



Reconstructing Mālikī Legal Thought Integration of *Uṣūl* and *Furu'* in al-Fākihānī's *Riyāḍ al-Afhām*

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Abstract: Al-Fākihānī, a 14th-century Mālikī scholar from Alexandria, holds a significant place in the history of Islamic jurisprudence for his work, *Riyāḍ al-Afhām fī Sharḥ 'Umdat al-Aḥkām*. This work not only represents a commentary on legal hadiths but also showcases the architecture of Mālikī legal reasoning, which interconnects textual authority, the theory of *uṣūl al-fiqh*, and the formation of applied jurisprudential norms. Diverging from previous studies that tend to position al-Fākihānī merely as a hadith commentator or a passive transmitter of school doctrine, this study offers a distinct perspective by reading him as an epistemic actor who reconstructs the relationship between legal theory and jurisprudential practice through mechanisms of intra-school *ijtihād*, *tarjih*, internal critique and the principle of *murā'āt al-khilāf*. Utilizing a qualitative library-based method and a textual-legal analytical approach toward *Riyāḍ al-Afhām* and Mālikī jurisprudential literature, this study finds that al-Fākihānī does not merely reproduce school authority. Instead, he actively selects, tests, and validates legal opinions by combining textual evidence, rational argumentation, and an awareness of the plurality of legal opinions. The primary merit of this research lies in its ability to demonstrate that *murā'āt al-khilāf*, which is frequently positioned as a secondary principle, functions precisely as a crucial methodological instrument in maintaining the flexibility, coherence and adaptive capacity of Mālikī law. These findings offer a conceptual contribution to global Islamic legal studies by challenging the assumption that classical jurisprudence is static and imitative; conversely, the Mālikī tradition demonstrates internal mechanisms for critique, negotiation and legal renewal. Consequently, this study shapes the development of contemporary discourses on the codification of Islamic law, school pluralism, and the reconstruction of Islamic legal epistemology rooted in the classical tradition, which remain relevant to the problems of modern legal normativity.

Keywords: Al-Fākihānī; *Riyāḍ al-Afhām*; Mālikī School; *Murā'āt al-Khilāf*; Islamic Legal Epistemology.

Abstrak: Al-Fākihānī, ulama Mālikī abad ke-14 dari Aleksandria, menempati posisi penting dalam sejarah yurisprudensi Islam karena karyanya, *Riyāḍ al-Afhām fī Sharḥ 'Umdat al-Aḥkām*, tidak hanya merepresentasikan syarah hadis hukum, tetapi juga memperlihatkan arsitektur penalaran hukum

* In line with YÖK ethics guidelines, Gemini (3 Flash) was used solely for grammar, translation, and style checks. The author manually verified all content and references and takes full responsibility for the work

Mālikī yang menghubungkan otoritas teks, teori *uṣūl al-fiqh*, dan pembentukan norma fikih aplikatif. Berbeda dari studi sebelumnya yang cenderung menempatkan al-Fākihānī sebagai komentator hadis atau bagian dari transmisi doktrin mazhab, penelitian ini menawarkan distingsi dengan membacanya sebagai aktor epistemik yang merekonstruksi hubungan antara teori hukum dan praktik yurisprudensi melalui mekanisme *ijtihād* intra-mazhab, *tarjīh*, kritik internal, dan prinsip *murāʿāt al-khilāf*. Dengan menggunakan metode kualitatif berbasis studi kepustakaan dan pendekatan analisis tekstual-yuridis terhadap *Riyāḍ al-Afhām* serta literatur fikih Mālikī, studi ini menemukan bahwa al-Fākihānī tidak sekadar mereproduksi otoritas mazhab, tetapi secara aktif menyeleksi, menguji, dan memvalidasi pendapat hukum melalui kombinasi dalil tekstual, argumentasi rasional, dan kesadaran terhadap pluralitas pendapat hukum. Kelebihan utama riset ini terletak pada kemampuannya menunjukkan bahwa *murāʿāt al-khilāf*, yang sering diposisikan sebagai prinsip sekunder, justru berfungsi sebagai instrumen metodologis penting dalam menjaga fleksibilitas, koherensi, dan daya adaptif hukum Mālikī. Temuan ini memberikan kontribusi konseptual bagi studi hukum Islam global dengan menantang anggapan bahwa fikih klasik bersifat statis dan imitatif; sebaliknya, tradisi Mālikī menunjukkan mekanisme internal untuk kritik, negosiasi, dan pembaruan hukum. Dengan demikian, penelitian ini berdampak pada pengembangan diskursus kontemporer tentang kodifikasi hukum Islam, pluralisme mazhab, dan rekonstruksi epistemologi hukum Islam berbasis tradisi klasik yang tetap relevan bagi problem normativitas hukum modern.

Kata Kunci: Al-Fākihānī; *Riyāḍ al-Afhām*; Mālikī; *Murāʿāt al-khilāf*; Epistemologi hukum Islam.

Introduction

Shihāb al-Dīn Tāj al-Dīn Aḥmad ibn ʿAlī al-Fākihānī (d. 734 AH/1334 CE) occupies a significant position in the intellectual history of eighth/fourteenth-century Mālikī jurisprudence.¹ His importance rests not simply on the volume of his scholarly production, but on the historical and institutional setting in which he worked. In Mamluk Alexandria, the Mālikī tradition operated within a competitive legal and intellectual environment in which its institutional presence and doctrinal authority were subject to pressure from other jurisprudential currents. Within this setting, al-Fākihānī contributed to the rearticulation and revitalization of Mālikī scholarship through his writings, his issuance of legal opinions (*fatāwā*), and the students he trained.² Among his works, *Riyāḍ al-afhām fī sharḥ ʿUmdat al-aḥkām* is particularly important because it offers one of the clearest windows into his jurisprudential method. Although formally structured as a commentary on legal ḥadīths, the work is not merely an exercise in exegesis. It reveals the practical operation of Mālikī legal theory (*uṣūl al-fiqh*) through the continuous interaction of textual evidence, doctrinal authority, juristic disagreement and legal reasoning. In this respect, *Riyāḍ al-afhām* provides a particularly productive site for examining how legal theory is translated into concrete juristic judgment.³

¹ Abū al-Fidā Ismāʿīl b. ʿUmar al-Dimashqī Ibn Kathīr, *al-Bidāya wa-al-nihāya*, ed. ʿAbd Allāh b. ʿAbd al-Muḥsin al-Turkī (n.p.: Dār Hījir, 1997-1999), 18/370; Abū Ḥafṣ ʿUmar b. ʿAlī al-Anṣārī Ibn al-Mulaqqīn, *Ṭabaqāt al-awliyāʾ*, ed. Nūr al-Dīn Sharība (Cairo: Maktabat al-Khānjī, 1994), 566; Abū al-Faḍl Jalāl al-Dīn ʿAbd al-Raḥmān b. Abī Bakr b. Muḥammad al-Khuḍayrī al-Suyūṭī, *Ḥusn al-muḥādara fī tārikh Miṣr wa-al-Qāhira*, ed. Muḥammad Abū al-Faḍl Ibrāhīm (Egypt: Dār Iḥyāʾ al-Kutub al-ʿArabiyya, 1967), 1/458; Khayr al-Dīn b. Maḥmūd al-Ziriklī, *al-Aʿlām* (Beirut: Dār al-ʿIlm li-l-Malāyīn, 2002), 5/56.

² Imam Mustofa et al., "The Authority of Texts in the Dynamics of Ijtihad on Fiqh Muʿamalah Among Santri in Indonesia," *El-Mashlahah* 14, no. 2 (December 31, 2024): 381-408, <https://doi.org/10.23971/el-mashlahah.v14i2.8074>.

³ Al-Fākihānī, Aḥmad ibn ʿAlī. *Riyāḍ al-afhām fī sharḥ ʿUmdat al-aḥkām*. Edited by Muḥammad ʿAlī Qutb. Beirut: Dār al-Maʿrifa, 1998.

Despite al-Fākihānī's recognized authority in jurisprudence, ḥadīth and Arabic linguistic scholarship, particularly within intellectual traditions shaped by Mālikī learning in North Africa, al-Andalus and the Hijaz, his legal thought remains comparatively understudied in Turkish scholarship on Islamic law. The literature reviewed for this study reveals a striking scarcity of independent and methodologically sustained research devoted specifically to his jurisprudential contribution.⁴ The principal Turkish study directly focused on al-Fākihānī identified in this review is Murat Şimşek's encyclopedia entry in the *Türkiye Diyanet Vakfı İslâm Ansiklopedisi*.² While valuable for establishing his biography, works and scholarly profile, the genre and scope of an encyclopedia entry necessarily limit the possibility of sustained textual and legal analysis. The research gap, therefore, is not simply biographical. More importantly, the architecture of legal reasoning embedded in *Riyāḍ al-afḥām*, particularly the interaction between *uṣūl* and *furū'*, has yet to receive adequate analytical treatment in Turkish Islamic legal studies. This lacuna obscures an important example of how late-medieval Mālikī jurists negotiated textual authority, school doctrine and practical legal problems within a single interpretive framework.⁵

Moving beyond a descriptive reconstruction of the author's life, this study examines al-Fākihānī as a jurist whose work demonstrates a high degree of independent reasoning within the doctrinal boundaries of the Mālikī school (*ijtihād muqayyad*). Taking *Riyāḍ al-afḥām* as its principal textual corpus, the study analyzes his hierarchy of legal proofs (*adilla*), modes of inference (*istinbāt*), treatment of juristic disagreement and method of relating authoritative texts to concrete legal circumstances. Its central analytical claim concerns al-Fākihānī's deployment of *murā'āt al-khilāf*. Rather than functioning merely as an exceptional or subsidiary maxim, the principle emerges in his commentary as a recurring methodological device through which competing juristic positions can be acknowledged without dissolving the doctrinal coherence of the school. Read in this way, *murā'āt al-khilāf* becomes a mechanism of controlled flexibility: it enables legal adaptation while preserving the normative grammar of the Mālikī tradition.⁶ This finding also contributes to the broader discussion of the relationship between legal theory and substantive jurisprudence, demonstrating that *uṣūl al-fiqh* operates not only at the level of abstract doctrine but within the practical structure of juristic argument.⁷

Methodologically, the study first reconstructs al-Fākihānī's intellectual biography, scholarly networks and corpus in order to establish the historical context of his legal thought. It then subjects

⁴ Nur Avita, Ahmad Rusyaid Idris and Frina Oktalita, "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency," *El-Mashlahah* 12, no. 2 (November 24, 2022): 124–38, <https://doi.org/10.23971/elma.v12i2.4712>; Kiki Adnan Muzaki, Asep Saepudin Jahar and Muhammad Amin Suma, "Reform of the Law of Inheritance in Turkey and Tunisia," *AL-ADALAH* 17, no. 2 (February 19, 2021): 249–68, <https://doi.org/10.24042/adalah.v17i2.8031>.

⁵ Gusti Muzainah, Anwar Hafidzi and M. Fahmi Al-Amruzi, "Integrating Religious and Customary Financial Obligations in Banjarese Marriages: Muhammad Arsyad Al-Banjari's Islamic Legal Thought on Balanja Al-Nikāḥ," *Journal of Islamic Law* 6, no. 2 (August 30, 2025): 358–76, <https://doi.org/10.24260/jil.v6i2.4888>; Endeh Suhartini et al., "Analysis of Halal Certification for Micro and Small Business Actors from the Perspective of Maslahah Principles and Legal Certainty," *Al-Adalah* 21, no. 2 (December 2024): 401, <https://doi.org/10.24042/adalah.v21i2.23442>.

⁶ Ali Imron et al., "Dog Components in Vaccines; Jurisprudential Verses, Hādīṣ and 'Ulamā' Distinctive Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 21, no. 1 (June 30, 2026): 83–109, <https://doi.org/10.19105/al-lhkam.v21i1.17926>; Prio Handoko, Duski Ibrahim and KA Bukhari, "The Law of Dropshipping Buying According to Madzhab Malikiyah and Syafi'iyah," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 22, no. 1 (July 4, 2022): 31–50, <https://doi.org/10.19109/nurani.v22i1.11236>.

⁷ Calder, Norman. "The *Uṣūl al-fiqh* and the *Fiqh*: A Study of the Relationship Between Legal Theory and Practical Law in Islamic Jurisprudence." *Journal of Islamic Studies* 9, no. 2 (1998): 151–182; For a parallel examination of how post-classical theologians integrated procedural methodology with creedal issues, see: Ömer Fidanboy, *Abdülvehhâb el-İhmîmî ve Kelâmî Görüşleri* (Ankara: Sonçağ Akademi, 2024), 28–68.

selected discussions in *Riyāḍ al-afḥām* to close textual, hermeneutical and jurisprudential analysis, with particular attention to concrete legal examples through which his reasoning becomes visible. The inquiry focuses on how al-Fākihānī coordinates transmitted evidence (*naql*), rational argumentation (*‘aql*) and school authority (*madhhab*) and how this coordination helps clarify his position within the juristic hierarchies (*ṭabaqāt al-fuqahā*) of the Mālikī tradition. This approach also allows the study to reassess a persistent reductionist view of classical commentary literature (*shurūḥ*) as fundamentally derivative or repetitive. Al-Fākihānī’s commentary demonstrates, instead, that the commentary genre could function as a dynamic site of doctrinal evaluation, internal critique, negotiation and legal refinement.⁸

The broader contribution of this research lies in showing that pre-modern legal commentary can preserve not only inherited doctrine but also the methodological resources through which a legal tradition responds to disagreement and changing circumstances. Al-Fākihānī’s treatment of competing opinions illustrates how doctrinal continuity and legal flexibility need not be mutually exclusive. This insight has relevance for contemporary discussions on the codification of Islamic law, the management of legal pluralism and the reconstruction of fiqh epistemology. The study does not suggest that fourteenth-century solutions can be transplanted directly into modern legal systems.⁹ Rather, it argues that the reasoning mechanisms developed in *Riyāḍ al-afḥām* provide historically grounded conceptual resources for thinking about how Islamic legal traditions may negotiate normative continuity, institutional authority and socio-legal change. In this sense, al-Fākihānī’s work is significant not merely as an artifact of Mamluk-era Mālikī jurisprudence, but as a sophisticated example of juristic reasoning whose methodological implications remain relevant to contemporary debates over legal interpretation, pluralism and reform.¹⁰

Al-Fākihānī: His Life, Scholarly Trajectory and Literary Corpus

The author, whose full identity is preserved in biographical dictionaries as Abū Ḥafṣ Tāj al-Dīn’ Umar b. Abī al-Yumn ‘Alī b. Abī al-Najā Sālim b. Abdillāh b. Ṣadaqa, was born in Alexandria in either 654/1256 or 656/1258. Throughout classical literature, he is identified by various nisbas that reflect his geographical, tribal and familial roots. He is called al-Iskandarānī after his birthplace and al-Lakhmī due to his lineage within the Lakhm tribe a branch of the Qahtanite Arabs originating from Yemen. However, he achieved widespread recognition through his professional epithet, al-Fākihānī, an honorific derived from his father’s trade in the fruit market.¹¹

⁸ Hallaq, Wael B. *The Formation of Islamic Law*. Aldershot: Ashgate, 2004; A similar methodological dynamism regarding the post-classical commentary tradition can be observed in the field of Kalām, where scholars actively re-evaluated traditional theology rather than passively reproducing it (for a comprehensive study on how a post-classical theologian systemizes divine attributes through an active critical filter, see: Ömer Fidanboy, *Burhānuddīn en-Neseffī’nin Ulāhiyyet Anlayışı: İsimler ve Sıfatlar* (Ankara: Akademisyen Kitabevi, 2023), 33-352.

⁹ Hamim Ilyas, “Jurisprudential Interpretation and Digital Worship: A Critical Study of the Muhammadiyah Fatwa on Virtual Friday Prayers,” *Journal of Islamic Law* 6, no. 2 (August 30, 2025): 377–400, <https://doi.org/10.24260/jil.v6i2.4413>; Nurhasanah Nurhasanah et al., “Challenges in Implementing Indonesia’s Halal Product Assurance Law: An Analysis of Legal Uncertainty, Supervisory Systems and Legal Culture,” *Nurani: Jurnal Kajian Syari’ah Dan Masyarakat* 25, no. 2 (December 27, 2025): 599–619, <https://doi.org/10.19109/nurani.v25i2.28633>.

¹⁰ Jackson, Sherman. *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfī*. Leiden: Brill, 1996.

¹¹ Abū al-Faṭḥ Taqī al-Dīn Muḥammad b. ‘Alī b. Wahb al-Qushayrī al-Qūsī Ibn Daqīq al-‘Īd, *Sharḥ al-Ilmām bi-aḥādīth al-aḥkām* (Syria: Dār al-Nawādir, 2009), 29; Ṣalāḥ al-Dīn Khalīl b. ‘Izz al-Dīn al-Ṣafādī, *A’yān al-‘aṣr wa-a’wān al-naṣr*, eds. ‘Alī Abū Zayd et al. (Beirut-Damascus: Dār al-Fikr al-Mu’āṣir - Dār al-Fikr, 1998), 3/644; Abū al-Fidā Ismā‘īl b. ‘Umar al-Dimashqī Ibn Kathīr, *al-Bidāya wa-al-nihāya*, ed. ‘Abd Allāh b. ‘Abd al-Muḥsin al-Turkī (n.p.: Dār Hijr, 1997-1999), 18/370; Abū Ḥafṣ ‘Umar b. ‘Alī al-Anṣārī Ibn al-Mulaqqin, *Ṭabaqāt al-awliya*, ed. Nūr al-Dīn Sharība (Cairo: Maktabat al-Khānjī, 1994), 566; Abū al-Faḍl Jalāl al-Dīn

Al-Fākihānī began his rigorous intellectual pursuits in Alexandria during his youth. He acquired his foundational training in qirāʾāt and Arabic philology under the tutelage of Muḥammad b. Abdillāh al-Māzūnī and Makīn al-Dīn Abdullāh b. Maṣṣūr al-Asmar. His mastery over Mālikī jurisprudence, the field that would define his legacy, was forged within the authoritative circles of Nāṣir al-Dīn Ibn al-Munayyir, the chief judge of Alexandria at the time. Concurrently, he studied the science of ḥadīth under ‘Alī b. Aḥmad al-Garrāfi and mastered foundational texts, such as Qāḍī Iyāḍ’s *al-Shifā* and al-Tirmidhī’s *al-Sunan*, through direct auditory transmission from Abū Abdillāh Muḥammad b. Tarḥān. Seeking spiritual refinement alongside his exoteric studies, al-Fākihānī also frequented the assemblies of Abū al-‘Abbās Aḥmad b. ‘Umar al-Mursī, a foremost master of the Shādhilī Sufi order. This diverse academic upbringing yielded a highly versatile jurist whose expertise spanned law, language and spiritual devotion.¹²

Driven by the traditional pursuit of higher learning, al-Fākihānī relocated from Alexandria to Cairo prior to 684/1285. During his lengthy residence in the Mamluk capital, he immersed himself in the lectures of Cairo’s premier intellectual elite, including Shihāb al-Dīn al-Qarāfi, Ibn al-Naḥḥās al-Ḥalabī, Ibn Daqīq al-‘Id, ‘Abd al-Mu’min b. Khalaf al-Dimyātī, Ibn al-Rif’a and Badr al-Dīn Ibn Jamā’a. He was also granted a formal teaching authorization (ijāza) for Ibn Mājah’s *al-Sunan* after reading it under Jamāl al-Dīn Muḥammad b. ‘Abd al-‘Azīm al-Saqatī.

Upon returning to Alexandria, al-Fākihānī assumed duties as a mufti and professor. His scholarly wanderlust, however, prompted later extensive travels. In 731/1331, he journeyed to Jerusalem and after a brief stay, spent the month of Ramadan in Damascus engaging in high-level legal deliberations with local jurists, most notably ‘Alam al-Dīn al-Akhnā’ī. He then joined an illustrious caravan of four hundred jurists, including seminal thinkers like Ibn Qayyim al-Jawziyya and Ibn Kathīr, to perform the Hajj pilgrimage in the Hijaz. Throughout this journey, al-Fākihānī maintained an active teaching schedule, lecturing at the prestigious ‘Adiliyya Madrasa in Damascus and to pupils along the pilgrimage route. He eventually returned to Alexandria, where he spent his final years training the next generation of monumental scholars, including the grammarian Ibn Hishām al-Naḥwī, Ibn Marzūq al-Khaṭīb and Ibn Jamā’a.¹³

By deliberately abstaining from political offices and administrative appointments, al-Fākihānī devoted his lifetime entirely to iftā’ and tadrīs.¹⁴ This scholarly isolation enabled him to make major contributions across jurisprudence, exegesis, ḥadīth, and Arabic philology. Among his extant works, the most massive is *al-Taḥrīr wa-al-taḥbīr*, a six-volume commentary on the *Risāla*, a seminal text on Sunni theology and Mālikī law composed by the North African jurist Ibn Abī Zayd al-Qayrawānī.¹⁵ Al-Fākihānī’s textual interventions and explicit legal preferences within this text solidified his status

‘Abd al-Raḥmān b. Abī Bakr b. Muḥammad al-Khuḍayrī al-Suyūṭī, *Ḥusn al-muḥāḍara fī tārikh Miṣr wa-al-Qāhira*, ed. Muḥammad Abū al-Faḍl Ibrāhīm (Egypt: Dār Iḥyā’ al-Kutub al-‘Arabiyya, 1967), 1/458; Ismā’il Pasha, *Hadiyyat al-‘arifin: Asmā’ al-mu’allifin wa-āthār al-muṣannifin* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1951-1955), 1/789; ‘Umar Riḍā Kaḥḥāla, *Mu’jam al-mu’allifin: Tarājim muṣannifi al-kutub al-‘Arabiyya* (Beirut: Maktabat al-Muthannā - Dār Iḥyā’ al-Turāth al-‘Arabī, n.d.), 7/299.

¹² Abū al-Faḍl Shihāb al-Dīn Aḥmad b. ‘Alī b. Muḥammad al-‘Asqalānī, *al-Durar al-kāmina fī a’yān al-mī’a al-thāmina* (Hyderabad, India: 1972), 4/209; ‘Abd al-Ḥayy b. Aḥmad al-Ḥanbalī Ibn al-‘Imād, *Shadharāt al-dhahab fī akhbār man dhahab*, eds. ‘Abd al-Qādir al-Arnā’ūt and Maḥmūd al-Arnā’ūt (Beirut: Dār Ibn Kathīr, 1986-1993), 6/96.

¹³ al-Ṣafadī, *A’yān al-‘aṣr*, 3/644; Ibn Kathīr, *al-Bidāya*, 18/370-371; Abū Ghayth Muḥammad Khayr al-Dīn b. Maḥmūd al-Ziriklī, *al-A’lām* (Beirut: Dār al-‘Ilm li-al-Malāyīn, 2002), 5/56.

¹⁴ al-Ṣafadī, *A’yān al-‘aṣr*, 3/644; Ibn Kathīr, *al-Bidāya*, 18/370; Ibn al-Mulaqqin, *Ṭabaqāt al-awliya’*, 566; Ismā’il Pasha, *Hadiyyat al-‘arifin*, 1/789; al-Ziriklī, *al-A’lām*, 5/56; Kaḥḥāla, *Mu’jam al-mu’allifin*, 7/299.

¹⁵ Kātib Ḥalebi, *Kashf al-zunūn ‘an asāmī al-kutub wa-al-funūn* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, n.d.), 1/841; Ali Hakan Çavuşoğlu, “al-Risāla,” in *TDV Encyclopedia of Islam* (Istanbul: TDV Publications, 2008), 35/119.

as an independent authority within the school's post-classical transmission lines and the text was edited and published in 2018.¹⁶

Another pivotal contribution that reflects his concrete legal worldview is *Riyāḍ al-afhām fī sharḥ 'Umdat al-aḥkām*, a comprehensive commentary on *al-Jammā'ilī al-Maqdisī's 'Umdat al-aḥkām*.¹⁷ Al-Fākihānī cross-examines these traditions through a Mālikī lens, drawing on deep grammatical and methodological analysis. It is worth noting that Ismā'il Pasha's historical attribution of *Sharḥ al-'Umda li-al-Shāshī* to al-Fākihānī is a known bibliographical error based on name conflation.¹⁸ Furthermore, he authored *al-Manhaj al-mubīn fī sharḥ al-Arba'in*, a mid-sized, specialized commentary on Imam al-Nawawī's renowned collection of forty foundational prophetic traditions, published in 2007.¹⁹

In the realm of exegesis and linguistic sciences, al-Fākihānī produced *al-Ghāya al-quṣwā fī al-kalām 'alā āyat al-taqwā*, an exegetical and ethical treatise exploring the concept of *taqwā* and its theological dimensions, focusing specifically on verses 2 and 3 of Surah al-Talaq (published 1995).²⁰ His profound philological competence is also reflected in *al-Ishāra fī al-naḥw*, a highly regarded, concise primer on Arabic grammar published in 2012.²¹ He later expounded upon this text in *Talkhīṣ al-'ibāra fī sharḥ al-Ishāra*, the author's self-commentary intended to clarify his own grammatical paradigms, published in separate editions in 2017 and 2018.²²

His devotion to prophetic history and legal ethics led to the creation of *al-Fajr al-munīr fī al-ṣalāt 'alā al-bashīr al-nadhīr*, a twelve-chapter treatise detailing the legal rulings and spiritual merits of invoking blessings upon the Prophet, while exploring prophetic characteristics, miracles and the mechanics of intercession.²³ Conversely, his legal stance on customary practices is captured in *al-Mawrid fī al-kalām 'alā 'amal al-mawlid*, a highly critical, brief treatise arguing that Mawlid celebrations are a blameworthy historical innovation (*bid'a*) lacking precedent among the early righteous predecessors. In this text, he sharply criticizes the ethical vulnerabilities, such as extravagance and illicit entertainment, that often accompanied these ceremonies.²⁴

Historical biographical sources also cite several of al-Fākihānī's works that are currently considered lost to modern scholarship. Among these is *al-Tuḥfat al-mukhtāra fī al-radd 'alā munkir al-ziyāra*, a polemical refutation defending the legal and theological legitimacy of traveling specifically to visit the tomb of the Prophet, written to dismantle contemporary opposing arguments.²⁵ In the domain of practical jurisprudence, he penned *Juz' fī mash' al-ra's*, a comparative jurisprudential monograph analyzing the legal boundaries, extent and mechanics of wiping the head during ritual

¹⁶ Abū Ḥaḥṣ Tāj al-Dīn 'Umar b. 'Alī b. Sālim b. Ṣadaqa al-Lakhmī al-Fākihānī, *al-Taḥrīr wa-al-taḥbīr sharḥ Risālat Ibn Abī Zayd al-Qayrawānī*, ed. Aḥmad b. 'Abd al-Karīm b. Najīb (Cairo: Markaz Najībawayh, 2018).

¹⁷ al-Fākihānī, *Riyāḍ al-afhām fī sharḥ 'Umdat al-aḥkām*, ed. Nuruddīn Tālib (Damascus: Dār al-Nawādir, 2010).

¹⁸ Ismā'il Pasha, *Hadiyyat al-'arīfīn*, 1/789.

¹⁹ al-Fākihānī, *al-Manhaj al-mubīn fī sharḥ al-Arba'in*, ed. Abū 'Abd al-Raḥmān Shawkat b. Rifqī b. Shawkat (Riyadh: Dār al-Sumay'i, 2007).

²⁰ al-Fākihānī, *al-Ghāya al-quṣwā fī al-kalām 'alā āyat al-taqwā*, ed. Muḥammad Yaḥyā Baydaq (Beirut: Mu'assasat al-Rayyān, 1995).

²¹ al-Fākihānī, *al-Ishāra fī al-naḥw*, ed. Maḥmūd Muḥammad al-Āmūdī (Medina: Majallat al-Jāmi'a al-Islāmiyya li-al-buḥūth al-insāniyya, 2012).

²² al-Fākihānī, *Talkhīṣ al-'ibāra fī sharḥ al-Ishāra*, ed. Maḥmūd Muḥammad al-Āmūdī (Beirut: Dār al-Kutub al-'Ilmiyya, 2017).

²³ al-Fākihānī, *al-Fajr al-munīr fī al-ṣalāt 'alā al-bashīr al-nadhīr*, ed. Bassām Muḥammad Bārūd (India: Dār al-Qalam, 2001).

²⁴ al-Fākihānī, *al-Mawrid fī al-kalām 'alā 'amal al-mawlid*, ed. Abdullāh b. Muḥammad al-Mudayfir (Medina: Majallat al-Jāmi'a al-Islāmiyya li-al-'ulūm al-shar'iyya, 1441 AH).

²⁵ Abū al-Wafā' Burhān al-Dīn Ibrāhīm b. 'Alī b. Muḥammad al-Jayyānī al-Madanī Ibn Farḥūn, *al-Dibāj al-mudḥḥab fī ma'rifa a'yān 'ulamā' al-madḥḥab*, ed. Muḥammad al-Aḥmadī Abū al-Nūr (Cairo: Dār al-Turāth, 1974), 2/186.

ablution.²⁶ His mastery over legal theory is attested by *Sharḥ al-Tanqīḥ*, which is a commentary on al-Qarāfī's text *Tanqīḥ al-fuṣūl*, a work al-Fākihānī cites directly within his own *Riyāḍ al-afḥām*.²⁷

Other specialized lost texts include *al-Fawā'id al-mukmila fī sharḥ al-Basmala*, a study devoted entirely to unpacking the linguistic, jurisprudential and esoteric-spiritual dimensions of the Basmala formula.²⁸ Finally, his contribution to ritual literature is found in *al-Lum'a fī waqfat al-Jum'a*, a manual on the rituals of Hajj and Umrah. The exceptional scholarly utility of this work was highly praised by his contemporary, the renowned Ḥanafī jurist al-Zayla'ī.²⁹

Though sources unanimously agree that al-Fākihānī passed away in Alexandria and was interred outside Bāb al-Baḥr, a chronological discrepancy persists regarding the exact date of his demise. Biographers like Ibn Daqīq al-ʿīd, al-Ṣafadī, Ibn Ḥajar al-ʿAsqalānī, and Kātib Ḥalebī place his death in the first ten days of Jumādā al-Awwal in the year 731 AH.³⁰ Conversely, a broader biographical consensus shared by Ibn al-Mulaqqin, al-Suyūṭī, Ismāʿīl Pasha, al-Ziriklī and Kaḥḥāla certifies that he died on Friday, 7 Jumādā al-Awwal 734 AH (corresponding to January 14, 1334 CE).³¹ His passing caused widespread mourning across Islamic lands; due to his monumental educational legacy, a funeral prayer in absentia (ṣalāt al-ghā'ib) was performed for him in the grand mosque of Damascus.³²

Methodological Synthesis of Tradition and Reason: Al-Fākihānī's Legal Theory

Operating with the autonomous intellectual capacity of a mujtahid within the structural boundaries of the Mālikī legal school, al-Fākihānī engineered a sophisticated methodological synthesis that balanced the literal boundaries of traditional text with the dynamic demands of rational inquiry. In his extensive treatise *Riyāḍ al-afḥām*, this theoretical framework transitions into practical application through a rigorous use of analogy (qiyās).³³ For instance, he classified the urine of a breastfed infant as fundamentally impure by systematically linking its shared effective cause (ʿilla) to adult waste, thereby reinforcing standard school doctrine on a formal procedural footing.³⁴ He extended this analogical reasoning to internal human conditions, arguing that if a person performs a physically restricted prayer due to valid emotional or physiological constraints, it remains highly recommended (mustaḥabb) to repeat that worship if the constraint lifts within the prescribed time drawing a direct parallel to a traveler who achieves physical security after praying in fear of predatory animals.³⁵ His systemic consistency is further demonstrated by defining

²⁶ al-Fākihānī, *Riyāḍ al-afḥām*, 1/138.

²⁷ al-Fākihānī, *Riyāḍ al-afḥām*, 1/107.

²⁸ al-Fākihānī, *Riyāḍ al-afḥām*, 2/327.

²⁹ Abū Muḥammad ʿUthmān b. ʿAlī al-Zayla'ī, *Tabayin al-ḥaqā'iq sharḥ Kanḥ al-daqa'iq* (Bulaq: al-Maṭba'a al-Kubrā al-Amīriyya, 1313-1315 AH), 2/26.

³⁰ Ibn Daqīq al-ʿīd, *Sharḥ al-Ilmām*, 29; al-Ṣafadī, *A'yān al-ʿaṣr*, 3/644; al-ʿAsqalānī, *al-Durar al-kāmina*, 4/209; Kātib Ḥalebī, *Kashf al-zunūn*, 2/1169.

³¹ Ibn al-Mulaqqin, *Ṭabaqāt al-awliyā'*, 566; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1/458; Ismāʿīl Pasha, *Hadiyyat al-ʿarifin*, 1/789; al-Ziriklī, *al-A'lām*, 5/56; Kaḥḥāla, *Mu'jam al-mu'allifin*, 7/299.

³² Ibn Kathīr, *al-Bidāya*, 18/371.

³³ Mursyid Djawas et al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (October 15, 2023): 342–64, <https://doi.org/10.19105/al-lhkam.v18i2.10373>; Muhammad Wahdini, Kamsi Kamsi and Hasse Jubba, "Environmental Governance in Indonesia: Muhammadiyah's Role, State Intervention and Legal Practice Dynamics," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 1 (May 29, 2024): 189–205, <https://doi.org/10.18592/sjhp.v24i1.12897>.

³⁴ al-Fākihānī, *Riyāḍ al-afḥām*, 1/335.

³⁵ al-Fākihānī, *Riyāḍ al-afḥām*, 1/586–587.

the opening takbīr as an immutable, non-negotiable pillar of prayer rather than a mere secondary introduction, directly equating its spiritual nature with the core ritual components of bowing (*rukū*) and prostration (*sujūd*).³⁶ When a textually apparent exemption seemed to conflict with the structural core of worship, as seen in the case of breaking one's fast out of forgetfulness, al-Fākihānī prioritized the integrity of the core obligation over a literal reading of the text; he deduced through *qiyās* that because the essential element of restraint (*imsāk*) was factually compromised, a compensatory fast (*qaḍā'*) remains mandatory, just as an inadvertent omission of a foundational pillar invalidates a ritual prayer.³⁷ Furthermore, his methodology integrated local custom (*urf*) as a binding legal criterion rather than a secondary social observation; he applied the maxim that custom limits or specifies generic language (*al-urf yukhaṣṣiṣ al-luḡha*) to demonstrate that while the word *iḥtilām* linguistically encompasses all manner of dreams, its formal jurisprudential meaning is strictly confined by social usage to actual ejaculation.³⁸ He translated this reliance on custom into commercial reality by ruling that the required time duration in a forward-buying salam contract cannot be an abstract chronological marker, but must legally adapt to market custom (*urf al-aswāq*) by spanning a period long enough to allow for genuine supply-and-demand price fluctuations, thereby preventing the illicit transactional ambiguity (*gharar*) that leads to exploitative enrichment.³⁹ Recognizing that rigid formalism can occasionally frustrate equity, he frequently employed juristic preference (*istiḥsān*) to engineer flexible, reality-oriented exceptions. Through this lens, he set aside the general mandate for public proclamation to allow an individual worshipper to recite the second call to prayer silently due to the absence of a congregation,⁴⁰ defended the pre-consummation dissolution of an invalid marriage contract with a defective dower (*mahr*) to insulate parties from a flawed social union⁴¹ and permitted a worshipper to momentarily interrupt a repeatable prayer to answer their mother's call, framing the maternal right not as a disruption of worship but as an irreplaceable ethical obligation that outranks a flexible ritual timeframe.⁴² He brought structural flexibility to communal worship by activating the distinctive Mālikī principle of observing disagreement (*murā'āt al-khilāf*); by factoring in the scriptural evidence of opposing legal camps, he validated the ongoing prayer of a congregation even when their leader suddenly remembers a missed prayer and abruptly departs, balancing strict ritual sequence against the public interest of preserving communal devotion.⁴³ His construction of *maṣlaḥa*⁴⁴ was uniquely comprehensive, extending beyond material utility to govern psychological and devotional stability. This is evident in his characterization of the Prophet's unprompted oath regarding a missed prayer during the Battle of the Trench as a pastoral tool of consolation designed to alleviate the deep spiritual distress of his companion 'Umar,⁴⁵ as well as his macro-legal analysis

³⁶ al-Fākihānī, *Riyāḍ al-afḥām*, 2/167-168.

³⁷ al-Fākihānī, *Riyāḍ al-afḥām*, 3/399-400.

³⁸ al-Fākihānī, *Riyāḍ al-afḥām*, 1/398.

³⁹ al-Fākihānī, *Riyāḍ al-afḥām*, 4/337.

⁴⁰ al-Fākihānī, *Riyāḍ al-afḥām*, 2/15-16.

⁴¹ al-Fākihānī, *Riyāḍ al-afḥām*, 4/604-605.

⁴² al-Fākihānī, *Riyāḍ al-afḥām*, 2/579-580.

⁴³ al-Fākihānī, *Riyāḍ al-afḥām*, 2/435-436.

⁴⁴ Sri Andayani Mahdi Yusuf, Hamdi Yusliani, Emawati, Abdul Wahid Idrus, Chairul Azman BK, "Custom (Urf) And Law In Islamic History: Negotiating Local Practice And Divine Norms". *International Journal of Islamic Theology & Civilization*. Vol: 3, Issue 1 (2026).

⁴⁵ Abū 'Umar Yūsuf b. Abdillāh Ibn Abd al-Barr, *al-Tamhīd li-mā fi al-Muwatṭa' min al-ma'ānī wa-al-asānīd*, ed. Muṣṭafā b. Aḥmad al-'Alawī and Muḥammad 'Abd al-Kabīr al-Bakrī (Morocco: Wizārat al-Umūm al-Awqāf wa-al-Shu'ūn al-Islāmiyya, 1967), 23/132; al-Fākihānī, *Riyāḍ al-afḥām*, 1/602-605.

of King David's sleep and fasting regimen, which he grounded in the fundamental preservation of bodily vitality to ensure sustainable, life-long servitude rather than self-destructive asceticism.⁴⁶ In the commercial sphere, he applied *maṣlaḥa* as an economic equalizer, justifying the strict prohibition against intercepting incoming trade caravans outside the city gates (*talaqqī al-rukbān*) by explicitly prioritizing the collective welfare of the open market over the individual profit margins of speculative merchants.⁴⁷ To guarantee the long-term protection of religious life, al-Fākihānī deployed the preventative strategy of blocking legal means (*sadd al-dharā'i'*); he substantiated the standard prohibition against physical proximity between the navel and knee during menstruation as an essential safeguard against crossing into actual forbidden intercourse⁴⁸ and utilized the same doctrine to justify the general ban on continuous fasting (*wiṣāl*) to prevent exceptional asceticism from morphing into a public hardship or an distorted standard of piety.⁴⁹ Finally, he utilized legal presumption (*istishāb*) as a stabilizing mechanism to preserve established realities against shifting circumstances; he ruled that a worshipper who encounters sudden doubts regarding their initial ritual purity or intentional state must simply press forward, as a legal certainty established at the beginning cannot be dismantled by an incidental, subsequent doubt,⁵⁰ while applying the same baseline to maintain that the established legal status of a maternal concubine (*umm al-walad*) remains constant under changing conditions unless overturned by definitive evidence.⁵¹

Breaking Down al-Fākihānī's Method in *Riyāḍ al-afhām*

Al-Fākihānī's scholarly character in *Riyāḍ al-afhām* stands out for its accessible, comparative style and a deep reliance on Arabic grammar to unpack sacred law.⁵² Rather than just listing final legal verdicts, he keeps his language beautifully straightforward while introducing a rich dialogue of perspectives. For instance, when analyzing the prophetic command to wash a dog-licked vessel seven times, he balances the strict literalist rulings of Mālikī authorities such as Ibn al-Mājishūn and Ṣaḥnūn with rational, purpose-driven perspectives from other legal traditions.⁵³ He brings this same clarity to complex ritual questions, such as the debates over whether the hands count as essential organs during prostration (*sujūd*), and frames Ṣaḥnūn's transmission alongside Abū al-Ḥasan b. al-Qaṣṣār's emphasis on real-world prophetic practice.⁵⁴ Transcending his own Mālikī school, al-Fākihānī traces jurisprudential lineages by mapping out early opinions from the Prophet's Companions (*Ṣaḥāba*) and the follow-up generation (*Tābi'ūn*). This cross-generational dialogue is clear in his analysis of daily customs, like which hand to wear a ring on,⁵⁵ or the fiercely debated question of whether touching

⁴⁶ al-Fākihānī, *Riyāḍ al-afhām*, 3/467-468.

⁴⁷ Abū Abdillāh Muḥammad b. Ismā'īl b. Ibrāhīm al-Ju'fī al-Bukhārī, *al-Jāmi' al-ṣaḥīḥ*, ed. Muṣṭafā Dīb al-Bughā (Beirut: Dār Ibn Kathīr-Yamāma, 1993), 2/755; "Buyū", 64; al-Fākihānī, *Riyāḍ al-afhām*, 4/209.

⁴⁸ al-Bukhārī, "Ḥayḍ", 5; al-Fākihānī, *Riyāḍ al-afhām*, 1/494-497.

⁴⁹ al-Fākihānī, *Riyāḍ al-afhām*, 3/371-372.

⁵⁰ al-Fākihānī, *Riyāḍ al-afhām*, 2/170.

⁵¹ al-Fākihānī, *Riyāḍ al-afhām*, 1/326-327.

⁵² Yassine Chami et al., "Abuse of Rights: A Comparative Study between Mālikī Jurisprudence & Positive Law," *AHKAM: Jurnal Ilmu Syariah* 25, no. 2 (December 28, 2025): 415-28, <https://doi.org/10.15408/ajis.v25i2.44606>; Mochamad Riyanto and Ahmad Roihan Firdiansyah, "Reconstructing Information Law Theory in Confronting Fake News: An Analysis of Digital Media Ethics Based on Regulation and Maqāṣid Al-Shar' al-Ẓāh," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 2 (December 31, 2025), <https://doi.org/10.18592/sjhp.v25i2.18181>.

⁵³ al-Fākihānī, *Riyāḍ al-afhām*, 1/102.

⁵⁴ al-Fākihānī, *Riyāḍ al-afhām*, 2/175.

⁵⁵ al-Fākihānī, *Riyāḍ al-afhām*, 1/202.

one's private parts breaks ablution where he lays out a 360-degree historical view by contrasting the validating stances of 'Alī and Ibn Mas'ūd with the invalidating perspectives of 'Umar and 'Ā'isha.⁵⁶ What truly makes his commentary brilliant, though, is how he converts Arabic grammar into an active tool for legal derivation. He masterfully untangles the apparent wordiness of the famous migration ḥadīth by applying syntactic rules, showing that the phrasing isn't merely repetitive; the first part expresses an internal intention, while the second guarantees its spiritual reward.⁵⁷ He applies this linguistic detective work across multiple texts mentally supplying hidden verbs to clarify the precise physical boundaries of washing one's elbows during ritual ablution,⁵⁸ using the rules of genitive construction (*iḍāfa*) in the phrase *wuḍū' al-janāba* to prove that *wuḍū'* retains its broad lexical meaning of "cleansing water" rather than just a narrow ritual definition⁵⁹ and examining the exact syntactic behavior of verbs to prove that references to a "mosque" imply specific physical structures rather than the entire earth.⁶⁰

Jurisprudential Analysis in the Context of the Relationship Between Uṣūl and Furū'

While grounding the Mālikī school's point of view regarding the orientation toward the qibla during *istibrā'* and relieving oneself, al-Fākihānī analyzed the matter by observing the organic link between legal theory and positive law, specifically through the principle of the *takhṣīṣ al-ʿāmm*.⁶¹ The author conducted a procedural reasoning by comparing the Prophet's general verbal ḥadīths prohibiting turning toward the qibla with the specific practical situation personally observed by Ibn 'Umar. In this context, according to al-Fākihānī, for a ruling to be specified, the act in question must carry an intention of declaration toward the umma and this intention must establish a "predominant probability" in the mind of the mujtahid. Reminding the reader of the Messenger of Allah's high sense of modesty and his nature of preserving privacy in secluded places, al-Fākihānī exhibited a methodological subtlety by pointing out that Ibn 'Umar's accidental witnessing of this situation might not initially have contained an intention of specification. Conversely, at the conclusion stage, the author regarded the Prophet's realization of this observation and his foresight that the information would be transmitted to the umma as a sufficient legal indication to narrow the general prohibition to "indoor" locations.⁶² While analyzing the rules of etiquette regarding the use of the right and left hands, al-Fākihānī examined the matter through the relationships of absolute-qualified and general-specific, as well as the prophetic Sunnah and the practices of the Companions. The author argued that the qualification "while he is urinating" (*wa-huwa yabūlu*)⁶³ in the relevant texts does not constitute an *mafhūm al-mukhālafa* that limits the said prohibition only to that moment. At this point, al-Fākihānī touched upon the tendency to restrict a general ruling to a specific situation one of the

⁵⁶ al-Fākihānī, *Riyāḍ al-afḥām*, 1/314.

⁵⁷ Muslim, *al-Jāmi' al-ṣaḥīḥ*, "Imāra", 155; al-Fākihānī, *Riyāḍ al-afḥām*, 1/30.

⁵⁸ al-Bukhārī, "Wuḍū'", 38; al-Fākihānī, *Riyāḍ al-afḥām*, 1/155.

⁵⁹ al-Fākihānī, *Riyāḍ al-afḥām*, 1/382-383.

⁶⁰ al-Fākihānī, *Riyāḍ al-afḥām*, 2/407-408.

⁶¹ Khairuddin Hasballah et al., "Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community," *AHKAM: Jurnal Ilmu Syariah* 21, no. 2 (December 30, 2021), <https://doi.org/10.15408/ajis.v21i2.22792>; Yasardin Yasardin, Amelia Rahmaniah and Avisena Ilma Rachmasari, "Sharia Fintech Contract Architecture: Developing a Standardization Framework Based on the Convergence of Fiqh, Fatwas and Judicial Decisions," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 2 (December 30, 2025): 295-323, <https://doi.org/10.18592/sjhp.v25i2.18275>.

⁶² al-Fākihānī, *Riyāḍ al-afḥām*, 1/196.

⁶³ Muslim, "Ṭahāra", 63.

central debates of legal theory and critically scrutinized the approach of certain circles that reduce the prohibition solely to the moment of relieving oneself. The author relied on general transmissions commanding that the right hand must be protected in other situations requiring cleanliness as well. Therefore, he characterized the nature of this prohibition not merely as a possibility of physical impurity, but as an innate etiquette that must be preserved in all circumstances due to the honor of the right hand.⁶⁴ Al-Fākihānī clarifies issues within the axis of language and *uṣūl* by analyzing the relationships between absolute-qualified and general-specific, some of the most technical subjects of jurisprudential methodology, through indications in the *ḥadīths*.⁶⁵ While analyzing the expression “Perform tayammum with clean earth, for it is sufficient for you” (*fa-innahu yakfika*)⁶⁶ in the text addressed by the Prophet to a legally responsible person who could not find water, the author maintained that the absoluteness in the literal wording can only be accurately understood in light of the aforementioned indications. According to al-Fākihānī, the expression “it is sufficient for you” in the *ḥadīth* does not present an absolute sufficiency encompassing all circumstances in terms of grammar and the logic of *uṣūl*.⁶⁷ On the contrary, the environment and conditions in which the text emerged are evidence showing that this general expression must be qualified only by that specific moment or similar conditions. Through this procedural reasoning, al-Fākihānī emphasized that earth does not take the place of water as a primary substitute in every respect and that tayammum is valid only when performed within the framework of *sharʿī* conditions and pillars.⁶⁸

Methodology of Preference and Terminological Approach

In resolving controversial jurisprudential matters within his commentary,⁶⁹ al-Fākihānī operated a mujtahid-like preference mechanism by employing a rich procedural terminology. Specifically, while determining the literal meaning of words, he made choices based on the principle of linguistic simplicity, moving from the rule of *al-mutabādir ilā al-dhihn*.⁷⁰ In documenting intra-school consistency, he certified the position of the ruling he reached within Mālikī literature with the expression: “I know of no disagreement in our school regarding this matter” (*lā khilāfa aʿlamuhu fī madhhabinā*).⁷¹ Acting not merely as a transmitter but with the capacity of a verifying scholar, al-Fākihānī put forward his own scholarly opinion during the comparative evaluation of evidences through templates such as: “The most exemplary in my sight regarding this matter is...” (*al-amthal*

⁶⁴ al-Fākihānī, *Riyāḍ al-afḥām*, 1/219-220.

⁶⁵ Suraji and Mokhamad Sukron, “The Theories of Taswib and Takhti’ah in Usul Al-Fiqh The Perspective of Syihab Ad-Din Al-Qarafi,” *Khuluqiyah: Jurnal Kajian Hukum Dan Studi Islam* 8, no. 1 SE-Articles (June 30, 2026): 249–60, <https://doi.org/10.56593/khuluqiyah.v8i1.243>; Muhammad Solikhudin et al., “Indonesian Islamic Law and Unregistered Marriage: A Contemporary ‘Atiyyah’s Maqāṣid Al-Sharī’ah Approach,” *Kanuun: Journal of Sharia, Law and Digital Society*, 2026, 17–33, <https://doi.org/https://doi.org/10.66277/kanuun.v1i1.5>; Muhammad Solikhudin et al., “National Fiqh and Maqasid-Based Ijtihad: Reassessing Ahmad Hasyim Muzadi through Jamal Al-Din ‘Atiyyah,” *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 SE-Articles (n.d.): 383–405, <https://doi.org/10.52496/mjhki.v3i2.38>.

⁶⁶ al-Bukhārī, “Tayammum”, 5.

⁶⁷ Miftakhul Huda and Hisam Ahyani, “Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 29, 2024): 103–19, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

⁶⁸ al-Fākihānī, *Riyāḍ al-afḥām*, 1/445–446.

⁶⁹ Fokky Fuad Wasitaatmadja and Wasis Susetio, “Philosophical Sufism and Legal Culture in Nusantara: An Epistemological Review,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 1 (May 28, 2020): 75–86, <https://doi.org/10.30631/alrisalah.v20i1.558>.

⁷⁰ al-Fākihānī, *Riyāḍ al-afḥām*, 2/299; 398; 3/153; 277.

⁷¹ al-Fākihānī, *Riyāḍ al-afḥām*, 4/570.

‘indī fī hādhihi al-mas’ala)⁷² or “The most correct” (al-aṣaḥḥ).⁷³ While clarifying the normative stance of Mālikism after mentioning the views of other schools by stating, “As for our school...” (*ammā madhhabunā*),⁷⁴ he finalized the matter in terms of ruling with expressions such as: “The preferred correct view is...” (al-ṣawāb al-mukhtār)⁷⁵ or “Such is preferred” (yutarajjaḥu kadhā).⁷⁶

Conclusion

The structural decoding of al-Fākihānī’s *Riyāḍ al-afhām* offered in this study yields crucial theoretical insights that reshape our understanding of late-medieval Islamic jurisprudence. By shifting the scholarly focus away from a purely descriptive paradigm, this research establishes that post-classical sharḥ literature operated not as a stagnant medium of mechanical replication but as a highly sophisticated framework for internal critique, normative negotiation and epistemological evolution. Al-Fākihānī’s intellectual output in Mamluk Alexandria serves as an empirical refutation of the long-standing reductionist historiography that views late-medieval *furū’* texts as derivative exercises. Instead, his text demonstrates how internal mujtahids utilized the commentary genre as a dynamic venue to systematically bridge the gap between abstract procedural theory and the pragmatic contingencies of a shifting socio-economic landscape. The primary epistemological value of this study lies in its mapping of al-Fākihānī’s complex methodological equilibrium, which provides a cohesive model for how a legal tradition can maintain internal consistency while remaining externally adaptable. This research demonstrates that the author coordinates a dual-axis framework where textual authority and rational utility are systematically balanced. In the liturgical sphere, his reliance on analogy and legal presumption (*istishāb*) serves a structuralist function, insulating the core rituals of Islam within a strict, precaution-oriented boundary. Conversely, his fluid activation of juristic preference (*istiḥsān*), custom (*‘urf*) and public interest (*maṣlaḥa mursala*) within the transactional sphere (*mu‘āmalāt*) proves that his system treats positive law as an organic, socio-legally responsive mechanism. The conceptual centerpiece of this architecture is his elevation of *murā‘āt al-khilāf*. By transforming what is traditionally categorized as a peripheral, secondary device into a primary instrument of legal pluralism, al-Fākihānī provides a systematic blueprint for managing internal disagreement without lapsing into dogmatic fragmentation. Concisely, the broader impact of this research extends directly into contemporary discourses surrounding the reconstruction of modern Islamic legal theory, the management of normative pluralism and the structural challenges of legal codification. By recovering al-Fākihānī’s sophisticated text-critical engagement with the Ṣaḥāba and Tābi‘ūn traditions alongside an acute awareness of market fluctuations (*‘urf al-aswāq*), this study delivers a profound, tradition-rooted reference framework. The flexible yet systemically anchored solutions developed in the 14th century demonstrate that classical Islamic jurisprudence possesses inherent, built-in structural mechanisms for self-renewal. Consequently, this study offers modern academics and legal theorists a vital methodological framework for analyzing and resolving the complex normative dilemmas and shifting realities of contemporary legal philosophy.

⁷² al-Fākihānī, *Riyāḍ al-afhām*, 4/578.

⁷³ al-Fākihānī, *Riyāḍ al-afhām*, 1/217; 226; 2/406; 3/179.

⁷⁴ al-Fākihānī, *Riyāḍ al-afhām*, 1/143; 2/177; 3/413.

⁷⁵ al-Fākihānī, *Riyāḍ al-afhām*, 4/610.

⁷⁶ al-Fākihānī, *Riyāḍ al-afhām*, 1/572; 5/9.

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