



## The Emergence and Application of Maliki School of Law and its Proliferation in Africa

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### Abstract

Maliki School of law means the application of Islamic law in accordance with the interpretation of Imam Malik and or that of his disciples. Towards the end of the first century and at the beginning of the second century after hi/rah, the four Sunni schools emerged, Malik School of law was established by students of Imam Malik and was started in Madinah and later spread to other parts of the Muslim world. It is the second most wide spread Muslim school of law in the world. Therefore, highlights Spread of Maliki School of Law during the Life Time of Imam Malik up to His Death, Spread of Maliki School of Law in Africa, and spread of Malik School of Law under Jihad Leaders and finally discusses the Application of Maliki School of Law Today in our society. Looking at the nature and scope of the research analytical and observation methods were used when conducting the research.

**Keywords:** Emergence, Application, Malik School of Law, Proliferation and Jihad Leaders

## INTRODUCTION

First, the school of Abu Hanifah (699-766 A.D.) in Kufah followed by the school of Imam Malik bn Anas (713-795 A.D.). The third school was that of Imam al-Shafi'i (769-820 A.D) and the fourth was the school of Ahmad bn Hambal (780-855 A.D.). It was not only these four schools that emerged. There were other schools like the school of Dawud bn klialaf al-Zahiri, the school of Al-Tabari, al-Awza'i, Sufyan-al-Thawri. But around 700 A.H, only the schools -of Hanafi, Maliki, Shafi'i and Hambali survived and were accepted as the only schools of law to be followed by Muslims.

Imam .Malik did not wake up in a day and informed people that he has a Madhhab school of law to be followed, but rather his Madhhab came into being as a result of teaching vast number of students from different parts of the world learning various branches of knowledge from him. In addition, he solved series of juristic problems during his life time. He was therefore recognized as one of the greatest scholars among the followers of the followers of the Companions of Prophet (S.A.W). It was reported that Malik spent about forty years preparing book of Al-Muwatta, which was approved by seventy jurists of Madinah. "

### According to Imam Buhari:

Nafi'i bn Umar said scholars of Hadith call it (Muwatta) the golden chain, and there are eighty narrations with this chain in al-Muwatta. Imam Malik's life generally was a mirror of the life style of the Madinah people.

However, initially Maliki School was named as the school of the Madinites because it was essentially based on the understanding and practice of Islam in accordance with the method of the people of Madinah. Scholars even concluded that the principles of Malik in Fiqh was originally the principles of people of Hijaz (Makkah and Madinah) founded by Sa'id bn al-Musayyah the leader of the Followers of the Companions of the Prophet in his time and the Imam of Madinah.

Malik School of law was established by students of Imam Malik and was started in Madinah and later spread to other parts of the Muslim world. It is the second most wide spread Muslim school of law in the world. The first being the Hanafi school, is practiced by more than one third of the Muslim world. Below .are some of the places or countries where Maliki law applies, either in whole or in part:

Kuwait, Qatar, Bahrain, Dubai, Andalus Abu Dhabi, Sudan, Tunisia, Algeria, Libya, Morocco, Mali, Nigeria, Tchad, Niger, Senegal Mauritania and Basra.

### **Spread of Maliki School of Law during the Life Time of Imam Malik up to His Death**

During the life time of Imam Malik, Muslims from different parts of the world traveled to him to search for knowledge. Therefore Maliki School started in Madinah. Imam Malik's fame spread far and wide and many great scholars sat in his company learning AHadilh and other Islamic legal issues. His students after learning went back to -their different destinations and others what they learnt from the Imam Malik which helped in the spread of Maliki school of law.

The scholars responsible for the spread of Maliki school in Spain (Andalus) and Africa include, Abu Abd Allah Ziyad bn Abd al-Rahman al-Qurtubi (d. 193'A.H) he was the first'to bring a copy of Muwatta Malik to Spain. Other include Isa bn Dinar al-Andalusi (d.212 A.H), Yahya bn Yahya bn Kathir al-Laythi (d.234 A.H), Abd al-Malik bn Habib bn Sulaiman al-Sulmi (d.238 A.H), Abd al-Salam bn Sa'id al-Tanukhi Known as Sahnun (d.240 A.H).

Scholars of Maliki School of law who sprang up around 6lh to 9th century of Islam include Abu al-Mawadda, Khalil bn Musa al-Jundi (d.776 A.H). He was the author of Mukhtasar (the famous book of jurisprudence based on Maliki school). This book is used by Maliki school follow 5rs; others are Abu al-Hasan Ali al-Lakhmi, Abubakar Muhammad bn Ahmad bn Rushd (d.520 A.H). Bn Abi Zayd al-Qairawani ;( d.386 A.H) who was the author' of kitab Al- Risalah etc.

The foregoing are but few among the famous scholars of Maliki school who spread Maliki School in different parts of the world. Another factor that contributed immensely to the spread of Maliki School was the juristic views in many jurisprudential books which were attributed to Maliki School. Numerous books were written by Maliks' students which were and are still being used today. In a nutshell any literary work that satisfied the condition of Maliki Madhhab is regarded as a contribution to Maliki School such conditions includes:

The jurist must be an adherent of the madhhab the jurist must be conversant enough with its doctrines and legal disagreement with other madhahib etc.

### **Spread of Maliki School of Law in Africa**

The school of Imam Malik has gained respect, admiration and fellowship among millions of Muslims all over the world.

By the end of the period of the last orthodox caliphs, very important cities and towns had joined the fold of Islam. During the reign of Abd al-Malik bn Marwan of Umayyad Islam had .reached the continent of Africa. Zurhayr bn Qays an army commander under the, Umayyad dynasty came to Qayrawan as I early as 69 A.H/690 C.E. with intention of Islamizing the whole continent of Africa. Another Muslim general in person of Hassan bn al-Numan al-Ghassani entered Africa in the year 79 A.H/700 A.D. with Muslim armies. In 84 A.H/706 " A.D. Hasan conquered Qayrawan and Tunisia and established Islamic authority. By 92A.H/714 A.D Islam was fully established in North Africa. Shaykh Abd Allah bn Foduye said that most of the North African countries were brought under Islam by Abd Alllah bn Sa'ad bn abi Sarh, who is a Companion of Prophet (S.A.W) as well as one of the writers of Revelation during the Prophet's life.

When Islam had become deeply rooted in North Africa, Muslims were in need of something with which to judge among people in case of dispute or due to problems that may arise, due to the rapid expansion of Islam. Therefore, the legal deductions which Muslim scholars formulated using the Qur'an and Surmah were termed Fiqh. Consequently, Umar bn AbdulAziz, the famous Umayyad Caliph sent ten theologians to North Africa to teach the Muslims Islam. By the middle of the tenth century A.D. Africa was dominated and occupied by Muslims and Islamic civilization prevailed in countries like Morocco, Qayrawan Egypt, Tunisia and Sudan where more than two-thirds of Muslims followed Maliki School of law. Great Maliki scholars there contributed immensely to the growth, development and spread of Maliki School of law. Among such scholars are Abul-Asbagh Isa bn Sahl of Andalus (Spain) (d.1093 A.D.), Wali al-din AbdulRahman bn Muhammad Bn Khaldun (1332-1406 A.D.) of North Africa, Muhammad bn al-Waraghami bn Arafa al-Bisati (d. 1440 A.D.) from Egypt, Ahmad bn Muhammad bn Mu'tal al-Burzuli (d.1438 A.D.) of Tunisia, who paved:the way for the triumph of the Maliki school in North Africa just to mention but a few. From North Africa and other parts of the continent, Islam along with maliki law spread to West Africa through the barber merchants who traded as well as preached Islam.

It is said:

The strategic commodities such as sword, horses, slaves, chain mail, etc. are not permissible to be sold to unbelievers. Therefore, the ruler who was interested in these commodities could obtain them when he embraced Islam..... In the course of trade link between him and the Muslims or some States, the need for correspondence would arise in connection with trade transactions or diplomatic ties. Therefore, the ruler would employ learned Muslim literates in Arabic as secretaries to record events and reply correspondences.

Long stay in the West African cities by Muslims who came to trade, their high sense of responsibility, sincerity, honesty and devotion to Islam convinced rulers to perceive Islam as a true divine religion and consequently they embraced Islam based on Maliki law. Thus, the rulers paid much attention ' to religion and encouraged massive conversion to Islam.<sup>[15]</sup> Consequently, Islamic centers all over West Africa sprang up and the ruling dynasties were converted to Islam. Empires-like Ghana, Mali and Songhai were changed by an Islamic culture based on the Maliki School of law. Scholars have given different dales in respect of the advent of Islam in these countries:

Many sources claim that Islam reached West Africa around 11<sup>th</sup> century. It is said that in the year 1040 C.E *a Takruri* king professed Islam, having joined the fold of Islam with his family, he invited the neighboring chieftaincy to Islam. Around the same time Mali ruler called Barmandara also embraced Islam without his people. They king of Jenne around 1200 C:E is said to have professed Islam and made pilgrimage to Makkah. The pilgrimage of Mansa Musa with a very large converts is a well recorded historical fact. He not only embraced Islam like any other ruler but also propagated-it.

The role played by Askia Muhammad of the Songhai Empire in Islamizing and spread of Islam base on the teachings of Maliki law, in West .Africa is of remarkable importance. The Almoravits, the Muslim preachers were considered as those who definitely brought Islam to West Africa. They settled-in places and converted people to Islam. The Almoravits married the Africans and by such marriage association had the opportunity to further spread Islam base on Maliki law deeper in the West Africa whereby West African empires mentioned above, accepted Islam and soon developed great civilization.

Great Muslim geographers and scholars such as al-Masudi, al-Bakri. al-'Muhallabi, Bn Sa'ad, Bn Battuta al-Umari etc. reported how deep Islam spread in the Western Sudan from 947 A.D. to 1067 A.D.

Toward the end of 14<sup>th</sup> century A.D. up to the early part of 18<sup>th</sup> century A.D. West Africa witnessed the emergence of reputed Maliki jurists, who contributed immensely to the spread and development of Maliki School and its doctrines covering some parts of the world including Hausaland which included the present Sokoto, Kebbi and Zamfara States. Scholars like Muhammad bn Ahmad bn Marzuq al-Hafid (d. 1439. A.D.), scholar of Ahmad bn Ahmad bn Burnusi al-Fasi (d.1493 A.D') Muhammad bn Umar bn Muhammad Aqit (d.1548 A.D.) of Sanhaja who was chief judge of Timbuktu for fifty years, Makhluq bn Ali bn Saljh Al-Balbali (d.1534 A.D.) who visited Hausaland and taught in Kano and Katsina and Muhammad bn Abd al-Karim al-Tilmsani -al-Maghili (d.1505 A.D.) who was well known in Tuwat, Kano, Katsina and Gao, were among Maliki jurists who were "synonymous with the spread of Maliki school and literatures associated with it in all corners of West Africa. Thus, as earlier mentioned, by the end of 11<sup>th</sup> century A.D, Islam had become well established in most places in the Western Sudan to the effect that a kind of indigenous people such as Wangnrawa and the Fulani were responsible for its spread.

The Kanem-Borno Empire came under the influence of Islam as far back as seventh century and by the thirteenth century the empire had flourished. Kanem rulers Hume and Mai iimme Jilmi were both Muslims who ruled towards the end of the 11<sup>th</sup> century A-D.

When the Kanem-Borno Empire moved to Borno at the end of the 15<sup>th</sup> century A.D, the Islamic influence in north eastern Nigeria was further strengthened. To Borno came Muslim scholars from Senegal as well as from North Africa. In the 16<sup>th</sup> century, the power of Borno declined, nevertheless, up to the nineteenth century A.D, it continued to remain a Muslim centre with an Islamic dynasty. By implication therefore, Maliki School also had its way from Egypt. Earlier on it was mentioned that there were great Maliki scholars in Egypt who Maliki scholars in addition to the disciples of Imam Malik who were Egyptians. Most probably, most of the Muslim scholars who had visited and propagated Islam in Borno, were, adherents of Maliki School. Thus Borno might have served as one of the roots through which Maliki school spread to the Hausaland.

Borno by its Islamic culture had produced great number of scholars who had contributed immensely to the intellectual development of not only Northern Nigeria but some parts of the neighboring countries such as Ghana, Mali, and Niger republic.Great scholars such as Ahmad bn Ahmad Abd al-Quwwat, Umar bn Uthman Masbarma, Adam bn Ibrahim, Qadi Muhammad Ali, al-Bakri were some of the leading scholars pixduced by Borno empire. Muhammad bn al-Hajj and Abd al-Rahman al-Barnawi (d.1755 A.D.) were other leading scholars of Borno. These two scholars were among the teachers of Shaykh Abd Allah bn Foduye. Abd al-Rahman a-l-Barnawi was said to have written manyworks especially in the field of Maliki school, one of such works was Al- Kawkab al-Durri fi Nazm ma ja'a // iil-akhadari, a versification of the work of sixteenth century Algerian, writer, Abd al-Rahman al-Akhdari, Shaykh al-Tahir In Ibrahim al-Fullati were among the scholars of Borno who were known for their scholarship and piety which played a vital role in the spread of Islam base on Maliki law, these set of Fulanis who came from western and central Sudan were said to have' brought along with them some literary works at the end of the 16<sup>th</sup> century. Many reputed Muslim-scholars from North Africa and the Western Sudan came to Kano and transmitted 'knowledge. The famous Maliki scholar, Ahmad bn Umar bn

Muhammad Aqit (d.1548 C.E) the grandfather of Ahmad al-Timbuktu visited Kano in 1487 C.E. Muhammad bn Abdulkarim al-Maghili the renowned North African Maliki scholar also visited Kano during the rule of Muhammad Rumfa, al-Maghili wrote a treatise on Islamic government and administration to help Rumfa rule his subjects according to Sharia 'ah. The work titled Jumla Mukhtasara li Sarki Rumfa was based on the Maliki School of law. Muhammad Barau and Muhammad Koran, rulers of Zazzau and Katsina, the contemporaries of Muhammad Rumfa also encouraged the spread of Islam and intellectual activities in their domains. As early as sixteenth century onwards both Kano and Katsina had become great centers of learning which attracted reputed scholars from North Africa, Middle East and the western Sudan. Abel al-Rahman Suqain from Morocco taught in one of the schools in Kano. So was al-Tazakhti (d. 1520 C.E) who settled in Katsina. Being a Maliki adherent, this scholar wrote a commentary on the famous Fiqh (Islamic jurisprudence) book synonymous with Maliki School Mukhtasar al-Khalil and other works.

Islamic cultural and intellectual activities had continued to gain ground in the Hausa states as centers of learning, attracting Muslim scholars who were, constantly visiting the States. By the seventeenth century Hausaland witnessed the rise of indigenous intellectual and literary activities. The indigenous scholars produced abundant literature in various aspects of Islamic education, prominent among them were, Muhammad K'ashnawi otherwise known as Bn al-Sabbagh and Muhammad Dan Masani -Shaykh Muhammad Bello in his book Infaq-al maysir mentioned these scholars and their literary works. Hashim Bn Talcum, Ramadan bn Ahmad, Umar bn Muhammad Abu Bakr, Ali Jabbo were also among the famous scholars of Hausaland who wrote abundant works especially in the aspect of Maliki Fiqh. Shaykh Jibril bn Umar the famous teacher of both Shaykh Uthman and Abd Allah bn Foduye was also "among the eighteenth century scholars who had contributed immensely to the development of Islamic literature and propagation of Islam and spread of Maliki School into very far and wide places. -He preached against general corruption which engulfed the Hausaland.

Places like Zaria, Kano, Katsina, Yandoto, Degel became well established great centers of learning. By the nineteenth century, Hausaland witnessed great number of scholars. Shaykh Adam Abd'Allah al-Illori enumerated thirty one scholars whom he classified into: The indigenous scholars of western Sudan and emigrants scholars. Western Sudan scholars were mostly found in Hausaland and emigrant's scholars are those who had come to Hausaland from North Africa. All the great teachers of both Shaykh Uthman bn Foduye and his brother Abd Allah were among scholars who had contributed to the development of Maliki Fiqh. The Fiqh literature which these scholars taught their students was of Maliki School. Also there had been no awareness of any Fiqh work which had become common among the scholars in Hausaland other than Maliki's: not until now Fiqh books of other schools of law are not studied in the Qur'anic schools or among the local scholars who preserved the hereditary system of Islamic education.

However it is of great relevance to mention that neither Shaykh Uthman nor Shaykh Abd Allah had studied any Fiqh book under any of their teachers which is non-Maliki. It has been confirmed by some scholars that all scholars in Western Sudan are synonymous with the Maliki School of law".

It has also been noted that, the earliest literary works that reached Hausaland beside the Glorious Qur'an were books on Maliki Fiqh and according to the source al-Mudawwan'ah al-Kubrah of AbdulSalam bn Sa'id Sahnun al-Tanukhi (d.854 A.H) was among the Maliki Fiqh books that had reached Hausaland. Al-Risalah of bn abi Zayd al-Qayrawani (d.996 C.E) and al-Mi/khtasar of khalif bn Ishaq the famous Maliki jurist (d. 13-65 G.E) were among the major fiqh books that reached Hausaland.

### Spread of Maliki School of Law under Jihad Leaders

The Fulani who migrated to Hausaland in the fifteenth century had among them great scholars. The Torankavva Fulani clan to which Shaykh Uthman bn Foduye and Shaykh Abd Allah bn Foduye belonged was renowned for scholarship. The father of Shaykh Uthman and Abd Allah bn Foduye, as earlier mentioned attained some degrees of academic status.

Thus, when Islam was introduced to Hausaland through the western ' Sudan, it came along with Fiqh of Maliki school of law. Consequently, there emerged among the Torankavva Fulani of the nineteenth century, two great scholars, Shaykhs Uthman bn Foduye and Abd Allah bn Foduye whose contributions to the growth of Maliki school in Hausaland was so enormous that it seems as if they brought the Maliki jurisprudence newly to Hausaland. But this was so because of their reformation activities. Shaykh Uthman bn Foduye and Shaykh Abd Allah bn Foduye were the leaders of 1804 jihad who were great scholars within Maliki School of law.

The two had written hundreds of works in Arabic, Fulfulde and Hausa, discussing different issues within the preview of Maliki's school of law.

Although Shaykhs Uthman and Abd Allah could independently exercise Ijtihad as eminent scholars yet they adhere to Maliki School of law. The following are some of the literary works of Shaykh Uthman bn Foduye:

- a) Kitcib irshad al-umm'ah Ha Tuysir al-millah.

- b) Najimul Ikhwan
- c) Tambih-al-Ikhwan aid Ahwail Ard-al-Sudan.
- d) Bay an wujub al-Hijra alal-ibad

### Application of Maliki School of Law Today

It is a well-known fact that Islam reached Hausaland along with the teachings of Maliki School of Law, many centuries ago, therefore Muslims in Hausaland (study area inclusive) initially were adherents of Maliki School of law, but as time goes on a lot of changes were introduced into the teachings of Maliki School ranging from mixing the ideas of Madh'hab together at a time on any legal issue e.t.c. And on the other hand some Muslims even abandoned in totality the idea of madh'hab (they do not adhere to any of the four schools of law). But still some Muslims firmly uphold the teachings of Maliki School of law.

The knowledge of practicing acts of worships such as ritual, purification, ablution, prayer, poor due, pilgrimage to Makkah, Marriage, business transactions e.t.c by Muslims in Sokoto, Kebbi and Zamfara states were based on Maliki Fiqh books.

I am but a human being, I may be wrong and I may be right. So first examine what I say, if it complies with the Qur'an and Sunnah, then you may accept it, but if it does not comply with them, then you should reject it.

He also said.

Truly I am only a mortal: I make-mistakes (sometimes) and I am correct (sometimes). Therefore, look into my opinions all that agrees with the Book (Qur'an) and the Sunnah accept it; and all that does not agree with the Book and the Sunnah ignore it.

This shows that any ruling that goes Contrary to saying of Prophet (S.A.W) is not the stand of Imam Malik.

There is no harm, therefore, in using Madh'hab Imam Malik by the Muslims of the three States of study. The above mentioned factors that caused non-adherence of malik Madh'hab today, by some Muslims of Sokoto, Kebbi and Zamfara States were the reasons that motivated the researcher to carry out this work. This research therefore is an attempt to investigate and bring to the notice of the Muslims in the three States the concept of adherence to Malik school of law hi Ibadat, Mu'amalat, courts etc.

Taqlid among the Disciples and Followers of Maliki School of Law Taqlid literally means to follow someone, to imitate. But in Islamic legal terminology it means to follow a mujtahid in religious laws and commandment as he has derived them. A mujtahid is a person who is an expert on Islamic jurisprudence. Some scholars define Taqlid as the acceptance by some Muslims of the opinion of the jurist as binding authority on them and to follow it without question is known as the doctrine of Taqlid.

Qur'an instructs Muslims to seek guidance from people of learning in matters about which they lack knowledge. Allah in the Qur'an says:

Question the people of remembrance if you do not know.

It is an obligation in Islamic law to study everything which is necessary for the spiritual and material development and well-being of an Islamic community, but it is an obligation which is known as wajib kifai. In the present instance, for example, an Islamic society has need of experts in the medical sciences, in physics, chemistry, engineering, education and so forth, and as long as there is lack of knowledge in these areas it is an obligation on the community as a whole to acquire it. This means that a group of Muslims should devote themselves to research so as to benefit people as a whole. Similarly an Islamic society without experts in Shari'ah cannot. Properly consider it complete Islamic community, so it is an obligation for a group of persons from the Muslim community to devote themselves to the study of the religious sciences so as to provide divine guidance for all Muslims. In this regard Allah says:

But why should not a party from every section of them (the believers) go forth to become learned in the religion, and to warn their people when they return to them, that they may beware.

The structure of Islamic law was completed during the lifetime of the Prophet (S.A.W). The basic rules of which Islamic law could be derived are only those prescribed in the Qur'an and Traditions of the Prophet (S.A.W), which are few and limited.

The law of Islam as defined in the Qur'an and Sunnah are binding on all Muslim forever. Any new law which claims to be binding on Muslims has to comply with conditions laid by the Qur'an and Sunnah and be authenticated by them,



otherwise, Muslims will be falling into what the Qur'an strongly condemns in other religious groups by stating that those who dispute concerning; 'the message of Allah without any authority that comes to them, they are greatly hated by Allah and by those who believe.

The principles of the Qur'an has great potentialities of expansion and development by interpretation from age to age to meet the changing conditions of man. It was on the strength of the Shari'ah as defined above that the various early scholars of Islam sought to legitimize one claim against another by diverse argument i.e theological, legal law and orders on the ground of justice.

Taqlid started from the second half of the fourth century of the Islamic calendar up to the fall of Baghdad in the year 656 A.H. It was a period jurists accepted the ways of the famous schools of law. Despite the fact that the jurists of this period had the chance to perform ijtiḥad because the Qur'an was with them and all Traditions of the Prophet (S.A.W) had been compiled at that time. Moreover the duty of the jurists is to perform independent ijtiḥad. But majority of the jurists of this period considered their ways of performing ijtiḥad much weaker than that of the jurists before them.

One of the causes of Taqlid was that, at this period some scholars claimed that they had wits to perform ijtiḥad, so when other scholars feared that such persons may mislead ignorant Muslims, they announced that no one had the wits to perform ijtiḥad and that what the former scholars left was enough. The reality however, is that ijtiḥad is allowed up to the end of this material world. Whenever a person meets the conditions set down before one conduct ijtiḥad, but in the absence of that ijtiḥad is haram. Prophet (S.A.W) said:

If one of you (mujtahid) conducts Ijtiḥad successfully he would be rewarded twice and when he failed he will be rewarded once.

The above Hadith shows that the door of ijtiḥad is still opened which gives room for new issues to be tackled accordingly by the jurists as the world is changing from generation to another, from one community to another. For example, the use of G.S.M handset, internet etc serves the Muslims community in many ways thus, it is a welcome idea, provided Islamic values is fully applied in their usages, as Islam always embraces anything good.

Therefore ijtiḥad and Taqlid-vnll forever remain open to the Muslims from generation to generation so that Muslims in every age can interpret the Shari'ah 'ah in the light of the current problems and conditions of their society to solve the problems of their age, but this interpretation and taqlid must always rest on the texts of Qur'an and Sunnah.

The reality is that Taqlid is allowed in Islam provided Islamic values were appropriately put in place, and all the four schools Imams voiced it out that whenever their opinions differ in 'either the Qur'an or Hadith it should be rejected because there is nothing above Qur'an and Hadith. In Nigeria as a whole and Sokoto, Kebbi and Zamfara States in particular majority of the Muslims were adherents of Maliki school of law, and where a ruling contradicts the teaching of the Qur'an or Hadith they supposed to refer back to the sources (Qur'an and Hadith). All the Imams of four schools of law agreed that in case any of their verdicts goes against the teaching of the Qur'an and Hadith such should be regarded as null and void. In this regard Imam Malik said:

I am but a human being, I may be wrong and I may be right. So first examine what I say, if it complies with the Qur'an and the Sunnah, then you may accept it, but if it does not comply 'with them, then you should reject it.

Imam al-Shafi'i (Muhammad bn Idris al-Shafi'i d. 820A.H) also said:

If my opinion differs from a Tradition, then you should follow the Tradition and never imitate me. If a report is later authenticated as being a Tradition, then whatever I had opined contrary to it is no more valid and you should only follow the Tradition.

Imam Abu Hanifah (d.767 AH) said:

It is not right on the part of anyone to adopt what we opined unless he knows from where we derived it.

Imam Ahmad bn Hambal (d. 885 AH) on the other hand said:

I am not a man of dogmatic theology, rather am I against it. Only what is in the Qur'an and the Simnah or what has been authentically related by the Companions of the Prophet (S.A.W) can be considered.

It can be seen from the above that none of the four leaders of the accepted schools of law regarded Iri opinion as superior to the Qur'an and Simnah which shows that following Imam Malik's school of law (Taqlid) among the Muslims of the three States of study is a welcome idea.

## CONCLUSION

The biography and literary contributions of Imam Malik have been given, how and when the Madhab of: Imam Malik emerged were also highlighted among others and it is now understood that adhering to one of the four schools of law is necessary for someone that does not reach the stage of Mujtahid. And the four schools of law based their verdicts on the teachings of the Qur'an and Hadith as primary sources, and as also a strong base for the validity of the secondary sources of law.

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