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Life in the Middle Maghreb Through the Book "Durar Al-Muknunah Fi Nawazil Mazouna" - Prayer Questions as a Model

# Life in the Middle Maghreb Through the Book "Durar Al-Muknunah Fi Nawazil Mazouna" - Prayer Questions as a Model

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## Abstract :

This scholarly paper attempts to present some aspects of The Middle Maghreb society through books of fatwas and legal issues, shedding light on an important source by Abu Zakariya Yahya ibn Musa ibn Isa ibn Yahya Al-Maghili Al-Mazouni (d. 883 AH/1478 CE). He rendered significant services to his community and the Islamic nation as a whole through the answers he elaborated in his legal encyclopaedia "Durar al-Muknunah fi Nawazil Mazouna", which were in line with their reality, addressed the concerns of people from different social classes and proposed practical solutions to their problems in various fields: worship, personal affairs, economics and behaviour. It became their sufficient guide and comprehensive legal reference.

The article focuses on one chapter of the book, specifically "Prayer Issues", by examining the legal issue and exploring it beyond its legal content. This approach reveals the political, cultural, ethical and doctrinal features of society. The book discusses all segments of society, including the poor and the rich, rulers, judges and merchants, especially the general public and the marginalised. It does not overlook women and discusses their situation. It describes some customs and traditions and highlights the environmental conditions of the society. It also emphasises the society's adherence to noble ethics. It can be said that the book vividly depicts the reality of the people, captures their hopes and offers a cure for their sorrows.

**Keywords:** Fatwas, society, The Middle Maghreb, Abu Zakariya Al-Maghili, Nawazil Mazouna, Maliki jurisprudence, prayer issues.

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## Introduction:

Books of Nawazil (legal cases) and fatwas are rich sources of historical and jurisprudential material. They serve as comprehensive records of various aspects of the lives of individuals and communities, shedding light on intellectual, social, legislative and legal issues. Nawazil refers to the cases and disputes brought before judges, scholars and muftis (legal advisors). They are of immense value, not only from a religious perspective, but also because they illuminate many of the intricacies of social, economic and cultural life. They provide an insight into the customs and traditions of

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Maghreb and Andalusian societies, as well as the laws and systems of governance in force at the time and their impact on these societies.

These fatwas and nawazils acquaint us with the muftis, scholarly institutions, debates, arguments and correspondence between scholars and judges in guiding the community, upholding justice, supporting the oppressed and advising rulers. They also provide insights into social structures and the community's support for religious, educational and jihad institutions.

The books of Nawazil are characterised by their realism, spontaneity, simplicity of presentation and diversity of topics. They are therefore a rich source of parallel information for researchers, historians, jurists and sociologists. French Orientalist Raïssa Adre notes: "These fatwas are of immense importance not only in the field of Islamic jurisprudence in Andalusia, but also for the wealth of information they give us about its economic and social life. This information is almost completely absent from the works of historians".

The study of legal cases reflects the image of Islamic society in all its peculiarities, problems and complexities.

Moreover, the richness of its material enables it to reveal what historical accounts have failed to capture. Islamic jurisprudence is not merely theoretical concepts confined to books; it is a jurisprudence of life, as Ibn Sahl said: "Experience is the basis of all art".

Since the Islamic Maghreb in general and The Middle Maghreb in particular were regions where the Maliki jurisprudence flourished, a practical and dynamic jurisprudence in harmony with reality and closely linked to the concerns and problems of the people, it was readily accepted by the people. They endeavoured to study and preserve it, and to delve into the issues raised by their predecessors. This allowed scholars to unfold their ideas in research, exploration and excavation, leading to the blossoming of a magnificent civilisation rarely seen in history.

Among the important jurisprudential sources that rendered valuable services to their societies by answering people's questions is the book "Ad-Durar al-Maknunah fi Nawazil Mazunah" by Abu Zakariya Yahya ibn Musa ibn Isa ibn Yahya al-Maghili al-Mazuni (d. 883 AH/1478 CE). We have chosen him as a model through which we can convey some aspects of the life of The Middle Maghreb society, focusing on the chapter "Questions of Prayer". This is due to the richness of its jurisprudential content and the inclusion of various cases, disputes and social differences that were presented to the jurist, who provided answers, solutions and fatwas. The aim of this research is to use these questions, fatwas and answers to present a picture of the reality of The Middle Maghreb and to shed light on their living conditions at the time.

The scientific study of these nawazis has the following objectives

- Attract the attention of researchers and stimulate their scientific passion for such subjects and serious social studies.
- Contribute to the writing and documentation of the local history of The Middle Maghreb (Algeria) today.

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- To highlight the importance of social studies in understanding different behaviours and historical events that have been interpreted out of context.

We have adopted an analytical, inductive and deductive approach and we have presented the outline of this topic in the following points:

First: To highlight the effectiveness of jurisprudential nawazils (contemporary legal issues) in the dynamics of society and their historical importance in documenting the history of peoples and nations, especially marginalised and general populations, as they represent the most active groups and are the focus of these fatwas and nawazils.

Second, to provide a brief introduction to the author and the book.

Third: To present examples and illustrations of social aspects related to family systems, customs, traditions, and various themes and issues in the Central The Middle Maghreb.

Fourth: Structuring the research by presenting the jurisprudential fatwas and using them to derive social indications, analysing them to serve the theme of the study.

Fifth, the primary sources for this research are the books of Nawazil and fatwas, with the most prominent book being "Ad-Durar al-Maknunah fi Nawazil Mazunah". It should be noted that although the focus of the research and its main axis are the issues of prayer, the researcher did not isolate them as an independent element, considering that the nawazil in this research are interpreted and socially used, rather than purely jurisprudential, as the researcher's objective is to portray the society, its dynamics and its interaction in the nawazil, not the jurisprudential implications and legal rulings.

## **2. The effectiveness of jurisprudential Nawazil and its historical significance.**

### **1.2. Definition of nawazil:**

Linguistically, "nawazil" refers to severe hardships<sup>1</sup> that befall a people<sup>2</sup>, and its plural is "nawazil"<sup>3</sup>.

Technically, since the jurisprudence of nawazil was not a separate chapter within the established jurisprudential framework, but rather part of various jurisprudential discussions, we do not find a specific, precise definition for it in our jurisprudential heritage as we do for other topics and chapters. However, we can derive some ideas from what scholars have mentioned:

A legal dictionary defines it as: an event that requires a legal decision<sup>4</sup>.

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<sup>1</sup>- Al-Fayroz Abadi, (The Comprehensive Dictionary), Translation by Abu al-Wafa Nasr al-Hawrini al-Masri al-Shafi'i, Revised by Anas Muhammad al-Shami, Zakaria Jabir Ahmad, Dar al-Hadith, Egypt, 2008 CE, p. 1602.

<sup>2</sup>- Abu Abdullah ibn Abi al-Fath al-Bali al-Hanbali, (An Overview of the Chapters of Al-Muqni'), Al-Maktab al-Islami, 1401 AH/1981 CE, p. 95.

<sup>3</sup>- Ibn Manzur, Lisan al-Arab (The Tongue of the Arabs), Edited by Abdullah Ali al-Kabir, Muhammad Ahmad Hasb Allah, Hashim Muhammad al-Shadhli, Dar al-Ma'arif, Vol. 6, Vol. 49, p. 4401.

<sup>4</sup>- Muhammad Rawas Qalaji and Hamid Sadiq Qanibi, (Dictionary of the Language of Jurists), Dar al-Nafa'is for Printing, Publishing, and Distribution, 2nd edition, 1408 AH, p. 471.

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Sheikh Bakr Abu Zaid defines it as: emerging events and issues, and the well-known incidents that contemporary society refers to as theories and phenomena<sup>5</sup>.

Perhaps the use of "nawazil" for the specific issue can be attributed either to the observation of the intensity and the difficulties faced by the jurist in deriving a ruling for these nawazils, which made the early scholars hesitate and ask, "Did it happen?".

Or it may be named "nawazil" to emphasise the notion of emergence, since it is an issue that emerges and its resolution is unknown, to be resolved by an individual or a group<sup>6</sup>.

The term "Al-Nawazil" refers to issues that require a religious ruling and includes all incidents that require a fatwa to clarify them, regardless of whether the incident is recurring, recent or rare<sup>7</sup>.

### Other terms:

1. **"Al-Fatawa"**: This is the best known, oldest and best term for this type of legal ruling. It is mentioned in various places in the Holy Quran, including the verse: "They ask you for a ruling concerning women. Say: Allah gives you a judgement about them"<sup>8</sup>.

- Al-Hattab, from the Maliki school of thought, defined it as: "The announcement of a legal decision that is not based on coercion"<sup>9</sup>.

- Al-Qarafi, in explaining the difference between fatwa and ruling, stated: "As for the fatwa, it is the notification of Allah Almighty. The mufti (one who gives the fatwa) is like the translator with the judge"<sup>10</sup>.

The relationship between the fatwa and the jurisprudence of Al-Nawazil is both general and specific. Fatwa is broader than the jurisprudence of Al-Nawazil because the Mufti deals with all issues, whether they are incidents or not. That is why we find important sources of Al-Nawazil jurisprudence in books specialising in fatwas, such as the fatwas of Ibn Taymiyyah, the Indian fatwas, the fatwas of Ibn Hajar Al-Haytami, the fatwas of Sheikh Al-Alishi, and many others.

2. **"Al-Masa'il" or "Al-As'ilah" (The Questions)**: They are similar to fatwas and are frequently mentioned in the Holy Quran, such as in the verse: "They ask you about the new moons. Say: They are measures of time for people and for Hajj"<sup>11</sup>.

They are so called because they are questions posed by the questioners to the jurists. One of the works related to this is "Masail al-Qadi" by Abu al-Walid ibn Rushd.

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<sup>5</sup>- Bakr Abu Zaid, (Jurisprudence of Unprecedented Cases), Beirut: Dar al-Risalah, p. 8.

<sup>6</sup> - Abdullah Al-Sheikh Al-Mahfouz bin Bayyah, (Ways to Benefit from Unprecedented Cases and Jurisprudential Work in Contemporary Applications), Journal of the Islamic Fiqh Council affiliated with the Islamic Conference Organization in Jeddah, Issue 11, Vol. 2, p. 533.

<sup>7</sup>- Abdul Nasser Musa Abu al-Basal, (An Introduction to the Jurisprudence of Unprecedented Cases), (Jurisprudential Unprecedented Cases and Their Impact on Fatwas and Ijtihad), Publications of the Faculty of Arts and Humanities, Debates and Dialogues Series, p. 11.

<sup>8</sup>- Surah An-Nisa : 127.

<sup>9</sup>- Muwahib al-Jalil, Al-Hattab, Dar al-Fikr, 3rd edition, 1992, vol. 1, p. 32.

<sup>10</sup>- Al-Furuq, Al-Qarafi, Beirut, Alam al-Kutub, vol. 4, p. 89.

<sup>11</sup>- Surah Al-Baqarah : 189.

**3. "Al-Ajwib" (The Answers):** In other references they are also called "Al-Ajwib" or "Al-Jawabat" (The Answers). This name is used by some scholars in Andalusia because these are questions that the scholars answered at the request of the people<sup>12</sup>.

Al-Nawazil, in the terminology of the Maliki school of thought, refers to the cases and events in which judges rule according to Islamic jurisprudence. The term "Al-Aqdiyyah" refers to rulings in financial transactions, inheritance and similar matters<sup>13</sup>.

The situation is divided into two parts: the question and the answer. The question presents the problem as it occurred in its time and place, along with the surrounding circumstances. It provides the researcher with a description of the social and economic conditions surrounding the event presented to the Mufti. The answer usually provides the questioner with a legal ruling as a solution to his question and request<sup>14</sup>. The question is more important than the answer in this situation because it reflects the concerns and attitudes of the questioner, which in turn reflect the concerns and attitudes of society. The answer, on the other hand, reflects the mindset of the mufti and does not reveal the characteristics of society except superficially through some signals from the jurist<sup>15</sup>.

## 2.2 The Role of Contemporary Issues in Historical Writing

is an important gateway to understanding Islamic history. It reveals the features of life and approaches them realistically and genuinely, and serves as a rich source for historians to study various aspects and concerns of public life in society<sup>16</sup>. It has been neglected by researchers, but it has become an important source for Islamic historiography due to its characteristics, including its connection with lived reality, and it addresses many issues and concerns<sup>17</sup>.

The jurisprudence of contemporary issues is an important social and civilisational historical material for understanding the circumstances of the Islamic West, and serves as a document for reading reality and time. It is of great importance for social history studies as it records the life of societies and the changes in their customs and traditions. Historians benefit from stripping it of its jurisprudential data and focusing on its historical aspects<sup>18</sup>.

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<sup>12</sup>- Abdul Haq Hamish, (Introduction to the Jurisprudence of Unprecedented Cases), Vol. 1, p. 7, Download and read the book at the following link: <https://ketabonline.com/ar/books/107320>

<sup>13</sup>- Muhammad bin Hussein Al-Jizani, *Fiqh al-Nawazil: Dirasah Ta'siliyyah Tatbiqiyyah* (Jurisprudence of Unprecedented Cases: A Theoretical and Applied Study), Dar Ibn al-Jawzi, 2nd edition, Kingdom of Saudi Arabia, 2006, Vol. 1, p. 20.

<sup>14</sup>- Muhammad Mazin, "Moroccan History and the Problem of Sources: The Example of Jurisprudential Unprecedented Cases", *Journal of the Faculty of Arts and Humanities in Fez, Special Issue on Studies in Moroccan History*, 1406 AH/1985 AD, p. 102.

<sup>15</sup>- Omar bin Mira, "Unprecedented Cases and Society: A Contribution to the Study of Bedouin History in Central Morocco (8th and 9th centuries AH/14th and 15th centuries AD)", *Publications of the Faculty of Arts and Humanities*, Rabat, Series of Theses and Dissertations, No. 67, 2013, p. 53.

<sup>16</sup>- Tahir bin Ali, "The Role of Unprecedented Cases in Historical Writing: The Unprecedented Cases of Andalusia in the 8th and 9th Centuries AH/14th and 15th Centuries AD as a Model", unpublished doctoral thesis in medieval history, supervisor: Al-Haj Aifa, from the University of Algiers 2, 2013-2014 AD, p. 155.

<sup>17</sup>- Hisham al-Baqali, "Andalusia: The Era of Sects and Almoravids through the Unprecedented Cases of Ibn al-Haj al-Tajibi", *Al-Khaliduniyah Journal of Humanities and Social Studies*, Issue 11, Algeria, 2019, p. 175.

<sup>18</sup>- - Jamil Hamdawi, "Fiqh al-Nawazil in the Islamic West: Towards a Foundational Approach," Dar al-Rif for Print and Electronic Publishing, Morocco, 2015, p. 41.

The books of Al-Nawazil have done a great service to the society of the Islamic West. They have lifted the veil on many complex and sensitive issues, providing an understanding of its composition, strata and various social sects<sup>19</sup>. They have shed light on family relationships and portrayed their customs and traditions<sup>20</sup>. In doing so, they have served as an honest mirror reflecting the realities of people's lives, their emerging problems<sup>21</sup> and pressing issues, delving into the depths of their daily lives. Al-Nawazil is not just a collection of legal rulings; it is a record of all aspects of life<sup>22</sup>.

The jurisprudence of Al-Nawazil is closely linked to the daily reality of the Islamic West in all its aspects. It reflects the different political, economic, social and historical conditions of that society. It also identifies the local circumstances associated with each case. The books of Al-Nawazil<sup>23</sup> contain various legal decisions that can be used by historians to extract the characteristics of Maghreb and Andalusian society, such as the composition of the population and the ways in which different ethnic and religious groups coexisted<sup>24</sup>. Moreover, Al-Nawazil is of great value for historical research because it reflects precise historical situations through its questions, which are characterised by spontaneity and innocence due to its unofficial nature. Its value often exceeds that of other historical texts<sup>25</sup>.

Al-Nawazil illustrates social lifestyles and various related issues such as family affairs and market transactions. It also deals with several economic issues, including land, agriculture, property, inheritance and sales<sup>26</sup>. The questions posed in Al-Nawazil provide an insightful picture of the conditions of society, as they reveal the interactions between different social groups. They narrate various issues between the governed and the ruling class, aspects that are often neglected in other sources<sup>27</sup>.

Historians have shown interest in the books of Al-Nawazil as part of the renewal of historical writing, which requires the use of new and diverse source genres compared to annals and general history books<sup>28</sup>.

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<sup>19</sup>- Ahmed It Jaloul, "Fiqh al-Nawazil and Its Importance among Maliki Jurists", Al-Mudawwana Journal, Issue 15, India, Rabia al-Akhir 1439 AH/January 2018 AD, p. 146.

<sup>20</sup>- Ibrahim Al-Qadri Butchich, "Fiqh Unprecedented Cases and Legal Contracts: Important Sources for the Study of General Categories in the Islamic West (5th and 6th Centuries AH/12th and 13th Centuries AD)", Morocco, p. 6.

<sup>21</sup>- Abdul Aziz Wafi, "Fiqh al-Nawazil among Maghreb Maliki Jurists: Its Importance, Characteristics and Advantages", Al-Shihab Journal, Volume 4, Issue 4, Rabia al-Thani 1440 AH/December 2018 AD, p. 249.

<sup>22</sup>- Abdul Wahid Zunoun Taha, "Fatawa Books as a Source for Islamic History", Al-Majallah Al-Arabiyyah li al-Thaqafah, Issue 27, Rabia al-Awwal 1415 AH/September 1984 AD, p. 2.

<sup>23</sup>- Jamil Hamdawi, quoted above, p. 42.

<sup>24</sup>- Muhammad Hajji, "The Maliki School in Islamic Morocco and its Great Encyclopaedia: Al-Mu'jam al-Kabir by Al-Wansharisi", lectures of the Imam Malik Conference, Ministry of Endowments and Islamic Affairs, Fez, 1980 AD, p. 178.

<sup>25</sup>- Ibrahim Al-Qadri Butchich, cited above, p. 6.

<sup>26</sup>- Bouhaloufa Amin, "People of the Pact in Central Morocco through the Unprecedented Cases of Al-Wansharisi", Unpublished Master's Thesis, Mohammed Bourekba, Faculty of Civilisation and Islamic Sciences, University of Oran 1, Algeria, 1013-2014 AD, pp. 29, 30.

<sup>27</sup>- Mohammed Fatah, "Fiqh Unprecedented Cases and Society: Research on the History of the Islamic West (6th-9th Centuries AH/12th-15th Centuries AD)", Publications of the Faculty of Arts and Humanities, Casablanca, Theses and Dissertations Series, Morocco, 1999, p. 19.

<sup>28</sup>- Hisham al-Baqali, cited above, p. 37.

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Al-Nawazil is characterised by its credibility and the truthful presentation of events as they happened, with accuracy, clarity and frankness, without underlying motives<sup>29</sup>.

Reliance on the books of Al-Nawazil in historical studies is considered a necessary research requirement for the study of the history of the Islamic West. It aims to fill in the gaps left by other sources and allows us to trace various phenomena that have been overlooked, intentionally or unintentionally, in other historical accounts. This provides an opportunity to complete the historical vision of events and facts from different perspectives<sup>30</sup>, including their explicit and declared intentions.

The Nawazili texts will remain relevant for all times and for different societies in different geographical locations. This is because the presented fatwas reflect real situations and provide answers to real questions that have acquired a local character influenced by jurisprudential factors<sup>31</sup>. People are interested in knowing the rulings on these issues.

### 3. Introduction to Abu Zakariya Yahya ibn Musa ibn Isa ibn Yahya al-Maghili al-Mazoni (d. 883 AH/1478 CE):

#### 3.1 Pedigree and education:

He is Yahya ibn Abi Imran ibn Isa ibn Yahya al-Maghili al-Mazoni<sup>32</sup>. Al-Bustani mentioned that his father's name was Idris al-Mazoni<sup>33</sup>, from a family known for knowledge, understanding and virtue. Most of its members held judicial positions that were passed down from generation to generation. His father, grandfather and he himself reached this important position<sup>34</sup>.

#### 3.2 Intellectual ability and scholarly status:

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<sup>29</sup>- Tahir bin Ali, cited above, p. 154.

<sup>30</sup>- Miloud Kaouas, "The Nature and Meaning of Unprecedented Cases: Fiqh Unprecedented Cases and Issues of Education and Teaching", edited by Taher Kadouri and Hassan Qaida, Proceedings of the International Conference on 19-20 March 2019, Cordoba Library, 1st edition, Morocco, 2019, p. 25.

<sup>31</sup>- Tahir bin Ali, same reference, p. 20.

<sup>32</sup>- - Abu al-Abbas al-Wansharisi, "The Comprehensive Method, the Flowing Fountain, and the Appropriate Meaning of the Etiquette of Documentation and the Rules of Documents," Edited by Abdul Rahman bin Hamoud al-Atarim, 1st edition, Dar al-Buhuth for Islamic Studies and Revival of Heritage, United Arab Emirates, 2005, Vol. 1, p. 73.

- Ibn Maryam, "Al-Bustan in Commemoration of the Saints and Scholars of Tlemcen," Published by Muhammad bin Abi Shanab, Al-Tha'labiyya Press, 1908, p. 42.

- Ahmad Baba al-Timbukti, "Attaining Joy through Embroidering the Frontispiece: A Supervised and Introduced Edition," by al-Harrama Abdul Hamid Abdullah, 1st edition, Publications of the College of Islamic Da'wah, Tripoli, Libya, 1989, p. 637.

- Al-Hafnawi Abu al-Qasim, "Defining the Successors by the Men of the Predecessors," Al-Risalah Foundation and Al-Maktabah al-Atiqah, Tunisia, 1985, p. 189.

- Al-Zarkali, "Al-A'lam," Vol. 8, Dar al-Ilm Lil-Malayin, Beirut, 1989, p. 175.

- Adel Nouiha, "Dictionary of Algerian Figures," 1st edition, Al-Maktab al-Tijari Lil-Tiba'ah wa al-Nashr, Beirut, 1971, p. 204

<sup>33</sup>- Ibn Maryam, "Al-Bustan," p. 42.

<sup>34</sup>- Majani Bouna, "Books of Unprecedented Cases and Rulings as a Source of Social History - The Zayyanid Era as a Model," Journal of Social Changes in Maghreb Countries throughout the Ages, Publications of the Department of Historical and Philosophical Studies, Mentouri University Constantine, Algeria, 2001, p. 149.

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Despite the political, economic and social turmoil during the reign of the Zayyanid dynasty, the era of al-Maghili witnessed a significant scientific and cultural renaissance<sup>35</sup>. This allowed Sheikh Yahya al-Maghili to excel and demonstrate brilliance in various sciences, surpassing his contemporaries and excelling in various arts and sciences. This was particularly noticeable during the flourishing period of the Zayyanid state under the rule of two sultans: Abu Malik Abd al-Wahid ibn Abi Hamu (814-827 AH/1412-1424 AD)<sup>36</sup> and Abu al-Abbas Ahmad al-Aqil (834-866 AH/1431-1462 AD)<sup>37</sup>.

Al-Mazouni was educated by a group of scholars, including his father, Musa ibn Yahya ibn Isa, a distinguished jurist, educator and judge, known for his work "Dibajat al-Iftikhar". He also learned from Ibn Marzouk al-Hafid, Qasim ibn Saeed al-Aqabani, Abu al-Abbas Ahmad ibn Zago al-Maghrawi, and Abu Abdullah al-Qadi al-Sharif, also known as Hamu al-Sharif.

The 9th century Hijri/15th century CE was a period of prosperity for the city of Mazouna, which flourished as a centre of jurisprudence. It was one of the most important Zayyanid cultural centres and housed numerous educational institutions such as kuttab (Koranic schools), mosques, schools and zawiyas (religious schools)<sup>38</sup>.

Hassan al-Wazan described it as a highly civilised<sup>39</sup> city in ancient times, with a central mosque and several other mosques. A similar description is found in the accounts of a German traveller<sup>40</sup> who mentioned: "Mazouna was historically known as a centre for Islamic sciences, where students who studied there enjoyed a status of prestige unrivalled elsewhere"<sup>41</sup>.

### 3.3 his scholarly output and notable students..

only his work "Ad-Durar al-Maknuna fi Nawazil Mazouna" is known from the available translations. This work consists of extensive fatwas by contemporary scholars from Tunisia, Bijaya, Algeria, Tlemcen and other regions. Scholars such as al-Wansharisi relied on Mazouni's works alongside those of al-Barzali and others. One of his prominent students was Ahmad ibn Yahya al-Wansharisi, known for his authoritative standards. He described his mentor as "the unique chest, the sign of knowledge, the virtuous scholar with excellent qualities, our sheikh, our benefactor, our refuge, our master and the blessing of our country, Abu Zakariya, our master Yahya". The fatwas of Mazouni and al-Wansharisi formed the basis of Maliki jurisprudence because they were widely followed, except by followers of the Ibadi school. He died in Tlemcen in 883 Hijri/1478 AD.

### 3.4The Book of Hidden Pearls on the Matters of Mazouna:

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<sup>35</sup>- Majani Bouna, pp. 2 and beyond.

<sup>36</sup>- Majani Bouna, same source, p. 11.

<sup>37</sup>- Majani Bouna, same reference, p. 14.

<sup>38</sup>- Al-Hasan al-Wazzan (Leo Africanus), "Description of Africa", translation by Muhammad Haji and Muhammad Al-Akhdar, 2nd edition, vol. 1, Dar al-Gharb al-Islami, Beirut, 1983, p. 36.

<sup>39</sup>- Hasan al-Wazzan (Leo Africanus), "Description of Africa", vol. 1, p. 36.

<sup>40</sup>- Heinrich von Maltzan, "Three Years in North Africa", translation by Abu Al-Aid Doudou, National Publishing and Distribution Company, Algeria, 1976, vol. 1, p. 234.

<sup>41</sup>- Heinrich von Maltzan, same reference, vol. 1, p. 234.



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Al-Mazouni composed this book when he assumed the position of judge in Mazouna<sup>42</sup>. He faced many opponents and received many complaints, which necessitated the compilation of a comprehensive work dealing with the issues he encountered. He sought answers from the scholars of his time, and when he received answers, he meticulously documented them. The result was a vast collection of material, which he supplemented with the agreements reached by his father and the guidance he gleaned from contemporary legal texts. In addition, he collected a wide range of questions from his own research and that of others as he studied and read. He then organised this material into chapters of jurisprudence<sup>43</sup>.

In his book entitled "The Hidden Pearls on the Issues of Mazouna", Al-Mazouni focused exclusively on the fatwas (legal opinions) of later scholars from Tunis, Bijaya, Algiers, Tlemcen and other regions. These fatwas, known as famous and beneficial questions, are divided into two volumes. The book became one of the recognised references for fatwas and judicial rulings within the Maliki school of thought<sup>44</sup>. Moreover, Al-Wansharisi relied heavily on it in his work "Sahibat Nawazil Al-Burzuli".

**Contents of the book:** The book is in two parts. The part I am currently working on, which includes topics related to prayer, is the first part. It contains an introduction and nineteen chapters formulated as questions, covering topics such as purification, prayer, zakat, pilgrimage, fasting, seclusion, hunting, sacrifice, jihad, spoils of war and vows, marriage, divorce, lactation, cursing, public exposure of sins, numerical matters, lactation relations, expenditure and commercial transactions<sup>45</sup>.

The book has attracted considerable attention from scholars interested in legal and historical heritage, particularly specialists in manuscript studies. It has been researched and published by several dedicated researchers in the academic field. Numerous works have been printed, while others remain in university libraries in the form of dissertations and theses. The most notable of these researchers are

1. Dr Mukhtar Hassani of the University of Algiers, who published the book in five volumes. It was printed by Dar Al-Kitab Al-Arabi for Printing, Publishing and Distribution, Beirut, 1430 AH/2009 AD.

Second: Mahi Kunduz, who achieved the part "from questions of purification to questions of sacrifice and 'aqiqa". It is a thesis submitted for a doctorate at the University of Oran (1431-1432

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<sup>42</sup> - Abi Zakariya al-Mazouni, "The Hidden Pearls in the Controversies of Mazouna, from Matters of Purification to the Conflict Among the Students of Granada," edited by Barakat Ismail, Master's Thesis, University of Constantine, supervised by Abdul Aziz Filali, (1430-1431 AH/2009-2010 AD), p. 187.

<sup>43</sup> - Abi Zakariya al-Mazouni, "The Hidden Pearls in the Controversies of Mazouna, from Matters of Purification to the Conflict Among the Students of Granada," p. 188.

<sup>44</sup> - Among its sources are: "Al-Mudawwana al-Kubra" by Sahnun bin Sa'id al-Tanukhi, "Al-Bayan wal-Tahsil" by Abu al-Walid Muhammad bin Rushd al-Jadd and his fatwas, "Al-Qabas fi Sharh Muwatta Ibn Anas" by Ibn al-Arabi, "Al-Dhakhira" by Al-Iqrafi, and "Sharh Mukhtasar Khalil" by Khalil bin Ishaq al-Maliki, and "Nawazil al-Sha'bi."

<sup>45</sup> - Abi Zakariya al-Mazouni, "The Hidden Pearls in the Controversies of Mazouna, from Matters of Purification to the Conflict Among the Students of Granada," p. 189.

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A.H./2010-2011 A.D.), and it was printed (the first and second parts of it) by the Ministry of Religious Affairs and Endowments of the Algerian Republic in 1433 A.H./2012 A.D..

Third: From issues of purification to the dispute among the students of Granada, "Barakat Ismail" investigation, submitted to obtain a master's degree at the University of Constantine (1430-1431 A.H./2009-2010 A.D.).

Fourth: Issues of Jihad, Oaths and Vows, "Qamuh Farid" research, submitted for a Master's degree at the University of Constantinople (1431-1432 A.H./2010-2011 A.D.).

Fifth: Issues of marriage, 'ilaa, cursing, dhahr, breast-feeding and expenses, "Al-Karif Muhammad Rida" research, submitted for a doctoral degree at the University of Oran (1431-1432 A.H./2010-2011 A.D.).

#### 4. Aspects of social life in central Morocco:

If we want to outline the characteristics of the society of central Morocco during the Zayyanid period (791-910 A.H./1388-1504 A.D.), it was formed by a diverse human and racial mixture. The Berbers made up the majority, followed by the Arabs who had arrived during the periods of conquest and the Hilalian migrations, then the Andalusians and finally the Jews<sup>46</sup>.

The society was characterised by a division of social classes, with the rulers at the top of the hierarchy, followed by the judges<sup>47</sup>. Third were the merchants, as they controlled the economic lifeblood, and then the nobility, with the general or working classes at the bottom<sup>48</sup>.

"In addition, the books of rulings and fatwas have dealt with various social issues, such as family matters, including marriage, the relationship between spouses, and matters of modesty, veiling, chastity, and covering. They also mentioned certain customs and traditions, such as the celebration of the two Eids (Eid al-Fitr and Eid al-Adha), the commemoration of the Prophet's birthday, and the recitation of the Ratib al-Haddad (a litany). The influence of Sufism can be seen in the supplications. In addition, there are various issues related to the integration and acceptance of people with disabilities (special needs), the state of public health and hygiene, and general etiquette.

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<sup>46</sup>- See Ibn Khaldun, "An Introduction to History", vol. 7, pp. 97, 99, 207, 298.

- Al-Idrisi, "The Pleasure Excursion of One Who is Eager to Traverse the Regions", p. 106.

- Al-Bakri, "Al-Maghrib fi Dhikr Ifriqiya wa Bilad al-Maghrib", edited and translated by Duslan, Library Al-Muthanna, Baghdad, 1958, p. 77.

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- Abdul Aziz Filali, vol. 1, p. 195.

<sup>47</sup>- Ibn Khaldun, "The Muqaddimah: An Introduction to History", vol. 7, p. 307.

- Al-Tunisi, "The Verses of the Pearl and the Jewels in Revealing the Honour of the Zayyan Dynasty", edited by Mahmoud Bou Ayad, National Institute of Books, Algeria, 1985, pp. 184, 206.

- Al-Barzili, "Al-Barzili's Fatwas: Comprehensive Rulings on Various Matters Issued by Jurists and Rulers", introduced and edited by Muhammad al-Habib al-Hayla, vol. 5, 1st edition, Dar al-Gharb al-Islami, Beirut, 2002, p. 124.

- Abdul Aziz Filali, "History of the Zayyan Dynasty", vol. 1, p. 211.

<sup>48</sup>- Same source.

We will try to elaborate on some of the issues addressed in the books of rulings, especially the hidden gems in matters of prayer, with a general overview of the scattered elements."

#### 4.1 The family:

**a. Marriage:** The Books of Jurisprudence refer to the celebration of marriages and have specified their rituals and procedures<sup>49</sup>. The reasons why women chose to marry varied. For example, a man came to Yahya al-Mazoni and proposed marriage to his niece, saying: 'I wanted to be close to you and enter your circle'. This suggests that in many cases in The Middle Maghreb society, men's choice of women for marriage was based on religious and lineage considerations"<sup>50</sup>.

"One of the most important issues in marriage was the dowry (mahr)<sup>51</sup>. Yahya al-Mazoni mentioned a case where a man married off his eldest daughter for a small sum and a servant, with half to be paid in dinars".

"Women faced many problems, including exploitation by their husbands or heirs.

Yahya al-Mazoni confirmed this by narrating a story: "Our Sheikh Abu Muhammad, may Allah be pleased with him, used to recount an incident when a woman from the city complained to him of pain in her hand from kneading dough. Her husband was told to buy her a servant. Another woman from the countryside complained about grinding, carrying water, firewood and other household chores. He ordered her to continue to live with her husband and fulfil her conjugal duties, as rural women are accustomed to such tasks'. The nature of these problems in the judgments indicates the mental and moral level of the women and their justifications"<sup>52</sup>.

#### 4.2 Customs and traditions:

We can observe some customs in The Middle Maghreb society, particularly in Tlemcen, through the legal judgements. These include

a. The celebration of the two Eids (Eid al-Fitr and Eid al-Adha):

The celebration of Eid al-Fitr and Eid al-Adha, along with the celebration of the Prophet's birthday, is not limited to religious festivals in all Islamic societies. It involves wearing new clothes in the morning and going to the mosque to perform Eid prayers<sup>53</sup>.

b. Celebration of the Prophet's birthday:

The celebration of the Prophet's birthday was one of the biggest events in Tlemcen. It became a recommended tradition among the rulers of the Banu Zayan dynasty who came after Sultan Abu

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<sup>49</sup>- Abu Zakariya Yahya al-Mazouni, "The Hidden Pearls in the Controversies of Mazouna", manuscript copied in late Rabi' al-Thani (1250 AH/1834 AD), Sheikh Muhammad bin Abdul Rahman Library - Anzjamer, Adrar, Algeria, vol. 1, pages 240, 256, 287, 294, 303.

<sup>50</sup>- Yahya al-Mazouni, "The Hidden Pearls", vol. 1, page 241.

<sup>51</sup>- Yahya al-Mazouni, same source, vol. 1, p. 281.

<sup>52</sup>- Yahya al-Mazouni, same source, vol. 2, p. 117.

<sup>53</sup>- Yahya al-Mazouni, same source, vol. 2, p. 117.

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Hamou Moussa II (760-791 AH/1358-1388 CE). They expressed their love and devotion to the beloved Prophet through poems, candles, charity and the extension of services to the people<sup>54</sup>.

c. The influence of Sufism in supplication and seeking closeness to Allah:

We can observe the influence of Sufism on the general public through the judgments of Al-Mazoni. They believed in the power of supplication and seeking the intercession of pious individuals to cure their illnesses and resolve their crises. Al-Mazoni confirms this by saying: 'Abd al-Rahman Al-Waghli was asked about the Murabitun (a Sufi group) in our valley, who have a sheikh around whom they gather. A man invites them to spend the night in his house to receive money from an oppressor or to settle disputes between relatives... All these Murabitun are involved in the remembrance of Allah, but they do not stop there; they must clap their hands and shake their bodies to the right and left<sup>55</sup>.

The society also shows the influence of their way of reciting the Qur'an together and supplicating after finishing the prayer or reading the Ratib al-Haddad (a litany). A question was put to Ahmad bin 'Isa about an Imam who supplicated after the prayer or after reading the Ratib and wiped his face with his hand. Is there any justification for prohibiting this action?

The answer was: The prohibition mentioned by the questioner is correct, and it is justified by the lack of evidence to support the action. Nevertheless, the person who does it does not consider it to be prohibited, because the prohibition mentioned by the questioner is a prohibition of desirability, not a prohibition of prohibition (i.e. it is not explicitly forbidden) "<sup>56</sup>.

And he replied, "My lord Bouaziz, supplication is recommended. Whoever wishes, supplicate, and whoever wishes, abstain. But only the supplicant himself should supplicate. Ibn Shihab mentioned a hadith about stretching out one's hand and wiping one's face after supplication, but it is weak. However, it seems to be permissible and Allah knows best<sup>57</sup>.

### 4.3 Various topics and questions

#### a. Health situation in the community and prevalence of some diseases

There are references in the books of rulings and fatwas about the health situation of the community, the level of cleanliness, and the prevalence of some diseases and epidemics. Although these references are scattered, they are helpful in understanding the general state of the community, studying its health status, and identifying the diseases that are prevalent. For example, my Lord Bouaziz was asked about a louse skin on the clothes worn during prayer. Should the prayer be

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<sup>54</sup>- Al-Tunisi, Muhammad bin Abdullah, "The Style in Explaining the Kharaz", manuscript, National Library of Hamma, Algeria, pp. 186, 212, 236.

<sup>55</sup>- Abdul Aziz Filali, "Tlemcen in the Zayyan Era", vol. 1, p. 284.

<sup>56</sup>- Yahya al-Mazouni, same previous source, page 20.

<sup>57</sup>- Abu Zakariya Yahya al-Mazouni, "The Hidden Pearls in the Controversies of Mazouna," Vol. 1, a study and investigation from issues of purification to the dispute among the students of Granada, a supplementary memorandum for obtaining a Master's degree in Middle Islamic History, specializing in Arabic manuscripts, prepared by the student Barkat Ismail, supervised by Abdul Aziz Filali, from the Department of History and Archaeology, Faculty of Humanities and Social Sciences, Mentouri University, Constantine, Algeria, the season 1430-1331 AH/2009-2010 AD, p. 433.

repeated? He replied: The louse skin is unclean, but repeating the prayer because of it is forgiven for the sake of consistency, and Allah knows best (Al-Mazoni, 1834). This fatwa indicates the prevalence of lice infestation in the community at that time.

#### b. Modesty and Chastity (Conservative Societies)

There is also evidence of the nature of conservative societies and their concern for the modesty and chastity of women. They strive to protect their honour and keep them away from anything indecent. They also observe general etiquette between the sexes. For example, my master Ahmad bin 'Isa was asked about a person who prays behind someone who does not avert his eyes from non-mahram women and insists on doing so. He does not veil his wife and forgives her for not veiling herself. He also interacts and talks with strangers and others. Should the person praying behind him repeat the prayer or not? Is there any difference between a knowledgeable person who follows the mentioned Imam and others or not? He answered: There is no need to repeat the prayer unless it was performed at the same time, whether the person knows the behaviour of the mentioned Imam or not. It has been said that the prayer should always be repeated, but I say that Allah knows best<sup>58</sup>.

In the question posed by the questioner, we can sense his concern about the need to lower the gaze for men, while at the same time expressing his surprise and disapproval of women not wearing the veil and their immodest behaviour when interacting with strangers. This reflects the high moral standards of the people of that time".

"The Imam, Al-Hafiz Ibn Marzuq, was asked about an Imam who does not veil his wife and they have adolescent male and female children living together in the same house without any separation between them. Can he continue to lead prayers and give testimony? Should the prayer be repeated by someone who knows his situation or not? He replied: Praise be to Allah. If he is able to prevent it from being seen by those to whom it is not permissible to be seen, and he does not do so, it is sinful in his case. But if he is unable to do so, then it is permissible. The mere fact that they live together in the same house is not a problem, unless there is another factor involved. The answer to this depends on the specific circumstances, and Allah knows best<sup>59</sup>.

#### C. Inclusion of people with disabilities

Some issues from fatwas and legal rulings indicate the acceptance of society towards people with partial or permanent disabilities, commonly known in our times as 'people with special needs'. It emphasises the importance of not rejecting them and facilitating their social integration so that they do not become a burden on others or face criticism because of their disability. For example, Imam Ibn 'Arafa, may Allah be pleased with him, was asked about a dispute between students in Granada, may Allah be pleased with him, in which they accused each other of disbelief. The issue was that some of the reciters in the Grand Mosque were reciting the verse from Surah Al-An'am and Surah An-Nahl: "Whoever raises it, it becomes unlawful and a garden. Abu Sa'id ibn Lab, who was hard of hearing, responded by repeatedly reciting it with the wrong grammatical case, and the reciter could not hear him. Other students followed suit and recited it in the same way, and their

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<sup>58</sup>- "The Hidden Pearls," edited by Barkat Ismail, p. 433.

<sup>59</sup>- "The Hidden Pearls," same reference, p. 436.

actions caused a commotion in the mosque. When they realised that he could not hear them, some of them approached him until they could hear him.

In the morning, the students began to discuss the incident. One of them said: 'If Allah had willed, they would have left him and his recitation, because not one of the seven famous recitation methods that are widely known among people has been reported without any doubt. Ibn Mujahid and others have mentioned several authentic narrations that confirm this<sup>60</sup>.

### Conclusion:

After a serious reading of numerous fatwas, questions and answers in this field, and through the use of the book "Ad-Durar Al-Maknunah fi Nawazil Mazounah" and its portrayal of social life in the central The Middle Maghreb, we have reached the following points:

- The book "Ad-Durar Al-Maknunah" is considered as the most important legal source that serves anthropological history and helps to understand the society of the central The Middle Maghreb. It has been able to provide a comprehensive picture and outline the general aspects of the lives of people in the countryside and in the city, reflecting their concerns, regardless of gender or social class - imams, farmers and merchants. The book's description is accurate and its style simple.
- The society was a diverse and heterogeneous mix of people, consisting of different races, such as Arabs, Berbers, Jews and Christians, and different faiths, including Muslims and people with dhimmi status. It also had different social classes, including rulers, judges, merchants, nobles and common people.
- Marriage was sacred and of great importance in The Middle Maghreb society, with the choice of a wife based on her lineage.
- It is noteworthy that dowries were not standardised but varied according to social class.
- Women were generally protected, but in some places they were subject to exploitation, either by their husbands or by their families.
- Celebrations of religious holidays and seasons, especially the noble birth of the Prophet, were among the most important occasions on which the people of Tlemcen expressed their joy and happiness. During the reign of the Beni Zian sultans, it became a recommended tradition and an official celebration.
- The influence of Sufism on the general population was evident, especially in the recitation of supplications, the recitation of the Ratib al-Haddad and the collective prayers after the obligatory prayers.
- The society was not immune to the spread of seasonal diseases.- The society was characterised by an adherence to noble ethics such as modesty and shyness. There was strict disapproval and rejection of women who did not observe proper modesty, although there were some exceptions. Good morals prevailed in society.

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<sup>60</sup>- "The Hidden Pearls," same reference, p. 436.

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- The questions revealed the general public's weak understanding of jurisprudence and their lack of familiarity with important aspects of prayer, such as the correction of prayer. This was evident from the large number of questions in this area.- Analysis of some of the questions showed that the level of education of the general public was often basic and low. However, they showed a strong devotion to their religion, holding it dear and following its teachings.
- The responses showed the prevalence of the systematic legal method and the reliance on concise legal texts with explanations. This is a characteristic of Maliki jurisprudence in the Western Islamic world in general (Maghreb and Al-Andalus).
- Through the questions and answers, we can observe the general public's adherence to the Maliki school of thought, to the extent of fanaticism, with the jurist's commitment to the prevailing school and not deviating from it in issuing fatwas.

The jurist's approach in the book in general and in this chapter in particular is based on

- a) Honesty in writing the question as it is, without making any changes or alterations, which helped in presenting an accurate picture and conveying the reality.
- b) Realism in the answers, understanding and taking into account the level of the questioner, using all available means such as colloquial language and concise legal texts.
- c) Simplicity in the answers, making them easy to understand and apply without difficulty.
- d) The Maliki school of thought: The presence of Maliki jurisprudence is evident, supported by previous fatwas and statements, with their names mentioned and references to their books, most of which are considered sources of Maliki jurisprudence, either as compilations or explanations of Imam Malik's Muwatta.

The book "Ad-Durar Al-Maknunah" still serves as a source of knowledge and it demands from us:

- As researchers, to study in depth the social conditions in the central The Middle Maghreb, especially in the cities of Tlemcen and Mazouna.
- There are many aspects, political, economic, cultural and religious, which have not been studied in depth because they require independent topics and specialised scientific articles.
- The book is an important source for the study of marginalised social classes such as blacksmiths, builders, farmers, goldsmiths, herbalists, gunsmiths and butchers.
- It is a valuable source for studying the Zayyanid dynasty during the author's era, the economic situation at the time, and Maliki jurisprudence through analysis of the author's fatwa sources.

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