apart from the narration of al-Qaṭṭān. The ḥadīth is connected, musnad, and authentic. It is not harmed by the deficiency of those who failed to transmit it as connected, for those who did connect it are reliable preservers whose additions are accepted."⁵⁷

Al-Qarāfī's position, however, is inconsistent. In his al-Dhakhīra he describes the report as inconsistent and labors to interpret it. Yet, at times he gestures toward its authenticity and strives to reconcile it with the principles of the Mālikī school, considering it among the difficult problems. He wrote: "If one doubts in his prayer and does not know whether he has prayed three or four rak'ahs, he should consider them three, pray another rak'ah, and then perform two prostrations after the salutation. Yet the principle is that if one doubts whether he has erred or not, no prostration is required. In this case, it is possible that he added or did not add, so how can he prostrate? In other situations, if one doubts whether he added or not, he does prostrate. Thus this issue becomes one of the greatest problems, and it is difficult to distinguish between doubting whether one erred and this particular case. I presented this problem to a group of eminent scholars, but they found no answer. Moreover, how does he pray this additional rak'ah, which requires a renewed intention? How can he intend it as an act of devotion without certainty of its obligation, and when it may be a prohibited fifth rak'ah or a required fourth rak'ah, and with such hesitation there is no certainty?

The answer to all of this is that the Lawgiver has made doubt in this case a cause for the obligation of an additional rak'ah and two prostrations after the salutation. This is indicated by the principle that when a ruling is attached to a description, that description is the cause of the ruling. The Lawgiver has attached these rulings to doubt, saying: 'If any of you doubts in his prayer and does not know whether he has prayed three or four rak'ahs, let him add a rak'ah and perform two prostrations, thereby humiliating Satan.' Thus the rulings are attached to the doubt, and this attachment indicates causality, just as when he said: 'If one forgets, let him prostrate; if one becomes impure, let him perform ablution.' Such statements

⁵² al-Mufhim li-mā Ashkala min Talkhīṣ Kitāb Muslim, Abū al-'Abbās al-Qurṭubī, vol. 2, p. 182

⁵³ Ikmāl al-Mu'allim bi-Fawā'id Muslim, Qāḍī 'Iyād (d. 544 AH), vol. 2, p. 507

⁵⁴ Ikmāl al-Mu'allim bi-Fawā'id Muslim, Qāḍī 'Iyād, vol. 2, p. 507

⁵⁵ al-Mufhim li-mā Ashkala min Talkhīṣ Kitāb Muslim, Abū al-'Abbās al-Qurṭubī, vol. 2, p. 182

⁵⁶ al-Ziyādāt 'alā mā fī al-Mudawwana min Ghayrihā min al-Ummuhāt, al-Nafzī, vol. 1, p. 363

⁵⁷ al-Tamhīd, Ibn 'Abd al-Barr, vol. 5, p. 19

can only be understood as causality. Therefore, doubt is itself a cause for the obligation of this rak'ah and the prostrations of forgetfulness. On this basis, the causes of prostration are three: addition, omission, and doubt. This third cause is rarely recognized, so reflect upon it, for you will not find any explanation consistent with the principles other than this. By it the distinction becomes clear between doubting the cause of forgetfulness and doubting the number of rak'ahs. The former is doubt about the cause, while the latter is a cause in itself, in the sense that doubt has been made by the Lawgiver the very ground of causality. I have expressed it in this way so that the contrast between the two may be complete, both directly and inversely.”⁵⁸

The failure to recognize doubt as an independent cause continued among later scholars, due to the predominance of the causes of addition and omission in the Mālikī school. Thus, it was commented upon Ibn Lubāba's statement that “the command to prostrate before the salutation in this case is pure worship without rational explanation.”⁵⁹

The Paths of Jurisprudential Reasoning (Remaining Text)

As for the claim of abrogation (*naskh*), citing al-Zuhri's statement: “Dhū al-Yadayn died before Badr, and this incident took place earlier”. Al-Zuhri's claim of abrogation is based on this [assertion], which is weak; for Abū Hurayrah prayed behind the Prophet (peace and blessings be upon him) in the *ḥadīth* of Dhū al-Yadayn, yet he only embraced Islam in the year of Khaybar. Thus, those who cite al-Zuhri's statement here have [inadvertently] rejected his claim of abrogation there. Furthermore, those who argue for the abrogation of the *ḥadīth* of Dhū al-Yadayn are the very ones who command prostrating after the salutation (*taslīm*). Consequently, each of the two groups has claimed the abrogation of the *ḥadīth* in matters that oppose their own positions without proof. The *ḥadīth* is definitive (*muḥkam*) in that the prayer is not invalidated and that one should prostrate after the salutation; neither group possesses a contradictory report from the Prophet (peace and blessings be upon him) that would abrogate it. Moreover, abrogation only occurs through that which contradicts the abrogated [text]; the Prophet (peace and blessings be upon him) prostrated after the salutation, and no Muslim has reported that he forbade doing so, thus the claim of abrogation is nullified.

If it is said: “He prostrated after that before the salutation,” then if it was in a scenario other than this—as in the *ḥadīth* of Ibn Buḥaynah when he stood up after two rak'ahs, or in the *ḥadīth* regarding doubt—then there is no contradiction. However, this claimant assumed that if [the Prophet] prostrated before the salutation in one scenario, it constitutes an abrogation of prostrating after it in another, which is an error on his part. It has not been reported from him in a single scenario that he prostrated once before the salutation and another time after it; had that been reported, it would have indicated the permissibility of both matters. Therefore, the claim of abrogation in this chapter is false.

How can it be permissible to nullify his command to prostrate after the salutation in one scenario [simply because] his action in another does not contradict it? As for those who say: “The prostrations are after the salutation,” and cite what is in the *Ṣunan* from the *ḥadīth* of Thawbān: “For every forgetfulness, there are two prostrations after the salutation,” this is weak. This is because it is from the transmission of Ibn 'Ayyāsh from the people of the Hijaz, which is weak by the consensus of the scholars of *ḥadīth*. Similarly, regarding the *ḥadīth* of Ibn Ja'far: “Whoever doubts in his prayer, let him perform two prostrations after he says the salutation,” it contains Ibn Abī Laylā; al-Athram stated that neither of them is established. Furthermore, this might be similar to the *ḥadīth* of Ibn Mas'ūd: “And if he doubts, let him seek the correct course (*yataḥarrā*)”; this [latter report] might be an abridgment of the former.

Such reports do not contradict the authentic (*ṣaḥīḥ*) *ḥadīth*; namely, the *ḥadīth* of Abū Sa'īd regarding doubt, wherein “he commanded two prostrations before the salutation,” and the *ḥadīth* of Ibn Buḥaynah found in the two *Ṣaḥīḥ* collections—which is a foundational principle (*aṣl*) regarding matters of forgetfulness—when he omitted the first Tashahhud and prostrated before the salutation. These authentic *ḥadīths* clarify the weakness of the opinion held by anyone who generalizes, making [the prostrations] entirely before or entirely after.

There remains the detailed breakdown (*tafṣīl*). It is said: The Lawgiver is Wise and does not distinguish between two things without a reason; He would not make some prostrations after the salutation and others before it except for a distinction between them. As for the claim that analogical reasoning (*qiyās*) dictates they should all be before the salutation, but that *qiyās* was departed from in certain instances due to a [textual] primary source (*naṣṣ*), while the remainder stays upon the *qiyās*; this requires two things:

1. To demonstrate the evidence necessitating that they be entirely before the salutation.
2. To demonstrate that the cases of exception possess a specific meaning that necessitates a distinction between them and other cases.

Otherwise, if the meaning necessitating prostration before the salutation is comprehensive for all cases, it would be impossible for the Lawgiver to make some of them occur after the salutation. If He distinguished them for a specific reason, then that reason must be specific to the excepted scenario. If the distinction between what was excepted and what was retained is unknown, then separating them is a distinction without proof.

If it is argued: “I know that the necessitating cause (*mūjib*) for prostration before the salutation is general, but since the text excepted what it excepted, I know of a counter-meaning therein”. It is replied: Regarding what has no text, it is possible that it contains the necessitating cause for what is before the salutation, just as it is possible that it contains the necessitating cause for what is after it. You do not know that the meaning necessitating those scenarios be after the

⁵⁸ al-Furūq, al-Qarāfī, vol. 1, p. 227

⁵⁹ Sharḥ Mukhtaṣar Khalīl, al-Khurashī, vol. 1, p. 311

salutation is absent in others. Given that a type of prostration is after the salutation, it is impossible for the complete necessitating cause (*al-mūjib al-tāmm*) for prostration before the salutation to be general. Thus, you have no general meaning to rely upon in asserting that the doubtful cases are before the salutation, nor that the requirement for what is after the salutation is restricted to the site of the text. Negating the distinction is a claim without evidence necessitating a distinction; it is a claim of restricting the cause (*takhṣiṣ al-‘illah*) without clarifying the absence of a condition or the presence of an impediment. This is pure juristic preference (*istiḥsān*) where the difference between the case of *istiḥsān* and others is not apparent.⁶⁰

As for the claim that the Imam [Mālik] cited the *ḥadīth* merely to demonstrate permissibility, this only holds true according to the transmission of those who report that the order of prostrations for forgetfulness is merely a matter of what is preferable (*awlā*),⁶¹ and this is a view they do not hold. Mālik stated in *al-Majmū‘ah*: “The people used not to be overly cautious regarding the prostration of forgetfulness, whether before or after; that was easy for them”.⁶²

However, the ruling of this issue was only explicitly stated in this *ḥadīth*; so how can it be a clarification for the permissibility of what was presumed forbidden through deduction?

This is more likely: that it is a reconciliation between the *ḥadīths* in a refined manner, following the school of al-Ṭabarī and others who argued for choice (*takhyīr*). Thus, one may prostrate for omission or addition, either before or after, doing whichever they wish. A similar view is found in *al-Majmū‘ah* from Mālik; and God knows best.⁶³ However, al-Qurṭubī’s reconciliation also conflicts with the well-known position of the school (*mashhūr al-madhhab*) regarding “the prohibition of intentionally advancing the ‘after-salutation’ prostration, and the dislike of delaying the ‘before-salutation’ prostration, as indicated by the words of Abū al-Ḥasan, the commentator of *al-Mudawwanah*”. Nevertheless, the prayer is not invalidated.⁶⁴

At that point, the most apparent of opinions is the distinction between addition (*ziyādah*) and omission (*naqs*), and between doubt with seeking the correct course (*al-taḥarrī*) and doubt with building upon certainty. This is one of the reports from Aḥmad, and the opinion of Mālik is close to it but not identical. This view, in addition to utilizing all the texts, contains a rational distinction:

- **Omission (*Naqs*):** Such as omitting the first Tashahhud; the prayer requires rectification (*jabr*). The rectifying element should be before the salutation so the prayer may be completed by it, as the salutation is the exit (*tahīl*) from the prayer.
- **Addition (*Ziyādah*):** Such as an extra *rak‘ah*; one does not combine two additions within the prayer, but rather the prostration is after the salutation. This is because it is a humiliation for Satan (*irghām lil-shayṭān*), equivalent to an independent prayer that rectifies the deficiency of his prayer; for the Prophet (peace and blessings be upon him) made the two prostrations like a *rak‘ah*.
- **Doubt and Seeking the Correct Course (*Taḥarrī*):** In this case, he has completed his prayer; the two prostrations are for the humiliation of Satan and thus occur after the salutation.

Mālik does not argue for *taḥarrī* nor for prostrating after the salutation in that case. Similarly, if one says the salutation while a portion of the prayer remains, then completes it, he has finished it. The salutation therefrom is an addition, and the prostration in that case is after the salutation because it is a humiliation for Satan.⁶⁵

As for following the Hanafis (*taqlīd al-Aḥnāf*), what they established—and what was borrowed in this context despite opposing it in other places—is that whenever the foundational principles (*uṣūl*) agree on one thing, it indicates the validity of the cause (*‘illah*) with certainty. If a solitary report (*khābar al-wāḥid*) were accepted in opposition to them, we would be nullifying the causes; yet the Lawgiver does not have contradictions in His causes. Thus, the report must be interpreted as the narrator having made a mistake.⁶⁶ This is a path borrowed by al-Bājī according to the methodology he outlined, where he said: “...the apparent meaning of the *ḥadīth* in the *Muwatta‘a*’ contradicts what was reported in the *ḥadīth* of Abū Hurayrah and ‘Imrān ibn Ḥuṣayn, namely that the prostration for forgetfulness due to addition is after the salutation, as is the case in the *ḥadīth* of ‘Abdullāh ibn Mas‘ūd...”⁶⁷

The truth is that the conflict is actually between the explicit text (*naṣṣ*) of the *ḥadīth* in the *Muwatta‘a*’—which states that the prostration of doubt is before the salutation—and the inferred cause of “addition” (*ziyādah*) derived from those other *ḥadīths*. The case of doubt, for which the explicit *ḥadīth* of the *Muwatta‘a*’ exists, was measured against them by analogy. Al-Bājī establishes the principle of what must be done in such a case: “In my view, the report (*khābar*) takes precedence over analogical reasoning (*qiyās*), and the evidentiary usage of the report is not halted due to it being opposed by *qiyās*; rather, if *qiyās* is opposed by the report, the usage of the *qiyās* as evidence is invalidated”.⁶⁸

⁶⁰ *Majmū‘ al-Fatāwā*, of Ibn Taymiyyah, (23/24).

⁶¹ *al-Mufḥim*, of Abī al-‘Abbās al-Qurṭubī, (2/180).

⁶² *al-Nawādir wa-al-Ziyādāt*, of al-Nafzī, (1/363).

⁶³ *Ibid* (1/280).

⁶⁴ *al-Fawākih al-Dawānī*, of al-Nafrāwī, (1/218).

⁶⁵ *Ibid* (23/24).

⁶⁶ *Iḥkām al-Fuṣūl*, of al-Bājī, (2/918).

⁶⁷ *al-Muntaqā Sharḥ al-Muwatta‘a*, of al-Bājī, (1/176).

⁶⁸ *Ibid* (2/918).

Al-Bājī and others rejected the position of the Hanafis and those who prioritize the *qiyās* of foundational principles over the report. Regarding this, he says: “They argued that if the foundational principles agree on one thing, it indicates the validity of the cause with certainty; if we were to accept the solitary report in opposition to it, we would nullify the causes. The Lawgiver does not have contradictions in His causes, so the report must be interpreted as the narrator having made a mistake”.⁶⁹ What al-Bājī rejected is exactly what he did in this issue, even though he refutes them by saying: “The answer is that we do not concede that there is a cause while it opposes the text; rather, the text serves as a nullification (*naqd*) of it. Thus, [first] prove it is a cause, then claim its nullification”.⁷⁰

After al-Bājī considered the opposition of the inferred cause to the *ḥadīth* as a conflict between the *ḥadīths* themselves, he resorted to two paths with no third: prioritizing those *ḥadīths* over it from the perspective of the chain of transmission (*sanad*), or reconciling them by interpreting the *ḥadīth* with two interpretations. However, in the two interpretations he mentioned, there is a degree of strained and contrived interpretation (*ta’assuf*) that actually ends up in the total dismissal of the *ḥadīth* in the *Muwaṭṭa’*, even if al-Bājī said: “Applying both *ḥadīths* in that manner was more appropriate than discarding one of them”.⁷¹

Prioritizing the report over *qiyās* is the well-known position of Mālik’s school. Al-Qarāfī says: “In the Book [meaning *al-Mudawwanah*]: this *ḥadīth* [regarding the *muṣarrāh* (unmilked animal)]—no one’s opinion has any place regarding it”. The author of *al-Tanbīhāt* said: “...this indicates his prioritization of the report over *qiyās*, which is the well-known position of his [Mālik’s] school, contrary to what the Baghdadi [scholars] reported from him”.⁷²

It can also be said that the text prevented the general application of the cause in its specific instance due to a distinction between them. This is better than saying: “The Lawgiver is not required to legislate a ruling exactly like another whenever He legislates it; rather, He may legislate that which has a parallel and that which does not”.⁷³

A supporting witness (*shāhid*) for the *ḥadīth* has been reported that prevents any [re-interpretation]: it was reported from ‘Abdurrahmān ibn ‘Awf that he heard the Prophet (peace and blessings be upon him) say: “If any of you doubts between one and two, let him make it one; if he doubts between two and three, let him make it two; if he doubts between three and four, let him make it three—until the doubt remains regarding addition to the prayer—then let him prostrate two prostrations before he says the salutation, then let him say the salutation”.⁷⁴

Thus, the most apparent of opinions is the distinction between addition and omission, and between doubt with seeking the correct course and doubt with building upon certainty. This is one of the reports from Aḥmad, and the opinion of Mālik is close to it but not identical; for this view, while utilizing all the texts, contains a rational distinction.

Conclusion

After this jurisprudential journey built upon the principle of deliberate reflection when examining the writings of the Mālikī masters—connected to the principle of divesting oneself of blind imitation (*taqlīd*) once its defects and shamefulness are exposed, without being detached from the original source—as the poet said: “O you who nursed from a mother’s breast... I have no weaning from her”. How then could it be for a school written by the fingertips of the Imam? It is the right of his many favors upon me to command my gratitude, and gratitude is extended to everyone who walked according to his writings and followed the methodology of his foundational principles, deriving the branches from the principles and the principles from the branches.

Since Imam Mālik was the most eager of people to venerate the status of the Infallible Messenger (peace and blessings be upon him)—and he is the one who said: “Everyone’s word may be accepted or rejected except for the occupant of this grave (peace and blessings be upon him)” —it is obligatory to follow him upon this straight guidance and noble character which emanates veneration for the Noble Messenger. Returning to what has been investigated and fully constructed, we conclude with the following:

- There is much blameworthy affectation (*takalluf*) and far-fetched interpretation (*ta’wīl*) that has affected this issue and others, as witnessed by the scholars of verification among both those who agree and those who differ.
- The invalidation of blind imitation (*taqlīd*) by all that we have mentioned, and the necessity of submitting to the foundational principles [the Qur’ān and Sunnah] and what falls under their meaning with comprehensive evidence.
- The necessity of gathering all transmissions regarding a single subject so that the researcher can perform proper weightings (*tarjīh*).

⁶⁹ Ibid (2/918).

⁷⁰ Ibid (2/918).

⁷¹ *al-Muntaqā Sharḥ al-Muwaṭṭa’*, of al-Bājī, (1/176).

⁷² *al-Dhakhīrah*, of al-Qarāfī, (5/64).

⁷³ Ibid (6/95).

⁷⁴ It was reported by al-Tirmidhī in his *Sunan* using a passive form denoting weakness (*ṣiḡhat al-tamrīd*), (2/243); and by al-Ḥākim in his *Mustadrak*, traced back (*musnad*) to ‘Abdurrahmān ibn ‘Awf in a marfū’ report, (1/471), and he stated: “This is a rigorous (*ṣaḥīḥ*) *ḥadīth* according to the criteria of Muslim, serving as a supporting witness (*shāhid*) for the *ḥadīth* of ‘Abdurrahmān ibn Thābit ibn Thawbān which I dictated prior to these two *ḥadīths*.” It was also reported by al-Bayhaqī in *al-Sunan al-Kubrā*, (2/469); al-Bayhaqī in *al-Sunan wa-al-Āthār*, (3/267); and in *al-Silsilah al-Ṣaḥīḥah* by al-Albānī, (/).

- The review of many presumptions regarding the formulation of principles and reports within the school, and indeed within Islamic jurisprudence in general.
- Prioritizing the solitary report (*khābar al-wāḥid*) over analogical reasoning (*qiyās*) is the well-known position of Mālik's school (may God have mercy on him), contrary to what the Baghdādī [scholars] reported from him.

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