***موسى، فاديغا.* أصول فقه الإمام مالك: أدلته العقلية*. الرياض: دار التدمرية، ٢٠٠٧، مجلدان، ٧٢٤ ص.***

Musa, Fadigha. *Usul Fiqh al-Imam Malik: Adillatuh al-‘Aqliyyah*. Riyadh: Dar al-Tadmuriyyah, 2007, 2 vols., 724pp.

**ABSTRACT**

**Rationality in Imam Malik’s Jurisprudence**

*أصول فقه الإمام مالك: أدلته العقلية*

Originally a thesis titled *al-Adilla al-‘Aqliya ‘Ind al-Imam Malik*, this two-volume book endeavours to reveal the rational method used by Malik ibn Anas, the eponym of the Malikite School of Law, to deduce law from its main sources (the Qur’an and Sunna). While faithful to the spirit of his Medinese predecessors who emphasised the practice of the Medinese community (*‘amal ahl al-Madinah*) and prophetic traditions,Malik was known for his strong opinions and his rational methods of inferring law. Partly, this could be due to his education by Rabi‘ah ibn Abi Abd al-Rahman, nicknamed Rabi‘at al-Ra’y, a Medinese scholar who showed a strong inclination towards *ra’y* (personal opinion).

In the introduction, Fadigha Musa emphasises the importance of studying the *usul al-fiqh* of Malik. The preface includes a selected bibliography. He provides a short biography of Malik and discusses the division of *adilla* (evidence) into *naqliya* (transmitted) and *‘aqliya* (reasoned), and the meaning and usage of the latter according to Malik.

The following pages discuss *al-adilla al-‘aqliyah* (intellectual proofs)in seven chapters, each of which focuses on rational methods of inferring law, namely *qiyas* (analogical reasoning), *istihsan* (discretion), *maslaha mursalah* (public interest), *‘urf* (custom), *istishab* (presumption of existing facts), *zari‘ah* (concealing matters, leading to *haram*), and *istiqra’*. The book ends with summary of important points. In general, each chapter, which is divided into section and subject, follows the same pattern.

By providing abundant examples of Malik’s viewpoints that indicate his frequent use of *ra’y* in legal cases, the book serves its purpose of describing Malik’s rational methods of legal reasoning. Readers who are familiar with terms of *usul al-fiqh* will benefit from the comparative perspective of the book. Since Malik himself did not write a book on *usul al-fiqh*, an attempt to construct his *usul al-fiqh* should inevitably examine his opinions or *fatwa*, and scrutinise his disciples. However, due to its projection of Malik’s *usul al-fiqh* into the era when *usul al-fiqh* is already fully-fledged, such an approach might do an injustice to Malik’s method.

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