



The Maliki school of thought in Ottoman Algeria - Affiliation and doctrinal practice

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Abstract:

The Maliki school of thought has remained the dominant school of thought in Algeria throughout the various times and circumstances it has experienced. Despite the attempts of the Fatimid state to make it adopt the Shiite school of thought, its attempts were only successful on a narrow and limited geographical area, and it faded away with the passage of time, until the Abbasid state came in the seventh century AD; The Hanafi school of thought found a foothold in Algeria for the first time and was known as the school of the Iraqis. However, it could not withstand the people's adherence to the school of Imam Malik ibn Anas, may God be pleased with him, despite its continued presence there until the eleventh century AD. The latter returned again after Algeria became an Ottoman province at the beginning of the sixteenth century AD, as it was the school adopted in the Ottoman state at that time. However, it is noteworthy that the Ottoman state, represented by its sultans, never tried to obliterate the features of the Maliki school, nor did it try to make it replace the school that had long been established in the hearts of the Algerians, contrary to the custom of kings and sultans. Here we pose the following question: What enabled the Maliki school to withstand the Hanafi school during the Ottoman era, despite its rulers being Hanafi and the state institutions being Hanafi?

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First: Doctrinal Affiliation

1- Noble Lineage:

After the conquest of Morocco by the conquerors, the people of Morocco had no doctrinal or legal school of thought other than that of the Prophet (peace and blessings be upon him) and his Companions, as they had memorized from authentic traditions and widely transmitted reports. This was the fundamental Islamic system in these lands during the early days of the conquest. The extent to which the people of Morocco adhered to tradition at that time was their implementation of the plan established by

the scholarly mission (the committee of ten scholars from among the Successors, whom Umar ibn Abd al-Aziz (may God have mercy on him) sent to North Africa to teach the people of Morocco the teachings and general principles of Islam).

The people of the Maghreb continued in this way until the Kharijites emerged among them (122 AH/740 CE), spreading the Ibadi school of thought. Some Mu'tazilite doctrines also infiltrated their society. The Kharijites then established a state in Algeria, the Rustamid state (160 AH/776 CE), based in Tahert. At that time, the Hanafi school of thought was widespread in eastern Algeria and Tunisia, under the patronage of the Abbasid Caliphate, represented in these lands by the Aghlabid governors (184 AH/800 CE). The first to publicly promote the Hanafi school and work to spread it in these regions was Abu Muhammad Abdullah ibn Umar ibn Farrukh al-Farisi (172 AH/788 CE). Qadi Iyad states: "...The Hanafi school of thought appeared prominently in Ifriqiya for nearly four hundred years, then it disappeared. Some of it spread to the Maghreb beyond, near the Iberian Peninsula and the city of Fez. The people of Tahuda, in the vicinity of Biskra, remained on the school of thought of the people of Iraq until the middle of the fifth century AH."

Then came the role of the state. The Idrisid dynasty (172 AH/788 CE) brought with it the Maliki school of thought. It is narrated that its founder, Idris I, said, "We are more deserving of following the Maliki school and reading his book, al-Muwatta'." Scholars embraced this school and traveled to Malik to learn directly from him. This school then spread throughout the Maghreb at the hands of Asad ibn al-Furat (213 AH/828 CE) and Sahnun (240 AH/854 CE). This continued until the Fatimid Caliphate emerged in Ifriqiya (296 AH/909 CE), which worked to spread the Ismaili Shi'a doctrine. This led to conflict between the Malikis and the Shi'a, until Hammad ibn Buluggin al-Sanhaji eradicated this Shi'a doctrine in Algeria in 407 AH (1017 CE). He replaced it with the Maliki school, which became the sole legal school throughout his Algerian domain. Later, the Emir of Kairouan issued a fatwa in its favor. In 435 AH (1043 CE), al-Mu'izz ibn Badis established Maliki jurisprudence, spreading it throughout the land, east and west. This continued until the Almohads conquered the entire Maghreb in 539 AH (1145 CE). At that time, a tendency emerged among them to adhere to the Quran and Sunnah, taking them literally and deriving rulings directly from them. They encouraged scholars to adopt this approach, but this idea lasted only a short time before fading away with the fall of their dynasty. People returned to following the Maliki school of thought. After that, neither the Hanafi nor any other school of thought appeared or was mentioned in Algeria until the arrival of the Ottomans in 920 AH (1514 CE). The Ottomans worked to reintroduce the Hanafi school after a long absence. However, the Maliki school remained dominant throughout the Ottoman period in Algeria. Historical records indicate the spread of Maliki jurisprudence during the Ottoman era in various regions of the country, east, west, and center. Maliki schools of jurisprudence became prominent in Tlemcen, Mazouna, and Mostaganem. Oran in western Algeria.

Annaba, Constantine, the Aurès Mountains, Béjaïa, Algiers, the Hodna region, Tolga, Biskra and its surrounding areas were also among the most important centers of Maliki jurisprudence in Algeria during the Ottoman era.

2- Societal Adherence:

The people of central Morocco, both scholars and laypeople, adopted the school of thought of Imam Malik ibn Anas, seeing it as representing the Quran and Sunnah in theory and practice. They adhered to it and defended it against all opposing currents, both in its fundamental principles and its branches, throughout all the stages the Maliki school went through. They also contributed to its establishment and defense through their writings, commentaries, legal rulings based on it, and refutations of its opponents.

It is well known that since its arrival in the Maghreb, the Maliki school of thought has been deeply ingrained in the Moroccan people, who have remained steadfast in their devotion to it. Their connection to it has never wavered, nor have they ever considered abandoning it for another. On the contrary, they have clung to it, defended it, and championed its advocates, proponents, and disseminators. This school would not have gained such trust and achieved such consensus among the Moroccan people, both the general public and the elite, had they not found in its principles and rules what satisfied their desires, fulfilled their needs, and aligned with their mentality. This is because Maliki jurisprudence, as is well known, is a practical jurisprudence that takes into account reality, considers people's customs and traditions, and relies on the principle of public interest (*maslaha mursala*), which is one of its most important principles. Among the factors that led people to embrace the Maliki school are the following: a) The personality of Imam Malik, who was known for his adherence to the Sunnah, his fight against innovations, his complete emulation of the practices of the Companions and their Successors, and his embodiment of the qualities of leadership. This is what prompted the Moroccans to follow his knowledge, submit to his thought, and be convinced of the soundness of his school, in addition to the praise he received from the people. Their admiration for his exemplary conduct, his strict adherence to the texts of the Quran and Sunnah, his clear analogical reasoning, and his avoidance of conjecture in the field of *ijtihad* (independent legal reasoning).

B- The hadith concerning the scholar of Medina, which some scholars attributed to him, namely the Prophet's saying (peace and blessings be upon him): "People will soon travel far and wide seeking knowledge, but they will not find a scholar more knowledgeable than the scholar of Medina." Sufyan ibn Uyaynah said: "We used to hear the people of Medina say that it was Malik ibn Anas."

C- Imam Malik's concern for the Maghrebi students and his closeness to them. Imam Malik paid special attention to the Maghrebi students, both to attract them to his school of thought and to encourage them to spread it in their lands. The best example of this is when Abdullah ibn Farrukh came to him, he seated him in the best place beside him, and the same with Abdullah ibn Ghanim, to the point that it was said: "The Maghrebi

preoccupied him from us." He also advised them to spread his school of thought, and there was correspondence between him and the Maghrebis.

D- What pertains to the suitability of his school of thought to the nature of the Maghrebis; This is because the Maliki school of thought is practical, grounded in reality and taking into account people's customs and traditions. Its jurisprudence is more practical than theoretical, aligning with human nature in its simplicity and clarity, without affectation or complexity. The people of the Maghreb, by nature, incline towards simplicity and clarity, and shy away from extreme theories and far-fetched, contrived interpretations. Thus, the Maliki school remained free from the interference of personal opinions and remained untouched by the impurities that seeped into the religion from other regions as a result of people's differing schools of thought, political systems, intellectual frameworks, and beliefs. This instilled in them an aversion to any interpretation or elaboration, and consequently, they distanced themselves from those who offered opinions, fearing a descent into the abyss of misguidance.

E- This relates to the stance of some sultans who compelled their subjects to adhere to this school, as occurred during the Zirid dynasty when al-Mu'izz ibn Badis forced the people to follow the Maliki school. And – The Journey of the Maghrebis to the Hijaz: The Maghrebis often traveled to the Hijaz to perform the Hajj pilgrimage, then met the scholar of Medina, Malik, from whom they would learn and remain for months, even years. They would then return to their homelands to spread this knowledge. Ibn Khaldun says regarding this: "As for the school of Malik, may God have mercy on him, it was the exclusive domain of the people of the Maghreb and Andalusia. Although it existed among others, they did not follow any other school except in a few instances. Their journeys were mostly to the Hijaz, which was the destination of their travels. Medina at that time was the center of knowledge, and their sheikh and imam was Malik ibn Anas, along with his teachers before him and his students after him. The people of the Maghreb and Andalusia returned to him and followed him exclusively, unlike those whose path had not reached them."

Therefore, the choice of the Moroccans to follow the Maliki school of thought is a choice to follow the school of the Sunnis and the jurisprudence of the Companions and the Followers. There is no doubt that these considerations that we mentioned had a special influence on the souls of the Moroccans, and therefore their jurists would pledge allegiance to the princes on the Book of God, the Sunnah of His Messenger, may God bless him and grant him peace, and the Maliki school of thought, as the pious jurist Abu Ishaq al-Saba'i explicitly stipulated.

3- Coexistence between the Maliki and Hanafi Schools of Thought during the Ottoman Era:

Although the Ottomans, like the rest of the population, were Sunni Muslims, they included both the Hanafi and Maliki schools of thought in the issuance of fatwas and judicial rulings within the Scientific Council. The Hanafi school held precedence and was responsible for supervising and conducting the sessions.

Indeed, the presence of two judges and two muftis from different schools of thought simultaneously leads us to acknowledge that the coexistence of the Hanafi and Maliki schools resulted in a dual structure and duality in the judicial system of Algeria during the Ottoman era. When cases involved Turks, Kouloughlis, and some urban dwellers, the judiciary derived its rulings from the Hanafi school. However, when cases concerned other groups of the original inhabitants of Algeria, the judiciary derived its rulings from the Maliki school.

From what has been mentioned, it becomes clear that the role played by the Scientific Council resulted from the cooperation between Maliki and Hanafi jurists and judges, and their use of the principle of consultation, exchange of opinions, and careful consideration of matters presented to them before issuing rulings, all in service of the public interest.

Individuals of Algerian society enjoyed the freedom to convert from one school of thought to another without hesitation. Some Maliki judges, for example, changed their school of thought and embraced the Hanafi school, such as Ibn al-Musabbih al-Qustantini, influenced by Uthman Pasha Bey of Constantine, who appointed him preacher at the Souk al-Ghazl Mosque, where the Emir himself prayed. He also served as a Hanafi judge in Constantine on several occasions. Some Malikis resorted to the Hanafi court, confident in its rulings and hoping for its justice. For example, Musa, the head of the Ashraf (descendants of the Prophet), sought a Hanafi court with his wife to dissolve their marriage. National archive documents also record a dispute concerning the inheritance of the deceased Hussein ibn Hamida. This dispute was between the heirs of the deceased and Abd al-Qadir al-Baramli, who claimed that the deceased owed him thirty dinars in kind as payment for his release from captivity. He also claimed that the deceased's uncle, Mustafa ibn Khalil, owed him for a similar ransom. This dispute was brought before a Hanafi judge.

Despite the authorities' preference for the Hanafi mufti over his Maliki counterpart, the two muftis continued to work together in resolving legal issues and addressing contemporary legal matters.

Furthermore, there was no hesitation among early scholars regarding switching from one school of thought to another. Among them were Abd al-Rahman ibn al-Shahna' al-Halabi, who was initially a Hanafi before converting to the Maliki school, and Abd al-Khaliq ibn al-Hasan ibn al-Furat, who was initially a Hanafi before reverting to the Maliki school. Scholars of both schools of thought would meet on various occasions, exchanging expressions of affection and brotherhood, and going out together for leisure or to disseminate knowledge and issue religious licenses. For example, Sheikh Ahmad al-Maqqari recounts that he arrived in Algiers and departed on Thursday, the 25th of Dhu al-Hijjah (1027 AH - 1618 CE), for Ras Tafourah, accompanied by a group of notables, including the Hanafi Mufti, the preacher Mahmud ibn Husayn ibn Farman, whom he praised in a poem that demonstrates warmth and reflects mutual affection and respect.

Another manifestation of this coexistence in the field of issuing religious rulings (fatwas) was the discussion of legal issues and rulings between scholars of both schools, such as the issue of "tobacco." Scholars of Algiers, despite their differing schools of thought, debated this issue and gave it great importance. Muhammad al-Fakoun wrote: "The learned jurist and Mufti of Algiers, Abu al-Rabi' Sulayman al-Awarari, wrote to the learned Sheikh and Mufti of Constantinople, when the Algerian army, accompanied by its Mufti and other jurists, sent him to the Sublime Porte to seek his opinion on the matter of tobacco." Algerian scholars also assumed the role of issuing fatwas in place of the Hanafis, such as Sheikh Abdul Qadir al-Rashidi, who held the Hanafi fatwa position during the reign of Saleh Bey in the late 18th century (12th century AH), and Muhammad ibn al-Musabbih, whom Bey Uthman appointed and converted from the Maliki to the Hanafi school.

In the field of teaching, Maliki scholars were not prejudiced against Hanafi scholars. On the contrary, Maliki scholars and jurists considered the Hanafi school to be a Sunni school, agreeing with their own in its reliance on the Quran, Sunnah, consensus, and reasoned opinion. Indeed, we cannot deny the existence of some Maliki scholars whose teaching and fatwas were free from bias towards other branches of jurisprudence, without deviating from the general principles of the Maliki school, as was the case with Ahmad ibn Ammar, Yahya al-Shawshi, Ahmad al-Maqqari, and Abdul Karim al-Fakoun.

This is in addition to the participation of several Maliki scholars, such as Abu Abdullah Muhammad ibn Maymun al-Zawawi al-Najjar al-Jaza'iri and Abu Uthman Sa'id ibn Ibrahim Qadura, in scholarly gatherings and debates.

We cannot discuss coexistence in the field of education without mentioning the importance of the higher schools connected to mosques in strengthening communication and ties between the two schools of thought and adopting a curriculum that included both jurisprudence, similar to the al-Qashashiyah School, the Andalusian School, and the Sheikh al-Balad School located in the capital.

Second: Doctrinal Practices

1- The Judiciary:

When the Ottomans came to Algeria, they introduced changes to the judicial system, establishing it as an official position. Under this system, the Pashas of Algiers appointed a Maliki judge and mufti for the Maliki population who chose to be adjudicated according to the Maliki school of thought. This applied to cases involving groups other than the Turks, Kouloughlis, and some urban inhabitants of Algeria.

The judicial system in Algeria shared characteristics with the Ottoman system, such as the separation of civilian and military cases and the appeals process in the Grand Council. The province was covered by a wide judicial structure, with each city having a court to help resolve the problems of its residents.

The Scientific Council was one of the highest judicial institutions in Algiers, with ancient historical roots. It was known in the Maghreb before the Fatimid state and its work

continued in subsequent periods under different names. It was known as the Community Council, which served as a court of grievances, where people's complaints that the regular courts were unable to resolve were heard. It also functioned as the legislative body for the endowments (waqf).

Its sessions were initially held at the shrine of the righteous saint Abd al-Rahman al-Tha'alibi. Later, its headquarters moved to the Emir's residence and remained there for fifty years. Then, in the late 1680s (1688 CE), it moved to the Great Mosque, where it continued until the early years of the French occupation. It was known as the Council of the Exalted Sharia in Algiers, and later as the Scientific Council. The choice of the Great Mosque, which adhered to the Maliki school of thought, as its headquarters was perhaps motivated by a desire to acknowledge the legitimacy with which the Ottomans entered Algeria.

The Scientific Council's body included, in addition to the Mufti and the Hanafi judge, the Maliki Mufti and judge, and a Janissary officer with the rank of Ayatollah, representing the Pasha to maintain security and order within the council. There was also a group of notaries responsible for documenting all proceedings. The council met every Thursday to adjudicate cases brought before it, reviewing judges' rulings and hearing grievances from those who had wronged governors, rulers, and other officials, thus functioning similarly to a court of grievances. This, if it indicates anything, indicates the support for the Maliki school of thought in the judiciary and the issuing of fatwas during the Ottoman era in Algeria.

In this regard, we note the names of some Maliki figures who held judicial positions within the Scientific Council in Algiers, based on documents from the Sharia courts. This serves as evidence of the permanent membership of Maliki judges and muftis within the Scientific Council. The Maliki mufti Muhammad ibn Sa'id ibn Ibrahim and the Maliki judge Ali ibn Muhammad ibn Abdullah are mentioned in a document dated 1755 CE concerning an inheritance claim. Another document, related to the annulment of a waqf (endowment), dated 1763 CE, mentions the Maliki judge Abu al-Taqi al-Tahir ibn Muhammad ibn Ali, as well as the Maliki mufti Muhammad ibn Ahmad al-Masisni.

It is worth noting here that the Maliki jurist retains the same honorary titles that were recorded in the Fatwa Authority's register to identify him, as well as mentioning him with expressions of appreciation and reverence in most of the litigation contracts, despite receiving a lower wage than his Hanafi counterpart. The same is found in the records of the Sharia courts: "...and the Sheikh, the jurist, the learned, the intelligent, the learned, the upright, the honorable, the pure, the son of Muhammad, the Maliki judge..."

There was also complete freedom of choice for people in Algeria regarding litigation. A Hanafi could resort to a Maliki court without any hesitation, driven by nothing but his own desire and intention. This is what Fonter de Prade expressed when he said, "Every individual was free to choose the judge before whom he wished to present his case...and a Maliki would not reject the testimony of a Hanafi."

Many archival documents also attest to this freedom of choice. For example, a Turk named Ayub Qaid al-Zabal resorted to a Maliki court to free a slave—despite being a Hanafi—which demonstrates the freedom and tolerance among members of Algerian society regarding their choice of court.

We also have another case between Muhammad Hussein Khodja and the defendant, the brother of Haj Ali, both of whom were Hanafi; the litigants appeared before a Maliki court.

2- Issuing Fatwas:

From the beginning of the Ottoman conquest of the country, their relationship with the scholars and notables of Algeria was strong. An example demonstrating the authorities' reliance on scholars and their adherence to their fatwas and opinions on matters of state is their consultation regarding the Spanish prisoners captured during the campaign against Algiers. These prisoners numbered 36 princes and officers. King Charles V offered 100,000 gold pieces as ransom, but the scholars issued a fatwa declaring it impermissible to accept the ransom, arguing that upon their return to their homeland, they would pose an even greater threat to Muslims. Khair ad-Din complied with their ruling and ordered their execution. Later, the Spanish king offered 700,000 gold pieces for the return of their bodies. The scholars again issued a fatwa stating that it is impermissible to sell carrion, and Khair ad-Din adhered to this ruling.

The Ottoman authorities also worked to formalize the Maliki school of thought in issuing fatwas. They did not impose their own school of thought on the population, nor did they abolish the Maliki and Ibadi schools. Previously, people would consult trusted scholars for fatwas, and these scholars would issue rulings without being officially appointed as muftis. In other words, issuing fatwas was independent, not subject to the authority of the state, and not considered an official state function. Later, during the Ottoman era, a Maliki mufti was appointed and paid a salary. He would sit in his room in the Grand Mosque to answer the inquiries and questions of the people, address contemporary issues, and oversee the management of the mosque's expenses and endowments. His duties were not limited to issuing fatwas; he also led the people in the noon, Friday, and Eid prayers.

The Mufti held a position of authority, attaining the highest rank among scholars. Ibn al-Mufti recounts: "One day, I attended the court ceremony when Fathi Pasha arrived, and I saw with my own eyes Qarabghli Hassan Shawish al-Dawlati kissing the hand of my father, the hand of my master Ahmed bin Said, the Maliki Mufti, and the hand of the Maliki judge, my master Muhammad bin al-Qawjili."

Some Beys saw no issue in appointing a Maliki scholar to the religious leadership of the Great Mosque in Algiers. This scholar was the renowned hadith expert, Sheikh Muhammad bin Ali al-Kharroubi. Furthermore, he was appointed as the state's ambassador by order of Hassan Pasha bin Khayr al-Din.

3- Education:

The Maliki school of thought remained dominant among Algerians, both academically and in terms of popular support, throughout the Ottoman period. Algeria maintained the prestige of its Maliki jurists, and the majority of its inhabitants adhered to the Maliki school. This was because the new (Ottoman) authority did not impose its school of thought by force on the Algerians or restrict the spread of the Maliki school. On the contrary, their arrival was a significant factor in supporting the activities of the Maliki school. Teaching, classification, adjudication, and issuing legal opinions (fatwas) were all part of this, thus spreading throughout the country, especially since Maliki jurists and scholars were present in several religious institutions of an educational or legislative nature in Algeria during the Ottoman era.

In addition to the Great Mosque of Algiers (of the Maliki school) being the headquarters of the Scientific Council, it also included a Maliki representative. Similarly, the Hanafi mosque known as Khidr Pasha Mosque, built in 1596 CE, also employed a Maliki teacher, who received a monthly salary of thirty dinars and the same gifts and presents as his fellow employees on various occasions such as Eid al-Adha and Eid al-Fitr.

It should also be noted that a number of prominent Maliki jurists and scholars enjoyed a distinguished position with some Ottoman rulers in recognition of their knowledge. Both Maliki jurists Ahmad al-Buni and Muhammad ibn Maymun al-Jaza'iri enjoyed a high scholarly and religious reputation with Pasha Muhammad Bakdash, who was known for his favor towards Maliki scholars and for bestowing gifts and favors upon them, unlike his predecessors, according to the account of the Maliki jurist and scholar Muhammad ibn Maymun al-Jaza'iri.

In addition to the widespread respect that the Maliki jurists and scholars of the al-Fakoun family enjoyed from the Ottomans, the Maliki jurist Sa'id ibn Ibrahim ibn Abd al-Rahman, known as Qaddoura, received significant encouragement from Ottoman rulers as a result of his considerable efforts in teaching, preaching, and leading prayers. Especially after he built a school to teach poor students and strangers, regardless of their religious affiliation. He also built the corner of the Great Mosque, using the endowments of the Great Mosque, while he spent his four deputies on the sermon from his own money. This made him gain the appreciation of the Pashas and the people of the Diwan, who stood in awe of him and gave him precedence over the representative of the ruling sect in Algeria.

Conclusion:

From the foregoing, we can draw the following conclusions:

1- The Maliki school of thought remained dominant throughout the Ottoman period in Algeria. Historical writings indicate its spread during the Ottoman era across various regions of the country, east, west, and center. Maliki schools of jurisprudence flourished in Tlemcen, Mazouna, Mostaganem, and Oran in western Algeria. Annaba, Constantine, the Aurès Mountains, Béjaïa, Algiers, the Hodna region, Tolga, Biskra, and their surrounding areas were among the most important centers of Maliki jurisprudence in Algeria at that time.

2- Scholars and laypeople in the central Maghreb adopted the school of Imam Malik ibn Anas, considering it to be the theoretical and practical embodiment of the Quran and Sunnah. They adhered to it and defended it against all opposing currents, both in its fundamental principles and branches, throughout all the stages of the Maliki school's development. They also contributed to its establishment and defense through their writings, commentaries, legal rulings based on it, and refutations of its opponents.

3- Among the factors that led people to embrace the Maliki school of thought are the following:

a- The personality of Imam Malik, who was known for his adherence to the Sunnah, his fight against innovations, his complete emulation of the practices of the Companions and the Successors, and his mastery of the qualities of leadership. This prompted the Maghrebis to follow his knowledge, submit to his thought, and be convinced of the soundness of his school. This is also supported by the hadith narrated about him: "People will soon travel far and wide seeking knowledge, but they will not find a scholar more knowledgeable than the scholar of Medina" (previously cited).

b- Imam Malik's concern for Maghrebi students and his close relationship with them. He also advised them to spread his school of thought, and he even corresponded with the Maghrebis.

c- The suitability of his school to the nature of the Maghrebis. The Maliki school is practical, grounded in reality, and takes into account people's customs and traditions. It aligns with human nature in its simplicity and clarity, without affectation or complexity. The people of the Maghreb, by nature, tend towards simplicity and clarity and shy away from extreme theories and far-fetched, contrived interpretations. d) This relates to the stance of some sultans who compelled their subjects to adhere to this school of thought, as occurred during the Zirid dynasty when al-Mu'izz ibn Badis forced people to follow the Maliki school.

e) The journeys of Moroccans to the Hijaz to perform the Hajj and meet Malik, the scholar of Medina, from whom they would learn and whom they would stay for months and years before returning to their homelands to disseminate this knowledge.

4) The coexistence of the Hanafi and Maliki schools of thought led to a dual structure and duality in the judicial system in Algeria during the Ottoman era. Another manifestation of this coexistence in the field of issuing fatwas was the existence of issues and legal cases that were discussed by scholars of both schools, such as the issue of "smoking." In the field of teaching, Maliki scholars were not prejudiced against Hanafi scholars; Maliki scholars and jurists considered the Hanafi school to be a Sunni school of thought. This aligns with their approach of relying on the Quran, Sunnah, consensus, and reasoned opinion. We cannot deny the existence of some Maliki scholars whose teaching and legal opinions were free from bias towards other branches of jurisprudence, without deviating from the general principles of the Maliki school. This is the case with figures such as Ahmad ibn Ammar, Yahya al-Shawshi, Ahmad al-Maqqari, and al-Fakoun.

5- Regarding the practice of the Maliki school and the judiciary, when the Ottomans came to Algeria, they introduced changes to the judicial system, establishing it as an official position. Under this system, the Pashas of Algiers appointed a Maliki judge and mufti for the Maliki population who chose to be adjudicated according to the Maliki school. This applied to cases involving groups other than the Turks, Kouloughlis, and some urbanized original inhabitants of Algiers. The Council of Scholars is considered one of the highest judicial institutions in Algiers, with deep historical roots. The choice of the Great Mosque (of the Maliki school of thought) as its headquarters, along with the inclusion of a Maliki mufti and judge who retained the same honorary titles recorded in the register of the Fatwa Council, was perhaps motivated by a desire to acknowledge the legitimacy with which the Ottomans entered Algeria.

6- In the realm of issuing fatwas, the Ottoman authorities formalized the Maliki school of thought. They did not impose their own school on the population, nor did they abolish the Maliki and Ibadi schools. Previously, people would consult scholars for fatwas, and they would issue rulings without being officially appointed as muftis. Later, during the Ottoman era, the position of Maliki mufti was established, granting him a respected status and a salary. He would sit in his room within the Great Mosque to answer the inquiries and questions of the people, address legal issues, and oversee the management of the mosque's expenses and endowments. His duties were not limited to issuing fatwas; he also led the people in the noon, Friday, and Eid prayers.

7- As for the field of education, the arrival of the Ottomans was an important factor in supporting the activity of the Maliki school; Teaching and classification, so that it would spread to the various regions of the country, especially since Maliki jurists and scholars were present in several religious institutions of an educational or legislative nature in Algeria during the Ottoman era. In addition to the fact that the Great Mosque of Algiers (of the Maliki school of thought) was the headquarters of the Scientific Council, it included a Maliki representative in it. The same was true of the Hanafi mosque known as Khidr Pasha, which was built in the year (1596 AD). It also included, among its staff, a Maliki teacher, who was allocated a monthly salary estimated at thirty dinars, with the same gifts and presents as his fellow employees on several occasions such as the Eid al-Adha and Eid al-Fitr holidays. It should also be noted that a number of senior Maliki jurists and scholars enjoyed a distinguished position with some Ottoman rulers in appreciation of their knowledge. The two Maliki jurists, Ahmed al-Buni and Muhammad ibn Maymun al-Jazairi, enjoyed a scientific and religious reputation with Pasha Muhammad Bakdash.

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