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A Portrait of a Family in Andalusi Intellectual Tradition: The Banū Balakāyush

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Abstract

The Balakāyush family was an important participant in the intellectual life of al-Andalus during the 4th/10th century. The process began with their ancestor, Julian, who played a strategic role during the Muslim conquest of the Iberian Peninsula (92/711) and whose lineage embraced Islam. Subsequent generations pursued scholarly paths. Ayyūb b. Sulaymān (d. 326/938) traveled east to study and received lessons from Judge Abū Ishāq Ismāʿīl b. Ishāq al-Djahdamī al-Azdī (d. 282/896), a prominent representative of the ʿIrāqī Mālikī school. Upon returning to al-Andalus with the knowledge and books he acquired, Ayyūb supported the innovative jurisprudential views advocated by Baqī b. Makhlad (d. 276/889). His son, Sulaymān b. Ayyūb (d. 377/987), not only trained students but also played a critical role in transmitting works that challenged traditional Mālikī views. The third-generation representative, Ahmad b. Sulaymān (d. 388/998), lived during a period when these struggles had subsided, but he continued to support innovative approaches. Ultimately, the Balakāyush family actively participated in the conflict between traditional and innovative jurisprudential perspectives in al-Andalus, though they did not achieve the prominence of figures like Baqī b. Makhlad. This limited their recognition and the availability of information about the family today. This article examines the history and intellectual impact of the Balakāyush family, who held a significant place in Andalusi intellectual life. Based on data from Islamic biographical and bibliographical works, as well as contemporary sources and current works, the research explores this family's contribution to scholarly and jurisprudential developments in al-Andalus.

Keywords: Islamic History, Andalus, Mālikī School, Banū Balakāyush, Tradition of Refutation.

Endülüs İlmî Geleneğinde Bir Ailenin Portresi: Benû Belekâyuş

Öz

Belekâyuş ailesi 4/10. yüzyılda Endülüs ilmî hayatında rol almış önemli bir ailedir. Belekâyuş ailesinin atası Kont Julianos'un Müslümanların İber Yarımadası'nı fetih sürecindeki (92/711) stratejik rolü ve soyunun İslam'a katılımı ile başlayan süreç, sonraki nesillerde ilmî bir çizgide devam etmiştir. Eyyûb b. Süleyman (ö. 326/938), ilim tahsili için Doğu'ya seyahat etmiş ve Irak Malikî ekolünün önemli temsilcisi Ebû İshâk İsmâîl b. İshâk el-Cehdamî el-Ezdî'den (282/896) ders almıştır. Elde ettiği bilgi ve kitaplarla Endülüs'e dönen Eyyûb, Bakî b. Mahled'in (ö. 276/889) savunduğu yenilikçi fıkhî görüşlere destek olmuştur. Oğlu Süleyman b. Eyyûb (ö. 377/987), hem öğrenci yetiştirmiş hem de Malikî mezhebinin geleneksel görüşlerine karşı eserlerin aktarımında önemli bir rol üstlenmiştir. Ailenin üçüncü nesil temsilcisi Ahmed b. Süleyman (ö. 388/998) ise bu mücadelelerin hafiflediği bir dönemde yaşamış, ancak yenilikçi yaklaşımları desteklemeye devam etmiştir. Sonuç olarak, Belekâyuş ailesi, Endülüs'te geleneksel ve yenilikçi fıkıh görüşleri arasındaki mücadelede aktif bir rol oynamış, ancak Bakî b. Mahled kadar ön plana çıkmamıştır. Bu durum, aileye dair bilgilerin günümüze sınırlı şekilde ulaşmasının başlıca

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nedenlerinden biridir. Bu makale, Endülüs ilmî hayatında önemli bir yere sahip olan Belekâyuş ailesinin tarihini ve entelektüel etkisini incelemektedir. Araştırma, İslam biyografi ve bibliyografi eserleri ile dönemsel kaynaklar ve güncel çalışmalardan elde edilen veriler ışığında, bu ailenin Endülüs'teki ilmî ve fıkhî gelişmelere katkısını ele almaktadır.

Türkçe Geniş Öz makalenin sonunda yer almaktadır.

Anahtar Kelimeler: İslam Tarihi, Endülüs, Mâlikîlik, Benû Belekâyuş, Red Geleneği.

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Introduction

Count Julian of Ceuta, who played a pivotal role in the Muslim conquest of the Iberian Peninsula (92/711), left little information about his fate or his family after the conquest. However, nearly two and a half centuries later, in Córdoba, Ibn al-Faradī (310/922) two teachers -Muhammad b. Yahyā b. ʿAbd al-ʿAzīz (PUA: id. 7792)[1] and Muhammad b. Muhammad b. Abī Dulaym (d. 372/983) (PUA: id 10412) - directing him to study with Sulaymān b. Ayyūb (d. 377/987) sheds light on this family. Ibn al-Faradī's teacher, Sulaymān b. Ayyūb (d. 377/987), was the son of Ayyūb b. Sulaymān (326/938), who claimed to be the fifth-generation descendant of Julian. Ayyūb's great-grandfather, Balakāyush, accepted Islam, initiating a lineage that later produced scholars prominent in the intellectual life of al-Andalus.[2]

Ayyūb b. Sulaymān (d. 326/938) and his son Sulaymān b. Ayyūb (d. 377/987) both lived during a vibrant period in Andalusian intellectual history. During their time, a fierce struggle occurred between traditionalist scholars, who rigidly adhered to imitation (*taqlīd*), and those opposing imitation, seeking to incorporate other *Hadīth* sources, independent reasoning (*idjtihād*), and personal judgment (*ra'y*) into jurisprudence. Figures such as Baqī b. Makhlad (d. 276/889) led the movement advocating for the inclusion of diverse Hadīth sources and reasoning in jurisprudential matters. The Balakāyush family, including Ayyūb, Sulaymān, and later Ahmad, aligned with these innovative scholars, though they did not achieve the fame of Baqī. During Ahmad's time, the intensity of these conflicts diminished, making his life less tied to these struggles.

No dedicated study on the Balakāyush family exists. This article attempts to examine the lives of the Balakāyush family, the intellectual environment of their time in al-Andalus, and their role within it. This will be achieved by analyzing narratives from Islamic biographical and bibliographical works and interpreting them in light of the historical conditions of their era. In narrating the Balakāyush family's history, the individuals with whom they interacted and under whom they studied will be scrutinized to uncover their influences. Additionally, insights from contemporary studies on the period will be incorporated to provide a clearer understanding of the era. This analysis will delve into the intellectual atmosphere of al-Andalus during the 3rd–4th/9th–10th centuries, particularly focusing on the understanding of jurisprudence and the Balakāyush family's position within this environment, as permitted by available sources.

A. The Development of Fiqh (Jurisprudence) and Hadith Studies in al-Andalus During the Period of the Balakāyush Family

1. The Introduction of Mālikīsm into al-Andalus and Generational Layers of Mālikī Scholars

Before delving into the widespread adoption of the Mālikī doctrine in al-Andalus, it is important to highlight contemporary perspectives on why this school was preferred in the region. Scholars such

[1] To access the names denoted by the abbreviation "PUA," please consult the following website: https://www.eea.csic.es/pua/busquedas/busqueda_simple.

[2] Abū al-Walīd ʿAbd Allāh b. Muhammad b. Yūsuf al-Qurtubī Ibn al-Faradī, *Tārīkh 'Ulamā' Al-Andalus*, ed. Ibrāhīm al-Abyārī, 3 vols. (1989, n.d.), 1/330-331.

as López Ortiz, Lévi-Provençal, R. Dozy, and Aguilera Pleguezuelo argue that the Umayyads of al-Andalus, with a strong centralizing agenda, sought to create a homogeneous ideology, becoming the greatest supporters of Mālikīsm in the region. They base this claim on the explicit approval of the Mālikī school by Amīrs such as Hishām I (r. 172-180/788-796) and al-Hakam I (206/822).[3] The process through which al-Andalus adopted Mālikism gradually took shape under the influence of both political considerations and the role of local scholars; by the 10th century, with the proclamation of the Umayyad caliphate, Mālikism had become the official and dominant school of law.[4]

Maribel Fierro, on the other hand, draws attention to the political context. She argues that geographical reasons alone cannot fully explain the establishment of Mālikīsm in al-Andalus since the Hanafī school also had significant influence in the Maghreb and could have extended to al-Andalus. According to Fierro, the close association of Hanafīsm with the Abbasid dynasty—who overthrew the Umayyads in the East and ruled Baghdad—was likely the main reason why the Hanafī school did not gain traction in al-Andalus. The Umayyad dynasty of al-Andalus could not accept a legal doctrine closely tied to their political adversaries. Therefore, it can be concluded that the Mālikī preference among Andalusian jurists was not independent of political power.[5] While the political context is acknowledged of this view, we must also emphasize that the North African-centered spread of Mālikīsm geographically influenced the Andalusian region. Furthermore, it is necessary to examine the process by which Mālikīsm was introduced to the region.

It is noted that Mālik's (d. 179/796) *al-Muwattaʾ* was first brought to al-Andalus by Gāzī b. Qays (d. 199/814). al-Qādī ʿIyād (d. 544/1149) states that both Gāzī b. Qays (d. 199/814) and Ziyād b. ʿAbd al-Rahmān (d. 193/808) (PUA: id 3328) were among the first to introduce *al-Muwattaʾ* to al-Andalus.[6] Ibn al-Qūtiyya mentions that this event occurred during the reign of ʿAbd al-Rahmān (I) b. Muʿāwiyah (r. 138–172/756–788)[7]. It is recorded that Gāzī met Mālik b. Anas between the years (r. 148–159/765–776) and then returned to al-Andalus.[8] The introduction of Mālikīsm to al-Andalus was not limited to *al-Muwattaʾ* being brought to the region; it also involved the adoption of Mālik b. Anas's jurisprudential opinions and the political structuring of jurisprudential activities based on these views.

al-Qādī ʿIyād states that the influence of Mālikīsm in al-Andalus began during the reign of Hishām (I) b. ʿAbd al-Rahmān, when official positions such as judgeships, judicial consultancies, and fatwā councils were dominated by Mālikīs.[9] Hishām I, in particular, is considered a major promoter of Mālikīsm in al-Andalus. During his Amīrate, Mālikī education spread, the scholars of this school were appointed to key positions, and his pious character encouraged pilgrimage and the study of Islamic sciences. The Mālikī scholar from Kairouan, Sahnūn (d. 240/854), who was praised despite facing

[3] José López Ortiz, "La Recepción de La Escuela Malequí En España," *Anuario de Historia Del Derecho Español*, no. 7 (1930): 26–28; Reinhart Dozy, *Histoire Des Musulmans d'Espagne Jusqu'ā La Conquête de l'Andalousie Par Les Almorávides (711–1110)* (Brill, 1861), 123–25; José Aguilera Pleguezuelo, *Estudios de Las Normas e Instituciones Del Derecho Islámico En Al-Andalus* (Ediciones Guadalquivir, 2000), 78–81.

[4] Maribel Fierro, "Proto-Mālikīs, Mālikīs and Reformed Mālikīs," in *The Islamic School of Law: Evolution, Devolution, and Progress*, ed. P. Bearman et al. (Harvard University Press, 2005), 57–76.

[5] Maribel Fierro, "El Alfaquí Beréber Yahyā b. Yahyā al-Laythī (234/848), El 'inteligente de al-Ándalus," *Estudios Onomástico-Biográficos de al-Andalus*, no. 8 (1997): 287.

[6] Abū al-Fadl ʿIyād b. Mūsā b. ʿIyād al-Yahsubī al-Qādī ʿIyād, *Tartīb Al-Madārik Wa-Taqrīb al-Masālik Li-Maʿrifat Aʿlām Madhhab Mālik*, ed. Muhammad Tāwīt at-Tūnisī et al., 8 vols. (al-Rabat, 1981), 3/114, 117.

[7] Abū Bakr Muhammad b. ʿUmar b. ʿAbd al-ʿAzīz b. Ibrāhīm al-Andalusī Ibn al-Qūtiyya, *Tārīkh Iftitāh Al-Andalus* (al-Qāhira-Bayrūt, 1989), 56.

[8] ʿAbd al-Madjīd al-Turkī, "'At-Tamhīd' (al-Muqaddimah Allatī Katabahā al-Muhaqqiq)," in *Kitāb Adab An-Nisāʾ al-Mawsūm Bi-Kitāb al-Gāyah Wa-n-Nihāyah* (Bayrūt, 1992), 35–36.

[9] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 1/26-27. It is also said that the Mālikī school in al-Andalus was established during the reign of ʿAbd al-Rahmān b. al-Hakam. However, there is considerable debate regarding the precise period and figure associated with the formal establishment of the Mālikī tradition in al-Andalus, see Christopher Melchert, *The Formation of the Sunni Schools of Law: 9-10 Centuries C.E.* (Leiden-New York-Köln, 1997), 156–57.

hostility from the Abbasids (the ruling dynasty in the East at the time) became one of the most influential figures in al-Andalus during this period.[10] During the reign of Hishām I, al-Musʿab b. ʿImrān (d. 180/796) (PUA: id. 1), who was appointed as the judge of Córdoba, contributed to the development of Mālikī thought by transmitting narrations from both the Damascus and Medinan schools.[11] Saʿsaʿa b. Salām al-Shāmī al-Dimashqī, who held the position of qadi (judicial advisor) for a long time during this period, was an adherent of al-Awzāʿī's school and had significant influence in al-Andalus. Subsequently, al-Gāzī b. Qays, a Mālikī scholar, assumed the same position.[12] All these factors made the dominance of this legal tradition unstoppable.

This influence was solidified during the reign of ʿAbd al-Rahmān II (r. 206–238/821–852) under the leadership of Yahyā b. Yahyā al-Laythī (d. 234/849) (PUA: id. 11714). Although Yahyā never held a judgeship himself, he became an influential authority in judicial appointments, ensuring Mālikī dominance in al-Andalus.[13] His refusal to accept direct judicial office further enhanced his scholarly and political authority.[14] During this period, the rulers of the Umayyad Amīrate of al-Andalus expedited the integration of Mālikī jurisprudence into institutional structures.[15]

The adoption of Mālikīsm strengthened the intellectual framework of the Umayyad state in al-Andalus. The scholarly knowledge brought from the East replaced the influence of the Awzāʿī school, allowing Mālikī jurisprudence to prevail.[16] Judicial roles and other legal responsibilities became anchored in Mālikī jurisprudence, institutionalizing the region's legal framework.

The categorization of Mālikī scholars into generations offers a different perspective on the evolution of Mālikism. According to al-Qādī ʿIyād's classification, Mālikī jurists are divided into generational layers, which provide a systematic framework for examining the transmission and development of Mālikī jurisprudence over time. The first three layers included the direct students of Imām Mālik, while subsequent generations are classified as "those who did not meet Mālik but adopted his jurisprudence."[17]

Since the spread of Mālikism across the Islamic world, biographical works about Mālik's students have been written. In al-Andalus, the first to work on this subject was Muhammad ibn ʿUmar ibn Lubbāba, followed by other Andalusian writers. However, most of these works have been lost, and information about Mālik's students has been partially preserved through figures such as Ibn ʿAbd al-Barr, Khālid ibn Saʿd, and al-Jusānī. Eastern writers also composed works about Mālik's students, yet Andalusians, sometimes motivated by nationalism, exaggerated the number of students. Authors like Ibn Saʿbān and al-Qādī ʿIyād mentioned over a thousand Andalusian students of Mālik, a number that gradually took on a legendary character.

[10] Sahnūn b. Saʿīd experienced conflict with the Aghlabid authorities during the mihna under Abū Djaʿfar Aḥmad b. al-Aghlab. However, the following year, when Muḥammad b. al-Aghlab returned to power, the mihna came to an end for Sahnūn, and he was appointed as judge (qāḍī), see Jonathan E. Brockopp, "Sahnūn b. Saʿīd," in *Islamic Legal Thought: A Compendium of Muslim Jurists*, ed. Oussama Arabi et al. (Leiden, 2013), 73–75.

[11] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 2/831; Muhammad b. al-Hārith al-Khushanī, *Qudātu Qurtuba* (al-Qāhira-Bayrūt, 1989), 68.

[12] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/354.

[13] Ibn al-Qūtiyya, *Tārīkh Iftitāh Al-Andalus*, 75; Abū Muhammad ʿAlī b. Ahmad b. Saʿīd b. Hazm al-Andalusī Ibn Hazm, *Al-Ihkām Fī Usūl al-Ahkām*, 2 vols. (al-Qāhira, n.d.), 1/576; Ahmad at-Tilimsānī al-Maqqarī, *Nafh Al-Tīb Fī Gusn al-Andalus Ar-Ratīb*, ed. Ihsān ʿAbbās, 8 vols. (Bayrūt, n.d.), 2/10.

[14] al-Maqqarī, *Nafh Al-Tīb*, 2/10.

[15] Juan Martos Quesada, "Los Libros de Cabecera Del Alfaquí Mālikí Durante El Emirato Omeya de Al-Ándalus. [The Reference Books of the Alfaqi Mālikí during the Umayyad Amīrate of al-Andalus.]," *Al-Andalus Magreb*, no. 4 (2021): 1–14, https://doi.org/10.25267/AAM.2021.v28.12.

[16] al-Turkī, "'At-Tamhīd' (al-Muqaddimah Allatī Katabahā al-Muhaqqiq)," 29–31.

[17] Abū Djaʿfar Ahmad b. Yahya al-Andalusī al-Dabbī, *Bugyat Al-Multamis Fī Tārīkh Ridjāl Ahl al-Andalus*, ed. Ibrāhīm al-Abyārī, 2 vols. (al-Qāhira - Bayrūt, 1989), 1/372.

Some Andalusians and Easterners even included fictitious individuals among Mālik's students. Particularly, figures such as Tālib ibn ʿAbd al-Jabbār (PUA: id. 4169), Yahyā ibn Muʿādh, and Abū ʿĀsim are considered doubtful. Nevertheless, there were indeed significant students in al-Andalus who were influenced by Mālik. Among those prominent in the field of hadīth is Dāwūd ibn Yahyā al-Saghīr of Córdoba (PUA: id. 3851), who became recognized even in the East as a transmitter of hadīth.

In addition, there are other figures reported to have heard the *Muwattaʾ* and been counted among Mālik's students: THābit ibn ʿAbd Allāh of Toledo, Qarʿūs ibn al-ʿAbbās of Córdoba, and the judge of Córdoba, Muhammad ibn Basīr (d. 198/803) (PUA: id. 9045). However, it remains uncertain whether these individuals directly heard the *Muwattaʾ* from Mālik himself.[18]

In the first layer, Ziyād b. ʿAbd al-Rahmān (d. 193/808) (PUA: id. 3328) emerges as the first Andalusian to transmit *al-Muwattaʾ* to al-Andalus and narrate Mālik's jurisprudential views and fatwas (*masāʾil*) outside al-Muwattaʾ. This underscores Ziyād's foundational role in establishing Mālikī *jurisprudence* in al-Andalus. Ziyād traveled to the East twice. On one of these journeys, Qarʿūs ibn al-ʿAbbās (d. 220/835) accompanied him. Both of them attended the lessons of al-Layth and Mālik.[19]

In the second layer, Qarʿūs b. ʿAbbās and Muhammad b. Bashīr al-Maʿāfirī (d. 210/825) (PUA: id. 3603) stand out. Although Qarʿūs was familiar with Mālik's views, he lacked sufficient proficiency in the science of Hadīth. Muhammad b. Bashīr, on the other hand, began his career as the scribe of Judge Musʿab b. ʿImrān, and later embarked on scholarly journeys to al-Hijāz and Egypt, where he attended lessons. Upon returning to al-Andalus, he was appointed as Judge of Córdoba and played a significant role in the institutionalization of Mālikī jurisprudence. Furthermore, through his correspondence with Egyptian scholars such as Ibn al-Qāsim (d. 191/806) and Ibn Wahb (d. 197/813), he contributed to shaping Mālikī jurisprudence.[20] However, the person who contributed most to the dissemination of al-Laythī's teachings in Spain—and who is also regarded as the principal transmitter of Mālikism in the history of Spanish law—was Yahyā ibn Yahyā al-Laytī.[21]

In the third layer, Yahyā b. Yahyā al-Laythī (d. 234/849) stands out as the youngest and last Andalusian among Mālik's students. Yahyā met Imām Mālik directly, listened to the Muwattaʾ, and transmitted it. Almost all historians agree that Yahyā undertook his first journey to the East in the year 179/795 when he was 28 years old. However, it appears that is likely inaccurate, since al-Layth died in 179/795, and, as earlier sources indicate, Yahyā and al-Layth met during their lifetimes. This suggests that Yahyā's first journey to Egypt must have occurred before 175/791, during which he likely spent some time with al-Layth. It also seems that it was al-Layth who encouraged Yahyā to travel to Medina to attend the lessons of Imām Mālik.

Yahyā is credited with playing a crucial role in the synthesis of al-Layth's and Mālik's teachings, a characteristic feature of Andalusian Mālikism. Furthermore, Yahyā's refusal to accept the position of chief judge (qādī) of Córdoba demonstrates the influence of al-Layth's example on him, as he had similarly declined a comparable offer while he was in Egypt. Nevertheless, Yahyā's refusal of the chief judgeship led to his appointment as an advisor to Emir ʿAbd al-Rahmān II. Through this position, Yahyā gained significant influence in al-Andalus; the emir reportedly did not make any decision without his counsel and approval. As a result of this authority, Yahyā had a decisive role not only in the appointment of judges but also in selecting candidates for judicial positions. The historian Ibn Idārī notes that never before had there been so many judges in Córdoba operating under the authority of a

[18] Mahmūd Alī Makkī, *Ensayo Sobre Las Aportaciones Orientales En La España Musulmana y Su Influencia En La Formación de La Cultura Hispano-Árabe* (Madrid, 1968), 95–101.
[19] Makkī, *Ensayo*, 128.
[20] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 3/329-332.
[21] Makkī, *Ensayo*, 128.

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single individual as there were during ʿAbd al-Rahmān II's reign, all under Yahyā ibn Yahyā's influence.

Moreover, Yahyā stayed for a period in Egypt, compiling the transmissions (riwāyāt) of Ibn al-Qāsim, which he later brought back to al-Andalus. These activities clearly illustrate Yahyā's contributions to the development of both the third and fourth layers and underscore his role as a bridge between them.[22]

In the fourth layer, ʿĪsā b. Dīnār (d. 212/828) (PUA: id. 7252) planned to cease issuing fatwas based on independent raʾy in the final years of his life, though he died before realizing this goal.[23] His intention to direct people toward sources like Ibn Wahb's books reflects his innovative approach to scholarly activities.[24] Thus, these contributions collectively facilitated the development and eventual institutionalization of Mālikī jurisprudence in al-Andalus.

Examining these layers reveals the gradual infusion of raʾy and Hadīth into Mālikī jurisprudence in al-Andalus over time.

2. The al-Madīnan Period and the Role of Baqī b. Makhlad in Integrating Hadīths into Andalusian Jurisprudence

The development of Mālikī jurisprudence in al-Andalus was accelerated by the transmission of ideas and narrations from Egyptian and Madīnan scholars, especially through the influence of Ibn Habīb (d. 238/853). He studied with Mālikī scholars in Medina and with Egyptian students, bringing this intellectual wealth to al-Andalus and revitalizing local jurisprudential studies.[25] However, his methods, which relied on both Hadīth and personal judgment (*raʾy*), led to conflicts with the Mālikī jurist Yahyā b. Yahyā al-Laythī. While Yahyā limited his jurisprudential framework to the *Muwattaʾ* and the views of Egyptian scholars, Ibn Habīb advocated for a broader approach that incorporated diverse

[22] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 3/379-392; Abū ʿUmar Yūsuf an-Namarī Ibn ʿAbd al-Barr, *Al-Intiqāʾ Fī Fadāʾil al-Aʾimma Ath-Thalātha al-Fuqahāʾ* (1997, n.d.), 92–113; Makkī, *Ensayo*, 128.

[23] ʿĪsā b. Dīnār was recognized as the most prestigious jurist of his generation in al-Andalus and was highly respected by Ibn al-Qāsim and his contemporaries. His direct relationship with Ibn al-Qāsim, their correspondence, and the events they shared demonstrate his scholarly prominence. He gained wide acclaim in both al-Andalus and the Maghrib, his fatwas were influential, and he was greatly loved by the public. In sources like the *Mustakhraja*, the number of legal issues (masāʾil) transmitted by ʿĪsā exceeds those transmitted by Yahyā; moreover, he left a greater mark in the field of nawāzil (responsa on contemporary issues). Authorities such as Ibn Abī Zayd al-Qayrawānī listed ʿĪsā among the "critical minds" (min nuqqādihim) of the school, while Yahyā was not mentioned at all. Nevertheless, his limited number of written works, the partial loss of his writings, and his early death contributed to his being less well known than Yahyā or Ibn Ḥabīb. ʿĪsā b. Dīnār stated that taʿzīr punishments are based on the ruler's independent reasoning (ijtihād) and transmitted ʿUmar's advice to Abū Mūsā, which recommended that such punishments should not exceed thirty lashes. Furthermore, by stating that "it is better for the imām to err in pardoning than to err in excessive punishment," he almost literally quoted a ḥadīth found in al-Tirmidhī. The view attributed to both ʿĪsā and Yahyā b. Yahyā—that a person who does not glorify Allah during rukūʿ and sujūd in prayer must repeat the prayer—also directly relies on ḥadīth sources. ʿĪsā's knowledge of hadīth is evident not only in hadīth commentaries but also in legal works. For instance, in a debate with Ibn al-Qāsim, he referenced three different ahādīth, demonstrating his deep familiarity with prophetic traditions. Although biographical sources do not provide explicit information regarding his formal training in hadīth, it is clear that ʿĪsā was well-versed not only in the *Muwattaʾ* but also in traditions transmitted through the Iraqi hadīth tradition. This highlights that ʿĪsā did not limit himself to the primary Mālikī sources but engaged with diverse transmission lines, and more broadly, it suggests that Andalusian jurists had begun to cultivate a significant level of hadīth knowledge. An examination of the broad sample of ʿĪsā's legal questions preserved in the *Mustakhraja* reveals that he diverged from the views of Mālik in only about 0.4% of the cases he transmitted from him, and from the views of Ibn al-Qāsim in approximately 3.5% of the cases. While this difference is noteworthy, what is even more striking is that in 99.6% of the reports from Mālik and 96.5% of the reports from Ibn al-Qāsim, ʿĪsā adhered to their opinions and transmitted them as authoritative. Nevertheless, this loyalty to Mālik and Ibn al-Qāsim did not prevent ʿĪsā from exercising creative reasoning and juridical intuition. See Daniel Vazquez-Paluch, "The Legal Thought of an Early Andalusian Jurist: ʿĪsā b. Dīnār," *International Journal for the Semiotics of Law*, no. 29 (2016): 425–53.

[24] al-Dabbī, *Bugyat Al-Multamis*, 2/525; Vazquez-Paluch, "The Legal Thought of an Early Andalusian Jurist: ʿĪsā b. Dīnār," 425–53.

[25] Abū Ishāq DJamāl ad-Dīn Ibrāhīm b. ʿAlī b. Yūsuf al-Shīrāzī, *Tabaqāt Al-Fuqahāʾ* (Bayrūt, 1401), 163; al-Qādī ʿIyād, *Tartīb Al-Madārik*, 4/123.

narrations and reasoning. This rivalry highlighted a significant division in Andalusian Mālikī jurisprudence.[26]

Ibn Habīb's works in the fields of Hadīth and jurisprudence increased the use of Hadīths in resolving legal issues in al-Andalus, adding a new dimension to the region's "problem-solving" (*masā'ʿil*) approach to jurisprudence.[27]

However, the effects of the Hadīth-ra'y dichotomy took on a different nature in al-Andalus, leading to significant tensions with traditional Mālikī circles that opposed a hadīth-based approach. During this period, methodological differences between the ahl al-Hadīth and Mālikī jurists created a conflict-ridden environment that persisted until the late 4th/10th century.[28]

Key contributors to the distinctiveness of Mālikī jurisprudence in al-Andalus were the scholarly journeys (*rihla*) to the East. Andalusian scholars traveled extensively, often visiting cities like Baghdad, Cairo, Mecca, Medina, Jerusalem, Alexandria, Kairouan, Basra, Mosul, Kufa, Tripoli, Harran, Tangier, Yemen, Ifrīqiya, Mahdia, Ascalon, Sousse, Wāsit, Khurasan, and Samarkand.[29]

Baqī b. Makhlad and Muhammad b. Waddāh (d. 287/900) (PUA: id. 10645) stand out as scholars who undertook extensive Hadīth journeys, visiting major intellectual centers across the Islamic world and bringing back Hadīth collections to al-Andalus. Baqī's journeys, which lasted nearly twenty years for his first trip and fourteen years for his second, included stops in Africa, Egypt, Medina, Baghdad, Basra, and Kufa. During these trips, he studied under 284 teachers and earned the nickname *miknāsah* (the broom) for his meticulous collection of narrations. His contributions introduced previously unknown Hadīth works to al-Andalus, profoundly influencing jurisprudential studies in the region.[30]

Baqī, after returning to al-Andalus with significant expertise in Hadīth and *usūl al-fiqh* gained during his extensive scholarly journeys in the eastern Islamic world, faced resistance from certain Mālikī circles because of his ḥadīth-centered methodology. Despite this, he played a critical role in institutionalizing the science of Hadīth in the region and establishing it as an independent discipline.[31] As a result of his efforts, al-Andalus gained access to new Hadīth collections; however, these works were met with sharp criticism from certain Mālikī jurists. Works such as Ibn Abī Shaybah's (d. 235/849) *Musannaf*, which were perceived as contradicting the views of Imām Mālik, were labeled as innovations (*bidʿah*) by the jurists. They attempted to discourage their students from attending Bāqī b. Makhlad's lessons. When these efforts failed, they appealed to the Umayyad Amīr of al-Andalus, Muhammad I (r. 238-273/852-886). Amīr Muhammad, due to his interest in knowledge, supported Bāqī b. Makhlad, allowing him to without restriction teach in the Great Mosque of Córdoba, and facilitated his systematic teaching of Hadīth.

Bāqī's journeys brought about a transformation in the intellectual framework of al-Andalus, fostering the pursuit of knowledge across a broader geographical scope. Basra, Kufa, Baghdad, and Wāsit were the four cities where his teachers were most concentrated, representing more than half of

[26] al-Turkī, "'At-Tamhīd' (al-Muqaddimah Allatī Katabahā al-Muhaqqiq)," 32–34; Mustafā al-Harrūs, *Al-Madrasah al-Mālikiyyah al-Andalusiyyah Ilā Nihāyat al-Qarn Ath-Thālith al-Hijrī* (ar-Ribāt, 1418), 386–98; Miklos Muranyi, *Dirāsāt Fī Masādir Al-Fiqh al-Mālikī*, trans. M. R. Hanefi et al. (Bayrūt, 1988), 52.

[27] al-Turkī, "'At-Tamhīd' (al-Muqaddimah Allatī Katabahā al-Muhaqqiq)," 17.

[28] Melchert, *The Formation of the Sunni Schools of Law*, 159–63.

[29] Anwar Chejne, *Historia de España Musulmana* (Madrid, Cátedra, 1993), 139; María Luisa Ávila, "The Search for Knowledge: Andalusi Scholars and Their Travels to the Islamic East," *Medieval Prosopography: History and Collective Biography*, no. Special Issue: Arab-Islamic Medieval Culture 23 (2002): 125–40.

[30] E. Lévi Provençal, "Mahled," in *MEB İslam Ansiklopedisi*, I–XIII (İstanbul, 1940), 151.

[31] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/169-170; Abū ʿAbdullāh Shams ad-Dīn Muhammad b. Ahmad b. ʿUthmān al-Turkmānī al-Fāriqī al-Dimashqī al-Dhahabī, *Tadhkirat Al-Huffāz*, 2 within 4 volumes (Haydar Ābād, 1956), 2/630; Maribel Fierro, "The Introduction of Hadīth in Al-Andalus (2nd/8th-3rd/9th Centuries)," *Der Islam* 66, no. 1 (1989): 68–93.

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the total. Although no quantitative study has been conducted, it is apparent at first glance that these locations, which most captivated Bāqī's interest, were rarely chosen by his Andalusian contemporaries.[32] On the other hand, Bāqī b. Makhlad, who undertook these journeys with the support of a friend, personally studied Hadīth with Ibn Abī Shaybah in Iraq and became the first to bring works such as Imām al-Shāfiʿī's (d. 204/820) *Kitāb al-Umm* and Khalīfa b. Khayyāt's (d. 240/854) *Tabaqāt al-Ruwāt* to al-Andalus. The works he introduced significantly influenced the hadīth–raʾy debate in al-Andalus, intensifying Mālikī jurists' criticisms of the *ahl al-hadīth*, yet gradually fostering rapprochement.

From the late 3rd/9th century, figures such as Ibn al-Qazzāz (PUA: id. 9208) (Ibrāhīm b. Muhammad b. Bāz) and ʿUbaydullāh b. Yahyā al-Laythī were among the first to approach the *ahl al-Hadīth*. In his early life, ʿUbaydullāh adopted a harsh stance against the *ahl al-Hadīth*, refusing to serve on the same advisory council as Bāqī b. Makhlad. However, toward the end of his life, he softened this stance. Qāsim b. Muhammad b. Sayyār (d. 353/964) (PUA: id.7625), who acquired profound knowledge of Hadīth and Shāfiʿī jurisprudence during his journeys to the East, was criticized by Mālikī jurists for these pursuits. Qāsim not only focused on Hadīth but also embraced Shāfiʿī jurisprudence, drawing further criticism from the Mālikī scholars in al-Andalus.

In the 4th/10th century, figures such as Ahmad b. Khālid (PUA: id. 934), Ahmad b. Bāqī b. Makhlad (d. 324/936) (PUA: id. 870), and Qāsim b. Asbag (d. 340/951) (PUA: id. 7567), renowned for their dual identities as both Hadīth scholars and jurists, made significant contributions to Hadīth studies in al-Andalus. Ahmad b. KHālid, after studying in Córdoba, embarked on an extensive scholarly journey and was regarded as a leading authority of his time. Ahmad b. Bāqī b. Makhlad, who served as the judge of Córdoba during the reign of ʿAbd al-Rahmān III (r. 300-350/912–961), excelled in Hadīth studies. Qāsim b. Asbag, after studying extensively in al-Qayrawān, Egypt, and Iraq, returned to al-Andalus and participated in scholarly gatherings attended by Caliph ʿAbd al-Rahmān III (d. 350/961) and al-Hakam II (r. 350-366/961-976).

Although Mālikī criticism of the *ahl al-Hadīth* diminished in the 4th/10th century, it did not entirely disappear. For instance, Abū Muhammad al-Asīlī (d. 392/1002) (PUA: id. 4900), who accumulated extensive knowledge during his journeys to the East, could not escape criticism from Mālikī jurists due to his interest in Hadīth. When asked during a visit to Qayrawān about his treatment in al-Andalus, he reportedly replied, "They could not understand what al-Asīlī had brought."[33]

This information highlights the pivotal role of Andalusian Hadīth scholars' journeys in transferring the works of Islamic Hadīth scholars to al-Andalus, thereby contributing to the balance between Hadīth and *raʾy*. Beginning in the late 3rd/9th century and increasing in the 4th/10th century, these journeys reduced the tension between Mālikī jurists and the *ahl al-Hadīth* while facilitating the spread of Hadīth studies in al-Andalus. While Mālikīs primarily based their jurisprudence on the rulings of Imām Mālik and his students, the *ahl al-Hadīth* group advocated for a methodology centered on Hadīth and traditions (*āthār*). However, from the 4th/10th century onward, a Hadīth-centered approach began to influence Mālikīs as well.[34] This shift laid the groundwork for the redefinition of the relationship between Hadīth and jurisprudence in al-Andalus, leading to the adoption of a more formative approach.

3. Judge Qādī Ismāʿīl b. Ishāq al-Djahdamī and the Transmission of Iraq's Mālikī Raʾy-Centered Views to al-Andalus

The formative period of the Mālikī school extends from the scholarly activities of Mālik b. Anas

[32] María Luisa Ávila, "Nuevos Datos Para La Biografía de Baqī b. Majlad," *Al-Qantara*, no. 6 (1985): 324.
[33] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 7/140.
[34] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 4/422.

and his students to the mid-4th/10th century. During this period, study circles and jurisprudential assemblies based on Mālik's narrations and opinions were established in various regions, leading to methodological and interpretive differences within the school. These differences, originating from the approaches of Mālik's students, were particularly shaped by methods of transmission and jurisprudential approaches. An examination of the *Muwattaʾ*, one of the foundational texts of the Mālikī school, reveals the presence of individuals who studied directly under Mālik b. Anas in various regions. However, regarding works based on Mālik's jurisprudential opinions and fatwas (*masāʾil*) beyond *al-Muwattaʾ*, Medina and Egypt stood out as the two principal centers of the Mālikī tradition. In this context, the Medinan school, represented by ʿAbd al-Malik b. al-Mādjishūn[35] and the Egyptian school, represented by Ibn al-Qāsim, gained prominence.[36] When considering Ibn al-Qāsim's transmissions of Mālik's *al-Muwattaʾ* as well as his pivotal role in Sahnūn's compilation *al-Mudawwana*, his scholarly authority and central position within the Mālikī school become all the more evident.[37] In addition to the figures mentioned above, other scholars - In al-Andalus such as ʿAbd al-Malik b. Habīb (d. 208/823), the author of *Kitāb al-Wādiha*- and their works, which can be considered of considerable importance to the Mālikī legal tradition, are also noteworthy.[38]

The Mālikī jurisprudential circles that developed in different regions adopted two primary approaches to the resolution of legal issues. The first approach, rooted in applied jurisprudence (*furūʿ*), aimed to produce practical solutions and focused on issuing fatwas and legal judgments. The second approach emphasized theoretical development, employing evidence and methodological reasoning to defend practical solutions and counterarguments from other schools. The first approach was particularly influential in Mālikī circles outside Iraq, while the second approach was primarily developed by the ʿIrāqī Mālikī school, which made significant contributions to the theoretical

[35] The views of Mālik b. Anas and other Medinan scholars occupy a significant place in the writings of the Cordoban jurists—just as they do in the works of Sahnūn in Kairouan. In both cities, the jurists' scholarly authority was not limited to their personal erudition, charisma, or mastery of religious sources; rather, it was also rooted in their intellectual journeys to Madīnat al-Nabī (the City of the Prophet) and in the intellectual legacy, interpretive methods, and even written texts they brought back with them. Similarly, scholars who traveled to Medina in pursuit of knowledge carried what they had acquired there to centers like Kairouan and Córdoba, where they taught in the great mosques of these cities. In this way, the ordinary resident of Córdoba could access this knowledge without undertaking the journey to Medina, for it was mediated through the presence and teachings of these eminent scholars. Moreover, the architectural forms of the mosques in both Córdoba and Kairouan deliberately echoed the great mosques of the East; and in cities such as Kairouan and Fez, the fruits of these scholarly journeys—particularly books authored by renowned scholars—were preserved within the mosque complexes themselves. In this manner, royal architecture and scholarly tradition functioned in tandem to construct an experiential sense of a "new Medina" in southern al-Andalus and North Africa. Within this framework, the prominence of Medina as a source of scholarly legitimacy among North African and Andalusian scholars was by no means coincidental. As the radiant city of the Prophet, Medina constituted both the origin and the continuing validation of legal authority within the Mālikī school of law. Jonathan E. Brockopp, *Muhammad's Heirs: The Rise of Muslim Scholarly Communities, 622–950* (Cambridge University Press, n.d.), 162..

[36] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 4/276-277. For texts produced within the Mālikī tradition during this period and for references to leading scholars, see Nejmeddinne Hentati, *Al-Madhhab al-Mālikī Bi-l-Garb al-Islāmī : Ilā Muntasaf al-Qarn al- Khāmis al-Hidjrī / al-Hādī ʿashr al- Mīlādī* (Tibr al-zamān, 2004), 194–214.

[37] Although Ibn al-Qāsim emerges as the foundational figure of the Mālikī tradition in Egypt, it would be reductive to explain this scholarly legacy solely through a single individual. Indeed, the manuscript evidence related to Ibn ʿAbd al-Hakam's *Mukhtaṣar al-ṣaghīr* and *Mukhtasar al-kabīr* constitutes a significant source for analyzing the scholarly output of his contemporaries in Egypt and beyond. In this regard, Ibn ʿAbd al-Hakam's works are particularly noteworthy insofar as they indicate a rupture in intellectual continuity. Unlike Ibn al-Qāsim and Ibn Wahb—though comparable to their contemporary Ashhab b. ʿAbd al-ʿAzīz—his name has received little to no attention within the established Mālikī madrasa traditions of North and West Africa or in the classical and modern historiography of Islamic law. Nevertheless, manuscript findings from Kairouan and other centers clearly demonstrate that his texts were widely circulated for more than two centuries after his death, and that interest in his works continued, albeit sporadically, in subsequent centuries. Brockopp, *Muhammad's Heirs*, 119–21..

[38] See Jonathan E. Brockopp, "Rereading the History of Early Mālikī Jurisprudence," *Journal of the American Oriental Society* 118, no. 2 (1998): 233–38..

foundations of the Mālikī tradition.[39]

The ʿIrāqī Mālikī school was shaped and led by Qādī Abū Ishāk Ismāʿīl b. Ishāq al-Azdī al-Djahdamī (d. 282/896), who is considered its founder.The fact that al-Djahdamī was one of the teachers with Ayyūb b. Sulaymān (d. 326/938) studied in the East requires closer examination to better understand Ayyūb's intellectual views and his contributions to Andalusi scholarship. Qādī Ismāʿīl based his jurisprudence on the opinions of Mālik b. Anas while also drawing influence from his teachers in Medina and Basra. His jurisprudential approach was shaped by the raʾy-centered methodology of the Basran scholar Ahmad b. Muʿadhdhal (d. 240/855) and the Hadīth teachings of prominent figures such as ʿAlī b. al-Madīnī (d. 234/848).[40] Qādī Ismāʿīl extensively analyzed Mālik's Hadīth narrations and jurisprudential opinions and developed a distinctive Mālikī approach that balanced raʾy and tradition (*hadīth*), incorporating methods such as analogy (*qiyās*) and extraction (*takhrīdj*) [41]. In this regard, his unique interpretations of Mālik's narrations, especially in *al-Muwattaʾ*, highlight his innovative contributions to the Mālikī school. For instance, his opinion that *zakāt* should be paid on fig trees is a notable example of his use of takhrīdj in deriving legal rulings.[42]

Qādī Ismāʿīl's family also contributed significantly to the dissemination of the Mālikī tradition in Iraq. His father, Ishāq b. Ismāʿīl, held the position of *mazālim* officer in Egypt under the Abbasid caliph al-Maʾmūn (218/833), establishing the family's ties with the Abbasid dynasty.[43] One of his relatives, Abū Yūsuf Yaʿqūb b. Ismāʿīl, served as a judge in Medina and developed friendly relations with Caliph al-Muʿtasim (d. 227/842). The relationships of Hammād b. Zayd (d. 179/795) and his family with the Abbasid court grew stronger, particularly from the reign of al-Maʾmūn onward, and this development was directly connected to Basra's influence on Abbasid religious policies.[44] These strong familial ties

[39] Burhān al-Dīn Ibrāhīm b. ʿAlī Ibn Farhūn, *Al-Dībāj al-Mudhab Fī Maʿrifat Aʿyān ʿulamāʾ al-Madhab* (Bayrūt, 1999), 154.
[40] Abū Bakr Ahmad b. ʿAlī b. Thābit al-Khatīb al-Bagdādī, *Tārīkh Bagdād*, 14 vols. (Bayrūt, n.d.), 6/287.
[41] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 4/289.
[42] Shihāb ad-Dīn Abū al-ʿAbbās Ahmad b. Idrīs al-Qarāfī, *Al-Ihkām Fī Tamīz al-Fatāwā ʿan al-Ahkām Wa-Tasarrufāt al-Qādī Wa-al-Imām* (Halab, 1967), 260–61.
[43] al-Qādī ʿIyād, *Tartīb Al-Madārik*, 4/278-279.
[44] W. Montgomery Watt, *The Formative Period of Islamic Thought* (Edinburgh University Press, 1973), 263–67. In this context, it is important to highlight the miḥna process. The Mihnah was an inquisition and persecution initiated by the Abbasid Caliph al-Maʾmūn in 833 to test views on the createdness of the Qurʾān (*Khalq al-Qurʾān*). In his letters to the governor of Baghdad, Ishāq b. Ibrāhīm, al-Maʾmūn instructed the interrogation of judges (*qāḍīs*) and ḥadīṯ scholars, demanding their acceptance of the view that the Qurʾān was created. Those who refused were barred from official positions, and their testimonies were deemed inadmissible. In the initial interrogations, many scholars adopted the caliph's position; however, figures such as Ahmad b. Hanbal and Muhammad b. Nūh resisted. These scholars were chained and sent to Tarsus, but the process shifted after al-Maʾmūn's death: Ahmad b. Hanbal was imprisoned and later released due to public pressure. The Mihna policy was not confined to Baghdad; it extended to other centers like Basra, Kufa, Damascus, Medina, and Egypt. The persecutions continued during the reigns of Caliphs al-Muʿtasim and al-Wāthiq, with individuals like Ahmad b. Nasr al-Khuzāʿī revolting against the oppressions. The al-Mihnah ended in 851 during the reign of Caliph al-Mutawakkil, when discussions on the createdness of the Qurʾān were prohibited, and victims of the process were freed. The Mihna is not only seen as a theological debate but also as an attempt to consolidate the caliphate's religious authority and curtail the influence of peripheral powers such as the *ahl al-hadīth*. In addition to al-Maʾmūn's adoption of this policy under the influence of Muʿtazilī theologians, political factors such as the increasing power of Persian-origin administrators, provincial revolts, and uprisings by the descendants of ʿAlī formed the backdrop of this process. The selection of the al-Djahdamī family by al-Maʾmūn suggests their alignment with Muʿtazilī views or at least a favorable attitude toward rational thought. On the other hand, the same family is renowned for its contributions to the field of *hadīth* studies. Therefore, they achieved significant expertise in both *hadīth* and rational sciences, enabling them to establish strong relations with the ruling authorities. However, during the same period, Andalusian Mālikīs adopted a rigid stance against both raʾy- and hadīth-based jurisprudence. This highlights the fact that terms such as Mālikism, ahl al-Hadīth, and ahl al-raʾy can vary in meaning depending on geography and time. Consequently, analyses centered on these concepts must consider such variations. Moreover, in facilitating the expansion of Andalusian Mālikism, it is possible to regard figures like Ayyūb b. Sulaymān and Baqī b. Makhlad, who studied in Iraq, as innovators. These individuals aimed to bring new perspectives to Andalusian jurisprudence by learning from scholars like al-Djahdamī in Iraq, thus introducing diverse viewpoints to the region. This process demonstrates that Andalusian Mālikism was not merely a localized structure but a dynamic tradition that evolved and

and scholarly contributions enabled Qādī Ismāʿīl to promote a Mālikī interpretation in Baghdad that balanced raʾy and tradition. Additionally, Qādī Ismāʿīl authored works in various fields, including theology, Hadīth, and jurisprudence, becoming a leading authority in his era.[45] Melchert identifies Qādī Ismāʿīl as a "moderate rationalist" who helped reconcile the tensions between *ahl al-raʾy* and *ahl al-Hadīth*, contributing to the formation of classical schools of jurisprudence.[46] Qādī Ismāʿīl played a central role in spreading Mālikī jurisprudence in Iraq and in advancing the theoretical approaches within the school.[47]

B. The Balakāyush Family

The Balakāyush family descends from Julian, a figure frequently mentioned during the Islamic conquests. The person known as Balakāyush is identified as Julian's son. Therefore, to understand the roots of this family, it is necessary to briefly discuss Julian himself. There are various opinions about the identity of Count Julian of Ceuta. It has been suggested that he was of Berber, Visigothic, or Roman origin.[48] Some sources claim Julian was a Byzantine ruler, while others argue that he was a Berber affiliated with the Masmūda tribe.[49] However, some researchers propose that Julian might be an entirely legendary figure. Although there is no conclusive evidence, it is most plausible that Julian was a local Berber or Roman influenced by Byzantine culture.

Julian played a pivotal role in facilitating the Muslim conquest of al-Andalus. He provided ships to help Muslim armies safely cross to the peninsula.[50] Acting as a guide familiar with the region, he informed Muslim forces about their enemies' vulnerabilities. He also offered strategic military

transformed through influences from different geographies Fuat Sezgin, *Geschichte Des Arabischen Schrifttums*, 15 vols. (Leiden, 1967), 1/475-476.

[45] al-Shīrāzī, *Tabaqāt Al-Fuqahāʾ*, 165.

[46] Christopher Melchert, "Religious Policies of the Caliphs From Al-Mutawakkil to al-Muqtadir, A.H. 232-295/A.D. 847-908," *Islamic Law and Society* 3, no. 3 (1996): 339–40.

[47] Abū ʿAbdullāh Shams ad-Dīn Muhammad b. Ahmad b. ʿUthmān al-Turkmānī al-Fāriqī al-Dimashqī al-Dhahabī, *Tārīkh Al-Islām Wa-Wafayāt al-Mashāhīr Wa-l-Aʿlām* (1987, n.d.), 21/123.

[48] Sālih b. Muhammad b. Rāshid as-Sanīdī, "Yulyān ve Fath Al-Andalus: ʿardun Djadīd Liqadiyyatin Qadīme," *Madjallatu Djāmiat Al-Imām Muhammad b. Suūd al-Islāmiyye*, no. 17 (1996): 436. According to Carlos Martínez Carrasco, the designation of Julián as a *rūm* in Islamic sources indicates that he was of non-local origin, external to the African provinces, and thus associated with an administrative or military role. Within this framework, Carrasco's research points to the likelihood that Julián was a military figure of Persian-Armenian descent. This inference is not limited to Julián alone but is supported by the use of the term *ʿadjam*, which was also applied to similar figures in North Africa. The use of this term in Arabic historiography reflects the Arabs' meticulous categorization of ethnic and cultural groups encountered in conquered territories and shows that this label was consciously applied to individuals who did not conform to the established social classifications of the North African milieu. It is well documented that Armenians played an active role in Byzantine politics during the 7th century—some being appointed as governors in the African provinces (such as Nersēh Kamsarakan), while others (like Mezezios) led rebellions against Byzantine rule in Sicily. The Visigothic kingdom was not immune to this Armenian presence either; the case of Ardabasto, an ancestor of the Witiza lineage, illustrates how this interaction extended into the Iberian Peninsula. Another point emphasized by Carrasco is that, in traditional Islamic historiography, Julián's lineage is traced back to an eponymous figure of Persian origin, Ashbām. Likewise, the figure of Rodrigo is assimilated to that of Khosrow II (Kisrā): a falconer-king who, overcome by lust, loses both his power and his life—an allegorical construct that reinforces the symbolic framework of these narratives. Over time, legendary elements accumulated around the historical figure of Duke Julián, positioning him at the center of a mythic narrative cycle that portrayed the Islamic conquest of al-Andalus as part of a divinely ordained plan. The motif of the daughter's violation and the ensuing revenge, in particular, took shape as part of a corpus of epic popular tales emerging in Egypt in the second half of the 9th century and gradually became integrated into the broader tradition of Islamic historical writing Carlos Martínez Carrasco, "El Último Patricio Romano de Spania. Una Relectura de La Figura Del «conde Don Julián»," in *II Jornadas Interdisciplianres de Derecho, Historia y Arqueología De Roma a Bizancio: El Territorio En El Sureste Hispano*, ed. R. Rodríguez López and J. Vizcaíno Sánchez (Almería, 2014), 22–24.

[49] Muhammad Ibn Tāwīt, *Tārīkhu Sabta* (Dār al-Thaqāfa, 1982), 14.

[50] İsmail Hakkı Atçeken, "Septe (Ceuta) Kontu Julianus ve Endülüs'ün Fethinde Müslümanlara Yardımlarıyla İlgili Tartışmalar," *Necmettin Erbakan Üniversitesi İlahiyat Fakültesi Dergisi*, no. 16 (2003): 39, 40; Khalīl Ibrāhīm al-Sāmirī et al., *Tārīkh Al-ʿArab Wa-Hadāratihim Fī al-Andalus* (Dār al-Kitāb al-DJadīd al-Muttahidah, 2000), 29–30, 406.

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advice.[51] Additionally, some of Julian's soldiers reportedly joined the Muslim army. Some researchers suggests that Julian's extensive support might have stemmed from earlier admiration for Muslims during ʿUqbah b. Nāfiʿ's arrival in the region, possibly leading him to embrace Islam.[52] However, this interpretation lacks strong supporting evidence and remains speculative.

After the conquest of al-Andalus, Julian's fate is subject to differing accounts. Some sources state that Julian was granted Ceuta and its surrounding lands in return for his assistance and continued to live there.[53] Other sources claim that he accompanied Mūsā b. Nusayr and Tāriq b. Ziyād to Damascus and later settled in Córdoba. Another view suggests that Julian returned to Ceuta, where he was killed in a local conflict. Until new, reliable evidence emerges, Julian's ultimate fate will remain historically ambiguous.

The uncertainty surrounding Julian also raises questions about when his family settled in Córdoba. However, considering accounts of Julian living in Córdoba and aiding the Muslims, alongside evidence of the Balakāyush family's presence in the city, it can be inferred that Julian continued to assist Muslims in Córdoba during and after the conquest. His son, Balakāyush, converted to Islam.[54] It is presumed that Julian later returned to Ceuta and died there.[55] Balakāyush, however, seems to have remained in Córdoba, as indicated by the continuation of his lineage in the city.

1. Ayyūb b. Sulaymān b. Hakam b. ʿAbd Allāh b. Balakāyush b. Ulyān al-Qūtī (d. 326/938)

The only information we have been able to find about Ayyūb b. Sulaymān derives from the work of Manuela Marín. Marín states that Ayyūb b. Sulaymān b. Hakam b. ʿAbdullāh b. Balakāyush b. Ulyān, known as Abū Sulaymān, was a scholar from Córdoba and a descendant of the renowned Count Don Julian (ruler of Ceuta). He passed away at the end of Shawwāl 326 AH (late August 938). He was a devoted student of Baqī b. Makhlad and also traveled to the East. In Iraq, he studied with the renowned "judge of judges" Ismāʿīl b. Ishāq, and it is reported that he brought several ʿIrāqī manuscripts (whose titles are unknown) back to al-Andalus. Marin describes him as someone who rejected imitation (*taqlīd*) and was inclined toward speculation.[56]

One of the fundamental premises of this study is the historical reality that, following the Arab conquests of 711, the local Visigothic population maintained its presence within the social structure,[57] and that a segment of this population gradually adopted Islamic beliefs and identity.

The lineage of the family up to the Count of Ceuta can be traced as follows: Ayyūb b. Sulaymān b. Hakam b. ʿAbdullāh b. Balakāyush b. Ulyān. Furthermore, they are referred to with the nisbah "al-Qūtī," indicating Visigothic origins. However, the ethnicity of their ancestor Julian remains a matter of debate, and no definitive conclusion has been reached as has already been noted. It is also narrated that Ayyūb b. Sulaymān took pride in the fact that Islam was introduced to al-Andalus through his ancestor Julian. Ayyūb b. Sulaymān passed away the end of Shawwāl 326 AH (end of August 938) and

[51] al-Maqqarī, *Nafh Al-Tīb*, 1/232.
[52] al-Sāmirī et al., *Tārīkh Al-ʿArab Wa-Hadāratihim Fī al-Andalus*, 422; as-Sanīdī, "Yulyān ve Fath Al-Andalus," 440–41.
[53] Muhammad ʿAbd Allāh ʿInān, *Dawlat Al-Islām Fī al-Andalus*, 5 vols. (Maktabat al-Khāndjī, 1990), 1/160.
[54] Bulliet, in his analysis of Iran, notes that the first Persian name he identifies belongs to a person who converted to Islam Richard W. Bulliet, *Conversion to Islam in the Medieval Period: An Essay in Quantitative History* (Harvard University Press, 1979), 14., and he mentions a similar situation in Muslim Spain Bulliet, *Conversion to Islam*, 115–16.. Although there is no definitive information about Julian's conversion to Islam, the account regarding Balakāyush and his decision not to change his name supports Bulliet's view. However, more names are needed to further support Bulliet's view, see Mayte Penelas, "Some Remarks on Conversion to Islam in Al-Andalus," *Al-Qantara* 23, no. 1 (2002): 193–98.
[55] as-Sanīdī, "Yulyān ve Fath Al-Andalus," 444–45.
[56] Manuela Marín, "Baqī b. Majlad y La Introducción Del Estudio Del Hadït En Al-Andalus," *Al-Qantara: Revista de Estudios Árabes* 1, no. 1 (1980): 194–95.
[57] Roger Collins, *Visigothic Spain 409–711* (Blackwell Publishing, 2004), 245.

was buried in the Quraysh Cemetery in Córdoba.[58]

Baqī b. Makhlad, one of the prominent scholars of al-Andalus, was a significant figure in Ayyūb b. Sulaymān's life and reportedly taught him extensively. Another notable event in Ayyūb's life was his journey to the East in pursuit of knowledge. Among the prominent figures he encountered and studied under during his travels was Judge Ismāʿīl al-Djahdamī in Baghdad.[59] What distinguished al-Djahdamī was his status as a Mālikī jurist in Baghdad, where Hanafīs were predominant. al-DJahdamī had reached a high level of independent reasoning (*idjtihād*) within the Mālikī school and was also an esteemed hadīth transmitter.

Upon returning from this journey, Ayyūb brought several books by ʿIrāqī scholars to al-Andalus, though their specific contents are not described.[60] Evaluations of his scholarship highlight his preference for evidence-based rulings and his willingness to express his own opinions on various matters. Among his notable students was his son, Sulaymān.

2. Sulaymān b. Ayyūb b. Hakam b. ʿAbd Allāh b. Balakāyush b. Ulyān al-Qūtī (d. 377/987)

Sulaymān, also known by the *kunya* Abū Ayyūb, studied under the following scholars: Muhammad b. ʿUmar b. Lubāba (d. 330/942) (PUA: id. 10719), Aslam b. ʿAbd al-ʿAzīz (d. 319/931) (PUA: id. 2189), Ahmad b. KHālid, Muhammad b. ʿAbd al-Malik b. Ayman (d. 330/942), ʿUthmān b. ʿAbd al-Rahmān b. Abī Zayd (PUA: id. 6164), Ahmad b. Bishr b. al-Agbas (d. 327/939) (PUA: id. 864), Muhammad b. Ahmad al-Shiblī al-Zāhid, ʿAbdullāh b. Yūnus (d. 330/942) (PUA: id.5663), Muhammad b. Qāsim, Qāsim b. Asbagh, Ahmad b. Baqīʿ b. Makhlad, and his father, Ayyūb b. Sulaymān. Among his own students were Ibn ʿAfīf and Ibn al-Faradī.[61]

It is noted that Sulaymān, like his father, leaned toward evidence-based rulings, was known for expressing his views on various issues, and had significant knowledge of jurisprudential disagreements. Ibn al-Faradī recounts that two of Sulaymān's teachers praised him. These were Muhammad b. Yahyā b. ʿAbd al-ʿAzīz and Muhammad b. Muhammad b. Abī Dulaym, who reportedly directed students to learn from him. Ibn al-Faradī, who was one of Sulaymān's students, describes him as follows: "He was a devout ascetic, humble, and often tearful. He transmitted Hadīths, and many people studied under him." Sulaymān passed away at the end of Shaʿbān 377 AH, two nights before its conclusion (22 December 987) and was buried in the Muʾammara Cemetery.[62]

One of the teachers of Sulaymān b. Ayyūb was Muhammad b. ʿUmar b. Lubāba, who is often mentioned among the leading figures in jurisprudence. (This name is frequently confused with his nephew, Abū ʿAbdullāh Muhammad b. Yahyā, due to their identical names.) It is reported that he taught books on raʾy for sixty years and was considered a leading figure in this field during his time.[63] One of his transmitted statements is as follows: "The certain knowledge in which there is no doubt is the Book of Allah and the Sunnah of the Messenger of Allāh. As for raʾy, it is sometimes correct and sometimes akin to fortune-telling."[64] This statement indicates that he developed a more reserved attitude toward raʾy over time.

Another teacher of Sulaymān, Muhammad b. ʿAbd al-Malik b. Ayman b. Farah (d. 330/942) (PUA: id. 9765), is noted to have traveled to the East for scholarly purposes alongside Qāsim b. Asbagh b.

[58] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/163.
[59] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/163.
[60] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/163.
[61] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/330-331.
[62] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 1/331.
[63] Ibn al-Faradī, *Tārīkh ʿUlamāʾ Al-Andalus*, 2/680-681.
[64] al-Dabbī, *Bugyat Al-Multamis*, 1/147; Abū ʿAbd Allāh Muhammad b. Futūh b. ʿAbd Allāh al-Humaydī, *Djadhwat Al-Muqtabis Fī Tārīkh ʿUlamāʾ al-Andalus*, ed. Bashshār ʿAwwād Maʿrūf and Muhammad Bashshār ʿAwwād, 2 vols. (Dār al-Garb al-Islāmī, 1429), 1/128.

Muhammad b. Yūsuf b. Nāsih b. ʿAtāʾ al-Bayyānī al-Qurtubī (d. 340/951) (PUA: id. 7567). It is mentioned that he received extensive training in the Eastern lands and is described in the sources as a jurist, a scholar, and a leader in the field of raʾy.[65]

3. Ahmad b. Sulaymān b. Ayyūb b. Sulaymān b. Hakam b. ʿAbd Allāh b. Balakāyush b. Ulyān al-Qūtī (d. 388/998)

Ahmad, known by the *kunya* Abū ʿUmar, studied under scholars such as Qāsim b. Asbag, Muhammad b ʿAbd Allāh b. ʿAbd al-Malik b. Abī Dulaym (d. 338/950) (PUA: id. 9606) , and Ahmad b. Saʿīd. He embarked on a journey to the East to perform the *hadjdj* and was regarded as a well-rounded scholar. Ahmad passed away in 388/998, and his funeral prayer was led by the chief of police, Ahmad b. Muhammad b. Yahyā al-Tamīmī, before he was buried in the Muʾammara Cemetery.[66]

Although Ahmad is mentioned as a scholar, he does not appear to have achieved the same level of prominence as his father or grandfather. By the time of Ahmad's life, the intellectual debates between traditionalists and innovators in al-Andalus had largely subsided. As a result, his contributions are less associated with the intense struggles of the previous generations.

C. The Impact of the Banū Balakāyush on Andalusi Intellectual Life

Ayyūb b. Sulaymān from the Balakāyush family was a contemporary of Baqī b. Makhlad and, like him, undertook a scholarly journey to the East. Upon his return, Ayyūb brought several books to al-Andalus. Although there is no detailed information about these books, it is assumed that they likely included works related to jurisprudence and methodology (*usūl*), similar to those emphasized by Baqī. This is evident from the fact that the only teacher mentioned during Ayyūb's time in the East was Judge Ismāʿīl al-Djahdamī. As previously explained, al-Djahdamī played a significant role in the development of *usūl al-fiqh* (the principles of jurisprudence) within the Mālikī school in Baghdad. Consequently, Ayyūb b. Sulaymān, having engaged with Mālikī scholars in the East, returned to al-Andalus with knowledge on using Hadīths for deriving new legal rulings, along with books supporting this perspective. He then taught his students in al-Andalus, aligning himself with the views of Baqī b. Makhlad.

However, unlike Baqī, Ayyūb did not achieve significant fame. This may be attributed to the absence of any mention of his holding an official state position like Baqī. Ayyūb appears to have been a private scholar dedicated to teaching. On the other hand, Baqī's involvement in state affairs and the responsibilities entrusted to him may have brought him more to the forefront during that period. Despite this, it is known that both shared similar jurisprudential perspectives. Ayyūb was both a student and a close companion of Baqī. He undertook scholarly journeys to the East under Baqī's influence, met figures such as al-Jahdamī, and returned to al-Andalus with books, demonstrating that he followed a similar intellectual trajectory. Like Baqī, Ayyūb also sought to resolve legal issues by referencing not only the books that had reached al-Andalus at the time—particularly Hadīth collections—but also other known and authentic texts. However, as Baqī emerged as the leader of this perspective, criticism from opponents primarily targeted him. Ayyūb, while defending similar views, did not become a focal point for criticism. Nevertheless, it is understood that he continued to train students and disseminate the views he supported.

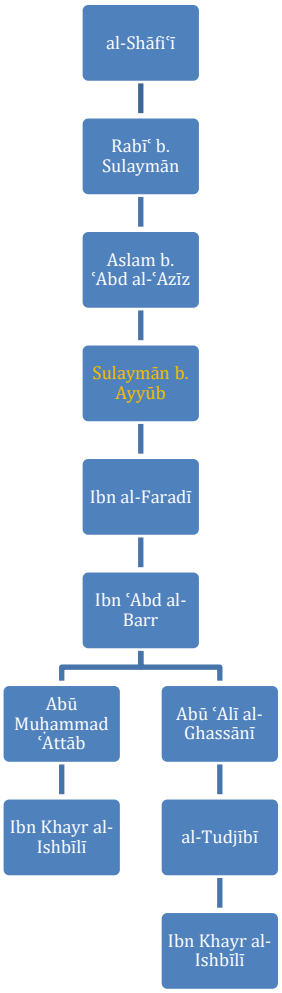
One of the prominent students of Ayyūb b. Sulaymān was his son, Sulaymān. In fact, much of the information available about Ayyūb in historical sources has been preserved thanks to his son Sulaymān. Although Ayyūb was an important figure, his lack of widespread recognition in al-Andalus may have resulted from his limited public presence. Similarly, Sulaymān b. Ayyūb was not a widely

[65] Ibn al-Faradī, *Tārīkh 'Ulamā' Al-Andalus*, 2/704.
[66] Ibn al-Faradī, *Tārīkh 'Ulamā' al-Andalus*, 1/120.

known figure, as evidenced by Ibn al-Faradī's statement that he only became aware of Sulaymān through the recommendations of two of his teachers. Nevertheless, it can be said that Sulaymān was more active than his father. It appears that the intellectual movement opposing blind imitation (*taqlīd*) in al-Andalus was influenced by Ayyūb and carried forward by Sulaymān. Not only Ayyūb, but also many of Sulaymān's teachers contributed to this intellectual tradition, as previously mentioned.

Unlike his father, Sulaymān does not seem to have undertaken a scholarly journey to the East, which may indicate that such a journey was no longer necessary during his time. Figures such as Baqī b. Makhlad and Ayyūb b. Sulaymān had already brought numerous books to al-Andalus, and during the reign of Hakam II, officials were assigned to identify and purchase works from the East, bringing them to al-Andalus.[67] The presence of many competent scholars in al-Andalus also contributed to this development. Sulaymān both studied under these scholars and trained students of his own. In addition to teaching, his name is also mentioned in the transmission of books.

Sulaymān b. Ayyūb is listed among the transmitters of two works within Andalusi scholarly circles. These works are *Kitāb Mukhtalif al-Hadīth* by Muhammad b. Idrīs al-Shāfiʿī[68] and *al-Radd ʿalāl-Muqallidīn li-Mālik* by Qāsim b. Muhammad.[69] The transmission chain of *Kitāb Mukhtalif al-Hadīth* (as mentioned, this book is transmitted to Ibn Khayr al-Ishbīlī through two different transmitters, both of which are included here):



[67] Mehmet Özdemir, "Hakem II," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (TDV Yayınları, 1997), 15:174.
[68] Ibn Khayr al-Ishbīlī, *Fahrasatu Ibn Khayr Al-Ishbīlī* (Dār al-Garb al-Islāmī, 2009), 246–47.
[69] al-Humaydī, *Djadhwat Al-Muqtabis*, 1/322.

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Mukhtalif al-Hadīth, while relevant to all Islamic sciences, is predominantly addressed within the fields of Hadīth methodology and *usūl al-fiqh*. In works on *usūl al-fiqh*, the topic of *mukhtalif al-Hadīth* is not only treated as an independent subject dealing with contradictions among Hadīths but is also examined as a subtopic of *taʿārud* (*conflict*) among all sharīʿī evidences.[70] Scholars of Hadīth methodology have addressed this subject mainly from the perspective of *thubūt* (authenticity of the source), whereas scholars of *usūl al-fiqh* have focused on *dalālah* (interpretation and understanding of the Hadīths). The domain of *mushkil al-Hadīth*, which encompasses *mukhtalif al-Hadīth*, also relates to theology (*ʿaqīdah*) and kalām, with examples in the literature predominantly selected from Hadīths concerning these topics.

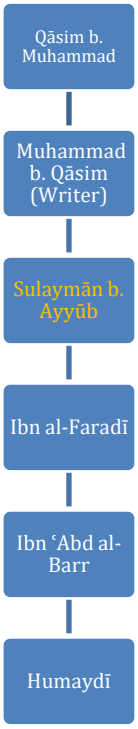
al-Hākim al-Naysābūrī (d. 405/1014) defined *mukhtalif al-Hadīth*, which he referred to as *al-Sunan al-Mutāʿāridah*, as "the Prophetic hadīths/sunnahs that are equally authentic or weak, yet contradictory, and which scholars of legal schools use as evidence for opposing rulings."[71] Al-Nawawī, on the other hand, described it as "the reconciliation of two seemingly contradictory Hadīths or the preference of one over the other."[72]

Scholars have developed four methods for resolving *mukhtalif al-Hadīth*: *Djamʿ wa-taʾlīf* (reconciliation), *naskh* (abrogation), *tardjīh* (preference), and *tawaqquf* (suspension of judgment).[73] From this perspective, those dealing with *mukhtalif al-Hadīth* go beyond mere transmission, incorporating interpretation and moving closer to *raʾy*.

The fact that the book's author is al-Shāfiʿī is also noteworthy. *Mukhtalif al-Hadīth* is a field that has produced significant works since its early periods. During the 2nd/8th century, some disputes between Abū Hanīfa (d. 150/767), Ibn Abī Laylā (d. 148/765), and Mālik (d. 179/795) involved examples falling under the scope of *mukhtalif al-Hadīth*. The *al-Hudjdjah ʿalā Ahl al-Madīnah* by Muhammad b. Hasan al-Shaybānī (d. 189/805), which compared the approaches of Medina and Iraq, served as a precursor to later seminal works in the field, including those of al-Tahāwī (d. 321/933). However, the name most commonly associated with *ikhtilāf al-hadīth* is al-Shāfiʿī's (d. 204/820), who authored the earliest independent work on the subject as the concluding chapter of his *al-Umm*. This chapter, *Ikhtilāf al-hadīth*, has also been published independently.[74]

As the scholar to write on *mukhtalif al-Hadīth*, al-Shāfiʿī addressed some conflicting Hadīths, providing explanations for the perceived contradictions. al-Shāfiʿī emphasized *qiyās* (analogical reasoning) when evaluating Hadīths. He preferred Hadīths amenable to *qiyās* over those that were not. This highlights his rationalist methodology, as evidenced by his use of terms like *maʿqūl* and *al-maʿrūf fī al-maʿqūl* in his evaluations.[75] This indicates the importance of rational elements in the methodology established by al-Shāfiʿī. Moreover, the fact that Mālikīs in al-Andalus examined such works demonstrates not only their openness to studying all kinds of texts but also their adoption of some Shāfiʿī perspectives.

[70] Abū al-Qāsım Muhammad Hifnāwī, *Taʿrīf Al-Khalaf Bi-Ridjāl as-Salaf* (Tūnis, 1402), 29 ff.
[71] Muhammad b. ʿAbd Allāh al-Hākim an-Naysābūrī and Ahmad Fāris al-Salūm, *Maʿrifat ʿUlūm Al-Hadīth* (Dāru Ibn Hazm, 2003), 301.
[72] Abū Zakariyya Yahyā b. Sharaf al-Nawawī, *Irshād Tullāb Al-Haqāʾiq Ilā Maʿrifat Sunan Khayr al-Khalāʾiq* (Dār al-Minhādj al-Qawīm, 2019), 161.
[73] Abū al-Fadl Shihāb ad-Dīn Ahmad b. ʿAlī Ibn Hadjar al-ʿAsqalānī, *Nuzhat An-Nazar Fī Tawdīh Nukhbat al-Fikr Fī Mustalah Ahl al-Athar* (Dār Ibn Kathīr, 2015), 168.
[74] Muhammad b. Idrīs al-Shāfiʿī, *Ikhtilāf Al-Hadīth* (Muʾassasat al-Kutub al-Thaqāfiyyah, 1405); Muhammad b. Idrīs al-Shāfiʿī, *Ikhtilāf Al-Hadīth* (Dār al-Kutub al-ʿIlmiyyah, 1406).
[75] Muhammad b. Idrīs al-Shāfiʿī, *Al-Risālah* (Maktabat Dār al-Turāth, 2005).



Another work in which Sulaymān b. Ayyūb is listed in the transmission chain is *al-Radd ʿalā al-Muqallidīn li-Mālik* by Muhammad b. Qāsim. As inferred from its title, this work appears to criticize those who blindly imitated the founder of the Mālikī school, Imām Mālik.

The tradition of writing refutations (*raddiyyāt*) in Islamic history began in the period following the death of the Prophet Muhammad, as differing opinions among Muslims emerged. These disputes led to the formation of various schools of thought (*madhāhib*) and sects (*firaq*), further popularizing the practice of refutations. During the rapid expansion of Islamic conquests during the era of the al-Khulafāʾ al-Rāshidūn, the Islamic world integrated communities adhering to diverse religious and philosophical doctrines. In this context, scholars from opposing sides criticized each other's belief systems and documented these criticisms in refutational works. Furthermore, during the codification and development of Islamic sciences, refutations were not limited to theological debates but also extended to academic and philosophical issues.

Refutational works, particularly from the 2nd to the 4th centuries AH (8th to 10th centuries CE), were often titled "*Kitāb al-Radd ʿalā* ...." However, titles beginning with "*Kitāb ʿalā* ...," which also indicate a response to a specific belief or idea, are encountered.[76]

Some refutations were named using the term naqd (to refute, dismantle). For instance, a work responding to a book was titled *Naqd Kitāb Ibn al-Rāwandī fī* ..., while a work opposing an individual's views was titled *Kitāb al-Naqd ʿalā al-Rāzī fī al-ʿIlm al-Ilāhī*, and so on.[77]

In al-Andalus, the struggle against imitators (*muqallidūn*) was discussed earlier. This struggle was not limited to educating students but also involved the authorship of various works. The inclusion of Sulaymān b. Ayyūb in the transmission chain of one such work demonstrates his clear alignment with this movement. Like his father, he opposed scholars who defended imitation and resisted innovation. Beyond teaching students, he actively participated in transmitting and narrating key

[76] Ibn al-Nadīm, *Al-Fihrist Fī Akhbār al-ʿUlamāʾ al-Musannifīn Min al-Qudamāʾ Wa-l-Muhdathīn Wa-Asmāʾ Kutubihim* (Tihrān, n.d.), 132–33.
[77] Ibn al-Nadīm, *Al-Fihrist*, 159–60.

works, solidifying his position. He appears to have gained more recognition than his father.

Ahmad b. Sulaymān, though mentioned as a jurist (*faqīh*), does not seem to have achieved the same level of fame as his father. However, it is evident that he, like his father and grandfather, was part of the reformist movement in Andalusi jurisprudence. Ahmad's era coincided with a time when the reformists had already become the dominant perspective, both politically and among scholars, in al-Andalus. Therefore, it is believed that he did not have to engage in the same level of conflict as his predecessors.This interpretation aligns with the earlier-mentioned statement by ʿUbaydullāh b. Yahyā. Due to his relatively limited recognition, as was the case with his grandfather, little detailed information about Ahmad is available.

Conclusion

After the conquest of al-Andalus, it has been established that Count Julian of Ceuta, known for aiding the Muslims during the conquest process, and his family remained in the region for a time, even settling in Córdoba and assisting local governors. From Julian's lineage, through his son Balakāyush who converted to Islam, three prominent figures emerged, playing significant roles in Andalusi intellectual life.

During the period when members of the Banū Balakāyush family appeared, a significant conflict existed in al-Andalus between traditionalist Mālikī jurists and scholars who pursued innovative approaches, led by figures such as Baqī b. Makhlad. This intellectual struggle involved figures like Ayyūb b. Sulaymān, Sulaymān b. Ayyūb, and Ahmad b. Sulaymān from the Banū Balakāyush family, who supported Baqī b. Makhlad's views. In this context, Ayyūb b. Sulaymān likely traveled to the East during a period when Baqī was also active, studying under al-Djahdamī, whose views aligned with his own. Upon returning to al-Andalus with works supporting these perspectives, Ayyūb taught students and fostered this orientation in his lessons. Sulaymān b. Ayyūb, in addition to training students, played a critical role in transmitting two significant works related to this orientation to subsequent generations by being part of their chain of transmission. The family's last notable figure, Ahmad, was less active than his father and grandfather, as the conflict between the two groups was nearing resolution during his time, with the faction aligned with Baqī b. Makhlad ultimately prevailing.

Although the Banū Balakāyush family aligned themselves with Baqī b. Makhlad, they did not achieve his level of fame. Information about Ayyūb b. Sulaymān and Sulaymān b. Ayyūb has reached us primarily through Ibn al-Faradī, whose teachers directed him to study with Sulaymān. Even though Ahmad was not as prominent as his predecessors, he is still a figure about whom some information has been transmitted.

The terms *ahl al-raʾy* and *ahl al-Hadīth* represent ambiguous concepts that varied across time and geography, exhibiting distinct structures. It has been determined that these two terms correspond to different meanings in al-Andalus compared to the eastern Islamic world. In the eastern Islamic world during this period, the term *ahl al-raʾy* referred to groups that centered their approach to religious sciences on raʾy and adopted this methodology. Meanwhile, the *ahl al-Hadīth* group in the same region did not prioritize raʾy as their primary tool. However, in al-Andalus, scholars associated with the *ahl al-Hadīth* approach were closer to *raʾy*-oriented methodologies and opposed the concept of *taqlīd* (imitation). Conversely, the Mālikī jurists in al-Andalus maintained a distant stance from both the *raʾy* and *ahl al-Hadīth* approaches.

In conclusion, while the Banū Balakāyush family, descendants of Count Julian of Ceuta, did not become widely renowned, they played an active role in Andalusi intellectual life and fulfilled their responsibilities to the faction they supported.



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Endülüs İlmî Geleneğinde Bir Ailenin Portresi: Benû Belekâyuş

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Geniş Öz

Belekâyuş ailesi, Sebte Kontu Julianos'un soyundan geldiği kabul edilen ve 4./10. yüzyıllar arasında Endülüs'te etkin olan bir entelektüel hattı temsil eder. Kont Julianos, Latin ve Arap kaynaklarında İber Yarımadası'nın 92/711 yılındaki Müslüman fethine aracılık eden tartışmalı bir figür olarak geçmekle birlikte, sonraki Arap biyografik kaynakları onun soyundan gelenlerin Müslüman kimlikleriyle Endülüs ilim çevrelerinde aktif olduklarını göstermektedir. İbnü'l-Faradî'nin (ö. 403/1013) kayıtlarına göre, Eyyûb b. Süleymân (ö. 326/938) ve oğlu Süleymân b. Eyyûb (ö. 377/987), Belekâyuş soyunun belirgin temsilcileri olup "el-Kûtî" nisbeleriyle, yerel Vizigot unsurlarının İslami entelektüel çevreye entegrasyonunu simgelemektedirler. Bu aile, üç kuşak boyunca sürdürdüğü ilmî faaliyetlerle Mâlikî fıkhı ve hadis çalışmalarının Endülüs'teki gelişimine katkıda bulunmuş, aynı zamanda Doğu İslam dünyasıyla kurduğu bağlantılar aracılığıyla taklîd ile ictihâd arasındaki entelektüel tartışmaların şekillenmesinde önemli bir rol oynamıştır.

Ailenin ilk kuşak temsilcisi olan Eyyûb b. Süleymân el-Kûtî, tanınmış hadis âlimi Bakî b. Mahled'in (ö. 276/889) öğrencisidir. Bakî b. Mahled'in Irak ve Hicaz'a yaptığı uzun yolculuklar, Endülüs'te hadis külliyatının yayılmasını sağlamış ve bölgesel Mâlikîlik'e metodolojik bir çeşitlilik kazandırmıştır. Eyyûb b. Süleymân da hocasının izinden giderek Bağdat'ta Mâlikî kadısı Ebû İshâk İsmâîl b. İshâk el-Cehdamî'den (ö. 282/896) ders almış, Irâkî Mâlikî okulunun dengeli yaklaşımını öğrenmiştir. el-Cehdamî'nin yöntemi, re'y (aklî görüş) ve hadis merkezli metodolojiyi birleştiren, kıyas ve usûlî çıkarımlar ile güçlendirilmiş bir dengeli içtihat modelini öngörmekteydi. Endülüs'te II. Hakem Dönemi de (350-366/961-976) Mâlikî fıkıh, hadis temelli yaklaşım ve re'y merkezli yorumlar büyük ölçüde entegre olmuş, reformist fikirlerin kalıcı etkileri kendini hissettirmiştir.

İkinci kuşak âlim Süleymân b. Eyyûb, babasının entelektüel mirasını sürdürmüş, Kurtuba'daki önde gelen fakihler ve hadisçilerle ilişkiler kurmuştur. Ahmed b. Bakî b. Mahled (ö. 324/936), Muhammed b. Ömer b. Lübâbe (ö. 330/942) ve Kâsım b. Asbağ (ö. 340/951) gibi

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âlimlerden ders almış, aynı zamanda kendisi de İbnü'l-Faradî'nin öğretmeni olarak Endülüs'teki bilgi zincirinin bir sonraki halkasını oluşturmuştur. İbnü'l-Faradî'nin Süleymân b. Eyyûb'a öğrencilik yapması onun biyografi konusunda ele aldığı *Târîhu ulemâi'l-Endelüs* isimli eserinde bu üç alimin de zikredilmesine vesile olmuş ve bugün bu ailenin bilinmesinde önemli bir rol oynamıştır. Rivayet zincirinde yer aldığı İmâm Şâfiî'nin (ö. 204/820) *Muhtelifü'l-hadîs* eseri ve Muhammed b. Kâsım'ın *er-Red ale'l-Mukallidîn li-Mâlik* eseri, onun reformist ve anti-taklîd eğilimlerini yansıtmaktadır. *Muhtelifü'l-hadîs*, çelişkili hadislerin uyumlaştırılması ve yorumlanması üzerine Doğu'daki tartışmalara Endülüs'teki katılımı gösterirken, *er-Red ale'l-mukallidîn li-Mâlik* ise taklîd karşıtı literatüre Endülüs katılımını simgelemektedir. Süleymân'ın bu eserlerin rivayet zincirinde yer alması, ders verme/eğitim faaliyeti yanında yazılı bilgi aktarımı bakımından da Endülüs'teki gelenekçi akla karşı çıkmada etki sağladığını göstermektedir.

Üçüncü kuşak âlim Ahmed b. Süleymân (ö. 388/998), önceki kuşakların başlattığı entelektüel çizgiyi sürdürdüğü anlaşılmaktadır. Ahmed'in yaşadığı dönem daha çok, reformun istikrara kavuştuğu ve fikirlerin normalleştiği bir zaman dilimidir. Bu durum, Endülüs'te yenilikçi tarafın Mâlikî fıkhında başarılı olan taraf olduğuna da işaret etmektedir. Bundan dolayı o, babası ve dedesi kadar ön plana çıkmamıştır.

Belekâyuş ailesinin örneği, Endülüs'te sonradan Müslüman olan kimselerin ilmî anlamdaki etkisini de göstermektedir. Got kökenlerini yansıtan "el-Kûtî" nisbesi, aile bireylerinin yalnızca İslâm'a geçmediğini, aynı zamanda İslâmî hukukî ve ilmî elitin bir parçası hâline geldiğini göstermektedir. Ailenin faaliyetleri, taklîd ve ictihâd tartışmalarında reformcu bir yaklaşımı temsil etmiş, doğu-batı bilgi akışının Endülüs'te somutlaşmasına katkı sağlamıştır. Endülüs'te ehl-i re'y ve ehl-i hadîs kavramları, doğudaki muadillerine kıyasla farklı bir anlam kazanmış; hadis odaklı âlimler, daha çok akılcı ve taklîd karşıtı eğilimlere sahip olmuşlardır. Bu durum, bölgesel entelektüel özelliklerin önemini ve Endülüs'teki Mâlikî düşüncenin özgün karakterini ortaya koymaktadır.

Belekâyuş ailesi, Endülüs'te Mâlikî fıkhın katı taklîd anlayışından uzaklaşıp yorum çeşitliliği ve ictihâd merkezli bir karakter kazanmasında köprü işlevi görmüştür. Bakî b. Mahled gibi büyük hadisçiler kadar ün kazanmasalar da, ilmî yolculukları, hoca-talebe zincirleri ve metin nakilleriyle 4/10. yüzyıl Endülüs'ünün entelektüel dönüşümünün sürekliliğini temsil etmişlerdir. Ayrıca, Belekâyuş örneği, yerel kökenli bir soyun İslâmî bilginin epistemolojik sınırlarını yeniden tanımlama ve entelektüel katkı sağlama kapasitesini de ortaya koymaktadır. Endülüs'te Mâlikî fıkhın hadis merkezli yaklaşımın güçlenmesi, Belekâyuş ailesinin üç kuşak boyunca sürdürdüğü entelektüel birikim ve iletişim ağları da etkili olmuştur. Bu bağlamda, aile sadece bir soy hattını değil, aynı zamanda bir bilgi hattını temsil etmekte, Doğu'dan Batı'ya uzanan ilmî transferin somut bir örneğini de sunmaktadır.

Sonuç olarak, Belekâyuş ailesi, Endülüs'te geleneksel ve yenilikçi fıkıh görüşleri arasındaki mücadelede aktif bir rol oynamış, ancak Bakî b. Mahled kadar ön plana çıkmamıştır. Bu durum, aileye dair bilgilerin günümüze sınırlı şekilde ulaşmasının başlıca nedenlerinden biridir. Bununla birlikte ailenin üyelerinin Endülüs'te hem eğitim faaliyetinde (ders verme, ders alma) yer almaları hem de rivayet silsilesinde bulundukları kitaplar onların Endülüs'te 4/10. yüzyılda gelenekçi Mâlikî fıkhına karşı yenilikçi tarafta yer aldıklarına işaret etmektedir. Bu makale, biyografi ve bibliyografi eserleri ile dönemsel kaynaklar ve güncel çalışmalardan elde edilen veriler ışığında Endülüs ilmî hayatında önemli bir yere sahip olan Belekâyuş ailesinin tarihini ve entelektüel etkisini incelemektedir.

Anahtar Kelimeler: İslam Tarihi, Endülüs, Mâlikîlik, Benû Belekâyuş, Red Geleneği.

❋ ❋ ❋

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Bu çalışma, özgündür.

2. Yazar Katkıları:

Fikir: MED&MAY; ***Kavramsallaştırma:*** MED&MAY; ***Literatür Taraması:*** MED&MAY; ***Veri Toplama:*** MED&MAY; ***Veri İşleme:*** MED&MAY; ***Analiz:*** MED&MAY; ***Yazma – orijinal taslak:*** MED&MAY; ***Yazma – inceleme ve düzenleme:*** MED&MAY.

3. Etik Kurul İzni:

Etik Kurul İzni gerekmemektedir.

4. Finansman/Destek:

Bu çalışma, herhangi bir finansman ya da destek almamıştır.

5. Çıkar Çatışması:

Yazarlar, herhangi bir çıkar çatışması olmadığını beyan etmektedirler.

6. Üretken Yapay Zeka Beyanı:

Çalışmanın hiçbir safhasında yapay zeka araçlarından faydalanılmamıştır.

7. Sürdürülebilir Kalkınma Amaçları:

