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Received 2023/02/15
Accepted 2023/06/15

Printed ISSN: 2352-989X
Online ISSN: 2602-6856

**The Nawazilia Blog in the Middle Maghreb
during the Zayani Era and the Contributions
of the Jurists Judges to it
" The Al-Durar Al-Maknouna of Al-Mazouni
as a model "**

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ABSTRACT

This study deals with the topic of the Nawazilia blog in the Middle Maghreb during the Zayani period as a local source of the judicial system and the contributions of the Jurists Judges to it are shown, with the choice of Yahia Mazouni's book 'Al-Durar Al-Maknouna in Nawazil Mazouna as a model for this type of local source.

The Middle Maghreb had a structured judicial system, framed by a group of jurists who combined fatwas and the judiciary, and through their practice of the work of the judiciary were able to contribute to the Nawazilia writing movement, among them Yahia Mazouni, whose judicial composition had a prominent impact on his encyclopedia of "Al-Durar Al-Maknouna".

Keywords: Judiciary; judges; Middle Maghreb; Nawazil; Al-Mazouni ;Al-Durar Al-Maknouna

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INTRODUCTION:

Al-Nawazil's books (or books of Incidents) are considered fertile ground for the study of aspects of the history of the Islamic West in general and the Islamic Maghreb in particular .they constitute a rich reservoir of knowledge, the content of which is not limited to all the questions and judgments that are disseminated there as the main objective of their development, but also transport information and historical material between them, which makes them a source of historical sources to be used in the study of the social, economic and cultural history of the Maghreb, in particular from the Central Maghreb, to which most of the Maghreb literature belongs geographically.

Many scholars and jurists came forward to issue fatwas, so that questions came to them about issues that affect people's reality and raise problems that people experience in their daily lives, so that the scholars answered them or inquired about them from others who are more competent and knowledgeable than them, so that correspondence was exchanged between them in the form of questions and answers.

In addition, some jurists found it very difficult to collect these fatwas in books known as Al-Nawazil's books, because some of them were jurists, and some of them were jurists and judges, or the most important of them are known as jurists such as Al-Mazouni.

The subject of the Nawazilia blog in the Middle Maghreb during the Zayani period and the contributions of the Fiqh judges to it, as well as the election of the author of the AL-Durar Al-Maknouna of Al-Mazouni-as a model-and showing the extent of the influence of judicial training on the quality of judgments, as well as the issues elected among the fatwas of other scholars by the author judge, deserve to be studied and researched.

Therefore, it is possible to address in this article a number of issues that are in their entirety the problem of the study, and the most important of these issues are the following:

- What did the Nawazilia blog look like in the Middle Maghreb during the Zayani era?

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- What are the most important contributions of lawyers and judges to the movement of authors of books of questions and judgments
 - What distinguished the contribution of the Mazouni to the door of the dormitories?
 - Did the judicial composition of the author of the AL-Durar Al-Maknouna influence his fatwas and his selection of the questions of other scholars?
 - These are other questions that we are trying to answer through the research paper in our hands?

2. Al-Nawazil's blog during the Zayani era:

The Fiqh books are of great importance from a historical point of view, even if they originally fall into the category of Fiqh books due to the nature of the Fiqh issues they address, but they are full of knowledge that falls into the category of historical knowledge, because it is a fertile field that provides us with a lot of historical material that serves the economic, social and cultural history of the Islamic West in general and the Central Maghreb in particular.(Belhouari Fatima 2011, p.83.) .

The scarcity of historical material and the lack of documents and sources for an aspect of intermediate history have prompted many researchers to pay special attention to this type of sources and use them to fill certain gaps in the available historical material. (Bakali Hisham, 2020, pp. 72-73).

The Orientalist school is credited with having alerted to the value of Nawazil's books and to the possibility of exploiting them and using them in historical research at the beginning of the twentieth century. Among its most prominent pioneers in this field are the Spanish orientalist Salvador VILLAO LOPES OCTIS as well as the French orientalist Joseph Schacht. (Bakali Hisham, 2020, p;76.).

2.1 Linguistic definition of Nawazil:

Ibn Mandhour said: Al Nazila "the incident" is the descent of the severity of the aeon when it descend. (Ibn Mandhour, without a year, P.265.).

2-2- In terms of terminology:

many jurists call the "incidents" " Al Nazila", but it seems that they hardly use the word incidents in worship, but in transactions, and more than one researcher pointed out that the Hanafis call the term the incidents and the incidents on all the questions that the scholars of the first class of them did not speak, while the scholars of other schools of thought call these two words on all the questions where they have not found words for the scientists before them, whether they are of their doctrine or not.(Dahina Nacira, 2010, p.27.)

There are many definitions of Nawazil "incidents", we take two of them, the first carries the vision of the jurist and the second carries the vision of the historian.

Some Fuqaha' got defined the Nawazil or incidents (Dahina nusaira, 2010., p. 26) by saying: These are questions that the late mujtahids deduced from the incidental questions on which they were questioned, but they could not find a narration for the advanced people of the Madhhab. (Ibn Abidin Muhammad amin1994,p, 32.) .

The historian, the investigator Mohammed Haji, presented it and said: "Nawazil is religious and worldly problems and problems that happen to a Muslim and he wants to know God's decision about them. After the death of the Prophet (peace and blessings of Allah be upon him) and the interruption of the revelation, the Muslims turned to the adult Caliphs and the general Companions to ask them about the provisions of these verses, so they looked for a text for this in the book of Allah or the Sunnah of his messenger, under which the verse could be revealed , if they find it, they stop there ,otherwise they must strive". (Haji Muhammad/1999, P.11.).

3.The importance of Nawazil in drawing up a picture of judicial life in the Middle Maghreb:

3.1 Fatwa plan between the lawyer and the judge:

The benefit of the principles of Fiqh and the works written in this field is not limited to knowing the decisions of the Sharia on the various issues raised, and to show the places of halal and haram (The allowed and the forbidden), but it goes beyond.

This methodological ground takes it out of its Fiqh's crucible towards a wider arena, so that it does not remain a platform for the jurist and those who seek only the decisions of the Sharia, but rather for the historian by sorting out the history of the religious, and by handing over everything that serves historical knowledge through this incidental Fiqh's text.(belbashir Omar, 2009-2010, P. 61).

The fatwa plan is considered one of the Sharia plans that has received great attention from Islamic scholars, due to the status of the fatwa, which clarifies issues of religion on the one hand, and its close connection with the interests of people in their lives .the plan of the fatwa has been attributed to eminent scholars and jurists who are attested to navigate in science and understanding, with piety, piety and favor among creation.(Ibn Khaldun Abdul Rahman, 2017, p.212.).

On the other hand, the judicial plan is no less important than the fatwa plan, because the sultans and emirs choose the scholars and jurists most qualified for this, as well as well informed about reality and Customs, and they always target among these scholars the most acceptable among the people.(Fat'ha Muhammad, 1999., p. 28) .

Therefore, there is an overlap on some points between the fatwa and the judiciary, most of the judges are mainly muftis, the mentality of the judge is rather the mentality of the mufti in the first place, but the friction with the reality of the people, the obligation to render a verdict and settle disputes, in addition to the limits of the judiciary as an office and its owner is a statesman, as well as dictated by political and public circumstances, makes the judge different from the mufti in the way he deals with issues and makes judgments. (Fat'ha Muhammad, 1999., pp. 33-35).

3.2 The role of Nawazil in drawing up a picture of the work of the judiciary:

Al-Nawazil's books have been exposed to an aspect of judicial life, in particular what concerns the integrity and fairness of judges in the exercise of their judicial work, as much as the praise and praise given to a certain number of judges, plus we find on the other side an insult to the judges who have damaged the reputation of this body, by their use of corruption and their use

of brokers and injustice against the litigants, which caused their dismissal and their follow-up.(Filali Abdel Aziz, 2002, p.232.).

Some lawyers have been very strict with their colleagues, and we see this in some cases where judges have been accused of enriching themselves in their positions, encroaching on lands or real estate belonging to certain Muslims, exploiting them in various ways, using media between the judge and the litigants, or taking money from him to write a verdict, sharing the cost of documents with witnesses, or using funds to resume the judicial plan in a place where he has interests or relatives and acquaintances(Fat'ha Muhammad, 1999., pp. 35-36).

The basic principle, as Ibn Khaldoun states, is that those responsible for judicial affairs and young people do not often maximize their wealth, and the basic principle is also that they must refrain from any ambition and any illegal gain, and that the judge must aspire to everything that he dishonors in his religion, Virtue and reason(Ibn Khaldun Abdul Rahman, 2017, p.379.)

Lawyers have stated in such cases that offend judges that it is necessary to dismiss the judges who have been questioned, without allowing them to defend themselves if the accusation is proven against them. The question of these judges was investigated by the Community judge and, if necessary, consulted the muftis.(AL-wansherisi, 2011, p.402.).

But if the person concerned by the corruption is the community judge, the Sultan intervenes directly himself, either by dismissal, or by taking punitive measures if the judge's behavior shows evidence of his encroachment. (Fat'ha of Muhammad, 1999., p. 37) .

4.The contributions of Maghreb jurists and judges to the Nawazil of Mazouna's blog as a model-:

Many judges before being judges were eminent jurists, and they held a prestigious scientific position in their time, so it is not at all strange that the judiciary has an abundant share of scientific products of all kinds, including the product of the Islamic West in general and the Middle Maghreb in particular.

4.1 The most eminent judges who have written on the jurisprudence of the Maghreb:

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Contributions of the Jurists Judges to it
" The Al-Durar Al-Maknouna of Al-Mazouni as a model "

AGDOUCHE Madoui

BENBOUZIANE Abderrahmane

The judges of the Fiqh contributed to the Nawazil's blog, leaving us an inexhaustible legal and specific legacy, which contained a large number of Fiqh questions that helped to know the decisions of religion from halal and haram (the allowed and the forbidden), and at the same time these questions provided historians with an increase in historical knowledge transmitted in its folds, pouring more into the field of social, economic and cultural history. The most important works of Al-Nawazil that were written by judges in the countries of the Islamic West, we mention: (Fat'ha Muhammad, 1999., p. 37) .

-The information book on the rules of judgments and a rejection of the biography of judges and rulers, famous for the Great rules or the rules of Ibn Sahl, by the jurist judge Isa ibn Sahl Abu al-asbagh Al-Giyani, judge of Tangier, Meknes and Granada, deceased in (486 Ah / 1093 AD).

-Fatwas of Abu al-Walid Ibn Rushd (died in 520 Ah / 1126 AD), where these fatwas store a lot of information related to the life and daily affairs of people, whether in Morocco or Andalusia, especially in the Almoravid era.(Obaid budaoud, , 2007, p.227) .

-The doctrines of the rulers in the rules of judgments, by Abu Abdullah Muhammad, the son of Judge Ayad, who collected his father's fatwas and his questions.

-The collector of the questions of decisions for the affairs that descended from the muftis and the rulers, by Abu Al-Qasim Ahmad ibn Muhammad al-Balawi Al-Qairwani (died in 844 Ah / 1440 AD), this book contains important information about the Islamic Society of the Maghreb in the first half of the ninth century AH. (Menouni Mohammed, 1983, p.32.).

-The Tohfat AL- Ndhir and Ghoniat Al Dhakir in the memorization of rituals and the change of manners, by Abu Abdullah Muhammad Bin Ahmad Bin Qasim bin Said Al-aqbani Al-tlemsani (died in 871 Ah / 1466 AD), which is an important book but closer to the books of Hisbah than to the books of Al-Nawazil.

-The AL-Durar Al-Maknouna in the Mazouna's Nawazil, by Abu Zakariya Yahya ibn Musa al-mughaili (died in 883 Ah / 1478 AD), where the book contains the fatwas of the author and the fatwas of other scholars.

-The expressed and universal norm of Morocco on the fatwas of the peoples of Africa, Andalusia and Morocco by Abu al-Abbas Ahmad ibn Yahya

Al-Wancharissi (died in 914 Ah / 1508 AD), a late Fiqh encyclopedia that represents a fertile ground for the study of the Islamic Society of the West, a book that stores documents that fill in the gaps in the history of middle Maghreb.(. Obaid budaoud, , 2007, p.130) .

3-2- Contributions of scholars and jurists from the Central Maghreb to the books of fatwas and Nawazil:

The Middle Maghreb had an important part of the Nazarene library in the Maghreb .much of the Nazarene literature belonged geographically to this country, especially in the time of Zayani. some of them became famous and were accepted by scholars from various regions, while others remained overwhelmed or lost by the hand of both events, so that only the name remained from his drawing.

This is a collection of the writings of Nawazil and fatwas collected by some of the Sons of the Middle Maghreb, we limit our mention to their titles and owners only. (Menouni Mohammed, 1983, p.128.).

- Fatwas of Ahmad ibn Issa Al-Batawi Al-talmasani.
- Fatwas of Abdullah ibn Muhammad ibn Ahmad ibn Ali al-tlemsani.
- Fatwas of Muhammad ibn Ahmad al-Sharif Al-tlemsani.
- Fatwas of Muhammad ibn Ahmad Al-tlemsani, famous for Jalab.
- Fatwas of Ahmad ibn Muhammad, the famous Ibn Zago Al-talmasani.
- Questions of the Fatwa of Ahmad ibn Muhammad ibn Zari Al-tlemsani.
- Fatwas of Muhammad ibn al-Abbas ibn Issa al-Abadi Al-talmasani.
- Fatwas of Muhammad ibn Abdullah ibn Abdul Jalil al-Tansi. The author of the question "fatwa of the Jews of TOUAT".
- Fatwas of Abdul-Qadir Al-Rachdi Al-qusantini.
- The tactile descents of Abu Osman Kadura.
- Fatwas of Muhammad ibn Abd al-Rahman ibn Abi al-Aish Al-Khazraji Al-telimassani.
- Fatwas of Imran ibn Musa al-mashdalali Al-Bajai.
- Fatwas of Ali ibn Uthman al-maqlati al-Zawawi Al-Baji.
- Fatwas of Omar ibn Muhammad al-Kamad Al-Ansari Al-qusantani, famous for his weight.
- Fatwas of Abd al-Rahman Ibn Ahmad Al-dughaili.
- Fatwas of Ali Dainisi.

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- The issues covered by the rules of the Fiqh of Hassan ibn Ali ibn Badis Al-qusantini, known as Ibn qunfa.
 - Al-Nawazil of Ibn Zago Ahmad ibn Muhammad ibn Abd al-Rahman Al-maghrawi Al-tlemsani (died in 845 after the Hegira) (sek'hal Mohammed 2010, p.60.)
 - Al-Durar Al-maknouna in Mazouna's Nawazil by Abu Zakariya Yahya Al-Mazouni ,AL-Wansharissi quotes him a lot in the standard, and perhaps his mayor in all the articles of the standard would have added to him the standards of Fez and Andalusia.
 - The questions of Askia and the answers of Al-mughaili by Muhammad ibn Abdul Karim Al-mughaili (died in 959).

3.3 Al-Durar Al-Maknouna Al-Mazouni as a model for the contribution of jurists to hagiographic writings:

3.3.1 Introduction to the book of Al-Durar Al-Maknouna:

3.3.1.1 Nomenclature:

There was no distortion or change in the title of the book except for one copy, the copyist proved that the book was labeled with the title "Dura Maknouna in the Mazouna's Nawazil" (Menouni Mohammed, 1985, p.85).. The book is divided into two main parts.

3.3.1.2 contents of the book:

The book "Al-Durar Al-Maknouna" includes hundreds of Fiqh articles that contain the answers of dozens of scholars and jurists from several parts of the Islamic West, including what was in the Mazouni era, and some of them were at a time before his time, and these questions are spread over forty-nine chapters of Fiqh out of about sixty chapters in most Fiqh books, which indicates the absence of certain sections, perhaps because there were no questions about them at the time of the writing of the book, for example, "funeral questions", of which we find no trace in most Fiqh books (Barakat Ismail,-2010, p.187.). In his answer to the questions, he relied on various sources among the mothers of Fiqh books, various commentaries and abbreviations, and also relied on specialized books on Fiqh such as judicial

books, documents, books of fatwas and Nawazil's books of rules and principles, and many others. (Qamouh Farid, 2010-2011., p. 135.)

3.3.2 The impact of the judicial composition of Al- Mazouni in his blog:

3.3.2.1 Methods of collecting incidental problems:

This book filled with a huge amount of Fiqh, social, economic, intellectual and urban knowledges... Although these books are grouped under a single title, the principles of the Fiqh, the circumstances of their classification and the reasons for their authorship are different and diverse, resulting from this difference in their approaches and the variation of their forms and methods Barakat Ismail,-2010, p.188.). Some of them differed depending on the places and countries where the answers were collected, as they may be in a narrow geographical area and may be in several countries.

Some of them differed depending on the specialization, because the book may include one topic, such as Al-Wansharissi's message "the most expensive shops of those who overcame their Christian homeland and did not emigrate", or the book may contain several topics. Some of the books have collected the answers of a jurist while he occupied the judicial power or the position of fatwa, such as the fatwas of Judge Ayad (d.544 ah) "the doctrines of the Governors in the incidental judgments ". Some of them were written by a scholar or a judge, and he collected his answers and the answers of others, as Al Mazouni did in the Durar Al Maknouna.

Among them, what was planned by its author was the orientation and the theory, which is called the "decision books" or "rules of decisions", which is specific to the higher advisory fatwa sheikhs, because the judicial power in the Maghreb was based on the Shura plan, so these compilations speak of the experiences of these jurists in the field of justice, because they wrote it at the time of their examination and their care of the judicial Shura, they are aware of the judicial problems and the questions raised there, so most of the material of these works concerned transactions and the judiciary.(Rumaih Muhammad ibn Mutlaq, 2011, p.230.).

3.3.2.2. the impact of judicial composition on Nawazil:

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Contributions of the Jurists Judges to it
" The Al-Durar Al-Maknouna of Al-Mazouni as a model "

AGDOUCHE Madoui

BENBOUZIANE Abderrahmane

Many jurists have gone to the requirement of eligibility for Ijtihad in the judge, and that he should have a lot of knowledge, and anyone who does not require absolute Ijtihad (Jurisprudence) in the eligibility of the judiciary, nothing less than to consider knowledge, understanding and thinking.(Rumaih Muhammad ibn Mutlaq, / 2011, p.230.).

Whoever ,the person charged with considering the provisions on incidents ,from people of Fatwa and Ijtihad should be in the moderate middle between the party of extremism and decadence(Ibn Arnos Mahmud ibn Muhammad, , pp. 77-80.).

There is no difference in this regard between the jurist, the Mufti and the judge, everyone is invited to arbitrate and take into account customs and facilitation of people.

We notice through the written texts of Nawazil that there is no functional separation between the judge, the jurist and the mufti, for example, the Mufti is presented to us under different names, sometimes he is a jurist and sometimes Shura sheikhs and at other times the jurist is the judge, or the judge. It should also be noted that the judges participated in the fatwa and that their fatwas differed according to their composition and the strength of their capacity in Islamic jurisprudence.(belbashir Omar, 2009-2010, P. 57).

The source of the fatwas of the judges is no different from that of the jurists, because their point of reference in most cases is the Fiqh Maliki in everything he carries from various sources. (belbashir Omar, 2009-2010, PP. 62-63).

However, the judges have a particular advantage, because they are more in touch with the reality of the people, and the questions are presented to them on a renewed basis, with the obligation to pronounce on these incidents, whether by the diligence of the judge or by consulting the jurists of the Shura in the matter, and therefore the judicial context and the judicial composition have an impact on the quality of the judgments rendered in many questions before the judges, unlike the jurist, who is devoid of intimacy and restrictions surrounding the judge.

3.3.2.3 the impact of the judicial composition of the Mazouni on his Alaouite blog:

Al-Mazouni belongs to a judicial house, he is a judge, the son of a judge, and he has been working for a long time in judicial and fatwa posts, and in different regions of the Central Maghreb, which has given him a particular advantage in his vision of the various issues before him, he gathered a copious material of Nawazil's Fiqh without it in broken brochures, then he tried to organize it at the doors of the Fiqh, and he explained all this in his book AL-Durar Al-Maknouna, it was then that he pointed out that the oppressed, however, are unable to understand what the confusion does not touch... He resorted to the books of questions and fatwas in order to find the answers of the imams, the main scholars of the fatwa. .(belbashir Omar, 2009-2010, P. 63).

3.3.2.4 Reflecting the opinions of scholars:

The judicial composition of the Mazouni made him think of gathering the issues on which the judges before him had ruled and ruled before, starting with the fatwas of his father, Abu Imran Musa, and gathering what was in the hands of the judges of the homeland as well as the sheikhs, as he told in his blog. (Qamouh Farid, 2010-2011., p. 102.)

This is a high position that is not appreciated by others, and memorizing science alone is not enough to solve people's problems, and this is clearly evident in the laws of the Mawzouni, he specialized using a wonderful method, because he enumerates the problems of Science of his schools and his mothers, then enumerates the discussions of those who qualified after them, then he invokes it for those of his contemporaries who are scholars, then he achieves a reconciliation or a weighting between the different narratives and opinions.. (Qamouh Farid, 2010-2011., p. 135.)

3.3.2.5 Use of legal rules and assets in the judgments (Karif Mohammad Reza, 2015-2016, pp. 66-67)

- One of the requirements of judicial practice is that the judge considers the incidents of people in terms of validity and corruption, in order to achieve the

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Contributions of the Jurists Judges to it
" The Al-Durar Al-Maknouna of Al-Mazouni as a model "

AGDOUCHE Madoui

BENBOUZIANE Abderrahmane

correct download of judgments, and this is what we clearly see in many cases of HARD.

- Employing the rule of graduation of branches on assets, and linking branches to assets, as a matter of non-acceptance of the claim without proof and oath of the defendant.
- Based on the opinions of companions and followers, such as the minimum duration of pregnancy and the duration of the harm caused to the woman due to the absence of a man.
- The implementation by the judge of the evidence, confessions and testimonies to prove the marriage, its annulment or pregnancy and its status, as well as in lactation issues, and other rules that we clearly touch in the folds of the Mazouni blog.

Accordingly, the judicial composition or the judicial context that we see among the Masons in the way of dealing with the issues of the case, how to deal with them, present them and follow all their merits from the issue to the issuance of a judgment or a fatwa.

4. Conclusion:

Through the elements discussed in this article on the Nawazil's blog in central Morocco at the Zayani period and the contributions of legal judges to it, and the choice of the AL-Durar blog located in the Nawazil of Mazouna of Yahia Al-Mazouni as a model, it is possible to arrive at a set of results that answer all the questions posed in the introduction of this research document, namely:

- The abundance of hagiographic literature in the Maghreb compared to the Levant, and the geographical affiliation of most Maghreb hagiographic books to the central Maghreb.
- The jurist judges had a wide space in the field of Nawazil paternity in the Maghreb, including the descendant of the House of Magistracy Abu Zakariya Yahya Al-Mazouni.
- Al-Mazouni's AL-Nawazil's blog "Al-Durar Al-Maknouna" was characterized by encyclopedic, it contained, in addition to the fatwas of its owner, a large collection of fatwas of scholars and jurists from the Middle Maghreb and

abroad, and also kept for us many fatwas of his father, Judge Abu Yahya Musa Ibn Isa Al-mughaili.

- The influence of the judicial composition of the Mazouni is evident in his blog, whether in the fatwas and the decisions that have been decided and between the decision of the Sharia on them by his diligence, or in the issues elected between the fatwas of other Sheikhs and jurists, if he tries to collect the greatest number of fatwas from the jurist judges with his excellence in his way of dealing with the issues raised.

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AL-Nawazil's Blog in the Middle Maghreb during the Zayani Era and the
Contributions of the Jurists Judges to it
" The Al-Durar Al-Maknouna of Al-Mazouni as a model "

AGDOUCHE Madoui

BENBOUZIANE Abderrahmane

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