



العرفاء : مجلة الشريعة والاقتصاد الإسلامي والقانون

AL-ARFA: Journal of Sharia, Islamic Economics and Law

Journal website: <https://al-arfa.my.id>

E-ISSN: 2988-0483

DOI: <https://doi.org/10.61166/arfa.v2i1.62>


Vol. 2 No. 1 (2024)

pp. 104-118

Research Article

Juristic Differences on Salat Within the Maliki School and Its Relevance to Nigerian Muslims

AbdulWahhab Danladi Shittu¹, AbdulWaheed Olarewaju Yakub²

1. Department of Religions, University of Ilorin, Nigeria; shittu.ad@unilorin.edu.ng 
2. Department of Religions, University of Ilorin, Nigeria; Olawajuabdulwaheed2017@gmail.com



Copyright © 2024 by Authors, Published by AL-ARFA: Journal of Sharia, Islamic Economics and Law. This is an open access article under the CC BY License <https://creativecommons.org/licenses/by/4.0/>

Received : May 04, 2024

Revised : June 17, 2024

Accepted : August 26, 2024

Available online : October 05, 2024

How to Cite: AbdulWahhab Danladi Shittu, & AbdulWaheed Olarewaju Yakub. (2024). Juristic Differences on Salat Within the Maliki School and Its Relevance to Nigerian Muslims. *Al-Arfa: Journal of Sharia, Islamic Economics and Law*, 2(1), 104–118. <https://doi.org/10.61166/arfa.v2i1.62>

Abstract. *Salat*, or Islamic prayers, is central to Muslim devotion globally. However, different schools of Islamic jurisprudence interpret and apply *Salat* uniquely. The Maliki school stands out for its distinct approach, influencing how *Salat* is performed. In Nigeria, where Maliki jurisprudence predominates among Muslims, these differences are especially relevant. Nigeria's diverse Muslim population offers an ideal setting to explore how Maliki jurisprudence impacts *Salat* practice and religious identity. This study examines the unique interpretations and rulings of the Maliki school regarding *Salat*, focusing on prayer methodology such as mode of *Iqāmah*, *Adhān*, *recitations*, *Al-Qunūt*, *Qabd* and *Sadl*, and evaluates their relevance to Nigerian Muslims. The research employs textual analysis and comparative jurisprudence to uncover doctrinal differences and practical implications of Maliki rulings on *Salat*.

Empirical data from Nigerian Muslim communities shed light on how these differences affect contemporary *Salat* practices and perceptions. Findings revealed that Maliki jurisprudence remains influential among Nigerian Muslims, providing a foundational framework for religious guidance. Despite divergence, the core principles of *Shari'ah* and its sources remain intact. Conclusively, the paper emphasises the importance of fostering dialogue and understanding among scholars, policymakers, and religious leaders to enhance spiritual experiences and communal cohesion in Nigerian Muslim society.

Keywords: *Salat*, Maliki school, Nigeria, *Qabd* and *Sadl*

INTRODUCTION

Salat transcends mere physical actions, representing a deep act of devotion that connects believers spiritually and signifies submission to Allah's divine will. This paper explores the juristic differences regarding *Salat* within the Maliki school and examines its relevance in Nigerian Muslim communities. Rooted in the historical setting of Madinah during the time of the Prophet Muhammad (pbuh), the Maliki school stands out as a pillar of jurisprudential wisdom, valuing the preservation of local customs and traditions. Its perspective on *Salat* includes detailed rulings on *Adhān*, *Iqāmah*, recitations, *Qabd*, *Sadl*, and other prerequisites, offering a distinctive interpretation of Islamic practice.

In Nigeria, the Maliki school forms a fundamental part of the religious landscape and the most adopted *Madh-hab* among the Muslims. Likewise, foundational texts written by the jurists of the school, such as the *Matn Risalat* of Al-Qayrawani, *'Izziyah* of Abu Hassan, *Al-Ahdari*, and *Matn al-Ashmawiyah*, are highly esteemed among Nigerian Muslims, particularly in their ritual aspects. The analysis of certain ritual aspects within these books significantly influences the ritual practices of Nigerian Muslims, especially concerning *Salat*. This study aims to explore the juristic differences related to *Salat* within the Maliki tradition, highlighting its practical applications and implications for Nigerian Muslims who are committed to observing their religious obligations. By examining these juristic variations, this research seeks to enhance our understanding of Islamic jurisprudence and its significant influence on religious life. Additionally, it aims to encourage dialogue and appreciation for the diverse traditions within the Nigerian Muslim community, ultimately promoting greater unity in religious practices and identity.

METHODOLOGY

This research employs a qualitative method, specifically a doctrinal legal analysis combined with empirical observations. It involves examining legal texts, scholarly opinions, and jurisprudential discussions within the Maliki school of thought regarding the performance of *Salat*. Additionally, it incorporates empirical data gathered from Nigerian Muslim communities. Thirty people were interviewed

across the six geo-political zones of Nigeria with five respondent from each of the zones. While some were interviewed physically, others were interviewed on phone. Responses from those interviewed among whom were *imams*, clerics and members of the congregation, were collected and analysed. The researchers adopted personal observations in some instances while in other instances, they participate to have a first hand information.

RESULTS AND DISCUSSION

Significance of *Salat* in Islam

Regularly performing *Salat* (prayer) fulfills a crucial pillar of Islam and is a commandment from Allah. *Salat* is profoundly important in Islam, acting as a vital act of worship that involves both the heart and physical actions¹. It is one of the core principles of Islam, second only to faith, and serves as a key aspect of Muslim identity, distinguishing believers from non-believers. Allah says: "Guard strictly (five obligatory) *As Salawat* (the prayers) especially the middle *Salat*(i.e.Asr)And stand before Allah with obedience" (Q 2:238). Tirmidhi, records that the Prophet Muhammad said: "The difference between us (the believers) and them (the Unbelievers) is the *Salat* (prayer) and whoever discard it has disbelieved."² *Salat* acts as a source of nearness to Allah after Jihad and seeking for knowledge. Also, Abu Hurayrah reported that the Messenger of Allah (Pbuh) said:

Allah The Most High said: "Whoever envy my chosen one (Waliyy) I have surely declared a war against him, verily a servant of Mine draws closer to Me by observing things I love and made obligatory on him, and my servant will not relent on nearness to Me with *Nawafil* (supererogatory acts) till I love him, and when he became My beloved I became his hands by which he torches."³

When prayer is performed properly, the true remembrance of Allah and seeking His forgiveness will have a lasting impact on the individual. Upon completing the prayer, the person's heart will be filled with the remembrance of Allah, instilling both fear and hope in Allah. This experience will create a strong desire to maintain that elevated spiritual state, discouraging them from disobeying Allah. Allah says "Verily, the prayer keeps one from the great sins and evil deeds" (Quran 29:45). From health point of view, performing *Salat* is a very important exercise which is severally

232 ¹ Mahmud Ahmad Rāshd: *Al- Fiqh wa-adilatuhu*. First ed. Vol 1, (Qairat: Daru fawāid. 2011)

² Muhammad bn Isa at-Tirmidhi: *Sunan al- Tirmidhi*. (Cairo: Cairo publication, 1937) 149

284 ³ Muhammad bn Ismail: *Sahih Al Bukhari*. Vol 2 (Beirut: Darut Turukin Najat, 1422 A.H.)

beneficial to health. Muhammad al-Shaayi, submits that Prayer improves both the physical and spiritual domains of health.⁴

Formation and Establishment of Malik School of Law

The application of Islamic law in accordance with the method and interpretation of Imam Malik (R.T.A) and other prominent jurists who belong to his disciples is known as *Malikiyyah* or *Malakite*. The Maliki school of Law is one of the four prominent Sunni schools of jurisprudence accepted by all Sunni scholars. The school derives its name as the *Maliki Madh-hab* by the scholars of Madinah in the 8th century.⁵ Maliki Fiqh was transmitted through two primary channels. Firstly, through the books written by Imam Malik, with "al-Mu'atta" being the most prominent and authoritative compilation. Secondly, through Imam Malik's students, who meticulously gathered his reports, preferred opinions, and teachings. They summarized, edited, and derived rulings on various issues, engaging in discussions on principles and proofs. These students became the carriers of Imam Malik's Fiqh, and many books were transmitted through their efforts.

The influence of Maliki doctrine spread beyond *Madinah*, reaching different regions, cities, and villages, including Nigeria, through the efforts of Imam Malik's students and disciples. Originating from various geographical locations, these students disseminated Maliki *Fiqh* to areas such as North-West Africa, Andalusia, Tunisia, Qayrawan, and others. Scholars from these regions often traveled to Hijaz to study Islamic sciences, with *Madinah* serving as the focal point of religious knowledge during this period.⁶ The Maliki School of Law places significant emphasis on specific sources for deriving legal principles. Imam Malik's emphasis on the practices of the people of Madinah (*Amal Ahli Madinah*) plays a significant role in shaping the school's legal principles.⁷ The school places considerable importance on the local practices of the people of *Madinah* during the time of the Prophet and the subsequent generations. The *Maliki Madh-hab's* emphasis on these sources, especially the '*Amal of Madinah*', gives the school a practical orientation and distinguishes it from other Islamic legal traditions. The reliance on local practices contributes to the Maliki school's pragmatic approach to jurisprudence. Imam Maliki adopted the clear methods in choosing the principles in *Fiqh* and approach in *Ijtihad*. Abu Zahra, submits thus: Maliki pursued a clear methodology in respect of these

⁴ Muhammad al-Shaayi: *al-Furooq al-Laughawiyah wa Atharaha fi Tafseer al-Quran al-Kareem* (Riyadh: Maktabah al-Ubaikaan, 1993), pp. 249-254.

⁵ 'Umar Sulayman: *al-Madkhal ila Dirasat al-Madh-hab wa al-Madaris al-Fiqhiyyah*. (Amman: Dar al-Nafa'is, 2007) 155.

⁶ Juan E. Campo: "Maliki Legal thought" *Encyclopedia of Islam*. (New York: An imprint base publishing, 2009) .455-456.

⁷ Bilal Philips: *Usool al-Hadeeth* . First ed, (Riyadh, Saudi Arabia: International Islamic publishing house, 2003) 158

principles and ordered them according to their respective ranks. He put the Book of Allah first and put the traditions with it placing them before analogy and opinion. He left anything which was not considered probable by reliable men known their sound knowledge or when he found that great majority of the people of Medina did something different and contrary to it. He did not pay any attention to those who interpreted things according to their own opinion: explicitly declared that such rulings were false and baseless.⁸

The Spread and Application of Maliki School of Law in Nigeria

During the era of the orthodox caliphs, Islam made significant advancements into various cities. Under the reign of Abd al-Malik ibn Marwan of the Umayyad dynasty, Islam expanded its influence into Africa. Zurhayr ibn Qays, a military commander serving the Umayyads, arrived in Qayrawan as early as 69 A.H/690 C.E. with the objective of spreading Islam throughout the continent. Another Muslim leader, Hassan ibn al-Numan al-Ghassani, led Muslim armies into Africa in 79 A.H/700 C.E. By 84 A.H/706 C.E., Hassan successfully conquered Qayrawan and Tunisia, establishing Islamic rule. By 92 A.H/714 C.E., Islam had firmly taken root in North Africa.⁹ Islam and Maliki Law disseminated to West Africa through the Berber merchants, who not only engaged in trade but also actively propagated Islam.¹⁰

Before the colonial rule of the 19th century in Nigeria, the Maliki school of law was the sole legal system in the territories now encompassing the Northern Nigerian states and certain other areas in neighboring countries. This law governed both private and state matters.¹¹ Before the 1999 re-introduction of Islamic criminal law in Zamfara and eleven other states of the northern Nigeria, Islam was considered a distinct category within customary law.¹² Zayyanu asserts that in Nigeria, religious verdicts (*Fatawa*) are not limited to a specific legal school; however, all legal and judicial affairs concerning Muslims are governed by the Maliki school of Law. From the era of the Sokoto Caliphate to the present day, courts have depended on Maliki texts on law and procedure following the Quran and Sunnah.¹³ The majority of mosques in Nigeria and their imams have embraced Maliki principles in their respective regions. The utilized books include: *Risalah* by Ibn Abi Zaid Al-Qairawani and its commentaries, *Tuhfatul-Hukkamy* by Al-Qadi Abubakar Muhammad bn Muhammad bn Asim al-Andulusi al-Gharnadhi and its commentaries, *Mukhtasar*

⁸ M. Abu Zahra, : *The four Imams*. (India: Premier publishing company, 2005) 53-85

⁹ A. Rahim: *Islamic History*. (Lagos, Nigeria: Islamic Publications Bureau, 1991) 131.

¹⁰ A. Gwandu: *Abd Allah B. Fodio A Muslim jurist*. PhD (Thesis. University of Durham. 1977)

¹¹ A. Gwandu: *Abd Allah B. Fodio A Muslim jurist*. ..1977

¹² Zayyanu Musa Dogon daji: The Emergence and Application of Maliki School of Law and its Proliferation in Africa. *Global Journal of Research in Humanities & Cultural Studies*, 2(4), 167–173. (2022) <https://doi.org/10.5281/zenodo.700189>

¹³ Oseni, Z.I: "Islam, Nigerian Muslims and Jihad Against Corruption: A Re examination", *Journal of Islam in Nigeria*, 2015. 5

Khalil by Khalil bn Ishaq bn Musa bn Shu'aib al-Jundi (d. 767 A.H), *Irshad al-Salik* (Askari) by Shihab al-Deen, Abdul-Rahman bn Muhammad bn Askar al-Bagdadi, *Fathu al-Ali al-Maliki* by Shaykh Muhammad Ahmad Alish (d. 1299 A.H), and *Al-Qawanin al-Fiq-hiyyah* by ibn Juzai (d. 741 A.H).¹⁴

Reasons for Juristic Differences

The diversity of opinions among jurists in Islamic jurisprudence, known as *Ikhtilaf*, is indeed a natural and complex phenomenon influenced by various factors. Here are some key factors that contributed to the dissent in opinions among jurists:

Differences in interpretation of Quranic verses and Hadith texts

Differences in narration and application of Hadith

Admissibility of certain principles

Various approaches in methods of Qiyas.¹⁵

Ibn Taymiah (nd) lists seven reasons for divergent in opinions among the jurist. Namely; Being unaware of the evidence. Knowing the *Hadith* but not trusting the narrators of the Hadith and believing it is contradicts stronger report. Knowing the evidence but misunderstanding it. Knowing the Hadith but not knowing that it was abrogated. Misunderstanding the evidence. Believing that one's different opinion supported by a strong proof. Taking a weak hadith as evidence or adopting faulty reasoning. All the above mentioned causes can be summarized into three;

Disagreement over language that relates to the understanding and interpretation of the Qur'anic texts, Disagreement over the knowledge and authenticity of *Hadith* relevant to a subject and Disagreement over the proofs and principles of *Usul Fiqh*.

Juristic Differences on Salat within the Maliki School

The regulations concerning *Salat* according to Maliki jurists have been extensively examined in various treatises of the Maliki school of Law, including *Ikhtilāf Aqwāli Malik wa-as-habihi*, *al-Muwatta*, *Risalah*, *Muqaddimatul 'Izziyyah* and *Mudawwanatul Kubrah*. These texts, particularly *al-Muwatta* and *Mudawwanatul Kubrah*, have served as primary reference points of Maliki law since the inception of the school. However, among these books the most adopted text by Nigerian Muslims are *Risalah*, *Muqaddimatullzziyyah*, *Ahdar* and *MatnAsh-mawiyyah* most especially in the ritual acts. Differences within the maliki school in some acts of *Salat* shall be discussed

¹⁴ Zayyanu Musa Dogon daji: The Emergence and Application of Maliki School of Law and its Proliferation in Africa. *Global Journal of Research in Humanities & Cultural Studies*, 2(4), 167–173. (2022) <https://doi.org/10.5281/zenodo.700189>

¹⁵ Bilal Philips: *The Evolution of Fiqh (Islamic law and The Madh-habs)* (Riyadh, Saudi Arabia: International Islamic publishing house, 2006) 96-98.

Mode of *Adhān* and *Iqāmah*

The term '*Adhān*' is used to refer to the announcement that the time for prayers has begun. The legitimacy of the call to prayer finds its basis in the Qur'an, the prophetic *Sunnah*, and the consensus of the Muslim community. Almighty Allah says, "O you who have attained faith! When the call to prayer is sounded on the day of congregation, hasten to the remembrance of Allah and leave all worldly commerce. This is for your own good if you but knew it" (Q62:9). In the same vein, Ibn Umar reported:

When the Muslims came to Medina, they gathered and sought to know the time of prayer but no one summoned them. One day they discussed the matter, and some of them said: Use something like the bell of the Christians and some of them said: Use horn like that of the Jews. Umar said: Why may not a be appointed who should call (people) to prayer? The Messenger of Allah said: O Bilal, get up and summon (the people) to prayer.¹⁶

While, the *Iqāmah* is the announcement that prayer has commenced. Within the realm of Maliki jurisprudence, diverse opinions exist concerning the protocols surrounding the *Adhān* and *Iqāmah*. In *Al-Madawwanah*, Malik expresses a strong disapproval of the *Mu'adhdhin* (the one who calls the *Adhān*) turning around during the call to prayer. Furthermore, Malik stipulates that only individuals who have reached the age of puberty are eligible to perform the *Adhān*.¹⁷ In contrast to Malik's stringent stance, other prominent figures within the Maliki tradition offer differing perspectives on the protocols surrounding the *Adhān* and *Iqāmah*. Ibn Qasim, for example, maintains that it is permissible for the *Mu'adhdhin* (the one who calls to prayer) to turn around during the call to prayer if doing so aids in being heard clearly. Similarly, Ibn Nafi' suggests that turning around until reaching the phrase "*Hayya'Ala Salat*" (come for prayer) is acceptable, emphasizing the practical aspect of ensuring the call is effectively communicated.¹⁸

Further divergence arises with Ibn al-Majshūn, who views turning around as an integral part of the definition of the call to prayer.¹⁹ Additionally, Ash-hāb asserts that boys or women are permitted to give the call to prayer, challenging traditional gender norms associated with this duty. Abu Faraj extends this inclusivity by stating

¹⁶ Muhammad ibn Ahmad ibn Rushd, *Bidaayatul Mujtahid*, (Egypt: al-Maktabah at-Tajaareeyah al-Kubraa, n.d.), vol. 1. 405

¹⁷ Abd- Abd-ar-Rahman Ibn-al-Qasim: *al-Mudawwanah al-kubrā li-Imām Malik*. (Beirut: Dar Sader, 1999), vol 1 p 59

¹⁸ Yusuf ibn 'Abdullah Ibn Abdul-Barr: *Ikhtilāf aqwāli Maliki wa-ashābihi*. First ed. (Beirut: Dar Garbil- Islami, 2003) 105-116

¹⁹ Abdullah bn AbdIrahman: *Nawādir wa-ziyyādat*. First ed. (Beirut: Dar Garbil- Islami, 1999) vol 1, 168

that even non-adults can perform the call to prayer, further broadening the scope of eligibility beyond conventional expectation.²⁰

However, Imam Malik maintains a conservative position, stating that women are not required to give the call to prayer or *Iqāmah*.²¹ Abu Hassan in *Maqadimatul 'Izziyah* submits that it is incumbent upon *Mu'adhdhinto* raise up his voice when pronouncing the *Shadatani* and the word '*Ayah lafalaha* and the phrase "Prayer is better than sleeping" should be added in second *Adhān* in the dawn prayer.²²

Recitation in *Salat* and Saying of *Amīn*

Recitation during prayer stands as one of the essential acts of *Salat*, regardless of whether one is praying behind an imam or alone. Regarding the recitation of "*Bismillah*" (In the name of Allah), there are varying opinions among the different schools of Islamic jurisprudence. Specifically within the Maliki school, scholars hold differing views. Imam Malik's stance on this matter is clear: he stated that the recitation of "*Bismillah*" is not done during obligatory prayers, and it is best to abstain from it. In the same vein, Ibn Abdul Hakam mentioned that one should not recite *Basmallah* (the name of Allah, the Most Gracious, the Most Merciful), aloud in voluntary or obligatory prayers, except for a person who casually recites the Qur'an in their voluntary prayers and then recites it in every chapter if they wish.²³

In another narration reported by Ismail bn Ishaq, on the authority of Abu Thābit, Ibn Nafi' and Malik, stated that there is no harm in reciting *Basmallah* in obligatory and voluntary prayers. Yahyah bn Yahya also emphasised this, stating that it should not be left out in obligatory or voluntary prayers.²⁴

Strengthening and Clapping the Hands in *Salat* (*Sadl and Qabd*)

Scholars held differing opinions regarding the positioning of hands during prayer. Malik discouraged placing one hand over the other in obligatory prayers but permitted it in voluntary prayers. Ibn al-Qasim's account in *al-Mudawwanan* reflects Malik's stance: he expressed uncertainty over this practice in obligatory prayer and had a preference against it. However, he allowed it in voluntary prayers, especially when the standing posture is prolonged, provided that one does not rely on this

²⁰ Abd- Abd-ar-Rahman Ibn-al-Qasim: *al-Mudawwanah l-kubrā li Imām Malik...* 59

²¹ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyyah lil-Jama'at al-Azhariyyah*. (Beirut: Daarul-Fikr, 2003) 61-62

²² Abd- Abd-ar-Rahman Ibn-al-Qasim: *al-Mudawwanah al-kubrā li-Imām Malik*. (Beirut: Dar Sader, 1999), vol 1. p 28

²³ Abdullah bn Abdrahman: *Nawādir wa-ziyyādat*. First ed. (Beirut: Dar Garbil- Islami, 1999) vol 1, 289

²⁴ Yusuf ibn 'Abdullah Ibn Abdul-Barr: *Ikhtilāf aqwāli Maliki wa-ashābihi*. First ed. (Beirut: Dar Garbil- Islami, 2003) 11

position for support.²⁵ Malik's statement, "I don't know of that in the obligatory prayer", seems to point to a clear reality to anyone who is acquainted with his method of deducing legal rulings. That reality is that, his statement indicates that he doesn't know of any conclusive evidence that would be strong enough to consider placing the right hand over the left on the chest a *Sunna* act of the obligatory prayer. In the same vein, in *al-Wahdiha*, Ibn Habib asked Mutarrif and Ibn Majshun about this, and they said that there is no problem with it in both voluntary and obligatory prayers, citing Malik's approval. Ibn Barr posits that placing the right of them over the left or releasing them (at the sides), all of that is a *Sunna* in Salat.²⁶ Malik favored placing hands on the chest during voluntary prayers, while leaving them by the sides during obligatory prayers. This preference was particularly emphasized by his followers in Basra.

Recitation of *al-Qunūt*

Al-Qunūt, a special non-Qur'ānic supplication practiced in certain Muslim prayers, holds a nuanced position within Islamic scholarship. There is a consensus among Malik and his followers that *al-qunūt* is recited during the Daybreak Prayer, except for Yahyah, who does not consider it a crucial component of prayer. This highlights a notable dissenting opinion within the Maliki school regarding the significance of *al-Qunūt* in the Daybreak Prayer.²⁷ In *Al-Mudawwanah*, Ibn al-Qāsim and Ibn Wahb assert that *al-qunūt* is a recommended practice in the Daybreak prayer, prescribing a specific recitation at a designated moment. However, Ibn Wahab places particular importance on reciting *al-qunūt* after the *ruk'ū*, considering it a more cherished practice in his view.²⁸ In the same vein Al-Qayrawani opined that *al-qunūt* can be recited before or after *ruk'ū* of second rakah of dawn prayer²⁹ while Ash-mawiyah maintains that *al-qunūt* (supplication), which is not recited in any *salah* except for *Salatul Subh* and it is to be recited before *ruku'* silently.³⁰ Likewise, Abu Hassanin Maqaddimatul 'Izziyyah submits that recitation of *Alqunūt* during the *Subh* prayer alone after the recitation of the second rak'ah before the *ruku'* and silently.³¹ The above assertion demonstrates varying interpretations within the Maliki school regarding the timing and manner of performing *al-qunūt*, showcasing the diversity of opinions within Islamic jurisprudence.

²⁵ Yusuf ibn 'Abdullah Ibn al-Bārr: *AL- Kāfi fi fiqhī 'ala madhhab Ahl al- Medina*. First ed. Vol 1 (Riyadh: Maktab Riyadh Hadith. 1978) 205- 210

²⁶ Abd- Abd-ar-Rahman Ibn-al-Qasim: *al-Mudawwanah al-kubrā li-Imām Malik...43*

²⁷ Yusuf ibn 'Abdullah Ibn Abdul-Barr: *Ikhtilāf aqwāli Maliki wa-ashābihi...111*

²⁸ Yusuf ibn 'Abdullah Ibn Abdul-Barr: *Ikhtilāf aqwāli Maliki wa-ashābihi...111*

²⁹ Abdullah bin Zayd al- Qayrawāni *The Risala: A Treatise on Māliki Fiqh*, First ed. (Lebanon : Daru Fikr, 1421 A.H. 2001) 96-99

³⁰ Abd al-Bari. al-'Ashmawiyah(nd) *Matn al-'Ashmawiyya*. Nd. 38

³¹ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyyah lil-Jama'at al-Azhariyyah*. (Beirut: Daarul- Fikr, 2003) 27-49

Relevance of the intra-school differences to Nigerian Muslims

Within Nigerian Muslim communities, certain texts from the Maliki school hold particular significance, such as *Ar-Risalat*, *al-Ahdar*, *Maqaddimat 'Izziyyah*, and *Matn al-'Ashmawiyah*. These texts delve into various aspects of religious practice, including Salat and purification, offering diverse perspectives on these subjects. However, as differences are inherent in jurisprudence, variations in the observance of prayer among Nigerian Muslims are inevitable.

The majority of scholars in Nigeria draw upon the teachings found in these foundational texts to inform their ritual practices, particularly in relation to *Salat*. Regarding the rulings on the mode of *Adhān* and *Iqāmah*, the majority of Nigerian *Mu'adhdhin* adopt the practice of turning around while calling to prayer. During our interview, Ustadh Abdulrafi', the Incumbent *Mu'adhdhin* of Oke-okuta community mosque in Ilorin explained that turning around during *Adhān* allows for better auditory reception by the public.³² Additionally, they often use their arms to cover their ears to further enhance the auditory experience and capture the attention of those being called to prayer. He noted that these actions are in line with the teachings found in *Risalat*, *'Izziyyah*, and *Ash-mawiyah*, which are the most celebrated Maliki books within Nigeria. Moreover, during the Dawn prayer *Adhān*, after "Come to success," the majority of Nigerian mosques incorporate the phrase "Worship is better than sleeping," which is pronounced twice in the second *Adhān*. This aligns with the positions of Abu Hassan in *Muqaddimatul 'Izziyyah*³³ and al-Qayrawani in *Ar- Risalat*.³⁴

The practice of having ethnic mosques, such as Hausa mosque, Yoruba Mosque, etc., which is prevalent in some parts of Nigeria, does not affect the use of Arabic language for the *Adhān* and *Iqāmah*. This is in line with the position of *Muqaddimatul 'Izziyyah*.³⁵ Moreover, in *Akdhar*, Abdur-Rahman al-Ahdariyy submits that *Adhān* is an emphatic Sunnah; and is observed with Arabic language, if deliberately abandoned in a community it can render *Salat* invalid.³⁶ During our interaction with interviewees, it revealed that this view holds a high position among the majority of Nigerian Muslims. This aligns with the position of Abu Hassan in *Muqaddimatul 'Izziyyah*, who asserts that it is incumbent upon the *Mu'adhdhin* to raise his voice when pronouncing the *Shahadatāni* and the phrase "*Ayah alal falah*,"

³² An oral interview conducted with Mallam Abdul Rafi' at Ilorin, Kwara state On 19th April, 2024.

³³ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyyah lil-Jama'at al-Azhariyyah*. (Beirut: Daarul-Fikr, 2003) 61-63

³⁴ Abdullah bin Zayd al-Qayrawāni *The Risala: A Treatise on Māliki Fiq...* 97-99

³⁵ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyyah lil-Jama'at al-Azhariyyah...* 62-63

³⁶ Abdur-Rahman Al-Ahdariyy: *Matn-l Akhdariyy*. Nd. 40

and to add "Prayer is better than sleeping" in the second *Adhān* during the dawn prayer³⁷, sentiments echoed in *Risalat* and *Ash-mawiyah*.

Differences arise among Maliki jurists regarding whether recitation of the *Basmalah* should be recited silently or not. Al-Qayrawani in *Risalat* submits that the *Basmalah* should not be recited before *SuratulFatiha* or any other Surah of the Glorious Quran during prayer. He emphasizes that the Imam should not utter the phrase "Amin" when reciting aloud.³⁸ Conversely, Abu Hassan in *Maqaddimatul Izziyah* differs, asserting that the *Basmalah* should be recited, but only in voluntary prayers, and the Imam should not utter the phrase "Amin" except when reciting silently.³⁹ Similarly, Al-Akdharyy posits that the phrase *Basmalah* is detested in obligatory prayers, a view supported by Al-'Ashmawiyah.⁴⁰ The differing opinions mentioned above have led Nigerian Muslims to differ on the method of reciting the *Basmalah* (i.e., the phrase "Bismillahir-Rahmaanir-Rahim") and saying of *Āmīn*. In response, Imam Saheed Akorede, the incumbent Imam of Akorede Mosque in Eleja, Lanwa, Kwara state, posited that the majority of Medieval Imams in Nigeria and some classical Imams adopted the practice of reciting the *Basmalah* both aloud and silently in both obligatory and voluntary prayers. He emphasized that he, as an example, always recites the *Basmalah* before the recitation of *Suratul Fatiha*.⁴¹

Similarly, Imam Hassan Abdulqodir affirmed that the majority of classical Imams across Nigeria do not recite the *Basmalah* in either obligatory or voluntary prayers, citing his experiences during his tours across states like Sokoto, Bauchi, Niger, Abuja, Oyo, and Osun state.⁴² Based on our observations and the statements of these scholars, we have noted that some Imams follow the perspective of Abu Hassan as outlined in *Muqaddimatul 'Izziyah*, advocating for the recitation of the *Basmalah* in obligatory prayers.⁴³ Conversely, those who oppose its recitation adhere to the stance of al-Qayrawani in *Risalat*, which asserts that the *Basmalah* should not precede the recitation of *Suratul Fatiha* or any other Surah from the Quran during prayer.⁴⁴

³⁷ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyah lil-Jama'at al-Azhariyyah*...62-63

³⁸ Abdullah bin Zayd al- Qayrawāni *The Risala: A Treatise on Māliki Fiqh*...100-112

³⁹ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyah lil-Jama'at al-Azhariyyah*...61-62

⁴⁰ Abd al-Bari. al-'Ashmawiyah(nd) *Matn al-'Ashmawiyah*. 28-48

⁴¹ An oral interview conducted with Imam Imam Saheed Akorede at Lanwa, Moro Local Government Kwara state on 20th of April, 2024

⁴² An oral interview conducted with Imam Hassan Abdul Qadir an Incumbent Imam of Ajisebutu mosque Ilorin, Kwara state, on 19th April, 2024.

⁴³ Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyah lil-Jama'at al-Azhariyyah*.62-63

⁴⁴ Abdullah bin Zayd al- Qayrawāni: *The Risala: A Treatise on Māliki Fiqh*...97-99

With the above findings, many Nigerian Muslims believe that reciting the *Basmalah* is not compulsory when reciting *Suratul Fatiha* in *Salat*. They view it as the opening verse of each chapter of the Quran. This viewpoint is evident among modern Nigerian Imams and scholars who neither recite the *Basmalah* aloud nor silently. However, Nigerian medieval scholars adopted the practice of reciting the *Basmalah* before the recitation of *Suratul Fatiha* in both obligatory and voluntary prayers, in line with the position of Abu Hassan in *Muqaddimatul Izziyah*.⁴⁵

When it comes to the views on Strengthening and Clasping the hands in *Salat* (*Sadl* and *Qabd*), there is no denying that the issues of *Qabd* (folding one's hands on the chest during prayer) and *Sadl* (letting one's hands hang while standing in prayer) have sparked intense debate among Nigerian Muslims. This is largely because many of the celebrated texts in the Maliki tradition embraced by Nigerian Muslims, provide limited emphasis on this matter. However, Owoyemi highlights a case of doctrinal disagreement regarding the practice of *Qabd* and *Sadl*. This jurisprudential disagreement has led to divisions among members of the Tijaniyyah (pro-*Qabd*) and Qadriyyah (pro-*Sadl*) orders, resulting in different approaches to prayer among them.⁴⁶ Similarly, this issue also resonates in Quadri's discussion who documents violent clashes between the two Sufi orders, Qadriyyah and Tijaniyyah, resulting in casualties, including the deaths of eleven policemen during the 1965 riots in the villages of Toranke, Jankuku, and Jaja in the Yeldu district of the Arungu Division of Sokoto Province.⁴⁷

In Nigeria, many medieval scholars refrain from placing their hands on their chests during prayer, often citing their adherence to Malik's principles. In the responses of the majority of interviewees, a notable trend emerges among Nigerian Muslims who adhere to the Maliki school of law, influenced by the rulings in *Mukhtassar Khalil*, which advocate for keeping the hands by the sides (*Sadl*) rather than placing them on the chest (*Qabd*)⁴⁸. Similarly, Ustadh Nurudeen of Osogbo indicated that the majority of local mosques led by medieval scholars adopt the practice of *Sadl*. This preference stems from the fact that many Maliki treatises followed by local Imams in Nigeria, such as *Ar-Risalt* and *Akdar*, only mandate standing during recitation in *Salat*.⁴⁹ He emphasizes that contemporary scholars may adopt the view of *Qabd*, while some adhere to both practices. Likewise, Mallam Abubakar of Owo Local Government in Ondo State shared a similar perspective,

⁴⁵ Abu al-Hasan al-Maliki Ash-shadhil: *Muqaddimah al-Izziyah lil-Jama'at al-Azhariyyah*...61-63

⁴⁶ S. A. Owoyemi: Towards Achieving Unity of Nigerian Muslims for National integration: Obstacles and Remedies. *Journal of Islam in Nigeria*, Vol. 3 No 2, 2018. 4-5

⁴⁷ Y.A. Quadri: All in the Name of God: The One Hundred and Thirty-Third (133rd), Inaugural Lecture, Ilorin: The Library and Publication Committee, University of Ilorin. 2013

⁴⁸ Khalil Ibn Isiaq : *Mukhtassar Ibn Khalil*. Second ed. (Beirut: Daru Madāri Islami, 2004) 27

⁴⁹ A Virtual interview conducted with Mallam Yunus Nurudeen at Osogbo, Osun state on 25th May, 2024

noting that the majority of Muslims in this area follow the method of *Sadl* during prayer.⁵⁰ However, it's important to acknowledge that Imam Malik himself regarded placing hands on the chest as a recommended action, though not necessarily during obligatory prayer. Concerning the recitation of *al-qunūt*, findings revealed that the practice is observed in three distinct forms among Nigerian Muslims, perpetual Recitation of *al-Qunūt* after Daybreak Prayer (Subh): This group of Imams consistently recite *al-qunūt* after the daybreak prayer before the *ruku'*, regardless of the time of year. This aligns with the position of Abu Hassan in *Muqaddimatul 'Izziyyah*, who submits that the recitation of Al-Qunūt during the *Subh*(dawn) prayer alone should occur after the recitation of the second *rak'ah* before the *ruku'*, and silently as stated in *Ash-Mawiyyah*.⁵¹ The majority of our interviewees emphasized that this stance holds significant among Nigerian Imams. For instance, Imam Raji of Ede, Osun and Imam Barrister Zubair, the chief Imam of AL-Deen Mosque in Ilorin, emphasized that the majority of Medieval Imams and most contemporary ones adopted this view. Recitation of *al-Qunūt* after *Ruku'* of the Second *Rakah*: This group of Imams follows the stance of Al-Qayrawani in *Risalah*, who submitted that *al-Qunūt* can be recited before or after the *ruk'u* of the second *rak'ah* of the dawn prayer.⁵²

Another group does not incorporate *al-Qunūt* into the five daily prayers except in voluntary prayers or in response to calamities in the country or their respective community. This practice is commonly observed in central mosques across Nigeria during the holy month of Ramadan as well as in other places where the *Taraweeh* prayer is predominantly performed. For instance, the *Tahajjud* prayer held at Al-Noor Masjid Abuja, led by Alkom Goni Jidda.⁵³ Regarding *Tashahhud* and *Taslim*, Nigerian Muslims adhere to the principles of *Taslim* outlined by Al-Qayrawani as earlier discussed.

CONCLUSION

The significance of *Salat* in Islam profoundly influences Nigerian Muslims, shaping their daily lives and spiritual journeys. The divergent interpretations and practices regarding prayer reflect a deep reverence for this fundamental act of worship. Additionally, the historical formation and widespread influence of the Maliki School in Africa have molded religious identity and practice among Nigerian Muslims, providing a cohesive framework for engaging with *Salat*. The dynamic

⁵⁰ An Oral interview conducted with Mallam Abubakar Jamiu at Owo local government, Ondo on 27th April, 2024

⁵¹ Abu al-Hasan al-Maliki Ash-shadhil: *Muqaddimah al-Izziyyah lil-Jama'at al-Azhariyyah*...62-63 and Abd al-Bari. al-'Ashmawiyah(nd) *Matn al-'Ashmawiyya*. Nd

⁵² Abdullah bin Zayd al- Qayrawāni: *The Risala: A Treatise on Māliki Fiqh*... 27

⁵³ A video clip Record titled as *Emotional Tajjud Prayer* at An-noor Central mosque Abuja. Accessed on Youtube 29th May 2024

nature of Islamic jurisprudence, demonstrated by juristic differences, emphasizes the adaptability of the Maliki tradition to accommodate cultural and contextual variation in Nigerian Muslim society. The diverse opinions on aspects of *Salat* does not occur in the fundamental aspects of it rather in the recommended aspects. This offer avenues for spiritual enrichment and conscientious engagement, fostering a deeper connection to tradition while acknowledging regional customs and practical considerations. This study proposes a multifaceted approach to enhance understanding and practice of *Salat* among Nigerian Muslims within the Maliki tradition. The recommendations are as follows:

Educational Programs should be intensified to disseminate knowledge about Maliki jurisprudence and its implications for *Salat* among all levels of learners. In addition, Imams should be exposed to training and guidance sessions to equip them with the necessary knowledge and skills to address juristic differences in *Salat* rulings. These training should include seminars, workshops, and mentoring programs facilitated by experienced scholars.

Community Workshops should be organized on *Salat* practices, workshop should involve inputs from local scholars, imams, and community leaders. These platforms should address questions, clarify misconceptions, and foster unity among worshippers.

The government should produce user-friendly and culturally sensitive resources such as books, pamphlets, and online guides offering practical guidance on *Salat* according to Maliki jurisprudence, catering to diverse learning preferences.

REFERENCES

- Abd- Abd-ar-Rahman Ibn-al-Qasim: *al-Mudawwanah al-kubrā li-Imām Malik*. (Beirut: Dar Sader, 1999), vol 1 p 59
- Abdullah bin Zayd al- Qayrawāni The Risala: *A Treatise on Māliki Fiqh*, First ed. (Lebanon : Daru Fikr, 1421 A.H. 2001) 96-99
- A. Rahim: *Islamic History*. (Lagos, Nigeria: Islamic Publications Bureau, 1991) 131.
- A. Gwandu: *Abd Allah B. Fodio A Muslim jurist*. PhD (Thesis. University of Durham. 1977)
- Abdullah bn AbdIbrahim: *Nawādir wa-ziyyādat*. First ed. (Beirut: Dar Garbil- Islami, 1999) vol 1, 168
- Abu al-Hasan ali al-Maliki Ash-shadhil: *Muqaddimah al-Izziyyah lil-Jama'at al-Azhariyyah*. (Beirut: Daarul- Fikr, 2003) 61-62
- Abd- Abd-ar-Rahman Ibn-al-Qasim: *al-Mudawwanah al-kubrā li-Imām Malik*. (Beirut: Dar Sader, 1999), vol 1. p 28
- Abdullah bn AbdIbrahim: *Nawādir wa-ziyyādat*. First ed. (Beirut: Dar Garbil- Islami, 1999) vol 1, 289

- An oral interview conducted with Imam Imam Saheed Akorede at Lanwa, Moro Local Government Kwara state on 20th of April, 2024
- An oral interview conducted with Imam Hassan Abdul Qadir an Incumbent Imam of Ajisebutu mosque Ilorin, Kwara state, on 19th April, 2024.
- Bilal Philips: *Usool al-Hadeeth* . First ed, (Riyadh, Saudi Arabia: International Islamic publishing house, 2003) 158
- Juan E. Campo: "Maliki Legal thought" *Encyclopedia of Islam*. (New York: An imprint base publishing, 2009) .455-456.
- M. Abu Zahra, : *The four Imams*. (India: Premier publishing company, 2005) 53-85
- Mahmud Ahmad Rāshd: *Al- Fiqh wa-adilatuhu*. First ed. Vol 1, (Qairat: Daru fawāid. 2011) 232
- Muhammad ibn Ahmad ibn Rushd, *Bidaayatul Mujtahid*, (Egypt: al-Maktabah at-Tajaareeyah al-Kubraa, n.d.), vol. 1. 405
- Muhammad bn Isa at-Tirmidhi: *Sunan al- Tirmidhi*. (Cairo: Cairo publication, 1937) 149
- Muhammad bn Ismail: *Sahih Al Bukhari*. Vol 2 (Beirut: Darut Turukin Najat, 1422 A.H,) 284
- Muhammad al-Shaayi: *al-Furooq al-Laughawiyah wa Atharaha fi Tafseer al-Quran al-Kareem* (Riyadh: Maktabah al-Ubaikaan, 1993), pp. 249-254.
- Oseni, Z.I: "Islam, Nigerian Muslims and Jihad Against Corruption: A Re examination", *Journal of Islam in Nigeria*, 2015. 5
- S. A. · Owoyemi: Towards Achieving Unity of Nigerian Muslims for National integration: Obstacles and Remedies. *Journal of Islam in Nigeria*, Vol. 3 No 2, 2018. 4-5
- 'Umar Sulayman: *al-Madkhal ila Dirasat al-Madh-hab wa al Madaris al-Fiqhiyyah*. (Amman: Dar al-Nafa'is, 2007) 155.
- Y.A. Quadri: All in the Name of God: The One Hundred and Thirty-Third (133rd), Inaugural Lecture, Ilorin: The Library and Publication Committee, University of Ilorin. 2013
- Yusuf ibn 'Abdullah Ibn Abdul-Barr: *Ikhtilāf aqwāli Maliki wa-ashābihi*. First ed. (Beirut: Dar Garbil- Islami, 2003) 105-116
- Yusuf ibn 'Abdullah Ibn al-Bārr: *AL- Kāfi fi fiqhi 'ala madhhab Ahl al- Medina*. First ed. Vol 1 (Riyadh:Maktab Riyadh Hadith. 1978) 205- 210
- Zayyanu Musa Dogon daji: The Emergence and Application of Maliki School of Law and its Proliferation in Africa. *Global Journal of Research in Humanities & Cultural Studies*, 2(4), 167–173. (2022) <https://doi.org/10.5281/zenodo.700189>
- Zayyanu Musa Dogon daji: The Emergence and Application of Maliki School of Law and its Proliferation in Africa. *Global Journal of Research in Humanities & Cultural Studies*, 2(4), 167–173. (2022) <https://doi.org/10.5281/zenodo.700189>