

## **Khalil's Methodology of Preference in his Summary Al-Mukhtasar**

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Received: 31-08-2025 Accepted: 10-10-2025 Published: 01-12-2025

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### **Abstract:**

Khalil's Summary, "Al-Mukhtasar", stands out from other jurisprudential summaries for its unique approach to addressing jurisprudential branches and issues. This approach addresses jurisprudential differences within the doctrine, establishes the basis for Fatwas, and explains the most likely, most Popular, and most Authoritative Opinions. This entails a precision, editing, and investigation that distinguishes the book and has become a standard practice adopted by most Maliki Scholars after its inception. This study, entitled "Khalil's Methodology of Preference in his Summary Al-Mukhtasar", aims to demonstrate the methodology of preference adopted by Imam Khalil Ibn Ishaq in his "Mukhtasar", along with an explanation of his terminology and methods of preference. He follows an inductive analytical approach by tracing the most important commentaries and annotations written on Al-Mukhtasar, analyzing the imam's decisions on this matter, and arriving at the features of the methodology of preference in Khalil's Mukhtasar. He has special terms for preference, selection, presentation, and deduction, when there is disagreement over branches of the doctrine. He has three approaches to this: the method of preference, the method of silence and

contentment with conveying the disagreement, and the method of not preferring due to lack of justification.

**Keywords:** Methodology, summary, Mukhtasar, Khalil, preference

## 1. Introduction:

The Maliki Doctrine of Jurisprudence has gone through various stages, during which the Malikis left behind a vast wealth of jurisprudence, with diverse methods and approaches, and differing approaches to authorship, codification, and deduction, ranging from long works to summaries, commentaries, and marginal notes, in which their jurisprudential talents were evident. Among the most important works that gained acceptance and was followed by scholars and jurists is the Mukhtasar of Khalil ibn Ishaq, which is considered the most famous of the Maliki Abbreviations, due to its quality, mastery, precise investigation, and excellent tracking and reporting. Jurists have referred to it and devoted great attention to it, Learning, Memorizing, Explaining, and Composing. Therefore, they sought to Simplify its Expressions, Clarify its Allusions, and Extract its Treasures and Benefits.

This summary Al-Mukhtasar contains many branches and issues from the reliable books of Maliki Jurisprudence. It explains the well-known and reliable opinions, stripped of the fundamentals and texts, and relies on the major Maliki books, the Mayors and Pillars of the Doctrine, and its prominent figures, such as Al-Lakhmi, Ibn Yunus, Ibn Rushd Al-Jadd the grandfather, and Al-Mazari. In doing so; He sought to remove disagreement and give preference whenever possible. It is one of the greatest and most important Maliki Summaries, as he focuses on clarifying the basis for Fatwas and the most likely and strongest opinions among scholars.

The Topic is divided into two sections:

The first deals with the concept of preference, its reality according to Khalil, its terminology, and his methods of preference.

The Second deals with applied models of Khalil's Preferences, Presented in the Summary, "Al-Mukhtasar".

Then, a conclusion includes the most important results and recommendations.

## **2. The First Requirement: Features of Khalil's Methodology of Reference**

### **2.1. The Concept of Preference:**

#### **2.1.1. Preference by Linguistically:**

In Arabid; The Word "Tarjih - Preference" means "to Preferred", with the Letters "Ra", "Jeem", and "Ha" as One Root, indicating Seriousness and Excess. It is said: "the Thing Preponderant"; and it is "Rajih" (Ibn Fars, 1399 AH/1979 CE, p. 489) "To Preferred" something by Emphasising it means to Make it Superior and Strong. (Al-Fayoumi, Undated, p. 29)

#### **2.1.2. Preference in Maliki Terminology:**

The Malikis differed over the Definition of the Preferred Opinion. Some said: It is that which has been said by many; Meaning the Well-Known. Others said: It is that which has Strong Evidence; Which is what Most Scholars of the Doctrine hold (At-Tusuli, 1418 AH/1998 CE, pp. 44-41).

The Most Likely Opinion is Expressed as: the Most Correct, the Most Famous, the Apparent, the Wiser, the One that is Practiced, the Doctrine is such-and-such, and the Fatwa is such-and-such (Al-Hattāb, 1412 AH/1992 CE, pp. 35-36)

### **2.2. Preference According to Khalil:**

The Commentators of Al-Mukhtasar have decided that Imam Khalil's Preference for it is as Follows:

- The Statement of Imam Malik in the Blog, which was Narrated by Ibn Al-Qasim on the Authority of Others, is Presented.
- Then; What was Narrated by Other than Ibn Al-Qasim from the Words of Imam Malik is Preferred Over What ibn Al-Qasim said about it.
- Then; Ibn Al-Qasim's Statement on it is Preferred Over the Statement of Others on it.
- Then; the Statement of Someone Other than Ibn Al-Qasim in the Blog takes Precedence Over his Statement in Other Books.

- Then; the Statement of ibn Al-Qasim in General, then the Sheikhs of the Maliki School. (Ibn Farhun, 1406 AH/1986 CE, p. 70)

In the Preferences; Khalil adheres to this Order between the Narrations and Sayings in the Blog due to the Accuracy of its Transmission and the Verification of the Sayings. There is no doubt that Ibn Al-Qasim is the Most Reliable of People regarding Imam Malik, as he is his Distinguished Student. Khalil only rarely deviates from this Approach for a Stronger Reason that requires it in Specific Issues that do not constitute a Foundation in his Methodology. The Majority is like the Verified, and the Rare is without Rule.

### **2.3. The Words of Preference According to Khalil bin Ishaq:**

#### **2.3.1. The Words of Preference that Khalil adds to Others:**

Khalil ibn Ishaq preferred the Opinions of the Jurists who preceded him in Codifying the Maliki Doctrine, and in his Summary Al-Mukhtasar, he referred to Expressions that Others had Used and Employed to Support the Opinions of Some of them, Including:

- **The Material of Choice:** It refers to the Choice of Imam Al-Lakhmi: If this is from his Own Ijtihad “Personal Opinion” and not from the Sayings of Others; He refers to this in the Past Tense, such as; He Chose and was Chosen. If it is based on Explicit Statements; He refers to it Using the Nominative Case, such as; Chosen and Choice (Alish, 1409 AH/1989 CE, p. 23).

- **The Material of Preference:** It refers to the Preference of Imam Ibn Yunus: If it is in the Form of a Noun, as is Most Likely and Preferred, then there is No Disagreement about Choosing it. If it is in the Form of a Verb; He Preferred; Then that is his Own Choice (Al-Hattāb, 1412 AH/1992 CE, p. 34).

- **Article of Appearance:** He refers to the Opinion of Imam Ibn Rushd the grandfather: If he comes in the Form of a Noun; such as; The Most Apparent and the Apparent, to Choose ibn Rushd from the Opposite of his Precedence. If he comes in the Verb Form; such as; It appears because he chose it for himself (Alish, 1409 AH/1989 CE, p. 23).

- **Article of the Statement:** He refers to the Opinion of Imam Al-Mazari: If it appears in the Form of a Noun; such as; The Saying;

Then it is his Choice based on a Previous Disagreement. If it appears in the Form of a Verb; such as; Said or it was Said; Then it is Al-Mazari's Own Choice (Al-Hattāb, 1412 AH/1992 CE, p. 35).

- **The Term Correction and Approval:** He refers to the Opinions of Maliki Scholars other than the Four mentioned above. What is meant by Correction may refer to what the Sheikh approves of from the Opinion of others, and Approval may refer to what he deems appropriate, with the Possibility of Both being inclusive (Ibn Ghazi, 1429 AH/2008 CE, p. 121).

- **Hesitation:** A Term Used to refer to the Hesitation of Later Narrators in Transmission, or to the Lack of Text from Earlier Narrators (Ibn Ghazi, 1429 AH/2008 CE, p. 122).

Khalil Singled out the Four Sheikhs for Appointment due to their Frequent Use of Discretion. Khalil singled out Imam Al-Lakhmi for the Term Choice due to his Frequent Use of this Term. He singled out Ibn Yunus for the Term Preference because most of his Ijtihad and Efforts leaned toward the Opinions of the Jurists who Preceded him, and what he Chose for himself was Little. He singled out Ibn Rushd for the Term Appearance due to his Frequent Reliance on the Apparent Meaning of Narrations. He singled out Al-Mazari for the Term Statement because he had a Statement that could be Relied Upon due to his Strength and Understanding of the Sciences (Al-Hattāb, 1412 AH/1992 CE, p. 35).

#### **2.4. Third: Khalil's Paths of Preference:**

Sheikh Khalil Enjoyed a Distinguished Scholarly Position that Enabled him to Establish the Branches of the Maliki Doctrine in Issuing Fatwas and Giving Preference. He had a Special Approach to Dealing with the Differences in Opinions in the Doctrine, which he Explained and which was Decided Upon by the Commentators and Explainers of his Book, Detailed Below:

**2.4.1. The Path of Preference:** Khalil stated in the Introduction to his Book that; It is an Abridgement of the Maliki Doctrine, Explaining the Basis for Issuing Fatwas (Khalil ibn Ishaq, 1426AH-2005 CE, p. 11). He also stated that; The Opinions that are Issued Fatwas in the Maliki

Doctrine are the Well-Known or Preferred Ones (Al-Hattāb, 1412 AH/1992 CE, p. 32).

The Word “What” in his Phrase “what is the Basis for Issuing Fatwas” is a General Expression, Indicating Khalil’s Intention to Present the Preferred and Popular Ones, whether Chosen by him or by someone else (Al-Adawi, 1317 AH., p. 35).

**2.4.2. The Approach of Merely Mentioning Disagreement:** Khalil Pointed Out that the Word “Disagreement” in the Summary Al-Mukhtasar indicates a Disagreement among the Maliki Jurists regarding the Preference of Well-Known Opinions due to their Equal Rank. Thus; The Well-Known Opinions are mentioned, then the Word “Disagreement” is indicated, without Favoring One Opinion over the other. According to the Commentators of Khalil's Summary Al-Mukhtasar, and by Extrapolating his Words therein, if the Maliki Jurists differ in their Preference, and if the Rank of those giving Preference is Equal, then the Word “Disagreement” indicates a Disagreement among the Jurists of the Doctrine regarding their Preference. However; If those giving Preference differ in Rank, then the Text is Usually limited to the Preference of the Strongest and Highest among them (Al-Hattāb, 1412 AH/1992 CE, p. 36).

**2.4.3. The Path of Not Preferring One Opinion:** Khalil mentioned in the Introduction to his Summary Al-Mukhtasar that if he does not find in the Disputed Legal Ruling a Stated Preference for Something other than it, whether it is a Declaration, a Choice, or a Correction, he expresses himself with Two Opinions, or Opinions, and does not Prefer One Opinion over Another (Alish, 1409 AH/1989 CE, p. 24).

### **3. The Second Requirement: Practical Models of Khalil’s Preferences through his Summary Al-Mukhtasar:**

#### **3.1. The Issue of the Orphan Girl if the Guardian Marries her off without being Forced:**

There is No Disagreement among Jurists that the Father has the Authority to Marry off his Young Virgin Daughter Until she reaches Puberty, and he has the Right to Force her to do so (Al-Baji, 1332 AH, p. 272).

because the Father alone has the Right to Force his Young Daughters and the Virgins who have reached Puberty (The Judge Abdul Wahhab, Undated, p. 113).

The Origin of this is the Almighty's Saying: (And those who No Longer expect Menstruation among Your Women - if you doubt, then their Period is Three Months, and those who have Not Menstruated. And for those who are Pregnant, their Term is Until they give Birth and whoever Fears Allāh - He will make for him of his Matter Ease), (Surat At-Talaq, Verse: 4).

- **Evidence:** The Verse indicates that it is Valid to Marry the Young Woman who has not Menstruated, if her father Marries her (Al-Nawawi, Undated, p. 65).

And what was Narrated on the Authority of Aisha (May Allah be Pleased with her): "The Prophet (May Allah Bless him and Grant him Peace) Married her when She was Six Years Old, and She was Consummated with Him when She was Nine, and She Stayed with Him for Nine Years" (Al-Bukhari, 1422 AH, p. 17).

The Hadith indicates that the father may marry his daughter off before She reaches Puberty and without her Permission (Al-Shawkani, 1413 AH/1993 CE, p. 143).

They differed regarding the Marriage of the Young Orphan Girl if the Guardian marries her without being Forced, with the Following Statements:

**3.1.1. The First Opinion:** The Guardian, who is Not Under Compulsion, may marry off the Young Orphan Girl, after Consulting the Judge, if he fears that her Condition will Deteriorate and she has reached the Age of Ten (Al-Mawaq, 1416 AH/1994 CE, p. 56).

This is the Opinion of ibn Bashir, Ibn Abdul Salam, and Al-Mattiti from the Maliki Doctrine. They based their Evidence on the Words of Allah Almighty: (And if you Fear that you will not deal Justly with the Orphan Girls, then marry those that please you of Women, Two or Three or Four...), (Surat An-Nisa: Verse 3).

- **Evidence:** The Apparent Meaning of the Verse indicates the Permissibility of Marrying the Young Orphan Girl who has not reached Puberty, because the Word Orphan is Only Used for Someone

who has not Yet reached Puberty (Ibn Rushd the Grandson, 1425AH-2004 CE, p. 55).

And the Words of Allah Almighty: (And they request from you, [O Muḥammad], a [legal] ruling concerning women. Say, "Allāh gives you a ruling about them and [about] what has been recited to you in the Book concerning the orphan girls to whom you do not give what is decreed for them [219] - and [yet] you desire to marry them...), (Surat An-Nisa: Verse 127).

The Verse indicates that it is Permissible for the Guardian to marry off the Orphan Girl in his Custody to himself or to someone else, provided that he is Fair in her Dowry (Al-Tabari, 1420 AH-2000 CE, p. 258).

**3.1.2. The Second Opinion:** the Guardian who is not compelled to marry off the Young Orphan Girl is Never Permitted to marry off the Minor Orphan Girl (Al-Hattāb, 1412 AH/1992 CE, pp. 228-229).

This is the Maliki Doctrine, according to Ibn Habib's Narration.

They Cited as Evidence the Hadith of the Prophet (Peace and Blessings be Upon Him) Narrated by Abu Hurayrah (May Allah be Pleased with him), who said: "An Orphan Girl should be Consulted about her Own Affairs, and it is Sufficient for her to Remain Silent so that her Permission is Known. If she does not wish to do so, then there is No Permissibility for her" (Abu Dawud, 1430AH-2009 CE, p. 434).

He referred to her as the Orphan in Light of what she was, as the Orphan Girl who has not yet reached Puberty is not Eligible for Consultation, so there is no benefit to be gained from that. Rather; Her Consultation and Permission are Only Permitted after Puberty (Ibn Rushd the Grandson, 1425AH-2004 CE, p. 33).

They argued that anyone other than the Father does not have the Right to Dispose of the Money of the Young Orphan Girl himself, so he does not have the Right to Force her to Marry, just like the Stranger (Ibn Abdul Barr, 1421AH-2000 CE., p. 401).

**3.1.3. The Third Opinion:** The Marriage Contract is annulled before or after Consummation if the Guardian marries her off without Coercion, unless a long period of time elapses after Consummation, in which Case it is not annulled. Asbagh said that even if she gives Birth

to Children, this is the Opinion of ibn Al-Qasim, Asbagh, Some Malikis, and Imam Malik.

They argued that the Marriage Contract is Invalid due to the Invalidity of its Contract, which Occurred in the Wrong Place (Ibn Rushd, 1408AH-1988 CE, p. 283).

**3.1.4. The Fourth Opinion:** The Marriage Contract cannot be annulled before or after Consummation, even if it was Not Prolonged, if the Guardian marries her off without Coercion. This is the View of Some Malikis (Ibn Rushd, 1408AH-1988 CE, p. 283).

They argued that Urwah ibn Al-Zubayr married his Niece to his son when she was a Young Girl, and that People were present, and Urwah was not mentioned as having Objected to this (Ibn Abdul Barr, 1421AH-2000 CE., p. 405)

They also Cited the Principle of the Desirability, based on the View of those who believe that the Guardian has the Right to marry off his Orphan Female ward while she is still Young, based on the Apparent Meaning of Allah Almighty's Statement: (And if you fear that you will not deal justly with the orphan girls...), (Surat An-Nisa: Verse 3), (Ibn Rushd, 1408AH-1988 CE, p. 283).

### **3.1.5. Khalil's Preference:**

Khalil said: "There is No Compulsion. The Adult is considered an Orphan Girl, Except for One whose Marriage is Feared to be Corrupt and who has reached the Age of Ten, and the Judge has been Consulted. Otherwise; It is Valid if the Marriage is Consummated and the Consummation is Prolonged" (Khalil ibn Ishaq, 1426AH-2005 CE, pp. 96-97).

Khalil Preferred that the Guardian who is Not Compelled to marry off a Young Orphan Girl after Consulting the Judge if she has reached the Age of Ten and there is Fear that she may become Corrupt. If she is married and there is No Fear of Corruption, or if she has not reached the Age of Ten, or if the Judge has not been Consulted, the Marriage Contract is Annulled before or after Consummation. However; It is Not Annulled if the Husband has Consummated the Marriage and the Consummation is Prolonged (Al-Hattāb, 1412 AH/1992 CE, p. 428).

### **3.2. Second: The Issue of the Ruling on Selling Gold to Minters so that they Can Take the Weight of their Wages in Coined (Minted):**

There is No Disagreement among the Jurists regarding the Prohibition of Selling the Dinar for a Similar Dinar, or the Dirham for a Similar One, with a Difference in Value, if the Two Parties to the Transaction are neither Traveling nor In Need (Ibn Abdul Bar, 1387AH, p. 246). This is due to the Hadiths in the Sunnah that indicate the Prohibition of Selling Gold for Gold, or Silver for Silver, unless it is Weight for Weight, Like for Like, and there is No Selling something that is Absent for something that is Ready (Malik, Al-Muwatta, 1406 AH-1985CE, p. 632).

The Prohibition stipulates the Prohibition of Differentiation of One Type of Commodity, and it prohibits Differentiation of Commodity when the Type is the Same. This includes all Types of Commodities, including Gold, Jewelry, Coins, Good and Bad, as indicated by what was mentioned in the Hadiths regarding the General Prohibition of Differentiation in the Sale of Usurious Goods by their Type (Al-Baji, 1332 AH, p. 260).

However; The Jurists Differed in their Opinions regarding the Ruling on Selling by someone who was Traveling, if he was in a Country and had with him Un-Minted Gold that was Not Popular and Circulating in that Country. So, if he came to the Mint and Sold it to them and took the Weight of his Wages in coins, then he took an increase in the Minted Gold over the Un-Minted Gold:

**3.2.1. The First Opinion:** It is Permissible for Someone who is Traveling, if he sells something not Minted to the Mint, to take the Weight of his Wages in Coins. This is an Opinion of Imam Malik in the Hearing of ibn Al-Qasim, and the Opinion of ibn Yunus (Khalil ibn Ishaq , 1429AH-2008 CE, p. 287).

They argued that Muawiyah ibn Abi Sufyan (May Allah be Pleased with them both) believed that Usury could only be in the Case of a Difference in Gold for Gold, in Jewelry for Jewelry, and in Cash for Cash. He permitted Gold Coins to be Exchanged for Dinars with a

Difference in Value, and Gold Jewelry for Gold with a Difference in Value (Ibn Rushd, 1408AH-1988 CE, pp. 442-444).

They also argued by Analogy between Selling and Destroying. Don't you see that if he destroyed Crafted Gold Weighing One Hundred and the Craftsmanship was Worth Ten, then he must Pay One Hundred and Ten, and that is Not Usury. The same applies if he bought it ( (Al-Subki, Undated, p. 85).

**3.2.2. The Second Opinion:** It is Permissible for Someone in Need and distress to Sell Gold and take the Weight of his Wages in Coins. This is the Opinion of ibn Al-Qasim, Sahnun, and Al-Abhari (Khalil ibn Ishaq , 1429AH-2008 CE, p. 287).

Their Argument for this is that; The Necessity for Dirhams, the Impossibility of Exchange, the Need for Haste, and the Traveler's Fear for himself if he is Separated from his Companions and for his Gold if he is Absent from them, permits this, and Necessity Permits Prohibitions. In addition to that; There is Hardship in Waiting to Carry Out the Minting and Coining Process, even though the Traveler needs to Sell it, in addition to the Existence of a Single Currency with Many Merchants (Al-Baji, 1332 AH, p. 259).

**3.2.3. The Third Opinion:** It is Forbidden to Sell Gold and take the Weight of its Rent in Coins. This was stated by Ibn Al-Mawaz, Ibn Wahb, and the Judge Abdul Wahhab from the Maliki Doctrine, and it was also stated by the Majority of Imams (Ibn Rushd the Grandson, 1425AH-2004 CE, p. 212).

Their Argument for this is; The Hadiths narrated from the Messenger of Allah (Peace and Blessings be Upon Him) that Prohibit Differentiation and Prohibit Disparity in the Sale of the Same Type of Commodity for its Equivalent. This includes Gold and Silver of all Kinds, whether Gold, Minted, Pure, Adulterated, Whole, Broken, Good, or Bad (Ibn Majah, 1430 AH/2009CE, p. 368).

They also argued that; Ibn Omar (May Allah be Pleased with them both) Forbade a Goldsmith from Crafting and then Selling an item for more than its Weight, in Exchange for his Work in Crafting it. He said: "A Dinar for a Dinar, and a Dirham for a Dirham, there is No Difference between them. This is the Covenant of our Prophet

(Peace and Blessings be Upon Him) to us and our Covenant to you” (The Judge Abdul Wahhab, Undated, p. 956).

### **3.2.4. Khalil's Preference:**

Khalil said: “A Goldsmith is given the Weight and Wages, and Olives and the Wages of their Press, unlike the Gold that a Traveler gives and the Wages of the Mint, so that he can take its Weight. The most apparent View is the Opposite” (Khalil ibn Ishaq, 1426AH-2005 CE, p. 146).

What Khalil Preferred is that; It is Permissible for a Traveler to Sell Gold to the Mint and take the Weight of his Wages in Coins.

### **3.3 Third: The Issue of the Ruling on Exchanging Counterfeit Currency for Pure Currency:**

The Majority of Jurists hold that it is Permissible to Sell a Counterfeit Dinar for Another Counterfeit Currency, provided it is Hand-to-Hand. The same applies to Counterfeit Dirhams (Ibn Abdul Bar, 1387AH, p. 242), based on the General Evidence that Permits the Sale of Dinars for Dinars and Dirhams for Dirhams, Weight for Weight, Like for Like, and Equal for Equal. This includes Coins, Jewelry, and Gold (Muslim, 1412 AH/1991 CE, p. 1209).

They Differed regarding the Exchange of Counterfeit Currency for Pure Currency, with Two Opinions:

**3.2.5. The First Opinion:** It is Permissible to Exchange Counterfeit Currency for Pure Currency of the Same Type. This is an Opinion of the Malikis (Al-Kharshi, 1317 AH, p. 52), and the Hanafis said the same (Ibn Maza, 1424 AH/2004 CE., p. 327).

Their Argument for this is that; There is Equivalence in Exchanging Counterfeit Currency for Pure Currency of the Same Type. If there is Equality in the Counterfeit and Pure Currency, then it is Permissible to Exchange One for the Other because they are Similar in what is Intended, which is Gold or Silver or what takes their Place (Ibn Rushd the Grandson, 1425AH-2004 CE, pp. 212-214).

**3.2.6. The Second Opinion:** It is Not Permissible to Exchange Counterfeit Currency for Pure Currency of the Same Type. This is the Opinion of Imam Malik, Ibn Abdul Barr, and Ibn Rushd (Khalil ibn Ishaq , 1429AH-2008 CE, p. 292).

The Proponents of this View have argued that the Messenger (Peace and Blessings of Allah be Upon Him) ordered the Removal of Beads from a Necklace Containing Beads and Gold and the Separation of the Gold so that it could be Sold. If selling it with Beads had been Permissible, it would not have required Weighing it, in order to Achieve Weight and Similarity, which is the Reason for Separating it for Sale. This is Not Achieved in the Case of Adulterated Gold with Pure Gold (Al-Baji, 1332 AH, p. 277).

This is what the Messenger (Peace and Blessings of Allah be Upon Him) Pointed Out when He Said: “Gold for Gold, Weight for Weight” (Muslim, 1412 AH/1991 CE, p. 1213).

Exchanging Counterfeit Currency for Pure Currency is a Pretext for Fraud, and its Spread in Muslim Markets is Inevitable. Therefore; Permitting such an Exchange is a Permit for Fraud and a Corruption of Muslim Markets (Malik, *almudawna*, 1415 AH/1995 CE, p. 50).

This Transaction is also Not Without Ignorance, because Selling Pure for Adulterated is Like Selling Silver for Silver and something else. Because the Silver is the Intended Value, its Quantity is Unknown here, and Similarity is Not Achieved (Al-Subki, Undated, p. 106). And the Ignorance of Similarity is Like the Reality of Comparison (Al-Subki T. A.-D., 1411AH/1991CE, p. 118).

They argued that it is Not Permissible, in order to Block the Means, and that is because the Intention of the One who Exchanges is to Obtain Pure Gold with a Difference (Ibn Rushd the Grandson, 1425AH-2004 CE, p. 314).

### **3.3. Khalil's Preference:**

Khalil said: “And Adulterated with its Equivalent and with Pure, and the most apparent opposite is the Case for those who break it or do not Adulterate with it, and it is Disliked for those who do not Trust it, and it is Annulled by those who Adulterate, unless it is Lost”. What Khalil Preferred is the Permissibility of Exchanging Adulterated Currency for Pure Currency of the Same Equivalent (Khalil ibn Ishaq, 1426AH-2005 CE, p. 147).

#### 4. Conclusion:

After this Presentation of the Study Elements, the Research Concluded with the Following Results:

- Khalil was not Merely a Transmitter of the Branches and Issues of Maliki jurisprudence; Rather, he attained a Degree of Mastery in Examining, Preference, Investigating, and Scrutinizing, which made him an Editor and Establisher of the Doctrine in its Issues, which indicates Knowledge of the Principles of Deduction, the General Rules, and the Controls Governing the Branches of the Doctrine.

- Imam Khalil relies on a Method for Determining the Preferred and Well-Known Branches of Jurisprudence, based on the Strength of the Evidence and the Large Number of those who have said it. He adheres to the Rule of Ordering the Opinions and Jurisprudential Sources that Transmit the Branches.

- Khalil Used Special Terms for Defamation, Preference, and Reinforcement, which he attributed to a Specific Scholar or Merely Presented and Reinforced for a Reason that required it without regard to the Speaker.

- Khalil has Three Methods for Dealing with Jurisprudential Disagreement within the Doctrine; Sometimes by Giving Preference to One Opinion, sometimes by not Giving Preference due to the Lack of a Reason or a Reason for Giving Preference, and thirdly by being Content with Conveying the Disagreement, for a Reason he made Clear in the Event that the Maliki Sheikhs differed in Giving Preference, and the Rank of those giving Preference was Equal.

- Khalil has Preferences in Several Issues from the Various Chapters of Jurisprudence that Bear witness to what the Commentators have decided in his Approach with the Sectarian Disagreement that was Previously Reported in Detail.

- We also recommend that Researchers Conduct Further Research into the Established Methodology, especially with regard to the Applied Models Used.

- We also recommend that Researchers Study the Examples in which Khalil deviated from the Established Methodology and attempt

to Deduce the Reason for their Deviation from the Methodological Rules he had established. This Research, if Completed, would be of Added Scientific Value and would Greatly Benefit Muftis and Researchers.

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