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8. Conclusion

Motzki's study of the Meccan school can be considered one of the most important works that challenged certain Orientalist approaches built on prejudices and misconceptions about Islamic sources, particularly biographical dictionaries. The criteria he employed can be considered as more objective compared to the works of earlier Western scholars such as Schacht and Goldziher. However, what his study lacks is giving the *isnad* of the Meccan jurisprudence school sufficient space in his study and considering it as valuable in examining its characteristics. Nevertheless, it cannot be claimed that studying Ibn 'Abbas is sufficient to address the features of the entire Meccan school; it does, however, provide a broader view than restricting our vision to the study of some of Ibn 'Abbas's students, as Motzki did.

Ibn 'Abbas's scholarship fills in the lacunae that the Orientalist perception is having regarding the Meccan school in the first decades of the first century. It offers a clear picture of how Ibn 'Abbas as the founder of the early Meccan school, attracting endless number of disciples to join his circles. Peer testimony allows us to examine the milestones of the scholarly community at that time and understand the criteria for differing someone a scholar from those who are not scholars. It can also be considered as an objective criterion to indicate the validity of the jurisprudential narrative, providing a living testimony of scholars regarding each other.

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me permission to kiss his head, I would do so.”⁽⁹⁹⁾

- Ibn ‘Umar said about him: “Ibn ‘Abbas is the most knowledgeable of us.”⁽¹⁰⁰⁾
- Ibn al-Musayyab said: “Ibn ‘Abbas is the most knowledgeable of scholars.”⁽¹⁰¹⁾
- Ṭāwūs said about him: “I have never seen a man more knowledgeable than Ibn ‘Abbas.”⁽¹⁰²⁾
- Ibn al-Ḥanafiyah said when Ibn ‘Abbas was buried: “Today the pious of this nation died.”⁽¹⁰³⁾

Ibn ‘Abbas acknowledged the knowledge of many Companions. For instance, when he heard that ‘Amr Ibn al-‘As said: “Ibn ‘Abbas is the most knowledgeable of us for what had occurred before and the most perceiver of the matters that happened that nothing had been reported about.” Ibn ‘Abbas said: “He has knowledge, and he used to ask the Messenger of God, about what is permissible and what is forbidden.”⁽¹⁰⁴⁾ When Umm Salamah, the wife of the Prophet, was asked about people’s devotion to Ibn ‘Abbas, she said: he is the most knowledgeable of the rest.⁽¹⁰⁵⁾

It is worth mentioning that most of the Companions who mourned Ibn ‘Abbas were among the most knowledgeable in early Islamic society and held significant status. Additionally, Abū Hurayrah’s wish from God to appoint Ibn ‘Abbas as the successor to Zayd ibn Thābit strongly indicates the reality of the scholarly continuity. It is basically the Inherited knowledge from one person to another. A scholar of such a high stature, which is evident in his assignment to two crucial tasks in any society: *Shura* and *Fatwa*, must have left a successor to carry on his journey due to his extensive knowledge and his status for among the caliphs and the public alike. This ensures the completion of his work and the continuation of his legacy.

(99) Ibid., p. 319.

(100) Ibid.,

(101) Ibid., p. 318.

(102) Ibid., p. 316.

(103) Ibid., p. 317.

(104) Ibid., p. 320.

(105) Ibid., p. 318.

other day poetry, and another day tales of pre-Islamic Arabs. I have never seen a scholar sit with him without submitting to him, and I have never seen a questioner ask him without acquiring knowledge from him.⁽⁹⁴⁾ Moreover, Ibn ‘Abbas had tablets on which he was writing the deeds of the Messenger that he was reporting from Abī Rāfi‘⁽⁹⁵⁾.

Based on this testimony, Ibn ‘Abbas was renowned for his knowledge of his predecessors’ traditions, including, *hadith*, legal rulings, among other sciences, in addition to his own opinions, and having scholarly councils for teaching and studying. Discussions and debates in which each opponent presents his arguments marked the period during which Ibn ‘Abbas.⁽⁹⁶⁾ Hence, establishing scholarly circles was a tradition in Islamic civilization that Ibn ‘Abbas maintained. For instance, in one of the narrations on “Ibn Tawoos, from his father, he said: Ibn ‘Abbas had sprinkled his knowledge upon the people, just as the palm trees sprinkled their leaves upon young woods.”⁽⁹⁷⁾ Furthermore, his keen interest in the Prophet’s deeds holds scholarly and historical significance, in fostering an interests in the Sunnah among the Companions after the Prophet’s death.

The testimony regarding his knowledge and the distinguished position he attained among the Companions of the Prophet continued even after his death. Several scholars continued to respect and revere him, starting from the senior Companions, his peers, and ending with those who benefited from his knowledge.

- Abū Hurayrah was quoted saying, “When Zayd Ibn Thābit died: Today the *rabani* of this nation died!” Perhaps God will make Ibn ‘Abbas a successor from him.⁽⁹⁸⁾
- Sa‘īd Ibn Jubayr said: “when Ibn Abbas was to tell me the *hadith*, if he would give

(94) Ibid., p. 318.

(95) Ibid., p. 320.

(96) This is versus what Wael Halaq considered to be a distinguishing feature of the period between 80 and 120 H (roughly between 700 and 740 AD): “the emergence of a new activity, namely, personal study of religious narratives and the evolution of specialized circles of learning, properly known as the *Ḥalqāt* (lit. circle; pl. *Ḥalqāt*.” The Origins and Evolution of Islamic Law, p. 63.

(97) Ibn Sa‘īd, al-Ṭabaqāt, 319-320.

(98) Ibid., p. 312.

each other. It is somewhat surprising that there is no consideration of peer testimonies, whether positive or negative, in Motzki's work, even though he thinks that biographical dictionaries are reliable. The testimony of peers can be considered one of the most crucial factors in assessing the *'adala* of narrators and their scholarly stature within the scholarly community.

7. Peer Testimony and the *'adala* of Narrators

These testimonies did not gain much attention due to the misleading results that prevailed in Orientalist circles on biographical dictionaries. However, what strengthens the testimonies included in these books is the presence of some criteria that Motzki considered as reflective of their authenticity. For instance, mentioning what was unique about a scholar, the critique he received, and sometimes the opinions of his opponents about him. Undoubtedly, one of the most significant opinions known about Ibn 'Abbas is his statement about *Zawāj al-mut'ah*, as previously mentioned by Motzki.

Among the testimonies transmitted by Ibn Sa'd is a testimony of 'Ubayd Allāh Ibn 'Abd Allāh Ibn 'atabat, who said: "Ibn 'Abbas surpassed others with his qualities: his knowledge of what had preceded him, and his understanding of what was needed from his opinion. He was forbearing, he had lineage, and he was generous. I did not see anyone⁽⁹³⁾ who was more knowledgeable about what preceded the *hadith* of the Messenger of God than him. I do not know the most knowledgeable about the Judiciary judgements of Abū Bakr, 'Umar, and 'Othmān than him, nor more knowledgeable in his opinion [Ijtihad] than him, nor more knowledgeable of poetry, Arabic, interpretation of the Qur'an, arithmetic, inheritance than him. I do not know the most knowledgeable about what has passed, nor have the most insightful opinion regarding what is needed, from him. One day he would sit and he would mention nothing except jurisprudence, another day interpretation, another day battles, an-

(93) Ibn Sa'd, al-Ṭabaqāt, p. 317.

was known as the interpreter of the Qur'an⁽⁸⁸⁾ and was called the sea, as a metaphor, because he was very knowledgeable.⁽⁸⁹⁾ He was the first to be known in *Basra*.⁽⁹⁰⁾ His method in answering questions was to start with the Qur'an, then the Sunnah, and then what was reported from Abū Bakr and 'Umar. If nothing was reported from them, Ibn 'Abbas practices *ijtihad* and provided a petitioner with his opinion⁽⁹¹⁾.

The data that Ibn Sa'd provides us with on Ibn 'Abbas indicates that the large number of students, as mentioned by Motzki, gathered around Ibn 'Abbas because of his scholarly fame, his distinction from the rest of the Companions, and the acknowledgment of the senior Companions about his scholarly qualifications and intelligence. This is due to an objective fact, which is that Ibn 'Abbas spent his childhood and youth with everyone he knew might benefit from regarding scholarly matters.

Based on Ibn 'Abbas as depicted in the *Tabaqat* of Ibn Sa'd, the jurisprudential contours were early and Ibn 'Abbas made a significant contribution to them. His settlement in Mecca marked the beginning of the Meccan school at that time. The disciples of Ibn 'Abbas, such as 'Aṭā' and others, contributed to the continuation of this school. It is reasonable to assert that without Ibn 'Abbas, the early Meccan school would not have been established during that period. What his students transmitted from him is a summary of what he learned from the Companions after the death of the Prophet. Consequently, the premise that prevailed in Orientalist studies regarding the ambiguity of jurisprudential activity in the first decades of the first Hijri century has been academically surpassed.⁽⁹²⁾

To shed more light on this period, I address the issue of the testimony of peers about

(88) *Ibid.*, p. 315.

(89) *Ibid.*, p. 316.

(90) *Ibid.*, p. 317.

(91) *Ibid.*, p. 316.

(92) For how Motzki's approach can be used in hadiths' studies, see :Aḥmad ṣnwb, *al-Sunnah wa-'ulūmihā fi al-Dirāsāt al-mu'āṣirah*, "nuqadāt al-mustashriq al-Almānī hrlid mwtsky li-ba'ḍ al-naẓariyāt al-istishraqiyah ḥawla al-Sunnah al-Nabawīyah – dirāsah fi kitābihi Bidāyat al-fiqh al-Islāmī wa-taṭawwuruh fi Makkah," (Morocco: Mu'assasat Dār al-ḥadīth al-Ḥasanīyah, 2018), p. 628-631-629.

are the Companions of the Messenger of God?" Nevertheless, Ibn 'Abbas paid no heed and continued on his way acquiring knowledge from the most honorable Companions, until that man saw what Ibn 'Abbas had achieved in terms of knowledge; people were gathering around Ibn 'Abbas to ask him, which led the Ansar to say: "This boy was wiser than me!"⁽⁸⁶⁾

This story, reported by Ibn Sa'd, revolves around three key points: the first one is that Ibn 'Abbas was aware that, with the death of the Prophet, the only source available to him to obtain Prophetic tradition is through the generations of Companions. Based on the conception that they were the ones who supported their Prophet and stood by him since the Revelation until Gabriel conveyed the last verse of the Quran. The second point is that the Muslim society at that time rewarded people for their efforts; therefore, Ibn 'Abbas took his place among the people of Badr in the *Shura* Council, as mentioned above. Afterwards, he took his Chair in the Grand Mosque of Mecca. This can be considered a social recognition of his authoritative stature. The third point involves the engagement with jurisprudence and its issues, as documented in *At-Tabaqat*, which was well-developed during the caliphate of 'Umar, 'Othmān and the subsequent period. Therefore, it is possible to trace the origins of Meccan jurisprudence back to the era of Ibn 'Abbas.

3. Scholarly Authority

Ibn 'Abbas was a prominent scholar whose authority surpassed even the distinguished Companions who preceded him and stood beside the Prophet in the very beginnings. For instance, when Tāwūs was asked why he left the great Companions of the Prophet and stayed with Ibn 'Abbas, he replied: "I saw seventy Companions of the Messenger of God; when they hesitated about something, they resorted to Ibn 'Abbas."⁽⁸⁷⁾ Moreover, Ibn 'Abbas

(86) Ibn Sa'd, *al-Ṭabaqāt*, p. 317; see also: Ibn 'Asākir, 'Alī ibn al-Ḥasan, *Tārīkh Madīnat Dimashq wa-dhikr faḍlihā wa-tasmiyat min ḥallihā min al-amāthil aw jītāza bi-nawāḥihā min wāridihā wa-ahluhā*, ed. 'Umar ibn Gharāmah al-'Amrawī, Vol. 73 (Sūriyā : Dār al-Fikr lil-Ṭibā'ah wa-al-Nashr wa-al-Tawzi', 1995), 183-184.

(87) Ibn Sa'd, *al-Ṭabaqāt*, p. 316.

This shows that his knowledge, despite his young age, qualified him to sit with those who lived through the first beginnings of the message of Islam and accompanied the Messenger of God. It is sufficient to look at what Ibn Sa'd mentioned about Ibn 'Abbas of joining the *Shura* Council and 'Umar's reliance on this council to resolve the issues presented to it. This was to shed light on how the process of legislation took place during period between 13/634 and 35/ 656. i. e., which took place during the reign of 'Umar Ibn-al-Khaṭṭāb and 'Othmān Ibn 'Affan where the most knowledgeable and the best are assigned to participate in the *Shura* Council.

Considering the *Shura* concept, or consultation, as one of the values called for by the Qur'an: "conduct their affairs by mutual consultation" [Al-Shura: 38]. In addition to what several books have reported regarding the application of *Shura* in the life of the Prophet,⁽⁸⁴⁾ the actions of 'Umar and 'Othmān can be considered in part as a precedent tradition in managing people's daily life. To ensure that their rulings on the presented issues received approval and guidance, they sought the counsel of scholars among the Companions of the Prophet. It can be inferred that it is a referendum for scholars and a search for consensus. Ibn Sa'd mentioned in *At-Ṭabaqat* that "Ibn-al-Khaṭṭāb visited Ibn 'Abbas while he was having a fever, and 'Umar said: Your illness has disrupted us," indicating the higher position that Ibn 'Abbas held in the Caliph's Office.⁽⁸⁵⁾

2. Ibn 'Abbas Council

When the Prophet Muhammed died, he suggested to a man from the Ansar, "Let us go and ask the Companions of the Prophet, because they are many today." The man was astonished and said to him: "Do you see that people would need you, and among them there

(84) For the application of this principle in the time of the prophet Muhamed see: 'Abd al-Malik ibn Hishām, al-Sīrah al-Nabawīyah, ed. Muṣṭafā al-Saqqā, Ibrāhīm al-Abyārī, and 'Abd al-Ḥafīz al-Shalabī, Vol. 1 (Miṣr: Sharikat Maktabat wa-Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awladuh, 1955), 615.

(85) Ibn Sa'd, al-Ṭabaqāt, p. 320.

non-Muslim scholars regarding biographical sources and scholars of the first and second centuries “is based on unjustified prejudices and on the content of funny anecdotes from literary sources.”⁽⁷⁹⁾ Nevertheless, what is certain is that biographical sources are much better than their reputation in orientalist society. However, this does not imply that everything found in these sources is necessarily authentic.⁽⁸⁰⁾

When Motzki discussed the role of Ibn ‘Abbas in the Meccan school, he considered him one of the roots of Meccan jurisprudence; his activity was evident in teaching and jurisprudential aspects. However, it is crucial to recognize that the role of Ibn ‘Abbas is not solely limited to being the founder of Meccan jurisprudence. To understand Ibn ‘Abbas and his actual role in establishing the early Meccan school, his scholarship can be explored especially through *At-Ṭabaqāt* of Ibn Sa‘d. Motzki utilized this book in his study of Ibn Jurayj, ‘Aṭā’, and ‘Amr, considering it to be among the most important sources.

1. Ibn ‘Abbas Between Political Consultation and Fatwa

In Islamic history, Ibn ‘Abbas differs from other Companions with a special feature: he was the cousin of the Prophet, for whom the Messenger of God; prayed twice, asking God to grant him wisdom,⁽⁸¹⁾ interpretation of the Book, and the understanding of religion. Despite his young age, Ibn ‘Abbas held a higher position with both ‘Umar and ‘Othmān under their caliphates. They included him among the people of Badr when the *Shura* Council was held.⁽⁸²⁾ ‘Umar used to seek his advice about dilemmas, even in the presence of other senior Companions.⁽⁸³⁾ Additionally, he provided *Fatawa* during their reigns and continued to do so until he passed away.

(79) Ibid., 522.

(80) Ibid.,

(81) Ibn Sa‘d, Muḥammad, al-Ṭabaqāt al-kabīr (al-Ṭabaqāt al-Kubrā) (Ṭabaqāt Ibn Sa‘d), ed. ‘Alī Muḥammad ‘Umar, Vol. 2 (al-Qāhirah: Maktabat al-Khānī, 2001), p. 314.

(82) Ibn Sa‘d, al-Ṭabaqāt, p. 315.

(83) Ibid., p. 318.

Nevertheless, based on his study of the biographical dictionaries about Ibn Jurayj, ‘Aṭā’, and ‘Amr, which is essentially his emphasis on the importance of biographical books and the correct information that it provides, this paper focuses on Ibn ‘Abbas. This is a focal point in the present article **to determine** Ibn ‘Abbas’s scholarly legist who established the Meccan school of jurisprudence.

However, it is worth pointing out that after finishing his treatment of the development of Meccan jurisprudence through the teachings of ‘Aṭā’ Ibn Abi Rabah, ‘Amr ibn Dīnār and Ibn Jurayj in ‘Abd al-Razzaq’s *Musannaf*, Motzki acknowledged that he neglected to mention what was included in biographical books about the authorities above essentially for methodological reasons. The dispute over the reliability of their narrations, *hadiths*, and teachings of the Companions and their Followers, is considered a myth rather than historical fact, according to Schacht and other scholars.⁽⁷⁵⁾ Motzki also stated that there is a deep misconception in the works of non-Muslims, asserting that the scholars of the second century had no contact with previous generations of scholars. Which implies a separation between the two centuries. Motzki argued that the goal of researchers was to select only what suits their tastes. Consequently, he undertook a comparison between what he found about ‘Aṭā’, ‘Amr, and Ibn Jurayj in *Musannaf* with their scholarly life via *At-Ṭabaqat* of Ibn Sa’d to reveal whether they forged narratives about them or not.⁽⁷⁶⁾

Motzki’s study of these three scholars led to the conclusion that they are reliable compared to what he discovered from ‘Abd al-Razzaq’s *Musannaf*.⁽⁷⁷⁾ It indicates that those narrators were among the leading jurists of Mecca in the second half of the first century/ seventh century, and the first half of the second century/ eighth century.⁽⁷⁸⁾ However, the importance of his conclusions lies in the fact that the prevalent misconception among

(75) Ibid., pp. 99-447.

(76) Ibid., 448.

(77) Ibid., 523.

(78) Ibid., 520.

case,⁽⁶⁸⁾ nor does he state who is the mediating transmitter between him and ‘Alī.⁽⁶⁹⁾

Regarding narrations whose authors are unknown, firstly, ‘Aṭā’ begins with expressions like “we were informed,” “I was informed,” “I heard,” “we heard,” “it is narrated,” and “it was said.” secondly, it amounts to 3 percent of most of his texts.⁽⁷⁰⁾ Motzki believes that these uses, along with the letter “Nūn”⁽⁷¹⁾ of glorification or the plural form, indicate that his opinion was adopted after sharing it with his Companions. On some occasions, he indicated that he had not heard anything from them or had not sought consultation from them. This is considered to indicate a sense of unity and participation in one teacher, namely Ibn ‘Abbas. This refers to local consensus on various issues and awareness within the community.⁽⁷²⁾ Additionally, there are other expressions such as “some of the people of Kufa,” “some of the scholars of Medina,” “our scholars,” and “our jurists,” found in the texts of Ibn Jurayj, other younger scholars than ‘Aṭā’, and his contemporaries. According to Motzki, this was the beginning of the Madhhab through the largest centers of knowledge and learning in the beginning of the second century.⁽⁷³⁾ However, a question can be raised here; why does Motzki trace back the beginning of the Meccan Madhhab to the turn of the second century especially after ‘Aṭā’ acquired his knowledge from Ibn ‘Abbas, and subsequently inherited his scholarly fame?

6. The Role of Ibn ‘Abbas in the Establishment of the Meccan School

In an attempt to answer the aforementioned question, Motzki proposed studying the narrations of Ibn ‘Abbas in ‘Abd al-Razzaq’s work with the same method that he used in studying the narration of Ibn Jurayj. This study requires a detailed and separate work.⁽⁷⁴⁾

(68) Ibid., p. 287.

(69) Ibid., p. 288.

(70) Ibid., p. 320.

(71) He means the Arabic alphabet; «ن», equivalent to «us» in English.

(72) Motzki, the Origins, 323.

(73) Ibid., p. 324.

(74) Ibid., p. 279.

rectly from the other Companions. ‘Aṭā’ mentions sometimes, this narration without mentioning the trustworthy transmitter that he quoted from him, and sometimes he refers to him.⁽⁶²⁾ ‘Aṭā’'s hesitation in declaring that he had heard narratives about ‘Ā’ishah or another person supports his honesty. Moreover, he was distinguished by presenting what he heard as being authentic; wherein he admitted that he forgot certain details, or that Ibn ‘Abbas expressed an issue literally in this way.⁽⁶³⁾ Besides, his expression of dissenting from the opinion of his teacher, for instance, Ibn ‘Abbas is permitting temporary marriage while ‘Aṭā’ did not accept it.⁽⁶⁴⁾ Although Ibn ‘Abbas was ‘Aṭā’'s teacher for what he narrated from him compared to other Companions whom presence was marginal, this does not conflict with the fact that he was not the only authority for his own opinions, which indicate the authenticity of his *hadiths* that he attributed to Ibn ‘Abbas.⁽⁶⁵⁾

Final feature is that ‘Aṭā’ did not report from contemporaries including ‘Ā’ishah, (d.57/677), Mu‘āwiyah, (d.60/680), Anas Ibn Mālik, (d.93/712) among others. If he was forger, it would be natural for him to assign the narration directly to them due to their presence during that period. Therefore, his narration from Abū Hurayrah and Jābir ibn ‘Abd Allāhis is considered authentic as well.⁽⁶⁶⁾ Likewise, his narration from ‘Ā’ishah is authentic, due to his declaration, sometimes, of a third person, who were ‘Ubayd ibn ‘Umayr, and sometimes ‘Urwah ibn al-Zubayr. This type of narration is related to actions pertaining to ‘Ā’ishah’s family matters with the Prophet Muhammad, and to the events that occurred before, and issues about women.⁽⁶⁷⁾ Regarding ‘Aṭā’'s narration from ‘Alī, it is a collection of decrees, sayings, and the will of ‘Alī. ‘Alī passed away when ‘Aṭā’ was 15 years old, making it unlikely that he would have directly heard from him, which ‘Aṭā’ does not claim in any

(62) Ibid., p. 234.

(63) Ibid., p. 273.

(64) Ibid., pp. 275-276.

(65) Ibid., p. 279.

(66) Ibid., pp. 281-282.

(67) Ibid., pp. 286-287.

was born in the year (27/648) and died in the year (115/733).⁽⁵⁵⁾ Therefore, it is not logical to limit the impact of his narration to the beginning of the second century, since he spent more than 63 years of his life in the first century. Moreover, Motzki stated that there is a distinction between ‘Aṭā’s personal opinions and the inherited *‘ilm* that he narrated from those who lived before him. Sometimes ‘Aṭā’ begins his answer with “we think” and continues with “we narrate,” showing that his knowledge is a continuation of what came before.⁽⁵⁶⁾

5. Criteria Indicator of the Authenticity of ‘Aṭā’s Narration from Ibn ‘Abbas

Ibn ‘Abbas has the largest share of narrations in ‘Aṭā’ work,⁽⁵⁷⁾ three times more than ‘Umar Ibn-al-Khaṭṭāb, who come after Ibn ‘Abbas, and then ‘Alī and ‘Ā’ishah. Furthermore, ‘Aṭā’ narrates less reports from others.⁽⁵⁸⁾ The nature of ‘Aṭā’s references from Ibn ‘Abbas indicates that what he quoted from him is correct. One of the criteria of validity adopted by Motzki is that ‘Aṭā’ mentions in some texts that he narrated a report from Ibn ‘Abbas through someone else. Additionally, he sometimes indicates that his own opinion differs from Ibn ‘Abbas’s,⁽⁵⁹⁾ and he denies hearing some jurisprudential sayings from him. This cannot be stated by a forger who claims that his narration is connected to his teacher, and was taken directly from him.⁽⁶⁰⁾ Furthermore, ‘Aṭā’ rarely rely on the *hadith* of the Prophet. He was expressing his opinion on things that he already knows that there are *hadith* about them without referring to it, which implies his not a forger.⁽⁶¹⁾

Another feature that Motzki believes indicates the authenticity of this narration is ‘Aṭā’s precise language, as he sometimes admits that he did not receive one of the narrations di-

(55) Ibid., p. 192.

(56) Ibid., p. 226.

(57) Ibid., p. 269.

(58) Ibid., p. 270.

(59) Ibid., p. 271.

(60) Ibid., p. 233.

(61) Ibid., p. 242-243-298.

4. The Impact of the Result of the Authenticity of Ibn Jurayj's Narration on 'Aṭā' in the Study of Meccan Jurisprudence

Motzki asserts that what was included in 'Abd al-Razzaq's *Musannaf* from Ibn Jurayj's narration about 'Aṭā' is indeed correct.⁽⁵⁰⁾ Thus, it is a historically reliable text for studying the development of jurisprudence in Mecca in the first decade of the second century/eighth century.⁽⁵¹⁾ According to him, this time determination is based on the fact that 'Aṭā' died in the year (115/733) and Ibn Jurayj in the year (150/767). However, he did not provide any criterion upon which to rest his determination of the usefulness of Ibn Jurayj's narration of 'Aṭā' in studying the historical development of Meccan jurisprudence during this period.

The results of Motzki about Ibn Jurayj's narration from 'Aṭā' is useful. Based on two evidences: First, his conclusion that Ibn Jurayj is closer to being a narrator of jurisprudence than being a jurist.⁽⁵²⁾ Second, 'Aṭā' was a contemporary of the Prophet's Associates, and his teacher from whom he learned a lot was Ibn 'Abbas. It is thus possible to use Jurayj's material to touch upon the features of the Meccan school in its early stage with Ibn 'Abbas, through 'Aṭā'.

When Ibn 'Abbas died in the year (d.68/688), 'Aṭā' was about 41 years old already. This means his knowledge reflects what was prevalent at that time and is an extension of the knowledge of the Companions, including Ibn 'Abbas. Motzki's study of Ibn Jurayj's narration from 'Aṭā' allows him to go beyond the period he specified. Motzki acknowledges that the solid relationship between 'Aṭā' and one of the Companions was similar to that him and Ibn 'Abbas, from whom he learnt directly.⁽⁵³⁾ It is evident that in the last three decades of the first century, 'Aṭā' replaced Ibn 'Abbas in the Grand Mosque of Mecca as his legal heir.⁽⁵⁴⁾ 'Aṭā'

(50) Ibid., p. 191.

(51) Ibid., p. 192.

(52) Ibid., p. 267.

(53) Ibid., p. 230.

(54) Ibid., p. 453.

ered the youngest representative trend of jurisprudential education in Mecca at that time. (43) When Motzki was certain that what Ibn Jurayj reported of ‘Aṭā’ was authentic based on the criteria that he established, he considered this to be an indication of the validity of what he would narrate from ‘Amr. (44) However, he used the same previous criteria to prove the validity of his narrations from ‘Amr’. (45)

Among what Motzki noted in the narration of ‘Amr was the great role of Ibn ‘Abbas (d.68/688). (46) ‘Amr conveys from the famous students of Ibn ‘Abbas; ‘ikrimah, (d.105/723) Tawoos, (d.106/724), ‘Aṭā’ Ibn Abi Rabah, (d.115/733), Abu Ma’bad, (d.104/722) Mujahid, (d. 104/722), Jabir Ibn Zaid, (d.93/712), and Abu Al-Sha’tha’, (d.93/712). (47) More than half of ‘Amr’s narrations belong to Abu al-Sha’tha, which demonstrates a great influence on him. This does not rule out the existence of a student-teacher relationship between them, such as that between ‘Aṭā’ and Ibn ‘Abbas. (48) The dominance of Ibn ‘Abbas’s narrations over ‘Amr’s narrations represents 60 percent of his narrations because his early stage of education was with Ibn ‘Abbas’s students. (49)

Despite Motzki’s statement about the significant influence of Ibn ‘Abbas on ‘Amr ibn Dīnār, it was not sufficient for him to consider what was narrated from Ibn ‘Abbas as material that can be used to contribute to identifying the characteristics of the Meccan school during the time of Ibn ‘Abbas. If these narrations are primarily transmitted from Ibn ‘Abbas, how is it not possible to benefit from them in understanding the actual beginnings of the Meccan jurisprudential school?

(43) Ibid., p. 325.

(44) Ibid., p. 326.

(45) Ibid., pp. 351-365.

(46) Ibid., p. 349.

(47) Ibid., p. 350.

(48) Ibid., p. 368.

(49) Ibid., p. 373.

Ibn Jurayj sometimes, mentions an issue as an opinion of ‘Aṭā’ and in another place, he refers to it as a *hadith* of the Prophet or an opinion of a companion. If assumably this work was forged, any researcher would describe Ibn Jurayj as “narrow-minded,” because he did not see himself had fallen into a contradiction.⁽³⁸⁾

4. Ibn Jurayj mentioned the pitfalls of ‘Aṭā’ that made him appear to be a jurist prone to error.⁽³⁹⁾ These flaws are four: His statements of ignorance, uncertainty, contradictions and changes of opinion.⁽⁴⁰⁾ If ‘Aṭā’ was a forger, he would not shift from his opinion to someone else’s. This issue makes Ibn Jurayj’s narration from ‘Aṭā’ and marks a shift from his perspective. The same applies to Ibn Jurayj who sometimes reports contradictory opinions from ‘Aṭā’. If the work of Ibn Jurayj had merely been attributed his personal opinions to ‘Aṭā’, he would not have fallen into those contradictions.⁽⁴¹⁾ This can be interpreted as a development of opinion that was affected by time.⁽⁴²⁾

Motzki concluded that the narrations that Ibn Jurayj reported from ‘Aṭā’ were considered correct based on these criteria. Nevertheless, it is necessary to mention a very important methodological observation. The study of *isnad* is weak in Motzki’s study; most of his discussion of the chain of transmission is misleading for his focus on the *Matn* exclusively. If the above criteria were available in a scholar’s narration reported from another scholar, Motzki considers this chain of transmission valid.

B.) Ibn Jurayj’s Narration from ‘Amr ibn Dīnār

Motzki highlights that ‘Amr ibn Dīnār is considered trustworthy according to Ibn Jurayj. He studied in his council after seeking knowledge from ‘Aṭā’, from whom he narrated a lot. He died in the year (d.126/744), i.e. 11 years after the death of ‘Aṭā’. ‘Amr is also consid-

(38) Ibid., p. 187.

(39) Ibid., p. 188.

(40) Ibid., p. 189.

(41) Ibid., p. 190.

(42) Ibid., p. 191.

opinions alongside the narrations of other scholars.⁽³¹⁾

2. the Significance of Ibn Jurayj's Comments on the Authenticity of his Narration

Motzki considers Ibn Jurayj's inclusion of explanatory or supplementary comments on the material he narrated as a refutation to the hypothesis of forgery.⁽³²⁾ He claims that these comments came late and were not writing in 'Aṭā's lessons because Ibn Jurayj disagreed with him on some issues, and if he had these opinions in his lessons, he would have shared them with his teacher. He also thinks that Ibn Jurayj's observations reflect the development of jurisprudence after 'Aṭā'.⁽³³⁾

3. Indicators of the Authenticity of Ibn Jurayj's Narration from 'Aṭā'

After mentioning the previous criteria, Motzki also states the following four points that indicate the validity of Ibn Jurayj's narration from 'Aṭā':

1. 'Aṭā's indirect narrations: Ibn Jurayj declares that he reported some narrations from a third party, which underpins indicates the authenticity of his *Asanid*. It was possible for him not to cite them, but he did not.⁽³⁴⁾ Ibn Jurayj also narrates the same report from 'Aṭā' in a different way, which supports its accuracy.⁽³⁵⁾

2. Ibn Jurayj's statement that sometimes he is uncertain of precisely what 'Aṭā' said⁽³⁶⁾.

3. Distinguishing 'Aṭā's narrations from those of other scholars with high accuracy: Ibn Jurayj reports narrations from the authorities that differ from what he reported from 'Aṭā' in a distinct way.⁽³⁷⁾

(31) Ibid., p. 175.

(32) Ibid.,

(33) Ibid., p. 179.

(34) Ibid., p. 180.

(35) Ibid., p. 181.

(36) Ibid., p. 181.

(37) Ibid., p. 182.

2. The Diversity of Texts Criterion

Motzki believes that one of the major indicators of the authenticity of Ibn Jurayj's narration about 'Aṭā' is the difference that lies in the types of narrations, are divided into two parts: answers to *fatwas* and sayings.⁽²⁷⁾ The significance of the authenticity of Ibn Jurayj's texts is highlighted by analyzing their types; the texts differ among most of his narrators, contrary to what would be assumed in the act of a forger who lies about the scholars who preceded him.⁽²⁸⁾ Furthermore, Ibn Jurayj stated in several narrations that he asked one of his friends who used to attend the lessons of 'Aṭā' with him to ask 'Aṭā' about a scholarly matter while Ibn Jurayj was just listening. That refers to the validity of his narrative, for it is inconceivable that he would say such a statement if he were a forger.⁽²⁹⁾

II. Internal Formal Standards for Validity

In addition, to the two external formal criteria, there is an internal formal criterion that supports the validity of Ibn Jurayj's narration about 'Aṭā', mainly represented by his criticism of his teacher's opinions and other evidence. In revealing these criteria, Motzki studied the methodology that Ibn Jurayj used to convey regarding the material of his teacher Ibn 'Aṭā'.⁽³⁰⁾

1. the Significance of the Personal Opinions of Ibn Jurayj on the Validity of his Narration

Motzki states that if Ibn Jurayj were considered a forger, his practice of mentioning personal sayings alongside conveying narrations of trustworthy scholars would be inexplicable. A forger, typically, would attribute the narrations to the scholars who preceded him, aiming to give them higher legitimacy. In such a case, he would not have included his own

(27) Ibid.,

(28) Ibid., p. 171.

(29) Ibid., p. 172.

(30) Ibid., p. 174.

Ibn Jurayj's narration about 'Aṭā', then it is feasible for him to draw from this narration a picture of the early Meccan school. Motzki employs two types of standards of authenticity: external formal standards and internal formal standards.

I. External Formal Standards of Validity

Motzki summarizes these external formal criteria into two; the size difference criterion, and the diversity of texts criterion.

1. The Size Difference Criterion

Motzki means by this criterion the difference in the size of the narrators that Ibn Jurayj conveyed from them his narrations. The size difference indicates the authenticity of the collection of 'Aṭā's narratives narrated by Ibn Jurayj; representing about 4 percent of the total narrations of Ibn Jurayj incorporated in 'Abd al-Razzaq's *Musannaḥ*,⁽²³⁾ while his other narrations are well-received by other scholars.⁽²⁴⁾ Besides, his narrations about unknown narrators and his personal opinions that occupy an equal level of authenticity. Based on that, Motzki does not think that the multiple distribution of men from whom Ibn Jurayj gained knowledge indicates that he is a forger who attributed his jurisprudential opinions and the opinions that were prevalent in Mecca in his time to the earlier scholars. In that case, if he were a forger, he would not have endured the hardship of all this work and would have relied on one or a few well-known scholars.⁽²⁵⁾ His mention of a huge number of trustworthy scholars would make it difficult for him to ensure the authenticity of the narratives that he incorporated into his compilation.⁽²⁶⁾

(23) Ibid., p. 165.

(24) Ibid., p. 166.

(25) Ibid., p. 167.

(26) Ibid., p. 168.

verify its authenticity, it is important to establish more objective criteria than what was suggested by Schacht.⁽¹⁸⁾

3. Motzki's Criteria in Proving the Validity of the Jurisprudential Narration

Harald Motzki considered Ibn Jurayj's narrations of 'Aṭā' Ibn Abi Rabah (d. 115 AH - 733 CE) and 'Amr ibn Dīnār (d. 126 AH - 744 CE) a case study to apply his criteria to, in order, to explore the milestones of the Meccan school. The criteria that he adopted to prove the validity of their narrations would be presented in what follows.

A.) Ibn Jurayj's Narration from 'Aṭā'

Motzki first demonstrates the relationship between Ibn Jurayj and 'Aṭā'. He considered 'Aṭā' to be one of the main teachers of Ibn Jurayj for a long period of time. Which explain why Ibn Jurayj narrated from him more than he narrated from other authorities.⁽¹⁹⁾ Moreover, Motzki states that Ibn Jurayj listened to other scholars either when they came for Hajj or when he sought knowledge from them.⁽²⁰⁾ Therefore, the existence of a high number of trustworthy scholars who lived in different places in Ibn Jurayj's narrations is due to his settlement in Mecca and his discipleship with them during their delegations to perform Hajj.⁽²¹⁾

Motzki presents and describes his criteria as more objective than those used by Schacht.⁽²²⁾ The importance of these criteria lies in the fact that if they contribute to the authenticity of

(18) Ibid., p. 165.

(19) in his article, "Motzki's Forger: The Corpus of the Follower 'Aṭā' in Two Early 3rd/9th-Century Ḥadīth Compendia," *Islamic Law and Society*, 19 (2012) 160-193, P.J. Gledhill, claims that a sceptic can use the same historical element that Ibn Jurayj was the student of 'Aṭā' to say that Ibn Jurayj is a forger. p. 167. However, what is overlooked here is that 'Aṭā's lesson was in public; therefore, Ibn Jurayj cannot attribute to him what no one else knows, especially when it noted that 'Aṭā' was a famous scholar in his time and what he says will circulate between the scholars and the students quickly. You can see Motzki's Answer to Gledhill article: "Motzki's Reliable Transmitter: A Short Answer to P. Gledhill" *Islamic Law and Society*, 19 (2012) 194-199, where he discussed misunderstandings in Gledhill's article.

(20) Motzki, *the Origins*, 168.

(21) Ibid., p. 178.

(22) Ibid., p. 165.

earlier sources⁽¹²⁾ dating back to the period between 144/761 and 154/771 to the scholars of the first half of the second century, such as Ibn ‘Uyaynah, who lived for a long period. Therefore, it includes the oldest important texts in Islamic jurisprudence.⁽¹³⁾ Besides, these scholars, from whom ‘Abd al-Razzaq learnt, were also authors of books⁽¹⁴⁾.

Motzki chose to study Ibn Jurayj’s narration in *Musannaf* due to the lack of a clear conception of early Meccan jurisprudence. He justified his choice of studying the jurisprudential books, especially with the cases related to marriage and divorce in *Musannaf*, by his expertise of these two topics.⁽¹⁵⁾ Motzki referred to Schacht’s statement that our knowledge about Meccan jurisprudence is very limited and stops at considering Ibn ‘Abbas the authority of Meccan jurisprudence and ‘Aṭā’ as his representative. Motzki pointed out that Schacht’s information was taken from works that were written later, such as Al-Shafi’i’s *al-Umm*, and that Schacht did not provide any information about ‘Aṭā’s teachings, but rather merely criticized the scholars who were reporting from ‘Aṭā’, and he subsequently cast doubt on what was attributed to him.⁽¹⁶⁾ As for G.H.A. Juynboll, Motzki quoted his account that what was attributed to ‘Aṭā’ became distorted over time; both jurisprudential judgments and Prophetic *hadiths*, by his own action or by someone else.

As for Muslims scholars of the history of Meccan Islamic jurisprudence, Motzki believes that their works stopped at the limits of mentioning the series of Meccan jurisprudential chain and neglected this school.⁽¹⁷⁾ Therefore, Motzki considers ‘Abd al-Razzaq’s *Musannaf* a source that provides a comprehensive overview of the jurisprudential knowledge of ‘Aṭā’ Ibn Abi Rabah from whom Ibn Jurayj narrated, and the book that was not accessible to Schacht during his time. Motzki also claims that in order to benefit from this source and

(12) *Ibid.*, p. 152.

(13) *Ibid.*, pp. 152-153.

(14) *Ibid.*, p. 155.

(15) *Ibid.*, p. 156.

(16) *Ibid.*, p. 162.

(17) *Ibid.*, p. 163.

systems. ⁽⁶⁾ He stated that his overlooking this matter is due to the lack of concrete evidence of its influence due to the absence of knowledge of the laws that prevailed before Islam in the Arabian Peninsula. ⁽⁷⁾

The importance of Motzki's work lies in his ability to free himself from this perspective that has governed Western Studies for a long period, and to look at the early Islamic sources carefully. His approach also contributed to arriving at the results that revealed the state of jurisprudence in a period that was said to be a mysterious period in the history of early jurisprudential schools in which jurisprudence was characterized by weakness and meagerness. ⁽⁸⁾ Moreover, He claimed that his criteria for proving the authenticity of the Meccan jurisprudential narrative are more objective than the works of Ignaz Goldziher and Joseph Schacht ⁽⁹⁾.

2. The Reasons for Applying the Methodology of Studying the Isnad-cum-Matn on 'Abd al-Razzaq's Musannaf

Motzki took *Musannaf* of 'Abd al-Razzaq, which is considered one of the oldest works that includes narrations from all previous generations, ⁽¹⁰⁾ the *hadith* of the Prophet, the narrations from the Companions and the Followers, as a text on which he utilized his approach Isnad-cum-Matn. According to Motzki, using the *Musannaf* would assist in reconsidering Western writings about the emergence of Islamic jurisprudence. ⁽¹¹⁾ The importance of using this work stems chiefly from the fact that; verified narrations in it are completely identical to 'Abd al-Razzaq's original manuscript (*Makhṭūṭ*). Moreover, the work was compiled from

(6) Ibid., p. 18.

(7) Ibid., p. 19. For more discussion on this issue, see: Hodgson, Marshall, *The Venture of Islam: Conscience and History in a World Civilization*, (Chicago: The University of Chicago Press, 1974), Vol 1: The Classical Age of Islam. book one: The Islamic Infusion: Genesis of a New Social Order. And see. Hallaq, Wael. B, *the origins and evolution of Islamic law*, (United States of America: Cambridge University Press, 2005).

(8) Motzki, *the Origins*, p. 46.

(9) Ibid., p. 165.

(10) Ibid., p. 115.

(11) Ibid., p. 116.

er Ibn 'Abbas, and his direct successors. He concluded that the features of the development of Meccan jurisprudence can be delineated through the *Musannaf* of 'Abd al-Razzaq based on the narration of Ibn Jurayj in the first decade of the second century / eighth century.⁽⁵⁾ According to him, Ibn Jurayj's narration can only assist scholars in understanding the development of the Meccan school during this period and not before it. While the founder of the Meccan school Ibn 'Abbas was active before this period, which led to leaving the first AH century outside the scope of the results of his study, except for his confirmation that Ibn 'Abbas influenced most of the banner-bearers of the Meccan school and that they were his successors. Therefore, it is very important to study the life of Ibn 'Abbas, to comprehend the first stirrings of the Meccan school. Furthermore, Motzki did not pay attention to peer testimony that could have been useful in understanding the scholarly community at that time.

By starting with studying the scholar's narrations before delving into his scholarly life, he comes across a new approach that sets a pivotal condition to ensure the authenticity of what is reported by scholars by first verifying the veracity of their narrations. This contradicts the classical method used by Muslim scholars, which first verifies the *'adala* of a scholar and then subjects his narrations to study. This is an epistemological shift proposed by Motzki. However, Motzki followed the method of Muslim scholars in the beginning of his work about the narrations of 'Amr ibn Dīnār when he emphasized that he trusted what Ibn Jurayj reported about 'Amr based on the fact that he had proven to be truthful in his narration of 'Aṭā', which Motzki had studied before. However, Motzki would later study the narrations of 'Amr with the same method.

According to Motzki, he overcame the obstacle of questioning the authenticity of Islamic sciences during the emergence of schools of jurisprudence that tied researchers, by eschewing the treatment of Islamic jurisprudence's provenance, which supports the point that Islamic jurisprudence borrowed its legal system initially from pre-Islamic or non-Islamic legal

(5) Ibid., p. 192.

al-Razzaq's *Musannaf* to apply his Isnad-cum-Matn methodology. It highlights the criteria Motzki used to validate the authenticity of Ibn Jurayj's narrations from 'Ata Ibn Abi Rabah and 'Amr ibn Dīnār. The study then examines Ibn 'Abbas's role in establishing the Meccan school by analyzing his contributions in political assemblies, scholarly discussions, his leadership in issuing fatwas, and his influence in shaping the concept of scholarly authority. Furthermore, it underscores the significance of peer testimony in supporting Motzki's conclusions.

Harald Motzki began his work⁽³⁾ with studying the narrations of Ibn Jurayj in the *Musannaf* of 'Abd al-Razzaq and explaining the objective criteria he relied on to examine them. He addressed their internal structure and concluded that they were reliable. Based on this premise, he asserts that Ibn Jurayj's narrations about 'Aṭā', 'Amr ibn Dīnār, and others were trustworthy and reliable. He also studied 'Aṭā's narration about Ibn 'Abbas and presented the criteria that indicates its authenticity. On the other hand, in his part of the study about the narrators of Meccan school, Motzki compared the results he got from the *Musannaf* of 'Abd al-Razzaq with what was reported in *Kitāb At-Ṭabaqāt al-Kabīr* about them. He stated that the delay in mentioning the material included in biographical dictionaries about the scholars of the Meccan school was due to a methodological feature based mainly on the fact that these dictionaries had a bad reputation in Western academia. This made him postpone looking at them until he had finished studying the narrations in *Musannaf* of 'Abd al-Razzaq and he got the results of his work about their narrations. Subsequently, he determined his method of dealing with biographical books based on his results.⁽⁴⁾

Motzki's approach is based on studying Isnad-cum-Matn. However, he neglected the external structure of the Meccan school, namely the external jurisprudential isnad; the found-

(3) Motzki, Harald. *The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools*, trans. Jūrj Tāmīr, and Khayr al-Dīn 'Abd al-Hādī (Lebanon: Dār al-Bashā'ir al-Islāmīyah, 2010). The whole article is centered around the themes and arguments presented in this book.

(4) Motzki, the *Origins*, p. 522.

1. Introduction

This paper addresses the research of Harald Motzki on the early history of jurisprudence in Mecca, titled *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*. This work is an influential contribution to the historicity of early jurisprudence in Islam. It has enhanced an understanding of the historical development of this early school. Nevertheless, his study contains some methodological deficiencies. This paper endeavors to reassess critically some foundational premises upon which his study is predicated, with a specific focus on two essential issues. The first one relates to his approach about measuring the authenticity of narrators based on verifying the accurateness of their texts; he specifically examined the internal structure of the narrations of Ibn Jurayj about ‘Aṭā’ Ibn Abi Rabah and ‘Amr ibn Dīnār and considered it a reliable element for assessing the degree of reliability of the narrators. However, he neglected to examine the external structure of these texts, which is the jurisprudential isnad of the Meccan school; exclusively the founder ‘Abdullāh Ibn ‘Abbas and his direct successors. He also overlooked the testimony of peers in assessing their reliability. Secondly, this critique pertains to the extent of the scholarly utility derived from reliance on narrations attributed to Ibn Jurayj, in *Musannaf’s* ‘Abd al-Razzaq, in the historical analysis of the early development of jurisprudence. Motzki infers its utility in clarifying the features of jurisprudence in Mecca in the first decade of the second century / eighth century. Hence, the present article sought to answer the following question which encapsulates the aforementioned issues: why Motzki did not employ the narrations attributed to Ibn Jurayj about ‘Aṭā’ b. Abī Rabāḥ in the historical analysis of the period antecedent the first decade of the second century / eighth century?

In examining Motzki’s methodology, the analytical approach was utilized to explore its defining features, while the critical approach was applied to fill the gaps identified in his work. Following the introduction, the research explores Motzki’s rationale for selecting ‘Abd

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A Critical Study of Harald Motzki's Methodology in Proving the Authenticity of the Jurisprudential Narrative of Early Meccan Madhhab

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Abstract

This research aims to cover an early period in the history of the development of the Meccan legal school, a period overlooked by the German orientalist Harald Motzki in his work titled *The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools*. The study revisits the era during which the founder of the school 'Abdullāh Ibn 'Abbas was active, examining his efforts that contributed to the establishment of the Meccan school. After the introduction, the research discusses the reasons behind Motzki's choice of 'Abd al-Razzaq's *Musannaf* as a text to apply his methodology—studying *Isnad-cum-Matn*. It also outlines the criteria that Motzki relied upon to conclude that Ibn Jurayj's narrations from 'Aṭā' Ibn Abi Rabah and 'Amr ibn Dīnār are authentic. Subsequently, the study delves into Ibn 'Abbas's role in founding the Meccan school by examining his contributions in political assemblies, scholarly circles, his leadership in issuing fatwas, and shaping what could be termed the concept of scholarly authority. Additionally, the research emphasizes the importance of peer testimony in reinforcing Motzki's conclusions. The study concludes by affirming that covering Ibn 'Abbas's period places the researcher at the actual starting point of the Meccan legal school and sheds light on how legal discourse began to take shape during that era.

Keywords:

Jurisprudential Narrative, Narrative authenticity, Meccan school, Biographies works, legal discourse.

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دراسة نقدية لمنهج هارالد موتسكي في إثبات صحة الرواية الفقهية للمذهب المكي المبكر

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الملخص

يهدف هذا البحث إلى تغطية فترة مبكرة في تاريخ تطور المدرسة الفقهية المكية أغفل المستشرق الألماني هارالد موتسكي التطرق إليها في عمله الموسوم ب(بدايات الفقه الإسلامي وتطوره في مكة حتى منتصف القرن الهجري الثاني / الميلادي الثامن). وذلك بالرجوع إلى الفترة التي نشط فيها مؤسس المدرسة عبد الله بن عباس ودراسة مجهوداته التي ساهمت في قيام المدرسة المكية. وقد تطرق البحث بعد المقدمة لعرض أسباب اختيار موتسكي مصنف عبد الرزاق نصا لتطبيق منهجه، دراسة السند والمتن معا، عليه. وبيان المعايير التي استند عليها في الوصول إلى نتيجة أن روايتي ابن جريج عن عطاء بن أبي رباح وعن عمرو بن دينار صحيحتين. ثم بعد ذلك تطرق إلى دور ابن عباس في تأسيس المدرسة المكية من خلال رصد مجهوداته في المجالس السياسية والمجالس العلمية وتزعم حركة الفتوى وتشكيل ما يمكن تسميته بمفهوم السلطة العلمية. بالإضافة إلى التأكيد على الحاجة إلى اعتماد شهادة الأقران لتعزيز نتائج دراسة موتسكي، ثم الخاتمة. وقد توصل البحث إلى أن تغطية فترة ابن عباس تضع الباحث أمام البدايات الفعلية الأولى للمدرسة الفقهية المكية وكيف تشكل النقاش الفقهي آنذاك..

الكلمات المفتاحية:

الرواية الفقهية، صحة الرواية، المدرسة المكية، كتب التراجم، النقاش الفقهي.

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