

modern European sense. The first to use *malik* in this novel sense was the Hāshimite Ḥusayn, the *sharīf* of Mecca, who in 1916 declared himself "King of the Arab countries"; after some international discussion, he was recognised by Britain and France as "King (*malik*) of the Ḥijāz". The Hāshimite kingdom of the Ḥijāz existed until 1925, when it was conquered by the Sa'ūdī 'Abd al-'Azīz Ibn Sa'ūd, the Sultan of Naǧd. In 1926 the latter declared himself "Sultan of Naǧd and King of the Ḥijāz and its Dependencies", and in 1932 he merged the different units, thereby becoming *malik* of the "Kingdom of Saudi Arabia".

The style of royal titles reached the peak of its prestige in the Islamic countries in the 1920s, when several kingdoms were established. In 1920 the Hāshimite King Ḥusayn's son, Fayṣal, was declared King of Syria; his monarchy lasted for four short months, at the end of which he left for 'Irāk, where he became king in 1921. In the following year, the Sultan of Egypt, Fu'ād I [see FU'AD AL-AWWAL], followed the latter's footsteps and assumed the title *malik*. In 1926 Amān Allāh [q.v. in Suppl.], the *amīr* of Afghānistān, abandoned his former title and declared himself king; and in the same year the *Imām* Yaḥyā of Yemen was first recognised as *malik* in a treaty with Italy. Yemenī rulers, more commonly known by the title *Imām*, were thereafter formally acknowledged as kings in international documents. Muslim rulers continued to adopt the royal epithet in later years: in Trans-Jordan in 1946 the Hāshimite *amīr* 'Abd Allāh took the title "King of Trans-Jordan" (since 1948: of "the Hāshimite Kingdom of Jordan"); in 1951 the *amīr* Idrīs al-Sanūsī of Cyrenaica was declared *malik* of the nascent state of Libya; and in Morocco in 1957, the Sultan Muḥammad V changed his title to *malik*, thus marking his intention to introduce a modern type of government.

By that time, however, *malik* was no longer the venerated and popular title it used to be in the earlier part of the century. Anti-monarchical revolutions and revolts swept away most kings reigning in the Islamic countries—in Egypt in 1952; in 'Irāk in 1958; in Yemen in 1962; in Libya in 1969; and in Afghānistān in 1973. Thus the last third of the 20th century has witnessed, once again, a decline in the standing of the kingly title, which has lost ground to more attractive alternatives inspired by leftist, revolutionary trends.

Bibliography: LA, s.v.; Ibn al-Aṭhīr, *Ta'rikh al-dawla al-atābakiyya*, in *Recueil des historiens des croisades*, x, Paris 1876, s.v., in index; Kalkashandī, *Subh al-a'shā*, v, 486-8; Goldziher, *Muh. Stud.*, ii, 31 ff., Eng. tr. ii, 40 ff.; A. K. S. Lambton, *The theory of kingship in Naṣīhat ul-mulūk of Ghazālī*, in *IQ*, i (1954), 47-55; W. Madelung, *The assumption of the title shāhānshāh by the Būyids and 'the reign of the Daylam (dawlat al-Daylam)*', in *JNES*, cxviii (April 1969), 84-108, (July 1969), 168-83; C. E. Bosworth, *The titlature of the early Ghaznavids*, in *Oriens*, xv (1962), 210-33; Hasan al-Bāshā, *al-Alkāb al-Islāmiyya*, Cairo 1957, 496-507 and *passim* (a fundamental work); cf. also LAḲAB, PĀDISHĀH, SHĀH, SULTĀN.

(A. AYALON)

MĀLIK B. ABI 'L-SAMḤ AL-ṬĀ'Ī (d. ca. 136/754), one of the great musicians of the 1st/7th century. According to a tradition given in the *Aghānī*, the famous Ishāk al-Mawṣilī classed him among the four finest singers, of whom two were Meccans, Ibn Muhriz and Ibn Suraydj, and two Medinans, Ma'bad and Mālik.

His father, who came from a branch of the tribe of Ṭayy, died when Mālik was still very young; his mother, who came from the Qurayshite tribe of

Makḥzūm [q.v.], had to leave the mountains of the Ṭayy because of famine and settled with her children in Medina. According to the *Aghānī* again, Mālik became fascinated by singing, and spent his days at the door of 'Abd Allāh b. al-Zubayr's son Ḥamza, listening to the latter's protégé, the famous singer Ma'bad, and in whose company he spent the greater part of his time. One day, the *amīr* invited in the strange young Bedouin who had stationed himself at the door, and after a brief audition, instructed Ma'bad to teach him music. The relations between master and pupil were not always unequivocal.

Subsequently, Mālik attached himself to Sulaymān b. 'Alī al-Hāshimī, who became his patron. When al-Saffāh came to power, he nominated his uncle Sulaymān as governor of the lower Tigris region. The latter installed himself at Baṣra and summoned thither his protégé Mālik. After a short stay, Mālik decided to return to Medina, where, after some time, he died at over 80 years old.

Mālik learnt very easily the songs which he heard; but although he could easily remember the tunes, with all their nuances, he found it hard to remember the poetic texts. Ever since his first meeting with Ḥamza, he showed a remarkable mastery in the exact and tasteful reproduction of the melodies of Ma'bad, whom he captivated when listening at the door. In regard to the words, he confessed frankly that he could not remember them. In accordance with the norms of the period, Mālik was not considered as a creative artist and he himself did not consider himself as such. His practice was to declare that he was happy to embellish and enrich the works of others. Accordingly, he was in some way a musical aesthete whose whole imagination and energy were concentrated on the refinement and embellishment of the melody and on the beauty of its execution, rather than on the creation of new songs. Being careful to discover an exact expression of the facts just mentioned, he questioned his confrère Ibn Suraydj about the qualities of the perfect musician, and heard this reply: "The musician who enriches the melody, has good wind, gives the correct proportion to the phrases, underlines the pronunciation, respects the grammatical endings of words, gives long notes their proper value, separates clearly the short notes and, finally, uses correctly the various rhythmical modes, can be considered as perfect". It is very likely that Mālik embodied these qualities of the perfect musician.

Finally, Mālik remained faithful to his origins among the people, for we read on several occasions that he took as the basis of this compositions folkloristic melodies which a mourning woman, a weaver, an ass-driver, etc., sang.

Bibliography: *Aghānī*, Cairo 1932, i, 251, 315, v, 101-21; Ibn 'Abd Rabbihi *'Ikḍ*, Cairo 1949, vi, 29-30; *JA* (Nov.-Dec. 1873), 497-500.

(A. SHILOAH)

MĀLIK B. ANAS, a Muslim jurist, the *Imām* of the *madḥhab* of the Mālikīs, which is named after him [see MĀLIKĪYYA], and frequently called briefly the *Imām* of Medina.

1. The sources for Mālik's biography.

The oldest authority of any length for Mālik, Ibn Sa'd's account (d. 230/845 [q.v.]), which is based on al-Wākidī (d. 207/822 [q.v.]) and which places him in the sixth class of the Medinan "successors", is lost, as there is a hiatus in the manuscript of the work; but it is possible to reconstruct the bulk of it from the quotations preserved, mainly in al-Ṭabarī (iii, 2519 ff.), in the *Kutāb al-'Uyūn* (*Fragm. hist. arab.*, i, 297 ff.), in Ibn Khallikān and in al-Suyūṭī (7, 6 ff., 12 ff., 41, 46).

From this, it is evident that the brief biographical notes in Ibn ʿUtayba (d. 276/889 [q.v.]) and the somewhat more full ones in the *Fihrist* (compiled in 377/987) are based on Ibn Saʿd. The article on Mālik in al-Ṭabarī's (d. 310/922 [q.v.]) *Dhayl al-Mudhḥayyāl* is essentially dependent on the same source, while a few other short references there and in his history are based on other authorities. Al-Samʿānī (wrote ca. 550/1156 [q.v.]) with the minimum of bare facts gives only the legendary version of an otherwise quite well established incident, while in Ibn Khallikān (d. 681/1282 [q.v.]), and particularly in al-Nawawī (d. 676/1277 [q.v.]), the legendary features are more pronounced, although isolated facts of importance are also preserved by them. Al-Suyūṭī (d. 911/1505 [q.v.]) gives a detailed compilation drawn from Ibn Saʿd and other works, most of which are now no longer accessible but are for the most part of later date and unreliable, like the *Musnad Ḥadīth al-Muwaffaʿ* of al-Ḡhāfiḥ, the *Ḥilya* of Abū Nuʿaym, the *Kitāb al-Muttafaḥ wa 'l-mukhtalaf* of al-Khaṭīb al-Baghḍādī, the *Kitāb Tārīkh al-madārik* of al-Kāḍī ʿIyād and the *Faḍā'il Mālik* of Abū 'l-Ḥasan Fihri. The bulk of the later *Manāḥib* [q.v.], for example that of al-Zawāwī, are of no independent value.

2. Mālik's life.

Mālik's full name was Abū 'Abd Allāh Mālik b. Anas b. Mālik b. Abī 'Amir b. 'Amr b. al-Ḥārith b. Ghaymān b. Khuthayn b. 'Amr b. al-Ḥārith al-Aṣbahī; he belonged to the Humayr, who are included in the Banū Taym b. Murra (Taym Quraysh).

The date of his birth is not known; the dates given, varying between 90 and 97/708-16, are hypotheses, which are presumably approximately correct. As early as Ibn Saʿd we find the statement that he spent three years in his mother's womb (over two, according to Ibn ʿUtayba, 290), a legend, the origin of which in a wrong interpretation of an alleged statement by Mālik on the possible duration of pregnancy, is still evident in the text of Ibn Saʿd. According to a tradition preserved by al-Tirmidhī, Muḥammad himself is said to have foretold his coming as well as that of Abū Ḥanīfa and al-Shāfiʿī. His grandfather and his uncle on the father's side are mentioned by al-Samʿānī as traditionists, so that there is nothing remarkable in his also being a student. According to the *Kitāb al-Aghānī*, he is said to have first wanted to become a singer, and only exchanged his career for the study of *fikh* on his mother's advice on account of his ugliness (cf. Goldziher, *Muh. Studien*, ii, 79, n. 2); but such anecdotes are little more than evidence that someone did not particularly admire him. Very little reliable information is known about his studies, but the story that he studied *fikh* with the celebrated Rabiʿa b. Farrukh (d. 132 or 133 or 143/749-60), who cultivated *raʿy* in Medina, whence he is called Rabiʿat al-Raʿy, can hardly be an invention, although it is only found in somewhat late sources (cf. Goldziher, *op. cit.*, ii, 80). Later legends increase the number of his teachers to incredible figures: 900, including 300 *tābiʿūn* are mentioned. He is said to have learned *ḳirāʾa* from Nāfi b. Abī Nuʿaym. He transmitted traditions from al-Zuhri, Nāfi, the *maulā* of Ibn 'Umar, Abū 'l-Zinād, Ḥāshim b. 'Urwa, Yahyā b. Saʿīd, 'Abd Allāh b. Dīnār, Muḥammad b. al-Munkadir, Abū 'l-Zubayr and others, but the *isnāds* of course are not sufficient evidence that he studied with the authorities in question; a list of 95 *shuyukh* is given by al-Suyūṭī, 48 ff.

A fixed chronological point in his life, most of which he spent in Medina, is his being involved in the rising of the 'Alid pretender Muḥammad b. 'Abd Allāh in 145/762 (on the other hand, the story of Mālik's alleg-

ed dealings with Ibn Hurmuz in the same year gives the impression of being quite apocryphal). As early as 144/761, the caliph al-Manṣūr sent to the Ḥasanids of Mecca through him a demand that the two brothers Muḥammad and Ibrāhīm b. 'Abd Allāh, suspected of being pretenders to the supreme power, should be handed over to him; this shows that he must have already attained a position of general esteem and one at least not openly hostile to the government; he was even rewarded out of the proceeds of the confiscated property of the captured 'Abd Allāh, father of the two brothers above named. This mission met with no success. When Muḥammad in 145/762 by a coup made himself master of Medina, Mālik declared in a *fatwā* that the homage paid to al-Manṣūr was not binding because it was given under compulsion, whereupon many who would otherwise have held back joined Muḥammad. Mālik took no active part in the rising but stayed at home. On the failure of the rebellion (147/763), he was punished by flogging by Dja'far b. Sulaymān, the governor of Medina, when he suffered a dislocation of the shoulder, but this is said to have still further increased his prestige and there is no reason to doubt that the stories of Abū Ḥanīfa's ill-treatment in prison are based on this episode in the life of Mālik. He must have later made his peace with the government; in 160/777 the caliph al-Mahdī consulted him on structural alterations in the Meccan sanctuary, and in the year of his death (179/796) the caliph al-Rashīd visited him on the occasion of his pilgrimage. While this fact may be considered certain, the details in the *Kitāb al-Uyūn* are already somewhat legendary and in al-Suyūṭī, following Abū Nuʿaym, quite fantastic. The story of al-Manṣūr found as early as Ibn Saʿd, in a parallel *riwāya* in al-Ṭabarī from al-Mahdī, is quite fictitious, and is given again with fantastic detail in al-Suyūṭī (from Abū Nuʿaym) from al-Rashīd, that the caliph wanted to make the *Muwaffaʿ* canonical and only abandoned his intention at the representations of Mālik.

Mālik died, at the age of about 85 after a short illness, in the year 179/796 in Medina and was buried in al-Baqīʿ. 'Abd Allāh b. Zaynab, the governor there, conducted his funeral service. An elegy on him by Dja'far b. Aḥmad al-Sarrādj is given in Ibn Khallikān. Pictures of the *kubba* over his grave are given in al-Batanūni, *al-Rihla al-Hidjāziyya*², opposite p. 256, and in Ibrāhīm Rifʿat Pasha, *Mir'āt al-Haramayn*, i, opposite p. 426.

As early as Ibn Saʿd (certainly going back to al-Wākidī), we have fairly full description of Mālik's personal appearance, his habits and manner of life, which cannot however claim to be authentic, nor can the sayings attributed to him, which became more and more numerous as time went on. The few certain facts about him have been buried under a mass of legends; the most important facts have already been noted and the others will be found in al-Suyūṭī and al-Zawāwī.

On the transmitters of his *Muwaffaʿ*³ and the earliest members of his *madhhab*, see MĀLIKĪYYA. Here we will only mention the most important scholars who handed down traditions from him. These were 'Abd Allāh b. al-Mubārak, al-Awzāʿī, Ibn Dījayd, Ḥammād b. Zayd, al-Layth b. Saʿd, Ibn Salama, al-Shāfiʿī, Shu'ba, al-Thawrī, Ibn 'Ulayya, Ibn 'Uyayma, Yazid b. 'Abd Allāh and his *shaykhs* al-Zuhri and Yahyā b. Saʿīd; al-Suyūṭī, (18 ff.) gives a long list of transmitters, but most of them are not corroborated. We may just mention the apocryphal story of Mālik's meeting with the young al-Shāfiʿī (*Fragm. hist. ar.*, i, 359; Wüstenfeld, in *Abh. Gött. AW* [1890], 34, and [1891], 1 ff.), which is simply an expression of the

view that was held of the relation between the two *Imāms*.

3. Mālik's writings. Further sources for his teachings.

A. Mālik's great work is the *Kitāb al-Muwaffa'* which, if we except the *Corpus juris* of Zayd b. 'Alī, is the earliest surviving Muslim law-book. Its object is to give a survey of law and justice; ritual and practice of religion according to the *idjma'* of Islam in Medina, according to the *sunna* usual in Medina; and to create a theoretical standard for matters which were not settled from the point of view of *idjma'* and *sunna*. In a period of recognition and appreciation of the canon law under the early 'Abbāsids, there was a practical interest in pointing out a "smoothed path" (this is practically what *al-muwaffa'* means) through the far-reaching differences of opinion even on the most elementary questions. Mālik wished to help this interest on the basis of the practice in the Hijāz, and to codify and systematise the customary law of Medina. Tradition, which he interprets from the point of view of practice, is with him not an end but a means; the older jurists are therefore hardly ever quoted except as authorities for Mālik himself. As he was only concerned with the documentation of the *sunna* and not with criticism of its form, he is exceedingly careless as far as order is concerned in his treatment of traditions. The *Muwaffa'* thus represents the transition from the simple *fiqh* of the earliest period to the pure science of *ḥadīth* of the later period.

Mālik was not alone among his contemporaries in the composition of the *Muwaffa'*; al-Mādjashūn (d. 164/781) is said to have dealt with the consensus of the scholars of Medina without quoting the pertinent traditions, and works quite in the style of the *Muwaffa'* are recorded by several Medinan scholars of the same time (cf. Goldziher, *op. cit.*, ii, 219 ff.) but nothing of them has survived for us. The success of the *Muwaffa'* is due to the fact that it always takes an average view on disputed points (see below, section 4).

In transmitting the *Muwaffa'*, Mālik did not make a definitive text, either oral or by *munāwala*, to be disseminated; on the contrary, the different *riwāyas* (recensions) of his work differ in places very much (cf. Goldziher, *op. cit.*, ii, 222). The reason for this, besides the fact that in those days every little stress was laid on accurate literal repetition of such texts and great liberty was taken by the transmitters (cf. Goldziher, *op. cit.*, ii, 221), lies probably in the fact that Mālik did not always give exactly the same form to his orally-delivered teachings. But the name *Muwaffa'*, which certainly goes back to Mālik himself, and is found in all recensions, is a guarantee that Mālik wanted to create a "work" in the later sense of the term, although of course the stories which make Mālik talk of his writings reflect the conditions of a later period. In later times, the *Muwaffa'* was regarded by many as canonical (cf. Goldziher, *op. cit.*, ii, 213, 265 ff.; al-Suyūṭī, 47) and numerous legends deal with its origin (al-Suyūṭī, 42 ff.).

Fifteen recensions in all of the *Muwaffa'* are known, only two of which were to survive in their entirety, while some five were studied in the 3rd-4th/9th-10th centuries in Spain (Goldziher, *op. cit.*, ii, 222, nn. 2 and 4) and twelve were still available to al-Rudānī (d. 1094/1693) (Heffening, *Fremdenrecht*, 144, n. 1):

a. the vulgate of the work transmitted by Yahyā b. Yahyā al-Maṣmūdī (d. 234/848-9), often printed e.g. Delhi 1216, 1296 (without *isnāds* and with Hindustānī translation and commentary), 1307, 1308, Cairo 1279-80 (with the commentary of Muḥammad b. 'Abd al-Bakī al-Zurkānī, d. 1122/1710), Lahore 1889,

Tunis 1280; numerous commentaries, editions and synopses; cf. Brockelmann, I, 176, S I, 297-9; Ahlwardt, *Katalog Berlin*, 1145; Muḥammad 'Abd al-Ḥayy al-Lakhnawī (Introduction to the edition of the recension b), Lucknow 1297, 21 ff.; al-Suyūṭī, 3 *passim* (work of al-Ghāfīkī), 57 (on Ibn 'Abd al-Barr) and 58 (chief passage); Goldziher, *op. cit.*, ii, 230, n. 2; Schacht, in *Abh. Preuss. Ak.* (1928), no. 2 c; and al-Suyūṭī, *Is'āf al-mubaffa' bi-riḍāl al-Muwaffa'*, Delhi 1320, and Muḥammad b. Ṭāhīr al-Patnī, *Madjma' biḥār al-anwār*, Lucknow 1283.

b. the recension of Muḥammad b. al-Ḥasan al-Shaybānī (d. 189/805) which is also an edition and critical development of Mālik's work, as al-Shaybānī at the end of most chapters gives his own views and that of Abū Ḥanīfa on the questions discussed, sometimes with very full reasonings; often printed, e.g. Lahore 1211-13 (with Hindustānī translation and notes), Ludhiana 1291, 1292, 1293, Lucknow 1297 (with introduction and commentary by Muḥammad 'Abd al-Ḥayy al-Lakhnawī), Kazan 1910 (with the same); several commentaries; cf. Brockelmann, *op. cit.*; Schacht, *op. cit.*, nos. 2, 2a, 2b; and the works quoted under a.

On the relation of these *riwāyas* to one another, cf. Goldziher, *op. cit.*, ii, 223 ff.

c. The quotations from the recension of 'Abd Allāh b. Wāḥb (d. 197/813) which are preserved in the two fragments of al-Ṭabarī's *Kitāb Ikhtilāf al-fukahā'* (ed. Kern, Cairo 1902, and Schacht, *op. cit.*, no. 22) are fairly comprehensive; this *riwāya* follows that of Yahyā b. Yahyā quite closely.

The other recensions of the *Muwaffa'* are given by al-Lakhnawī, *op. cit.*, 18 ff.; further lists of transmitters of the *Muwaffa'* are given in al-Suyūṭī, 48, 51, and in al-Nawawī.

B. Whether Mālik composed other works besides the *Muwaffa'* is doubtful (the statements in the *Fihrist*, 199, 9, which speak of a number of works by Mālik are quite vague and uncertain). The books ascribed to him fall into two groups: legal and otherwise. Among the legal ones we read of a *Kitāb al-Sunan* or *al-Sunna* (*Fihrist*, 199, ll. 9, 16) transmitted by Ibn Wāḥb or by 'Abd Allāh b. 'Abd al-Ḥakam al-Miṣrī, a *Kitāb al-Manāsik* (al-Suyūṭī, 40), a *Kitāb al-Mudjālasāt*, transmitted by Ibn Wāḥb (*ibid.*), a *Risāla fi 'l-akāḍiya*, transmitted by 'Abd Allāh b. 'Abd al-Djalīl (*ibid.*, 41) and a *Risāla fi 'l-fatwā*, transmitted by Khalīd b. Nazār and Muḥammad b. Muṭarrif (*ibid.*). The genuineness of all these is, however, uncertain, and even if they go back to Mālik's immediate pupils (sometimes they are actually attributed to the latter; cf. al-Lakhnawī, *op. cit.*, 19), Mālik's own share in them would be still uncertain. A work (Gotha 1143) said to have been transmitted by 'Abd Allāh b. 'Abd al-Ḥakam al-Miṣrī and heard by him along with Ibn Wāḥb and Ibn al-Kāsim is certainly apocryphal and does not pretend moreover to give any utterances of Mālik himself.

Of other titles, there are mentioned a *Tafsīr*, a *Risāla fi 'l-ḥadār wa 'l-radd 'alā 'l-ḥadāriyya*, a *Kitāb al-Nuḍjūm* and a *Kitāb al-Sirr* (al-Suyūṭī, 40 ff.), which are in the usual style of the apocryphal literature. The suspicion of falsity is also strong in the case of the *Risāla* containing advice to the caliph al-Raṣhīd, mentioned as early as the *Fihrist* alongside of the *Muwaffa'* (printed *Bulāḥ* 1311; cf. Brockelmann, *op. cit.*) which looks like a Mālikī counterpart of the *Kitāb al-Kharādī* of Abū Yūsuf: even al-Suyūṭī (41) doubted its genuineness, although for reasons which are not convincing to us.

C. There are two other main sources for Mālik's

teaching (setting aside the later accounts of the doctrine of the Mālikī *madhhab*):

The more important is the *al-Mudawwana al-kubrā* of Ṣaḥnūn (d. 240/854 [q.v.]) which contains replies by Ibn Kāsim (d. 191/807) according to the school of Mālik, or according to his own *ra'y*, to questions of Ṣaḥnūn as well as traditions and opinions of Ibn Wahb (d. 197/813) (cf. Brockelmann, *op. cit.*, 177; Heffening, *op. cit.*, 144; Krenkow, in *ET* art. ṢAḤNŪN).

Al-Ṭabarī, who in his *Kitāb Ikhtilāf al-fukahā'* has preserved fragments of the *Muwaffa'* recension of Ibn Wahb (cf. above), also quotes frequently traditions and opinions of Mālik in his commentary on the Qur'ān on the "legal" verses.

4. Mālik's position in the history of *fikh*.

Mālik represents, in time, a stage in the development of *fikh* in which the reasoning is not yet thorough and fundamental but only occasional and for a special purpose, in which the legal thought of Islam has not yet become jurisprudence; and, in place, the custom of the town of Medina where the decisive foundations of Muslim law were laid down. One of the main objects in the juristic thought that appears in the *Muwaffa'* is the permeation of the whole legal life by religious and moral ideas. This characteristic of the formation of legal ideas in early Islam is very clear, not only in the method of putting questions but in the structure of the legal material itself. The legal material, having in itself no connection with religion, that has to be permeated by religious and moral points of view, is the customary law of Medina, by no means primitive but adapted to the demands of a highly developed trading community, which for us is the principal representative of old Arabian customary law: it appears in Mālik sometimes as *sunna* "use and wont"; sometimes it is concealed under the Medina *idjmā'*, which he ascertains with great care. Broadly speaking, this only means that objections on religious grounds have not been raised by anyone against a principle, etc., of customary law. The older jurisprudence had another main object: the formation of a system which sets out from principles of a more general character, which aims at the formation of legal conceptions in contrast to the prevailing casuistry and is to some extent rounded off in a codification, if still a loose one, of the whole legal material.

While the Islamisation of the law had been already concluded in its essential principles before Mālik, many generations had still to work at its systematisation; therefore, Mālik's own legal achievement can only have consisted in the development of the formation of a system. How great his share in it was cannot be ascertained with certainty from the lack of material for comparison. The surprising success achieved by the *Muwaffa'*, out of a number of similar works, would in any case be completely explained by the fact that it recorded the usual consensus of opinion in Medina without any considerable work of the author's own and came to be regarded as authoritative as the expression of compromise (just as the works on Tradition came to be regarded as canonical). The *Muwaffa'* would in this case have to be regarded less as evidence of Mālik's individual activity than as evidence of the stage reached in the general development of law in his time. It may be said that this average character was just what Mālik aimed at (cf. above, section 3, A).

The high estimation in which Mālik is held in the older sources is justified by his strict criticism of *hadīths* and not by his activity in the interests of *fikh* (al-Ṭabarī, iii, 2484, 2492; al-Sam'ānī; al-Nawawī;

Goldziher, *op. cit.*, ii, 147, 168; idem, *Zāhiriten*, 230); even this only means that with his *hadīths* he kept within the later consensus. That al-Shāfi'ī devoted special attention to him out of all the Medinan scholars (cf. his *Kitāb Ikhtilāf Mālik wa 'l-Shāfi'ī*) is explained by the fact that he was a disciple of his.

As to the style of legal reasoning found in the *Muwaffa'*, *hadīth* is not by any means the highest or the only court of appeal for Mālik; on the one hand, he gives the *'amal*, the actual undoubted practice in Medina, the preference over traditions, when these differ (cf. al-Ṭabarī, iii, 2505 ff.), and on the other hand, in cases where neither Medinan tradition nor Medinan *idjmā'* existed, he laid down the law independently. In other words, he exercises *ra'y*, and to such an extent that he is occasionally reproached with *ta'arruk*, agreement with the 'Irākīs (cf. Goldziher, *Muh. Studien*, ii, 217; idem, *Zāhiriten*, 4 ff., 20, n. 1). According to a later anti-*ra'y* legend, he is said to have repented of it on his deathbed (Ibn Khallikān). It is scarcely to be supposed that he had diverged seriously from his Medinan contemporaries in the results of his *ra'y*.

5. Mālik's pupils.

In the strict sense, Mālik no more formed a school than did Abū Ḥanīfa; evidence of this is found in the oldest names *Ahl al-Ḥidjāz* and *Ahl al-'Irāk*, etc. compared for example with *Aṣḥāb al-Shāfi'ī*. These names at once indicate the probable origin of the Mālikī *madhhab*; after a regular Shāfi'ī school had been formed, which in view of al-Shāfi'ī's personal achievement, is quite intelligible in the development of *fikh* (cf. Bergsträsser, *op. cit.*, 76, 80 ff.), it became necessary for the two older schools of *fikh*, whose difference was probably originally the result of geographical conditions in the main, also to combine to form a regular school, when a typical representative of the average views like Mālik or Abū Ḥanīfa was regarded as head. In the case of Mālik, the high personal esteem, which he must have enjoyed even in his lifetime (see above, section 2) no doubt contributed to this also. But it is to his pupils that his elevation to the head of a school is mainly due. Traces of this process are still to be found in the varying classification of old jurists as of the Ḥidjāz school or as independent *muḏḥahids* (cf. also *Fihrist*, 199, l.22).

On the Mālikī law school, see MĀLIKĪYYA.

Bibliography: On Mālik's life: Ibn Kutayba, *Kitāb al-Ma'ārif*, ed. Wüstenfeld, 250, 290; Ṭabarī, *Annales*, index; *Kitāb al-Fihrist*, ed. Flügel, 198; Sam'ānī, *Kitāb al-Ansāb*, GMS, xx, fol. 41a; Ibn Khallikān, ed. Wüstenfeld, no. 500; Nawawī, ed. Wüstenfeld, 530; De Goeje, *Fragmenta historicorum arabicorum*, index; al-Suyūṭī, *Taẓyīn al-mamālik*, in Ibn al-Kāsim, *al-Mudawwana*, i, Cairo 1324; 'Isā b. Mas'ūd al-Zawāwī, *Manāḥib sayyidnā al-Imām Mālik*, Cairo 1324; the further *manāḥib* and Mālikī *ṭabakāt* literature; a modern list by Muḥammad 'Abd al-Hayy al-Lakhnawī in the introduction to his edition of the *Muwaffa'* of al-Shaybānī [q.v.].

On Mālik's writings: Brockelmann, I, 175, S I, 297-9; Sezgin, *GAS*, i, 457-84; Goldziher, *Muhammedanische Studien*, ii, 213 ff. (Fr. tr. L. Bercher, 269 ff.; Eng. tr. S. M. Stern and C. M. Barber, ii, 198 ff.); al-Lakhnawī, *op. cit.*

On Mālik's position in the history of *fikh*: Bergsträsser, in *Isl.*, xiv, 76 ff.; Goldziher, *op. cit.*

(J. SCHACHT)

MĀLIK B. 'AWF B. SA'D B. RABĪ' A. AL-NAṢRĪ, Bedouin chief and contemporary of Muḥammad, who belonged to the clan of the Banū Naṣr B. Mu'āwiya of the powerful Ḳaysī tribe of the