

# An Evaluation of Asad b. al-Furāt's *al-Asadiyya*\*

Mansur KOÇINKAĞ<sup>1</sup>

**Abstract:** Although Mālik's understanding of fiqh developed largely in the context of *Muwatta'*, i.e., narration-centred, until the end of the second century AH, it began to take on a ra'y-centred character as a result of Asad b. al-Furāt's efforts. Since the Mālikīs were not yet familiar with the ra'y-centred understanding of fiqh at that time, *al-Asadiyya* was subject to some criticism in the early period, but along with *al-Mudawwana*, the narrations were added to the work, bringing it closer to their style, and thus the fiqh of Mālik began to develop as ra'y-centred. The most significant person in this change and transformation is Asad b. al-Furāt. This is because he determined the questions in the works written according to ahl al-Kūfa and then, together with Ibn al-Qāsim, wrote down Mālik's understanding of fiqh based on ra'y. Therefore, the questions of whether ahl al-Kūfa had an influence on the formation of *al-Asadiyya* and what was Asad's contribution to the formation of *al-Mudawwana* are important questions for our study. In this study, I will try to explore the answers to these questions based on the historical record and some similarities between *al-Mudawwana* and *al-Aṣl*.


**Keywords:** Mālik, Asad b. al-Furāt, Ibn al-Qāsim, Saḥnūn, *al-Asadiyya*, *al-Mudawwana*.

## Introduction

*al-Asadiyya* and *al-Mudawwana* are works written according to Mālik's understanding of fiqh. However, the style of both works does not match the style followed by Mālik in *Muwatta'*. This is because Mālik (d. 179/795) is considered one of the imāms of the aṣḥāb al-hadith and unlike Abū Ḥanīfa (d. 150/767), he delivered his lectures mainly by narrating hadith. In parallel, his scholarship began to spread with the transmission of the *Muwatta'* in the second half of the second century AH. However, it is claimed that "Asad b. al-Furāt (d. 213/828) was interested in the jurisprudence of Irāq, and wanted to write Mālik's jurisprudence in the same style after the death of Mālik. Therefore, he went to Egypt and asked Ibn al-Qāsim (d. 191/806) the questions available in the works of the ahl al-'Irāq, and a work known as *al-Asadiyya* was produced. Then Saḥnūn (d. 240/854) updated *al-Asadiyya* through his *al-Mudawwana*, making some additions."

To find out whether these claims are true or not, some determinations will be made based on both historical records and similarities in the texts. Although there are some studies on Asad's life, there is no work on his main work, *al-Asadiyya*. The main reason for this is that this work has not

\* I would like to thank Prof. Christopher Melchert for his important contribution by reading the article and Mehmet Kurhan for checking the text.

<sup>1</sup> Assoc. Prof, Çanakkale Onsekiz Mart University, Faculty of Theology, Department of Islamic Law, TÜRKİYE. mansur-kocinkag@hotmail.com,  ORCID: 0000-0002-2589-945X

Articles in Theosophia are licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0).

reached the present day. However, it is possible to make some observations based on the information in the history books, some passages narrated from *al-Asadiyya*, and its second version, *al-Mudawwana*. Therefore, this study will mention Asad's scholarly personality briefly, then some characteristics of *al-Asadiyya*, and finally the relationship between *al-Aṣl*, *al-Asadiyya*, and *al-Mudawwana*. In this way, some information will be gained about the style and nature of *al-Asadiyya*, even though it has not yet reached the present day, and the impact of this work has had on the development of the Mālikī school will become clear in this study.

### 1. Asad b. Furāt's Life and Scholarly Personality

Under this heading, the life of Asad will not be discussed in detail, but his life, scholarly travels, and scholarly personality will be briefly touched upon. Thus, we get some information about the environment in which *al-Asadiyya*, his work, was written.

The full name of the author of *al-Asadiyya* is Asad b. al-Furāt b. Sinān. His nickname is known as Abū 'Abd Allāh. He is the mawlā of Banī Sulaym b. Qays, one of the Arab tribes. It is assumed that he was not an Arab by ethnicity because he was from of the mawālī. As a matter of fact, it is reported that Asad was originally from the city of Nayshābūr in al-Khorasān<sup>2</sup> and his family settled in Ḥarrān (Urfa) over time, which is located in present-day southern Turkey on the Syrian border. Asad was born in Ḥarrān in 142/759<sup>3</sup> according to the widespread acceptance and died in 213/828 as a result of an epidemic or a wound he suffered in a battle in Syracuse with the army sent by the Byzantines.<sup>4</sup>

When Asad was only two years old, he went to Qayrawān with his father in 144/761.<sup>5</sup> They moved to Qayrawān because of his father's duty, who served in Ibn al-'Ash'ath's army. After living in Qayrawān for five years, he settled in Tunisia and lived there for nine years. Asad relates this event as follows:

We moved to Qayrawān with my father in Ibn al-'Ash'ath's army and stayed there for five years. Then we went to Tunisia and lived there for about nine years. When I was eighteen, I studied al-Qur'ān in Bagrada.<sup>6</sup>

Asad listens to *Muwatta'* from 'Alī b. Ziyād (183/799), one of Mālik's disciples, and it is accepted that he was the one who first brought *Muwatta'* to Maghrib. Asad says that he first took lessons from 'Alī b. Ziyād.<sup>7</sup> After being a student of 'Alī b. Ziyād for a while, Asad embarked on a long journey to Medina to become a student of Mālik himself in 172/788.<sup>8</sup>

<sup>2</sup> Abū al-'Arab, *Tabaqāt 'ulamā' Ifrīqiyya*, Beirut: Dār al-Kitāb al-Lubnānī, n.d., 81.

<sup>3</sup> Some scholars cite 140/757, 143/760, 144/761, and 145/762 for his date of birth, and there are those who cite 214 for his date of death (Abū al-'Arab, *Tabaqāt 'ulamā' Ifrīqiyya*, 83; Qāḍī Iyād, *Tartīb al-madārik wa-taqrīb al-masālik*, Maghrib: Matba'at Faḍāla, 1965-1983, 3: 309; Dhahabī, *Tārīkh al-Islām*, (Bashshār 'Awwād Ma'rūf ed.), Beirut: Dār al-Gharb al-Islāmī, 2003, 5: 274). There are also those who claim that his birthplace is Najrān or originally from Granada (Ibn al-Khaṭīb, *al-Iḥāṭa fī akhbār Gornāta*, Beirut: Dār al-kutub al-'ilmiyya, 1424, 1: 231; 'Abd Allāh b. Muḥammad, *Asad b. al-Furāt wa-dawruhu fī al-'ilm wa-al-da'wah*, Jāmi'at al-Imām Muḥammad b. Sa'ūd, Kulliyat al-Da'wah wa-al-iḥtisāb, n.d., 21-22).

<sup>4</sup> Mālikī, *Riyāḍ al-nufūs fī tabaqāt ulamā' al-Qayrawān wa-Ifrīqa*, Beirut: Dār al-Gharb al-Islāmī, 1994, 1: 254-255; Ibn Khallikān, *Wafayāt al-a'yān*, (Iḥsān 'Abbās ed.), Beirut: Dār Ṣādir, n.d., 3: 181.

<sup>5</sup> Ibn al-'Adīm, *Bughyat al-ṭalab fī tārīkh Ḥalab*, (Suhayl Zakkār ed.), Beirut: Dār al-fikr, n.d., 4: 1553.

<sup>6</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 254-255.

<sup>7</sup> Abū al-'Arab, *Tabaqāt 'ulamā' Ifrīqiyya*, 251; Shawqī, *Fath Siqilyā bi qiyādat al-mujāhid Asad b. al-Furāt*, Beirut: Dār al-fikr al-mu'āṣir, 1998, 67.

<sup>8</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 256

When Asad arrived in Medina, he was not initially part of Mālik's private teaching circle. According to what was reported from him, first, the Medinans, then the Egyptians, and lastly other people attended Mālik's teaching circle. He says that he initially attended classes with the latter, but when Mālik saw his enthusiasm for teaching, he told him to attend classes with the Egyptians. Asad's two friends; Ghālib b. Mahdī and Ḥārith b. Asad were attending the lecture with him. Since Asad did not enjoy attending the lecture with the Egyptians without his friends, he recited the situation to Mālik and Mālik allowed them to attend the lecture with the Egyptians as well.<sup>9</sup> It was probably through these lectures that Asad got to know Mālik's prominent Egyptian students. This must have played a role in Asad's departure to Egypt, not Medina, after Mālik's death. Asad attended Mālik's lectures for a time in Medina. During these lectures, Ibn al-Qāsim and other students were not comfortable asking questions, therefore they encouraged the younger Asad to ask questions instead. When Asad once again asked hypothetical questions such as "What if...", Mālik reproached him, "If you want this, you must go to Iraq",<sup>10</sup> and in another narration, "If you like ra'y, you should go to Iraq."<sup>11</sup>

It can be said that Asad stayed in Medina for a short time and then left for Iraq. He probably did not stay in Medina for more than a year. Several factors may have contributed to Asad's departure from Medina and his journey to Iraq. (a) First, he asked Mālik some questions on ra'y-centred and hypothetical jurisprudence but Mālik responded negatively to his inquiry. (b) Secondly, he wished to gain a lot of knowledge in a short time, but in Mālik's lecture circle, few hadiths were read out, and it took a long time because the hadiths were written by his students.<sup>12</sup> (c) Third, he might be a person inclined to ra'y-centred. (d) Fourth, he may have thought that he had benefited sufficiently from Mālik's understanding of fiqh and wanted to benefit from the experience of another great jurist of the time, Abū Ḥanīfa.

When Asad went to Iraq, he received knowledge from Abū Ḥanīfa's companions, such as Qādi Abū Yūsuf (d. 182/798), Asad b. 'Amr and Shaybānī (d. 189/805).<sup>13</sup> Asad says that at first, he did not understand the issues very well because he was not familiar with jurisprudence and the method of ahl al-Kūfa, but with time he understood their views.<sup>14</sup> When Asad attended Abū Yūsuf's lecture, Shaybānī was writing down what Abū Yūsuf said (imlā') at that time, and Shaybānī took him to his house for Abū Yūsuf's request. It is also reported that Shaybānī gave Asad eighty dinars because he was poor.<sup>15</sup> Although Asad continued to attend Abū Yūsuf's lectures for a while, he benefited more from Shaybānī, and he went with him to Mecca for the Hajj.<sup>16</sup> According to a narration, Asad lived in Shaybānī's private house; Shaybānī lived on the upper floor and Asad on the lower floor. At night, Shaybānī would teach him and transmit some works on the jurisprudence of Kūfa. Asad says that

<sup>9</sup> Qādi Iyāḍ, *Tartīb al-madārik*, 3: 292.

<sup>10</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 257; Qādi Iyāḍ, *Tartīb al-madārik*, 3: 292.

<sup>11</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 256-257.

<sup>12</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 256; Qādi Iyāḍ, *Tartīb al-madārik*, 3: 293.

<sup>13</sup> Abū al-'Arab, *Tabaqāt 'ulamā' Ifriqiyya*, 82; Mālikī, *Riyāḍ al-nufūs*, 1: 255; Qādi Iyāḍ, *Tartīb al-madārik*, 3: 291.

<sup>14</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 257.

<sup>15</sup> Qādi Iyāḍ, *Tartīb al-madārik*, 3: 294.

<sup>16</sup> Qādi Iyāḍ, *Tartīb al-madārik*, 3: 295.

Shaybānī poured water on his face when he began to fall asleep from exhaustion during the lesson.<sup>17</sup> This historical anecdote shows a close relationship between the two.

The sadness of the scholars in Iraq over the death of Mālik caused Asad to abandon his understanding of Kūfa fiqh and return to Mālik's fiqh. Asad is upset that he has left the lectures of Mālik, and to make up for it, he goes to Egypt and engages in his jurisprudence.<sup>18</sup> It is reported that in 179/795, while Asad was in Shaybānī's lecture circle, someone came and whispered something in Shaybānī's ear, whereupon Shaybānī said, "innā lillāh wa-innā ilayh rāji'un". Asad sees that Iraqi scholars are very upset when the news of Mālik's death reaches Iraq.<sup>19</sup> As a result, he wants to leave Iraq and move to Egypt to obtain Mālik's fiqh. When he talks to Shaybānī about his economic problem situation he says that the crown prince could help him, and then later he received ten thousand dirhams from the administrators.<sup>20</sup>

Almost all historians who deal with the date of Asad's departure for Egypt mention the death of Mālik, so it is assumed that he left Iraq in 179/795 and went to Egypt. Why did he choose Egypt instead of Medina? I think he chose that region for two reasons: It is where Mālik's prominent disciples were and Egypt was on his route home from Iraq. It is estimated that he stayed in Iraq for about 6 years. This shows that he was engaged in Iraqi fiqh for a long enough time. Some scholars say that Asad first went to Medina to ask these questions, and when he saw that Mālik died, he went to Egypt,<sup>21</sup> but this claim is weak and contradicts many historical anecdotes. It is also claimed that he never took lessons from Mālik, but this claim is not verified by historians.<sup>22</sup>

Asad was on his way back to Tunisia, completing his nine-year scholarly journey in 181/797.<sup>23</sup> When he arrived at his hometown, Ziyād b. Ibrāhīm b. Aghlab (head of state) appointed Asad as a judge in Africa in 203/819 (or 204/820).<sup>24</sup> He performed this duty together with Abū Muḥriz Muhammad b. 'Abd Allāh al-Kinānī (d. 214/829). It is reported that Asad and Abū Muḥriz served as judges at the same time,<sup>25</sup> although there was a serious disagreement between them. It is also said that this is the first case in the history of Islām in which two qādīs were appointed in the same city.<sup>26</sup>

Although the people of the region were influenced by people like Buhlūl b. Rāshid (183/799), 'Abd Allāh b. Farrūkh (d. 175/791) and 'Abd Allāh b. Ghānim (d. 190/806), who were disciples of Mālik, there were also those who adhered to the fiqh of Abū Ḥanīfa. Thus, it can be seen that Asad and Abū Muḥriz, who were appointed judges at the same time, gave verdicts according to the Ḥanafi school from time to time. However, Mālikis became more dominant over time and due to the disputes between both schools during the Saḥnūn period, a debate was prohibited according to schools other

---

<sup>17</sup> Mālikī, *Riyāq al-nufūs*, 1: 258.

<sup>18</sup> Qāḍī Iyāq, *Tartīb al-madārik*, 3: 295.

<sup>19</sup> Mālikī, *Riyāq al-nufūs*, 1: 257.

<sup>20</sup> Mālikī, *Riyāq al-nufūs*, 1: 259-260.

<sup>21</sup> Ibn Rushd, *al-Muqaddimāt al-mumahhidāt*, (Muḥammad Hajjī ed.), Beirut: Dār al-Gharb al-Islāmī, 1988, 1: 45.

<sup>22</sup> Qāḍī Iyāq, *Tartīb al-madārik*, 3: 295-296.

<sup>23</sup> Abū al-'Arab, *Tabaqāt 'ulamā' Ifriqiyya*, 83; Qāḍī Iyāq, *Tartīb al-madārik*, 3: 309.

<sup>24</sup> Mālikī, *Riyāq al-nufūs*, 1: 255, 269.

<sup>25</sup> Qāḍī Iyāq, *Tartīb al-madārik*, 3: 304.

<sup>26</sup> Mālikī, *Riyāq al-nufūs*, 1: 269.

than Mālikī.<sup>27</sup> On the other hand, the appointment of Ibn 'Abdūn (d. 299/912), a Ḥanafī scholar, as a judge shows that the influence of the Ḥanafīs still continues in this region in the second half of the third century AH.

During Asad's lifetime, there was a struggle for the throne between Euphemios (Fīmī) and Balata in Sicily, which was a part of Byzantium. When Balata gained a victory against Euphemios, the latter took refuge with Ziyādat Allāh b. Aghlab (d. 223/838) and asked him for help. At that time, Tunisia was under the rule of the Aghālība state. Although this state gained its independence in 181/800 from the Abbasid state, it was busy with many rebellions.<sup>28</sup> When the conquest of Sicily came on the agenda, the head of state Ziyād b. Ibrāhīm consulted with the scholars. Unfortunately, Asad was again at odds with his disciple. While his disciple Saḥnūn opposed the war, Asad argued that there should be a war. Asad was appointed commander of the army prepared for the conquest of Sicily in 212/827. It is reported that Asad was the only person in Africa who was both a judge and a commander at the same time.<sup>29</sup> This is because when he was appointed commander, he was not relieved of his duty as qadi, so he performed both duties under his responsibility.

Although there had been several previous attempts by the Muslims, Sicily was not conquered. Saying that the time for conquest had come, Ziyād sent an army under the command of Asad to Sicily. However, there was an agreement that there would be no war between Sicily and the Maghrib. Since there was a problem with the Muslim captives, he demanded a fatwā from the scholars and organized an expedition there. Asad set out for Sicily with around ten thousand foot soldiers and nine hundred cavalrymen.<sup>30</sup> Mālikī (d. 453/1061) says that, contrary to other historians, he had 10,000 horsemen in his army.<sup>31</sup> Although Asad achieved great success in this conquest, the conquest of all of Sicily did not take place until seventy-five years after his death. Nevertheless, he was called the conqueror of Sicily.<sup>32</sup>

## 2. The Formation of *al-Asadiyya*

Many different names such as al-Mudawwana, al-Mudawwanat al-ūlā, al-Asadiyya, al-Masā'ilū'l-Asadiyya, Kitāb Asad, and al-Mukhtaliṭa were used for the fiqh work written by Asad.<sup>33</sup> There are many historical records confirming each other regarding the writing of this work. It is reported that when Asad came to Egypt; he had works that were written according to the Ḥanafī law, and the questions and answers in these works were written according to the fiqh of ahl al-Kūfa. He asked three prominent disciples of Mālik to answer the questions contained in these books according

<sup>27</sup> 'Abd Allāh b. Muḥammad, *Asad b. al-Furāt wa-dawruhu fī al-'ilm wa-al-da'wah*, 12-13.

<sup>28</sup> 'Abd Allāh b. Muḥammad, *Asad b. al-Furāt wa-dawruhu fī al-'ilm wa-al-da'wah*, 7.

<sup>29</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 271.

<sup>30</sup> Qādī Iyād, *Tartīb al-madārik*, 3: 304.

<sup>31</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 271.

<sup>32</sup> Abū al-'Arab, *Tabaqāt 'ulamā' Ifrīqiyya*, 83.

<sup>33</sup> Ibn Farḥūn, *al-Dibāj al-mudhhab fī ma'rifāt a'yān 'ulamā' al-madhhab*, (Muḥammad al-Aḥmadī ed.), Cairo: Dār al-turāth, n.d., 1: 306; Muḥammad Ulaysh, *Minaḥ al-jalīl sharḥ Mukhtaṣar Khalīl*, Beirut: Dār al-fikr, 1989, 1: 22; Ibn al-Khatīb, *al-Iḥāta fī akhbār Gīrnāta*, 1: 231; Dhahabī, *Tārīkh al-Islām*, 5: 274; Maqriḍī, *al-Muqaffā al-kabīr*, Beirut: Dār al-Gharb al-Islāmī, 2006, 2: 37.

to Mālik's understanding of fiqh. They are Ibn Wahb (d. 197/813), Ashhab (d. 204/820), and Ibn al-Qāsim.

Asad first goes to Ibn Wahb and says, "These are the books of Abū Ḥanīfa (hādhih kutub Abī Ḥanīfa)"<sup>34</sup> and asks him to answer the questions in these books according to Mālik's view. Ibn Wahb gives answers to Asad's questions by narrating traditions. Asad does not like his answer based on narration, in other words, he wants him to answer like ahl al-Kūfa, but Ibn Wahb does not accept such a method.<sup>35</sup> This is because, at that time, the ra'y-centred understanding of fiqh was not a method with which the Mālikis were very familiar. Asad then comes to Ashhab and asks him some questions. After Ashhab's answers, Asad asks, "Is this the view of Mālik or Abū Ḥanīfa?" Ashhab answers, "These are my views". Asad gets angry and says "I ask you about the opinion of Mālik and Abū Ḥanīfa, and you say that is my opinion" and leaves his lecture circle.<sup>36</sup>

When he didn't get the answers from Ibn Wahb and Ashhab, he went to Ibn al-Qāsim and asked him some questions, and Ibn al-Qāsim answered his questions and responded positively to his intention. Thus, as a result of the efforts of Asad and Ibn al-Qāsim, the first ray-centred work on Mālikī jurisprudence is produced. Since Asad arrived in Egypt in 179/795 and left in 181/797, it is assumed that this workshop, known as *al-Asadiyya* and consisting of sixty books (chapters), was completed in two years.<sup>37</sup> Assad said the following statements about the writing of *al-Asadiyya*:

At night, on the page called qunḍaq (kontakion), I would turn Iraqis' issues into questions in line with Mālik's understanding of fiqh, and in the morning I would ask Ibn al-Qāsim about them. Sometimes we would disagree and argue about the extrapolation (takhrij) in Mālik's view. Either I would agree with his view or he would agree with mine.<sup>38</sup>

As is known, in the fiqh works of companions of Abū Ḥanīfa, a style such as "'ara'ayt law kāna kadhā la-kān kadhā wa-kadhā" is common. Questions are usually phrased as "'ara'ayt law...", "'ara'ayt in..." and "'ara'ayt idhā...", i.e. conditionally. The same style is also found in *al-Aṣl*, which was written based on the notes in Abū Ḥanīfa's lecture circle and the information transmitted by Abū Yūsuf. As it can be seen from the above narration, Asad would bring these questions into a form in accordance with Mālik's understanding of fiqh at night and would ask Ibn al-Qāsim in the morning. The fact questions in *al-Mudawwana*, the second version of *al-Asadiyya*, are generally structured in the form of questions and answers and are written in the style of "'ara'ayt law...", "'ara'ayt in...", and "'ara'ayt idhā..." supports the same claim. As can be seen in *al-Mudawwana* that has survived to the present day, Ibn al-Qāsim either directly narrates Mālik's view on the subject or he makes istinbāṭ and takhrij in accordance with his understanding of fiqh.<sup>39</sup> He says "ma sami'tu min Mālik" and "wa-huwa ra'yī"

<sup>34</sup> Dhahabī, *Tārīkh al-Islām*, 5: 274.

<sup>35</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 296-297.

<sup>36</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 261; Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 297.

<sup>37</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 261; Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 297. In some of my previous works, the year 182/797 was mentioned as the date of Asad's return to Maghrib, but this is wrong (bkz. Koçinkağ, *Re'y ve Hadis: Fikih Düşüncesinde İlk Yöntemsel Ayrışmanın Edebî Kaynaklarına Dair Bir Analiz*, İÜSBE, İstanbul 2017, 196; *The Influence of al-Shāfi'i on the Islamic Law and Hadīth Sources in the Third Century A.H.*, Germany: Grin Verlag, 2021, 32).

<sup>38</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 297.

in so many places, saying that he has not heard anything from him directly, and then makes *istinbāts* based on other issues or expresses his own opinion directly.

Before Asad left Egypt, the Egyptians demanded that *al-Asadiyya* be copied from him, although he did not accept this at first, he allowed them to copy *al-Asadiyya* as a result of the pressures.<sup>40</sup> When Asad is about to leave, Ibn al-Qāsim gives him a valuable object and says to him, "When you arrive in Africa, sell it, buy parchment with the money, copy the books and send them to me."<sup>41</sup> From all this information, it appears that even Ibn al-Qāsim himself does not own a copy of *al-Asadiyya*, and the Egyptians copied the raw version of the book.

It is reported that Ashhab's *al-Mudawwana* was prepared on the basis of a copy of *al-Asadiyye*, but that he disagreed with Ibn al-Qasim on some points.<sup>42</sup> Also, when Asad prepared to return to his hometown, Ibn al-Qāsim gave him the notes he had taken in Mālik's lectures and said, "I have given you answers from time to time when [my mind] was busy, look at this book (notes taken in Mālik's lecture) if you find anything in it that contradicts the answer I have given, drop my answer."<sup>43</sup> Based on this narration, it is understood that Ibn al-Qāsim had some issues (*masā'il*) written in Mālik's lecture circle and gave them to Asad.

When Asad returned to his hometown, he began to give lessons. Asad's disciples like Saḥnūn come and listen to *al-Asadiyya* from him. However, when Asad sees that Saḥnūn has started copying the book, he does not like it and does not read the rest of the work to Saḥnūn. Considering that Asad did not want to give a copy of this book to the Egyptians, it can be said that he did not want to lose this privilege or that he was in a sort of jealousy. It is reported that Saḥnūn makes a deal with someone to get the rest of the work as well, and this person attends Asad's lecture and listens to the chapter of the "kitāb al-qasm". Asad makes him swear that he will not give it to Saḥnūn, but despite this, this person goes and gives that part to Saḥnūn. In this way, Saḥnūn reached the entire *al-Asadiyya*.<sup>44</sup> It is also reported that Saḥnūn did not correct (*taṣḥīḥ*) the part of the "qasm" and left this chapter as it was in *al-Asadiyya*. Evaluating these two pieces of information together, one can assume that this part was not in the copy that Saḥnūn presented to Ibn al-Qāsim, and that Saḥnūn copied this

<sup>39</sup> For example:

قُلْتُ: وَهَذَا قَوْلُ مَالِكٍ؟ قَالَ: مَا أَدْرِي، أَوْفَعْتُهُ عَلَيْهِ وَهُوَ رَأْيِي.  
 قُلْتُ: أَتَحْفَظُهُ عَنْ مَالِكٍ؟ قَالَ: لَا وَهُوَ رَأْيِي.  
 قُلْتُ: أَتَحْفَظُ عَنْ مَالِكٍ؟ قَالَ: لَا وَهُوَ رَأْيِي.  
 قُلْتُ لِابْنِ الْقَاسِمِ: أَرَأَيْتَ مَنْ قَلَّدَ هَدْيَهُ أَوْ بَدَّلَتْهُ ثُمَّ بَاعَهُ؟ قَالَ: مَا سَمِعْتُ مِنْ مَالِكٍ فِيهِ شَيْئًا، وَلَكِنْ إِنْ كَانَ يَعْرِفُ مَوْضِعَهُ رَدَّ وَمَنْ يَجُزُّ الْبَيْعَ فِيهِ  
 قَالَ: مَا سَمِعْتُ مِنْ مَالِكٍ فِيهِ شَيْئًا، وَلَكِنْ سَمِعْتُ مَالِكًا يَقُولُ فِي السَّوَاجِلِ...  
 قَالَ: لَمْ أَسْمَعْ مِنْ مَالِكٍ فِي هَذَا بِعَيْنِهِ شَيْئًا، وَلَكِنْ سَمِعْتُ مَالِكًا يَقُولُ فِي الدِّي...  
 ...

<sup>40</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 261-261; Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 298.

<sup>41</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 262.

<sup>42</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 265.

<sup>43</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 297. Original expression:

ولما أردت الخروج إلى إفريقية دفع إلي ابن القاسم سماعه من مالك. وقال لي ربما أجبنتك وأنا على شغل. ولكن انظر في هذا الكتاب فما خالفه مما أجبنتك فيه، فأسقطه

<sup>44</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 262.

part from *al-Asadiyya*, perhaps after Asad's death. In this case, the above story would be fabricated to justify how Saḥnūn obtained this chapter.

While Asad was teaching *al-Asadiyya* and some works on Ḥanafī jurisprudence in Qayrawān, Saḥnūn went to Egypt in 188 AH and presented *al-Asadiyya* to Ibn al-Qāsim again. Saḥnūn, who remained in Egypt for three years, brought with him the letter that Ibn al-Qāsim wrote to Asad while returning to Qayrawan in 191 AH. In the letter, Ibn al-Qāsim requests that Asad make some changes to his text comparing *al-Asadiyya* with Saḥnūn's work, and demands that Asad modify it according to Saḥnūn's work. But Asad refused to do so because he had taken lessons directly from Mālik, and Saḥnūn was his disciple.<sup>45</sup> He also believed that he was involved in the creation of this work as much as Ibn al-Qāsim was. This was because he had prepared questions based on his mastery of Ḥanafī jurisprudence. Ibn al-Qāsim answered the questions he heard from Mālik directly, with the word "balāgh" to his words that reached him, but in issues where Mālik's opinion was unknown, they both answered with the method of takhrīj (extraction) and istinbāṭ (inference). Therefore, Asad said reproachfully about Ibn al-Qāsim, who said that he should consider Saḥnūn's work, "Who made you Ibn al-Qāsim, do you want me to abandon what we both agree on and return to your view alone!"<sup>46</sup> In another narration, Asad said, "Shall I submit my books to the books of the person who was educated by me?"<sup>47</sup> and firmly rejected this suggestion.

It is said that Asad left the Mālikī school and moved to the Ḥanafī school because he felt insulted by Ibn al-Qāsim's offer. In my opinion, however, Asad never joined a regional school like Shāfi'ī, but he developed the knowledge of fiqh by benefiting from all these schools. The fact that both were intimately familiar with Hijāz and then Iraqī jurisprudence must have contributed to their understanding. Also, Mālikī reports that Asad did not adhere to either Iraqī or Medinan fiqh understanding; on the contrary, he expressed his fiqh understanding by using both schools.<sup>48</sup>

Therefore, we should be careful with the records that he abandoned the Mālikī jurisprudence and issued a fatwā with the Ḥanafī jurisprudence in response to Ibn al-Qāsim's request. In other words, Asad probably developed his thought based on the fiqh understanding of Mālik and Abū Ḥanīfa in Qayrawān and issued fatwās based on both schools. Because when he returned to his hometown, those who belonged to both schools participated in his lecture circle. Moreover, it is reported that when Asad was asked whether the views of Mālik or Abū Ḥanīfa were more acceptable, he emphasized the importance of both schools by saying that those who want the afterlife should act according to Mālik's view, and those who want this world should act according to the Iraqī view.<sup>49</sup> Presumably, he meant to express that the Iraqī understanding of fiqh is more functional for worldly practices.

---

<sup>45</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 263-264.

<sup>46</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 299.

<sup>47</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 299.

<sup>48</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 263.

<sup>49</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 1: 77.



Another anecdote is cited to give an idea of *al-Asadiyya*'s style. It is reported that 'Abd al-Khāliq al-Muta'abbid (d. 210/825) visited Asad and said to him, "Abū 'Abd Allah! You have brought us ra'y (but) you have abandoned the narrations and the views of the predecessors (salaf)." Asad replies that the opinions transmitted by the Companions (aṣḥāb) and their successors are also ra'y, but they become riwāyāt for the next people, and the things he narrates are also ra'y and do not differ from them.<sup>50</sup> Based on this narration, it is clear that the narrations were either absent or very rare in *al-Asadiyya* and it did not fit the style with which the Mālikīs were familiar. In fact, the historical records that Saḥnūn added narrations to *al-Mudawwana* and the fact that the narrations were transmitted by Saḥnūn prove the same point. This is because Asad's name is not included in the isnād of hadiths in *al-Mudawwana* and Saḥnūn transmitted these narrations through his teachers (shuyūkh).

Some Mālikis criticized *al-Asadiyya* because it is written in the Ḥanafī style, does not contain any traditions (ḥadiths), and contains doubtful expressions such as "akhālu", "aḏunnu" and "aḥṣabu". Asad replied that Ibn al-Qāsim transmitted Mālik's opinion with these expressions on things he could not remember exactly because he was a prudent and pious person.<sup>51</sup> Since Ibn al-Qāsim answers the questions raised in the fiqh of the Ḥanafī school, it is not possible to directly determine Mālik's view on many issues. Indeed, if one compares *al-Aṣl* and *Muwaṭṭa'* he will find that *al-Aṣl* is very advanced in terms of the issues it contains. When Saḥnūn went to Egypt and presented the work to Ibn al-Qāsim again, probably in order to eliminate these criticisms, expressions such as "akhālu" and "aḏunnu" were removed from the text.<sup>52</sup> In fact, it should be noted that there are not many words in *al-Mudawwana* that express such suspicion.

The main reasons for the loss of *al-Asadiyya*'s fame:

1. *al-Asadiyya* was written only as ra'y-centred. In other words, there were no narrations in this work which was written in the form of questions and answers. However, Mālik's companions were not familiar with such a style; they had a hadith-centered understanding of fiqh as in *Muwaṭṭa'*. By adding narrations to *al-Mudawwana*, Saḥnūn put the information contained in *al-Asadiyya* into a form more suitable for Mālik's companions.

2. Saḥnūn's *al-Mudawwana* was presented to Ibn al-Qāsim at a later date than *al-Asadiyya*, and his work was a more recent version. This resulted in *al-Mudawwana* being preferred by the Mālikis.

3. Saḥnūn reclassified the book, changed some aspects, and added some fiqh explanations that were not included in *al-Asadiyya*. In fact, he also benefited from the works of others of Mālik's disciples, such as Ibn Wahb and Ashhab. Although Ibn Khaldūn (d. 808/1406) claimed that most of the things in *al-Asadiyya* were changed in Saḥnūn's submission to Ibn al-Qāsim,<sup>53</sup> it is not clear whether this change is in the answers to the questions or in the things added by Saḥnūn, but in my

<sup>50</sup> Mālikī, *Riyāq al-nufūs*, 1: 266; Qāḍī Iyāq, *Tartīb al-madārik*, 3: 298, 306.

<sup>51</sup> Qāḍī Iyāq, *Tartīb al-madārik*, 3: 298.

<sup>52</sup> Mālikī, *Riyāq al-nufūs*, 1: 263; Qāḍī Iyāq, *Tartīb al-madārik*, 3: 299.

<sup>53</sup> Ibn Khaldūn, *Tārikh*, Beirut: Dār al-fikr, 1988, 1: 569.

opinion, the change is largely in the classification and his additions related to narrations and explanations.

4. Asad, unlike Saḥnūn, was not a strict follower of the Mālikī school, and made choices according to the Hanafī school and continued to narrate their books. Indeed, it is significant that Ma'mar b. Manṣūr, one of Asad's leading students, became involved in the jurisprudence of Kūfa, and Asad's daughter Asmā' married Muḥammad b. Abī al-Jawād, one of the leading Ḥanafī scholars of the time.<sup>54</sup> Mālikī says of him "He was the imām of the Iraqis (of Kūfa jurisprudence) in Qayrawān."<sup>55</sup> Maqdisī (d. 390/1000) says that the Ḥanafī school was spread by Asad in Maghrib.<sup>56</sup> Although some scholars claimed that he completely abandoned the Mālikī school and joined the Ḥanafī school due to the incident he experienced with Ibn al-Qāsim, he continued to narrate works about both schools and made selections from the scholarly accumulation of both schools.

Likewise, some scholars attributed the first *al-Mudawwana* to Ibn al-Qāsim<sup>57</sup> but it is difficult to say that this is true. Because according to this idea, Ibn al-Qāsim had such work and Asad came and listened to this book from him. Of course, there were some notes written by Ibn al-Qāsim in Mālik's lecture circle or some answers given by his teacher to the questions, but given its style, it is highly unlikely that Ibn al-Qāsim wrote such a work. On the contrary, the historical records of the writing of *al-Asadiyya* and *al-Mudawwana* and the attribution of the first *al-Mudawwana* to Asad cause us to view this claim with caution.<sup>58</sup> Probably, since the answers in *al-Asadiyya* mostly belong to Ibn al-Qāsim, this book is also attributed to him.

### 3. The Relationship of *al-Mudawwana* and *al-Asadiyya*

The work that has survived today under the name of *al-Mudawwana* is considered to be the second version of *al-Asadiyya*. Therefore, the real owner of the questions in the form of "qultu" in *al-Mudawwana* is Asad b. Furāt, and the owner of the answers given as "qāla" is Ibn al-Qāsim. However, since Saḥnūn resubmitted this work to Ibn al-Qāsim between 188-191,<sup>59</sup> he started his book with "qāla Saḥnūn" and the impression is created that it was Saḥnūn who asked the question and Ibn al-Qāsim who gave the answers. It is interesting that the name of Asad, who has the most important role in the creation of the work, is not mentioned even once in *al-Mudawwana*. Saḥnūn classified *al-Asadiyya* again, removed some issues, and added hadiths and narrations, but he died before he could correct (taṣḥīḥ) the entire work. For that reason, Saḥnūn's work is called *al-Mudawwana wa'l-mukhtaliṭa*.<sup>60</sup> This is because it is believed that he died before he could classify some parts and some topics remained as they were in *Muhtaliṭa (al-Asadiyya)*. For example, it is claimed that "Kitāb al-qismah" (distribution of goods) is a chapter that Saḥnūn never changed it.<sup>61</sup> Qarāfi also quotes

<sup>54</sup> Abū al-'Arab, *Tabaqāt 'ulamā' Ifriqiyya*, 112; Qāḍī Iyāḍ, *Tartīb al-madārik*, 4: 62.

<sup>55</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 264.

<sup>56</sup> Maqdisī, Muḥammad b. Aḥmad. *Aḥsan al-taqāsīm*. Beirut: Dār Ṣādir, 1991, 237.

<sup>57</sup> Sezgin, Fuad, *Tārīkh al-turāth al-'arabī*, Jāmi'at al-Imām Muḥammad b. Sa'ūd, 1991, 3: 922.

<sup>58</sup> Ibn Khallikān, *Wafayāt al-a'yān*, 3: 181.

<sup>59</sup> Ibn Khallikān, *Wafayāt al-a'yān*, 3: 181.

<sup>60</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 299; Sezgin, *Tārīkh al-turāth al-'arabī*, 3: 143.

<sup>61</sup> Qāḍī Iyāḍ, *al-Tanbihāt al-mustanbaṭa 'alā al-kutub al-Mudawwana wa-al-mukhtaliṭa*, (Muḥammad al-Wathīq ed.), Beirut: Dār Ibn Ḥazm, 2011, 3: 1919

someone and says: "There are some mistakes in the book (*al-Mudawwana*) because Saḥnūn did not correct the chapter 'Kitāb al-qasm' (distribution of goods), left it as questions from Asad b. Furāt."<sup>62</sup> Qāḍī Iyāḍ (d. 544/1149) says elsewhere that Saḥnūn corrected some of the issues, but left some issues as follows:

Saḥnūn corrected some of the issues that were found in *al-Mukhtalita (Asadiyya)*. This is because he saw that some of the points in *al-Asadiyya* were wrong. We have mentioned some amended points in the chapter of the shuf'a and so on.<sup>63</sup>

As is evident from the sentences used by Qāḍī Iyāḍ here, he had *al-Asadiyya* in his hand and could identify which points Saḥnūn was changing, and he pointed them out from time to time. Ibn Rushd (d. 520/1126) also says about a subject, "It was like this in *al-Asadiyya*, Saḥnūn corrected it in *al-Mudawwana*."<sup>64</sup> Similarly, Ibn Abī Zayd al-Qayrawānī quotes from Asad's book in *al-Nawādir* as "al-Asadiyya",<sup>65</sup> "Kitāb Asad"<sup>66</sup> and "riwāyat Asad",<sup>67</sup> Ibn 'Abd al-Barr also quotes from it in *al-Kāfī* as "rawā Asad 'an Ibn al-Qāsim".<sup>68</sup> Furthermore, in his work *al-Bayān wa-al-taḥṣīl*, Ibn Rushd gives many quotations with the words "fī kitāb Asad".<sup>69</sup> All this information can be interpreted to mean that *al-Asadiyya* was in circulation until the sixth century AH. Although it is claimed that Ibn al-Qāsim's curse was the effect of *al-Asadiyya*'s uncirculation,<sup>70</sup> it is an important detail that *al-Asadiyya* was in the hands of scholars even in the fifth and sixth centuries. Moreover, *al-Asadiyya* was summarized in Egypt by Muḥammad 'Abd al-Ḥakam (d. 268/882), Abū Zayd b. Abī al-Ghamr (d. 234/848), and Abū Ishāq al-Barqī (d. 245/859).<sup>71</sup> Ibn Rushd even makes quotations from Abū Zayd's *al-Mukhtaṣar* in two places.<sup>72</sup>

Moreover, it is noted that according to the scholars, *al-Asadiyya* contains some errors because Asad compiled the questions he prepared by focusing on the fiqh of Ḥanafī. For example, Khalīl al-Jundī (d. 776/1374) says that an issue regarding "salam" in *al-Mudawwana* was not accepted by the Mālikī scholars and is in accordance with Ḥanafī jurisprudence. The reason given for this error in the book is the fact that Asad b. Furāt prepared the questions according to Ḥanafī fiqh.<sup>73</sup> Ibn Taymiyya (d. 728/1328) also explains that the original *al-Mudawwana* was based on Iraqi questions, which led Ibn al-Qāsim to lean toward Iraqi views on some issues.<sup>74</sup> Another example mentioned in this context is the question, "If a mukrah (*person coerced*) kills someone, will retribution (qīṣāṣ) be taken from

<sup>62</sup> Karāfī, *Dhakhīra*, Beirut: Dār al-Gharb al-Islāmī, 1994, 7: 235.

<sup>63</sup> Qāḍī Iyāḍ, *al-Tanbīhāt*, 3: 1920.

<sup>64</sup> Ibn Rushd, *al-Bayān wa-al-taḥṣīl*, (Muḥammad Hajjī ed.), Beirut: Dār al-Gharb al-Islāmī, 1988, 10: 455.

<sup>65</sup> Ibn Abī Zayd al-Qayrawānī, *al-Nawādir wa-al-ziyādāt 'alā mā fī al-Mudawwana min ghayrihā min al-ummuhāt*, Beirut: Dar al-Gharb al-Islāmī, 1999, 2: 176, 489, 4: 594, 6: 211, 343, 8: 528,

<sup>66</sup> Ibn Abī Zayd al-Qayrawānī, *al-Nawādir wa-al-ziyādāt 'alā mā fī al-Mudawwana min ghayrihā min al-ummuhāt*, Beirut: Dar al-Gharb al-Islāmī, 1999, 5: 307, 14: 11.

<sup>67</sup> Qayrawānī, *al-Nawādir*, 3: 398, 5: 158.

<sup>68</sup> Ibn 'Abd al-Barr, *al-Kāfī fī fiqh ahl al-Medīna*, Saudi: Maktab al-Riyāḍ al-ḥadītha, 1980, 1: 329.

<sup>69</sup> Ibn Rushd, *al-Bayān wa-al-taḥṣīl*, 5: 455, 7: 402, 403, 8: 186, 11: 92.

<sup>70</sup> Mālikī, *Riyāḍ al-nufūs*, 1: 261-261; Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 299.

<sup>71</sup> Qāḍī Iyāḍ, *Tartīb al-madārik*, 3: 299-300.

<sup>72</sup> Ibn Ruhsd, *al-Muqaddimāt al-mumahhidāt*, 2: 462.

<sup>73</sup> Khalīl al-Jundī, *al-Tawḍīḥ fī sharḥ al-mukhtaṣar li-Ibn al-Ḥājib*, Maghrib: Markaz najeebawaih, 2008, 5: 245. Ayrıca bkz. Qāḍī Iyāḍ, *al-Tanbīhāt*, 1: 232, 3: 1582, 3: 1919,

<sup>74</sup> Ibn Taymiyya, *Majmū' al-fatāwā*, 20: 327.

him?" The information on this topic in Saḥnūn's *al-Mudawwana* is consistent with Abū Ḥanafī's thought, although Mālikis do not hold this view. It is said that this information in *al-Mudawwana* was also included in the text because of the questions prepared by Asad.<sup>75</sup>

It is believed that *al-Asadiyya* consists of the questions obtained from the works of ahl Kūfa, especially from the books of Shaybānī. But which books of Shaybānī were taken into account is not clear, probably because the proper names of the books were not available at that time. However, it is very likely that Asad took into account *al-Aṣl*, Shaybānī's first and voluminous work of jurisprudence. Also, Shaybānī's work, which is formulated with questions such as "qultu", "qāla" and "ara'ayta" is *al-Aṣl*. However, since we do not have the original version of *al-Asadiyya*, we cannot determine how similar it is to the questions in Shaybānī's books, but we can make some guesses based on his second version, *al-Mudawwana*. If we compare *al-Aṣl*, Shaybānī's most fundamental fiqh work, with Saḥnūn's *al-Mudawwana*, we come to the following conclusion:

1. It will be seen that both works are formulated in the form of question and answer ("qultu", "qāla" and "ara'ayta"). In *al-Aṣl*, the person asking the questions is Shaybānī, the person answering is Abū Yūsūf or Abū Ḥanīfa, while in *al-Mudawwana* the person asking the question is Asad or Saḥnūn, and the person answering is Ibn al-Qāsim. It is also possible for writers to formulate subjects in such a style, although there are no real questions. However, as far as we can see, almost all of *al-Mudawwana* is formulated in the form of question and answer, while more than half of *al-Aṣl* is not in the form of questions and answers. M. Boynukalın (editor of *Kitāb al-Aṣl*), claims that *al-Aṣl* was first written in the form of question and answer by Shaybānī, and then it may have been transformed into a direct statement.<sup>76</sup> Accepting this claim as true, it is possible that Asad followed his style, taking into account the first version of *al-Aṣl*. Or, given the fact that one part of *al-Aṣl* has questions and the other a direct explanation, Asad preferred to write the work in one single style (question and answer style).

2. If someone compares *al-Mudawwana*'s and *al-Aṣl*'s questions in a separate study, he is likely to discover many similarities. In fact, in a previous study in which I examined the chapter of "murābaḥa" from *al-Aṣl* and *al-Mudawwana* for a different purpose, I found that some questions occur in both works with close words.<sup>77</sup> For example:

<i>al-Mudawwana</i>	<i>Aṣl</i>
أَرَأَيْتَ إِنْ اشْتَرَيْتُ سِلْعَةً بِعَشْرَةِ دَرَاهِمٍ فَتَقَدَّدْتُ فِيهَا عَشْرَةَ دَرَاهِمٍ فَأَصَابَ الْبَائِعُ فِيهَا دِرْهَمًا زَائِفًا فَتَجَاوَزَهُ عَنِّي	وَإِذَا اشْتَرَى الرَّجُلُ ثَوْبًا بِعَشْرَةِ دَرَاهِمٍ حِيَادَ فَنَقَدَهَا فَوَجَدَ أَحَدَهَا زَائِفًا فَجَاوَزَ بِهِ الْبَائِعَ عَنْهُ...

<sup>75</sup> Ibn al-'Arabī, *Aḥkām al-Qur'ān*, Beirut: Dār al-kutub al-ilmiyya, 2003, 3: 164.

وقال أبو حنيفة وسحنون: لا يقتل. وهي عثرة من سحنون، وقع فيها بأسد بن الفرات الذي تلقفها عن أصحاب أبي حنيفة بالعراق وألقاها إليه

<sup>76</sup> Boynukalın, *İmam Muhammed b. Hasan eş-Şeybani'nin Kitabü'l-Asl Adlı Eserinin Tanıtımı ve Fıkıh Usulü Açısından Tahlili*, İstanbul: Ocak Yayıncılık, 2009, 111, 112, 115.

<sup>77</sup> Koçinkağ, *Erken Dönem İslam Hukuk Düşüncesinde Re'y ve Hadis*, İstanbul: Rağbet Yayınları, 2018.



*Asadiyya* also support this information. The fact that this point, which is in favour of the Ḥanafis, is accepted even by the Mālikis, shows that this claim is a common truth.

2. In some comparisons made between *al-Mudawwana* and *al-Aṣl*, it is seen that both of them have many common questions and some questions are almost in the same wording. This supports the claim that *Asadiyye*, which is the original of *al-Mudawwana*, was written on the basis of Ḥanafī works such as *al-Aṣl*.

3. It was found that some of the information in *al-Mudawwana* was not in accordance with Mālik's understanding of jurisprudence but with the thinking of the Ḥanafis, and this was probably due to the questions prepared by Asad. So much so that Ibn Taymiyya stated that because of these questions, Ibn Qasim made mistakes from time to time and leaned towards the thinking of the Ḥanafis. It is obviously of great importance that such issues are identified and subjected to independent study in the future in terms of clarification of the issue.

4. It has been claimed that the Kitāb al-qasm/qismah (chapter on the distribution of goods) in *al-Mudawwana* was left as it was in *al-Asadiyya* and Saḥnūn made no changes to this chapter. If this claim is true, a comparison of this chapter with Shaybānī's *al-Aṣl* and his other works will provide more reliable information about *al-Asadiyya*. As far as we can see, there are no narrations in this chapter. As is well known, it has been clearly stated by many scholars that the narrations in the text were included by Saḥnūn. Therefore, this information supports the claim that this chapter has not been altered. However, this feature alone does not mean that a chapter has not been changed. For it should be taken into account that Saḥnūn did not add narrations to some of the parts he changed. Presumably, the lack of hadiths on some topics prompted him to do so. In fact, the absence of narrations in some parts of *Muwatta'* is related to the same problem.

## References

- Ibn al-'Arabī, Abū Bakr. *Aḥkām al-Qur'ān*. Beirut: Dār al-kutub al-ilmiyya, 2003.
- 'Abd Allāh b. Muḥammad. *Asad b. al-Furāt wa-dawruhu fī al-'ilm wa-al-da'wah*. Jāmi'at al-Imām Muḥammad b. Su'ūd, Kulliyat al-Da'wah wa'l-ihtisāb, n.d.
- Abū al-'Arab, Muḥammad b. Aḥmad. *Tabaqāt 'ulamā' Ifrīqiyya*, Beirut: Dār al-Kitāb al-Lubnānī, n.d.
- Boynukalın, Mehmet. *İmam Muhammed b. Hasan eṣ-Şeybani'nin Kitabü'l-Asl Adli Eserinin Tanıtımı ve Fıkıh Usulü Açısından Tahlili*. Istanbul: Ocak Yayıncılık, 2009.
- Dhahabī, Muḥammad b. Aḥmad. *Tārīkh al-Islām*. (Bashshār 'Awwād Ma'rūf ed.). Beirut: Dār al-Gharb al-Islāmī, 2003.
- Ibn 'Abd al-Barr. *al-Kāfī fī fiqh ahl al-Medīna*. Saudi: Maktab al-Riyāḍ al-ḥadītha, 1980.
- Ibn Abī Zayd al-Qayrawānī. *al-Nawādir wa-al-ziyādāt 'alā mā fī al-Mudawwana min ghayrihā min al-ummuhāt*. Beirut: Dar al-Gharb al-Islāmī, 1999.
- Ibn al-'Adīm, 'Umar b. Aḥmad. *Bughyat al-ṭalab fī tāriḥ Ḥalab*. (Suhayl Zakkār ed.), Beirut: Dār al-fikr, n.d.
- Ibn al-Khaṭīb, Muḥammad b. 'Abd Allāh. *al-Iḥāṭa fī akhbār Gırnāta*. Beirut: Dār al-kutub al-'ilmiyya, 1424.

- Ibn Farḥūn. *al-Dībāj al-mudhhab fī ma'rifat a'yān 'ulamā' al-madhhab*. (Muḥammad al-Aḥmadī ed.). Cairo: Dār al-turāth, n.d.
- Ibn Khaldūn. *Tārīkh*. Beirut: Dār al-fikr, 1988.
- Ibn Khallikān, Aḥmad b. Muḥammad. *Wafayāt al-a'yān*. Beirut: Dār Şādir, n.d.
- Ibn Ruhsd, Abū al-Walīd. *al-Muqaddimāt al-mumahhidāt*. (Muḥammad Hajjī ed.). Beirut: Dār al-Gharb al-Islāmī, 1988.
- Ibn Rushd, Abū al-Walīd. *al-Bayān wa-al-taḥṣīl*, (Muḥammad Hajjī ed.). Beirut: Dār al-Gharb al-Islāmī, 1988.
- Ibn Taymiyya, Taqiy al-dīn. *Majmū' al-fatāwā*. Saudi: Majma al-Malik Fahd, 1995.
- Karāfī, Aḥmad b. Idrīs. *Dhakhīra*. Beirut: Dār al-Gharb al-Islāmī, 1994.
- Khalīl al-Jundī. *al-Tawḍīḥ fī sharḥ al-mukhtaṣar li-Ibn al-Ḥājjib*. Maghrib: Markaz najeebawaih, 2008.
- Koçinkağ, M. *Erken Dönem İslam Hukuk Düşüncesinde Re'y ve Hadis*. Istanbul: Rağbet Yayınları, 2018.
- Koçinkağ, M. *Re'y ve Hadis: Fıkıh Düşüncesinde İlk Yöntemsel Ayrışmanın Edebî Kaynaklarına Dair Bir Analiz*. İÜSBE, İstanbul 2017.
- Koçinkağ, M. *The Influence of al-Shāfi'i on the Islamic Law and Hadīth Sources in the Third Century A.H.*, Germany: Grin Verlag, 2021.
- Mālikī, Abū Bakr. *Riyāḍ al-nufūs fī tabaqāt ulamā' al-Qayrawān wa-lfrīqa*. Beirut: Dār al-Gharb al-Islāmī, 1994.
- Maqdisī, Muḥammad b. Aḥmad. *Aḥsan al-taqāsīm*. Beirut: Dār Şādir, 1991.
- Maqrīdī, Taqiy al-dīn. *al-Muqaffā al-kabīr*. Beirut: Dār al-Gharb al-Islāmī, 2006.
- Muḥammad Ulaysh. *Minaḥ al-jalīl sharḥ Mukhtaṣar Khalīl*. Beirut: Dār al-fikr, 1989.
- Qāḍī Iyāḍ. *al-Tanbīhāt al-mustanbaṭa 'alā al-kutub al-Mudawwana wa-al-mukhtalīṭa*. (Muḥammad al-Wathīq ed.), Beirut: Dār Ibn Ḥazm, 2011.
- Qāḍī Iyāḍ. *Tartīb al-madārik wa-taqrīb al-masālik*. Maghrib: Matba'at Faḍāla, 1965-1983.
- Sezgin, Fuad. *Tārīkh al-turāth al-'arabī*. Jāmi'at al-Imām Muḥammad b. Sa'ūd, 1991.
- Shawqī Abū Khalīl. *Fath Siqilyā bi qiyādat al-mujāhid Asad b. al-Furāt*. Beirut: Dār al-fikr al-mu'āşir, 1998.