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## **Al-Tawudi and the Importance of his Annotation (Tali Al-amani le Mutale' Al-Zurqani) in the Maliki School**

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### **Abstract**

This study aims to shed light on the Maliki community's (Al-Jama'ah) Sheikh Tawudi Ibn Souda (d. 1209 AH), renowned among the scholars of the Madhhab for his valuable jurisprudential works. Among the most notable books he wrote in this field is his great composition titled "Tali Al-Amani le Mutale' Al-Zurqani," which is a commentary on Imam Zurqani's (d. 1099 AH) explanation of Sheikh Khalil's abridged work (Al-Mukhtasar) (d. 767 AH). The reason for choosing this topic was to highlight the importance of this book in the Maliki Madhhab and to identify the key points that have contributed to its high standing among the scholars of the Madhhab, to the extent that it is considered a reliable source for non-binding legal opinions (Fatwa). Therefore, I have set objectives to achieve what I desire and to answer the questions posed. The study is divided into two main parts. The first part answers the following question: Who is Sheikh Tawudi in terms of lineage, educational background, scholarly travels, mentors, and students? The second part addresses the importance of the commentary and what factors contributed to its significance. To achieve these objectives, the researcher will use a historical approach for biographical information and a descriptive, inductive, analytical approach for discussing and analysing views and statements to demonstrate the importance of the book and the extent of its reliability. The researcher hopes that this study will contribute to highlighting these objectives, encouraging students of knowledge to familiarize

themselves with this book, and produce further studies on it that benefit those interested in this field. This study contributes to highlighting the position of one of the most important Maliki imams of his time, who was distinguished by his solid writings in Sharia, especially in the field of jurisprudence(Fiqh), including this Annotation, which the study hopes to contribute to shedding light on its importance and its place among the approved books in the madhhab to benefit researchers in the field of Maliki Fiqh, And let them know about one of these Annotations that the scholars of the sect accepted for the fatwa. It also contributes to highlighting the importance of the Annotation in relation to Al-Zurqani's explanation, which was widely mentioned. The Annotation was revised and corrected because of the errors it contained, especially what Al-Zurqani was unique to.

**Keywords:** Tali al-amani, Jurisprudential, Al-Zurqani, An annotation, Al-Tawudi, Maliki

## Introduction

*Jurisprudence is among the noblest and most distinguished of Islamic sciences, as it combines transmitted knowledge with reason. Engaging in it is of the utmost importance and holds the highest status due to its connection with people's lives and their daily experiences in understanding the rulings of God in their daily transactions. Therefore, God appointed great Imams for this science who strived to understand it and comprehend the objectives of Islamic law in order to derive jurisprudential rulings. The people accepted their knowledge and religious decrees due to their profound understanding and pure faith. Among these luminaries is the Imam of Dar Al-Hijrah, Malik ibn Anas, may God be pleased with him.*

*His knowledge spread and his fame grew through the recording, transmission, and discussions of his teachings by his students. They contributed to the establishment of the Maliki School of Jurisprudence. This period was called the era of emergence and establishment. Among the most prominent works recorded during this period are the foundational texts (Al-Muwatta, Al-Mudawwana, and others)(Limin, 2012) Then, the Madhhab transitioned to the development stage, from the beginning of the fourth Hijri century, characterized by diversification, graduation, and preference. During this period, the Imams of the Madhhab were keen on explaining the books of the first era, such as Ibn Abdul Barr's explanation of Al-Muwatta and Al-Qadi Iyad's explanation of Al-Mudawwana, among many others. (Al-Jidi, 1993).*

*Then came the phase of the Madhhab's stabilization, where abridged versions proliferated, which compiled the essence of the relied-upon opinions within the Madhhab. This phase culminated in Sheikh Khalil composing an abridgment that was accepted by the imams of the Maliki Madhhab, and it was intensively studied both in the East and West, with none other being favoured over it. Scholars paid great attention to it, providing explanations and commentaries from that time up to the present day.*

*Among those who focused on this abridged work was Imam Abdul Baqi Al-Zurqani (d. 1099 AH). His work, in general, was a summary of his teacher, the scholar Ali Al-Ajhour's (d. 1066 AH) explanations. However, his commentary was not free from errors and mistakes, and therefore annotations were added to rectify the errors, and to criticize the opinions where he deviated from what was relied upon in the Madhhab. One of the most important of these annotations is the one by Imam Tawudi(Al-Muslih, 2012).*

*After the Maliki school went through these phases of verification, editing, graduation, and diversification, it reached a stage of stabilization and a disciplined methodology. Fatwas are issued based on only the relied-upon opinions and well-known books within the Madhhab. Hence, the later Imams of the Madhhab categorized the books into those not relied upon for*

issuing Fatwas, those independently relied upon, and those relied upon for Fatwas but only with the annotations (Blhsan, 2012).

Among these books is Abdul Baqi Al-Zurqani's commentary on the abridgment. Despite its fame, importance, widespread acceptance, and scholars' praise, it is not relied upon in what he alone stated unless it is corrected or agreed upon by Tawudi and Al-Banani.

Despite Sheikh's stature and the importance of his annotations, and their reliance on the Madhhab, they did not receive the attention of researchers. Therefore, the researcher in this article aims to shed light on this, and in doing so, contribute to enriching the Islamic library in general and the Maliki one in particular.

#### *Biography of Sheykh Al-Tawudi his Lineage*

He is known as Muhammad ibn al-Talib ibn Muhammad ibn Ali ibn Souda al-Tawudi alMarri al-Gharnati al-Fassi. As for the Tawudi, it is related to the Tawudi city of the province Fez and as for Al-Marri, it is related to the Arab tribe of Bani Murra, the Quraishites. Al-Gharnati is related to the Granada of Andalusia. The one among Banu Suda who came along with the army of Balkh bin Bishr (d. 124 A.H.) from Damascus. AlFasi is related to his place of birth where he was born in the year (1118 AH / 1707 AD), and the reason of the departure of Abu al-Qasim Ibn Souda - one of his grandfathers - from Andalusia to Tlemcen was to seek knowledge. Then he got settled in Fez until he passed away in the year (807 AH / 1404 AD). Al-Tawudi came to be known as Abdullah, Abi al-Nur. The al-Mashareqah and the scholars of biographies have called him by several titles including Shams al-Din, Sheikh of the Jama`ah, and al-Hujjah, the auditor, the crescent of Morocco, the established researcher and many more (Al-Akhdar, 1977,135-140; Al-Hawwat, 1994,322).

#### *Life and Education*

The House of Banu Souda was a house of knowledge and cultured discipline. They played a major role in cultural and religious life as they held many positions of authority, the judiciary, and the leadership from the time of the Marinids ever since their coming to Fez. Beginning with Abu al-Qasim (died 807 AH), who held the position of secretary of the Marinid Sultan Abd al-Haq, then Muhammad ibn Abi al-Qasim (d. 1004 AH), who took over the domain of the judiciary in Marrakesh and Fez during the reign of Sultan Ahmed Al-Saadi, he was a judge at the court, an erudite scholar in principles and beliefs of Islam. Then came Abu Abdullah Muhammad bin Abi Al-Qasim Ibn Souda (died 1076 AH), the imam al-faqih, who was known as the last of the just judges in Fez where Abu Abdillah Muhammad Al-Dalai gave him the charge of judiciary. He taught for a long time in AlDalai's corner (Seminary). (Al-Hawwat, 1994,160-203)

So, Imam Al-Tawudi Muhammad bin Al-Talib grew up in the atmosphere of this family background who paid great attention to knowledge. So, Sheikh Ibn Souda memorized the Qur'an, and he began memorizing the texts and books at an early age when he did not exceed the age of ten. He has been a student of a group of distinguished Moroccan scholars such as Abu Al-Abbas Ahmed Al-Wajari (died 1141 AH) from whom he studied the texts of Arabic, Abu Abdullah Muhammad al-Jandour (died 1148 AH) from whom he read the sciences of language and logic, Abu Al-Baqa Al-Raghaei (died 1150 AH) whom he studied the text of the judiciary and a part of Sahih Al-Bukhari in the hadith from and Abu al-Abbas Ahmad al-Sijlmasi al-Lamtti (d. 1152 A.H.) whom he accompanied a lot, and proved to be his mentor, as the Sheikh said about him : 'I read logic, speech, theology, usul, Tafsir, and Hadith from him and I followed him for a long period. I singled him out by learning only from him for many years.'

*Likewise, Imam Abu Abdullah Muhammad Qasim Jasous (died 1182 AH), with whom he did stick to for a good period of time. He studied the most important books of Maliki jurisprudence such as the Mukhtasar, AlRisalah, books of wisdom, Al-Shama'il by Al-Tirmidhi, and all Sahih Muslim. (Al-Tawudi, 2002, 65-80; Isawi, 2014, 77-131).*

#### *Pilgrimage to Hajj*

*The Sheikh left for the East heading to the Sacred House of Allah swt in the year (1191 AH). But as has been the custom of scholars, the Hajj journey is interspersed with the intention to seek knowledge and Ijazah (a permission of a scholar to report the knowledge on his authority) to communicate with senior scholars and he had two stations*

#### **The Egyptian Station**

*When he came to Egypt, he met a group of senior scholars such as Imam Abu Zayd Abd al-Rahman al- 'Aydarooosi Al-Hanafi and studied some issues and obtained an absolute Ijazah in all his sciences from him. Among those met by the venerable sheikh was the eminent scholar the sheikh of Maliki, Abu al-Hasan Ali alSa'idi al-Adawi. He mentioned that he showed him his entourage (Sharh) on al-Kharshi and relegated to Al-Zurqani and both of them exchanged Ijazah. He visited the Shafi'i sheikh, mufti, and erudite scholar Abu Al-Irshad Ahmad Al-Jawhari during his illness. The Sheikh mentioned that when he returned from Hajj, the imam had passed away. He also met the Sheikh of the Hanafi school and a great scholar Sheikh Hassan Al-Jabarti. He read to him Kanz al-Daqaq by Al-Nasafi, so he approved the Ijazah in it and in other books. He also read to the Sheikh of the Hanbalites Abu Al-Barakat Ibn Ahmed bin Awad Al-Maqdisi the beginning of the book "Dalail al-Talib" and he approved the Ijazah in it and in other books. He also met with Al-Zubaidi, the imam of the language, the author of Taj Al-'Uroos (The Crown of the Bride). He mentioned him in his book on the subject (Saouds) by saying: "And Muhammad bin Al-Talib bin Souda, with the Fathah, our Muhaddith Sheikh, the jurist Al-Mughrabi, a pilgrim came to us, and we heard from him" (Al-Zubaidi, 1984, 237). During his stay at Al-Azhar, he was asked to read for them from the books of hadith because of their deep interest in learning the Hadith from the imams of Morocco, so he recited al-Muwatta and attributed to them the two Sahihs, and he fell among the listeners with a great position (Al-Akhdar, 1974, 74-169; ibn Khadra, 1991, 16-112).*

#### **The Hejaz Station**

*Al-Tawudi mentioned that he met in the Sacred Mosque with the knowledgeable guardian Abu Zayd Sidi Abd al-Rahman Aslam Al-Hasani Al-Husseini, and he took oath of allegiance according to the Naqshbandi order from him and accorded him with Ijazah in his knowledge, just as Sheikh Imam Abu Ali Hussein gave him Ijazah in all his books and narratives, and he also met with the sheikh of the Malikis and their mufti in the sacred land, Abu Abdullah Sidi Muhammad al-Jaafari and both of them exchanged Ijazah. He took the Qadiriyyah order on the authority of the sheikh of the sheikhs Abu Abdullah Sidi Muhammad al-Samman al-Shafi'i. Sheikh al-Faqih, judge alMurtada, Sidi Abu al-Hasan al-Sindi him a precious pamphlet, explaining al-Barkawi's article in "There is no god but Allah". He praised his knowledge so much that he said: "A reasonable Muhaddith, a linguist, the most knowledgeable of those we met in the Two Holy cities".*

*What is striking and worth mentioning about the Sheikh's journey is his keenness to take from the imams of the four schools of thought which indicates his extensive knowledge in the field of jurisprudence. And from another angle, the Sheikh's distinction of knowing the upper order*

of the chain of transmission until he became the Sheikh of the sheikhs and Man of reference in this field. And that is what made senior imams in Egypt insist on him to narrate to them the narration of Al-Muwatta and the two Sahihs and they took it from him which indicates that Sheikh excelled in this field as well (Al-Hajwi, 1995, 2,350; Al-Hawwat, 1994, 312-330; Al-umrani, 2009, 73-149).

#### Academic Legacy

Imam Al-Tawudi left a great legacy of works in the various sciences of Sharia. Many of his works remained in curriculum of knowledge circles of Morocco. Perhaps we will confine ourselves here to the most important things he wrote in the field of jurisprudence, rulings and those related to the study, which are

##### *i. Jurisprudence*

He has an annotation on Al-Zurqani's commentary on Khalil's Mukhtasar, which is called "*Tali' al-amani le mutale' al-Zurqani's Explanation*." It is the subject of our study. He has a commentary on Ibn Abi Zaid al-Qayrawani's letter, the book "*Nafais al-Durar min Jawaher al-Mukhtasar*" and a letter It is called "*Kashf al-Hal 'anil wojooh alati yantazimu bihaa bayt al-mal*" and a book on the rituals of Hajj, and a poetic collection of the inheritance. His son Abu al-Abbas compiled his narrations for him in a book he called "*The narrations of Sheikh Al-Tawudi Ibn Sauda*. (Al-Hawwat, 1994, 122-125; Al-Jabarti, 2010, 150-151).

##### *ii. Documents and Rulings*

He has an explanation of Tuhfat al-Hukkam entitled "*Hila al-Ma'asim by Bint Fikr ibn Asim*", and he explained the poem Lamiya by Al-Zaqqaaq.

#### Journey to eternal abode

The Sheikh of Muslims, Al-Tawudi Ibn Sauda, passed away on Thursday, the twenty-ninth of Dhul-Hijjah, year (1209 AH). His son, the judge Imam Ahmad in Fez, led his funeral prayers and he was buried in his corner opposite his house in Fez. He died at the age of 91, may God have mercy on him May God reward him for Islam and Muslims (Al-Fasi, 2008, 24-53)

The importance of an annotation (Al-Hashiya) "*Tali' al-amani le mutale' al-Zurqani*" in the

#### Maliki school of law

There is no doubt that books derive their significance from several factors. Perhaps the most important factors that have contributed to the prominence of this commentary within the Maliki school of thought are the status of the commentary's author among the imams of the school, the importance of the original text and the explanation on which this commentary is based, its standing among the authoritative books for issuing non-binding legal opinions (Fatwas) within the school, and the critical approach followed by the author. All these aspects confer importance upon it within the school of thought. Consequently, we will begin by introducing its scholarly stature and the extent of the importance of its views and statements.

#### His Scholarly Stature

The scholarly stature of the Sheikh is evident in the teaching positions he was entrusted with. He began teaching at the age of twenty with permission from his teachers, initially teaching Arabic linguistics, then moving on to logic, Usul al-fiqh, prosody, and inheritance laws. He later shifted to teaching jurisprudence (Fiqh) and non-binding legal opinions (Fatwas). Sultan Ali bin

Moulay Ismail, known as Al-Araj, appointed him to the chair of Hadith at the University of Al-Qarawiyyin. He was also appointed to the chair of Quranic exegesis (Tafsir) during the reign of Sultan Mohammed bin Abdallah, where he held gatherings attended by the Sultan's sons, jurists, nobles, and others. The influx of students and eminent imams flocking to his lectures to earn the honor of learning from him further highlights his scholarly standing. His student, Al-Rahuni, said in his commentary on Al-Zurqani: "I do not know of anyone who belongs to the scholarly community in Morocco who does not owe him the favour of education, either directly or indirectly, or both." (Al-Rahuni, 1889, 12-13). A large number of students graduated from him, as his student Al-Hawwat mentioned in Al-Rawdah: "Even if I exhaust papers and pens in listing the illustrious scholars who graduated under him, I wouldn't be able to enumerate them all." Among the notable figures who learned from him are Al-Amir Al-Kabir Al-Sanbawi Al-Masri and Al-Rahuni, both of whom also have commentaries on Al-Zurqani, as well as Sultan Moulay Slimane and many other imams and nobles. (Al-Hawwat, 1994, 48-50; Al-Tawudi, 2000, 11-15; Tahtah, 2016, 172-182)

Another indication of the Sheikh's stature and the importance of his views and choices within the school is the reliance of those who came after him on his work and the frequency with which they cited him. Scholars of the school attributed symbols to him in the books of jurisprudence, such as Imam Al-Rahuni (d. 1230 AH) and Al-Madani (d. 1302 AH), who assigned him the symbol "TW", while Al-Tasouli (d. 1258 AH), the renowned scholar, assigned him the symbols "T" and "Sidi" in his explanations and responses to questions posed by Amir Abdelkader on Jihad. Some explicitly mentioned his name, such as Al-Amir Al-Kabir, who frequently cited him, as well as Imam Alish (d. 1299 AH), Al-Majlisi Al-Shanqeeti (d. 1302 AH), Al-Tawzri (d. 1350 AH), Abdul Hayy Al-Kettani (d. 1382 AH), and others.

One of the most important indicators of the Sheikh's distinction and his high standing in the hearts of both commoners and elites, especially the sultans of the Alawite state, who used to resort to him for Fatwas and consult him on matters that were complex for them, is their addressing him in terms that indicate the high status of the Sheikh and his scholarly value. Examples of such addresses are:

- Amir al-Mu'minin Sidi Mohammed bin Abdullah, Sultan of the Alawite state, asking him: "Praise be to Allah, and peace and blessings be upon the Prophet ﷺ. The most distinguished scholar, the complete proof, Sidi Al-Tawudi Ibn Souda, peace be upon you, and the mercy of Allah and His blessings."
- Mawlana Abu al-Hasan Ali Ibn al-Sultan Sidi Mohammed bin Abdallah asking for a Fatwa: "After praising Allah, and peace and blessings be upon the Prophet ﷺ, our beloved, the jurist, the scholar, the exemplary, the insightful Sidi Al-Tawudi Ibn Souda, peace be upon you, and the mercy of Allah and His blessings." (Al-Tawudi, 2019, 160)

These positions, along with the numerous accounts and references about him, are indicative of the high scholarly status accorded to the Sheikh of the community. This is an agreed-upon notion in his biography, as the author of 'Ad-Durar Al-Bahiyah' elaborately praised him saying: 'The Imam, the courageous, the lofty and distinguished, the towering peak, the pride of nights and days, surpassing his peers... Sheikh Sidi Mohammed Al-Tawudi... May Allah have mercy on him, was an courageous Imam, a jurisprudent, a traditionalist, a grammarian, a logician, a theologian, and a knower of the halal and the haram and the ways of judgments; the responsibility of issuing religious rulings was delegated to him in his time'. (Al-Fadili, 1999, 279) The author of 'Salwat Al-Anfas' said, 'May Allah have mercy on him, he was among those who combined the glory of knowledge and religion... the Sheikh of the community in his time and era, and one to whom Islamic sciences were handed over, having mastered them all' (Al-

Kattani, n.d. 1/117) A scholar from Egypt, Sheikh Al-Amir, the author of 'Al-Majmua', referred to him in his index as 'The crescent of the West and its blessing, the bearer of its Fatwa, and the guide of the working scholars'. (Al-Amir, n.d. 7-8). Sheikh Makhlof said about him: 'The Imam, the courageous, the Sheikh of Islam, the pillar of people, and the seal of the distinguished scholars' (Makhlof, 2003, 1/534)

Al-Rahouni, in the introduction to his commentary on Al-Zurqani, said: 'He was proficient in all Islamic sciences, to him were handed the reins; he devoted himself to studying and teaching until he became their leader. His gatherings on Tafsir, Hadith, Fiqh, grammar, Sufism, theology, rhetoric, and logic were well-attended and famous, attracting eminent scholars to collect pearls in verse and prose. He also stated: 'He attained the leadership of Fez and the entire Maghreb; I do not know of anyone associated with knowledge in the Maghreb who is not indebted to him for education, either directly or indirectly or both. Moreover, he combined diligence in worship, generosity, and good character. In summary, his achievements are renowned, and his virtues are numerous, so I refrain from mentioning them knowing my inability to encompass them all'. (Al-Rahuni, 1889, 1/13). Al-Hafiz Al-Zubaidi praised him in his 'Alfiah As-Sanad' poem

ومنهم محمد بن الطالب...التاودي العدل ذو المواهب  
رئيس فاس كاشف الغيوم...وعالم المنطوق والمفهوم  
إليه في بلاده يشار...عليه في المعارف المدار

The meaning:

'Among them is Mohammed bin Talib, Al-Tawudi the just, endowed with talents, The leader of Fez, dispeller of clouds, And the scholar of the spoken and the understood. In his land, he is a beacon, in knowledge, he is an abode.' (Al-Zubaydi, 2006, 136-137)

#### The Status of the Original Text and the Explanation

**As for the original Text**, as for the original, which is the abridged version, Sheikh Khalil spent more than twenty years writing it. Normally, such a time span is devoted to the composition of extensive works. To allocate such time to an abridgment indicates earnest intentions, keenness, and scrupulousness for scholarly precision. Despite the conciseness of its expressions, it encompasses most of the fundamental sources of the [Maliki] school of thought. No book, after Al-Muwatta and Al-Mudawwana, received the attention and appreciation this abridgment received. Most of what followed it was modelled after it. It is a repository of the school of thought regarding the issuance of fatwas (religious rulings). Its author predominantly relied on the well-known views (almashhur) of the Maliki school and prioritized them over others. When opinions were equivalent in strength, he sufficed by mentioning the disagreement. The work contains many branches of jurisprudence, reaching up to one hundred thousand issues extracted from its explicit and implicit meanings (Al-Mukhtar, 2020)

Ibn Ghazi (2008) stated: "Indeed, the abridgment by Sheikh, the scholar, Khalil Ibn Ishaq is amongst the most valuable treasures and the worthiest to be looked upon. It has captivated the attention of intellectuals as it has great utility, eloquent content, clarifies what is used in fatwas or what is stronger and more preponderant. It combines conciseness with precision and refinement, demonstrating mastery in the quality of content and arrangement. No one has woven anything like it, nor has any creativity allowed for its equal."

Al-Hattab (2010) said: "Among the most distinguished abridged works in the school of Imam Malik is the abridgment by Sheikh, the scholar and the A wali of Allah, Khalil Ibn Ishaq. It elucidates the paths as it is small in size but vast in knowledge. It compiles and contains more

than its counterparts in type and kind. It is distinctive in clarifying what is used in fatwas and what is stronger and more preponderant. No creativity has allowed for its equal, nor has anyone woven anything like it."

Al-Kharshi (1317) said: "It is the greatest of what has been composed within the Maliki school, amongst the abridged works, and is more enriching than many of the extensive works. It is the abridgment of our master, Abi Al-Dhiya, Khalil Ibn Ishaq - may Allah have mercy on him. How much has it unveiled of complex issues and quenched the thirst for knowledge!" This is but a small portion of the numerous statements made about it, which indicate the status of this abridgment within the [Maliki] school, but time does not allow for a more extended discussion.

### **As for the explanation by Al-Zurqani**

We mentioned in the introduction to this paper that this explanation was a summary composed by Imam Al-Zurqani of the explanation by his teacher, Imam Ali Al-Ajhourī, who is well-known within the school of thought. Sheikh Ali Al-Ajhourī received great appreciation and praise from the scholars of the Maliki school. He meticulously elaborated on many issues, consolidated them with the utmost clarity, and selected the best narrations. His prominent students, foremost among them Abdel-Baqi Al-Zurqani, gained the recognition that their teacher had due to their knowledge and strong footing in Maliki jurisprudence (Ali, 2000). Al-Zurqani's summary of Al-Ajhourī's work is among the most important. Al-Amir (2005) stated: "As for (Al-Ajhourī), his students summarized his words, like Sheikh (Abdel-Baqi) and others. There is no one greater than the ones we mentioned among the commentators of the book." We mentioned earlier that the importance of books is derived from the status of their authors. The explanation acquired its status from its author and the status of the author of the explanation that was summarized. Moreover, it became a subject of study in Morocco, where Al-Hajwi (1995) said: "Then, the one who introduced Mukhtasar Khalil to Morocco was Muhammad bin Umar bin Al-Futuh Al-Tlemceni Al-Meknassi (d. 805 AH) ... After that, the Moroccans started to take an interest in it, and then in the explanation of Al-Zurqani, because of the expansion of branches and the conciseness in the explanations." I will conclude by conveying the words of the annotators regarding the status of the explanation, especially in Morocco. Al-Tawudi (undated) stated: "It was among the most balanced, exemplary, and best for those who venture into it... He summarized the majority of what is in the explanations and compiled what a student should aspire to. He gave the expression its due and fulfilled the explicit and implicit meanings deserving of it. He did not neglect grammatical explanations where needed nor overlook most of Al-Hattab's annotations."

Al-Banani said, "As the commentary of the most complete scholar and the most beautiful mystery, unique in his era and peerless in his homeland, was the ultimate aspiration and the pinnacle of desires, being a culmination combining the Islamic sciences of the fundamentals and the meanings, by my master Abdel Baqi bin Youssef Al-Zurqani on the abridged version by Sheikh Khalil... It is a commentary suffused with intellectual insights and laden with invaluable benefits that delight the ears. The eloquence of his expression invigorates both the reader and the listener. I adopted it as my sole companion and healer for my soul and found it to be in perfect harmony with my aspirations. For this reason, I embraced it as the companion of my intimate moments and affection." (al-Zurqani & 'Abd al-Baqi, 2002). We conclude with the words of the author of Noor al-Basr, who said, "I was asked at Al-Azhar University in Cairo about the commentary by Sheikh Abdel Baqi Al-Zurqani, a student of his, and it was asked: What is your opinion on it? I told them: It is imperative for the student not to abandon his study of it due to its abundance of benefits" (Al-Hilali, 2007)

*The Scholarly Status of the annotation "Tali' al-amani"*

Despite the importance and scholarly value of Al-Zurqani's commentary that we mentioned earlier, jurists of the [Maliki] school objected to much of what was mentioned and conveyed in it. They engaged with this commentary through correction and refinement so as not to waste the unique and beneficial content in it. They did not rely on what he exclusively conveyed and linked the reliability of its content to the annotation of Al-Banani and Al-Tawudi. Anything they were silent about was accepted, and what they objected to was refuted. Thus, the marginalia "Tal'al-Amani" by Sheikh Al-Tawudi became one of the reliable references for issuing fatwas.

*Al-Nabegha said*

فكل ما بنقله قد انفرد...أولاء لم يقبله غيرهم فردّ  
عليهم بالقول والبيان...كالتاودي والهلالي والبناني  
لكن "عق" مع كثرة الفوائد...وكثرة الغلط في المقاصد  
لا ينبغي تقليده في كل ما...قال ولا إهماله للعلماء  
أفتى هذا الهلالي أهل القاهرة...بالجامع الأزهر فتوى ظاهره  
ولا يتم نظر الزرقاني...إلا مع التاودي أو البناني

*The meaning*

"All that he conveyed exclusively... others did not accept, they refuted.

responded to them with statements and explanations... like Al-Tawudi, Al-Hilali, and Al-Banani.

However, with the abundance of benefits... and the profusion of rigor in intents, it is not appropriate to blindly follow everything he said, nor to neglect it in scholarly pursuits. Al-Hilali issued a fatwa for the people of Cairo... in Al-Azhar Mosque, and his fatwa is evident. The examination of Al-Zurqani is not complete... except with Al-Tawudi or Al-Banani."

The author of "Al-Mushkilat" says: "This means that Al-Zurqani's transmission is not complete except with its annotation, like the others annotation of Al-Tawudi, Al-Banani, Al-Rahuni, and Kannun, due to the abundance of weak [narrations] in it. Attention should be paid to the strength of its annotation or to submit their judgment." Al-Zurqani's scrutiny, effort, and explanation of Mukhtasar Khalil are not complete or reliable unless endorsed by the annotation's commentators - Al-Tawudi and Al-Banani - or corrected by them. Or perhaps it is not endorsed, but submitted, meaning they did not object or provide additional remarks on it. This judgment applies to what Al-Rahuni added to the annotation, as he is among the investigators who are recognized for that, while Kannun's work in the annotation was a summary of Al-Rahuni's annotation.

From here, the importance of the annotations (Hashiya) becomes clear to us, as it serves as a corrective for the commentary that people have been utilizing, which contains benefits that are indispensable. However, it has errors that need correction, and thus, the annotation by Al-Tawudi, among others, came to address this deficiency (Al-'Alawi, n.d.; Al-Nabighah, 2004)

On the other hand, it has been independently relied upon in non-binding legal opinions (Fatwa). The author of "Manar al-Salik" responded to a question that was posed to him, and the text of the question was: What are the books relied upon in issuing a Fatwa? He answered: There are many books relied upon, among them are Muwatta and its commentaries... then he said, (and among the relied-upon annotations) are the annotations of Ibn Ghazi, Sheikh

*Ahmed Baba, Sheikh Mustafa, At-Takhikhi, the annotations of Al-Banani, At-Tawudi, and Al-Rahuni. (Al-Rajraji, 1940)*

*Al-Rahuni said in praise of the two sets of annotations, indicating their status, "They both, may Allah be pleased with them - referring to At-Tawudi and Al-Banani - undertook to follow each statement with what relieves the examiner from effort and presented him with hidden treasures of what he sought, and they provided numerous notifications, branches, and rarities that none but the ignorant or stubborn would deny". Then he added, speaking of At-Tawudi's annotations: "I came across the annotations of our Sheikh, Imam Ibn Soda, and I had not perused them before; I found them to be of immense value, sublime, very beneficial, and replete. I found in them matters that needed attention, which Sheikh Banani overlooked and did not mention.""*

## **Conclusion**

*We can summarize that the importance of the annotations (Hashiya) lies in the following points*

- 1. The scholarly stature of the Imam and the importance of his opinions have bestowed scholarly significance upon his works, including these annotations.*
- 2. The status of the abridged version, and the status of Al-Zurqani's commentary in the school of thought, its widespread use despite its errors, which was the reason for the annotations written for it.*
- 3. The importance of At-Tawudi's annotations on the commentary, as the commentator's solo work is not relied upon without it and Al-Banani's annotations.*
- 4. At-Tawudi made corrections in his annotations to Al-Zurqani on some points that Al-Banani neglected.*
- 5. The great value of these footnotes with their unique and beneficial content that is not found in other footnotes.*
- 6. Its independent reliance in non-binding legal opinions (Fatwa) within the school of thought.*

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