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“city of the Messenger of Allah”⁴⁸ and the legal discourse of the local jurists. The Maliki School which emerged as a counter-current to the Hanafi Islamic School of law spread mainly to North Africa - Tunisia, Algeria and Morocco, Spain and to several areas in West Africa as well as Central Africa. His doctrine is recorded in the *Al-Muwatta'*. Today, the Maliki School may also be found in Egypt, Mauritania, Nigeria, West Africa, Kuwait and Bahrain.

The Maliki School is more conservative in its emphasis on *Sunnah*, though it adds the criterion of *Istislah* or public interest to the four main sources of the Shari`ah as a basis for its legal judgments. However, the scholars of *Usul al-Fiqh* are in agreement that *Istislah* is not a proof in respect of devotional matters (*Ibadaat*) and in respect of specific Shari`ah injunctions like shares of inheritance.⁴⁹ It also gives greater consideration to *Urf* or regional customs than do the other Schools. The major treaties of Maliki School are *Al-Mudawwanah* by Asad al-Furat, which was later edited by Sahnun as *Al-Mudawwanah al-Kubra*, *Idah al-Masalik [ala Qawa'id al-Imam Malik]* by Ahmad al Wansharisi, *Hashiyah [ala Mukhtasar al-Khalil]* by Muhammad Al Kharshi, *Bidayat al-Mujtahid* by Ibn Rushd al-Andulusi.⁵⁰

3.2.2.3 The Shafi'i School

The Shafi'i School of Islamic jurisprudence was founded by Muhammad b. Idris, widely known as Imam Al-Shafi'i. Imam Al-Shafi'i was a pupil of Malik b. Anas and Imam Abu Yusuf, who was the student of Imam Abu Hanifa, and tried to reconcile the Maliki and the Hanafi Schools of law. However, from this attempt Shafi'i School of law evolved.

The Shafi'i School emphasises *Qiyas* and *Ijma'* and utilises only the four roots of law in arriving at legal decisions. It rejects *Istihsan* and *Maslaha* as forms of interference with the Shari`ah. The School is more selective in its recognition of the *Sunnah*, which it viewed as the only valid interpretation of the Qur'an. Imam Al-

48 'The Messenger of Allah' has been referred throughout this work to Prophet Muhammad (pbuh). The word 'messenger' (*Rasul*) is used interchangeably with the word 'prophet' (*Nabi*) in the Qur'an. The reason seems to be that the 'prophet' in Islam has two capacities: he receives information from Allah, and he imparts that message to mankind. He is called *Nabi* in the first capacity and *Rasul* in the second capacity, with one difference. The word *Rasul* has a wider significance, being applicable to every messenger in a literal sense; and the angels are called Divine Messengers (*Rusul*), because they are also bearers of the Divine messages when complying with His Will.

49 Ibraheem, Yahya. 2005. "Lessons In Usool And Fiqh", available online at: <http://uiforum.uaeforum.org/showthread.php?t=2274>

50 See Patrick Sookhdeo, *supra* note 144.

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