

The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Emergence of Classical Schools

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Abstract

Purpose: This study critically examines the development of early Islamic law in Mecca through an analysis of Harald Motzki's *The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools* in 2002. It focuses on the scholarly contributions of 'Ata' ibn Abi Rabah and Ibn Jurayj in shaping Meccan *fiqh* in the second century Hijri and engages with historiographical debates on the authenticity of early legal traditions.

Methodology: A qualitative library research design was employed. Data were obtained from systematic reviews of primary and secondary sources, including Motzki's work, Musannaf 'Abd al-Razzaq, and key studies by Schacht, Hallaq, Calder, and El-Shamsy. Thematic analysis was used to examine debates on *isnad* criticism, hadith authenticity, and socio-political influences on early Islamic legal development.

Results: Motzki's analysis demonstrates that legal transmissions from Ibn Jurayj to 'Ata' ibn Abi Rabah in Musannaf 'Abd al-Razzaq are highly likely to be authentic. Variations in transmission styles, including legal reasoning, uncertainty, and alternative citations, make systematic fabrication implausible. Early Meccan *fiqh* is shown to be shaped by both revelatory sources and local socio-political contexts.

Conclusions: Motzki provides a balanced alternative to extreme skepticism and traditionalist approaches, showing that early Islamic jurisprudence was a dynamic and context-based legal process prior to madhhab formation.

Limitations: The study is limited to Motzki's textual corpus and does not include comparative regional legal sources.

Contributions: It contributes to Islamic legal historiography by demonstrating the value of the *isnād-cum-matn* method in reassessing early legal authenticity.

Keywords: *Early Islamic Law, Historiography, Isnad Cum Matn, Legal Authenticity, Meccan Fiqh*

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1. Introduction

The historical origins of Islamic jurisprudence represent one of the most contested and intellectually rich domains in Islamic studies. The question of how Islamic law emerged from the prophetic period to the codified madhhab systems of the third and fourth centuries AH has generated sustained scholarly debate since the nineteenth century, encompassing historians of religion, legal scholars, and Orientalist critics, whose methodological divergences are as significant as their substantive

disagreements ([Hallaq, 2005](#); [Schacht, 1950](#); [Brown, 2018](#); [Kamali, 2019](#)). At the center of this debate is the reliability of the hadith corpus as a source of authentic early legal tradition a question with profound implications not only for historical reconstruction but also for the contemporary authority and interpretation of Islamic legal texts ([Auda, 2021](#); [Zysow, 2022](#)).

Patricia Crone contribution to this field, particularly her collaborative work with Michael Cook, challenged conventional assumptions about early Islamic legal development by questioning the authenticity of certain pre-classical Meccan traditions ([Crone, 1987](#)). However, Harald Motzki the *Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools* in 2002, originally published in German in 1991, provides the most methodologically sophisticated and empirically grounded response to the skeptical tradition inaugurated by Joseph [Schacht \(1950\)](#). Motzki work represents a methodological turning point: it neither accepts uncritically the classical Islamic tradition's self-presentation of its legal history, nor adopts the radical skepticism that dismisses the hadith corpus as largely fabricated post-hoc ([Vikrør, 2019](#); [Lowry, 2023](#)).

The book under review focuses specifically on Meccan Fiqh in the second century AH, examining the legal teachings transmitted by Ibn Jurayj from his teacher 'Ata' ibn Abi Rabah (d. 115 AH/733 CE) as preserved in the *Musannaf 'Abd al-Razzaq* a major early compilation of legal traditions compiled by 'Abd al-Razzaq al-San'ani (d. 211 AH). Motzki analytical approach, designated the *isnad-cum-matn* method, combines the examination of chain-of-transmission structures (*isnad*) with content analysis (*matn*) to assess the historical authenticity of individual legal reports, offering a credible middle ground between traditionist acceptance and shechtman skepticism ([Amin, 2003](#); [Salaymeh, 2020](#)).

A central problem in contemporary Islamic legal historiography is the epistemological tension between normative-traditional accounts and historical-critical approaches. Traditional Islamic scholarship tends to treat early fiqh development as a relatively continuous extension of prophetic authority, whereas modern critical historiography highlights discontinuities, regional variations, and post-formative reconstruction of legal doctrines. In the Indonesian academic context, this debate has been increasingly reflected in Islamic legal studies, particularly in examining how classical fiqh authority is constructed and legitimized in modern Islamic higher education curricula ([Nugroho & Fikri, 2020](#)). This tension demonstrates that Islamic legal historiography is not merely a historical inquiry but also a contestation over epistemic authority in defining what counts as “authentic” Islamic law.

Furthermore, the methodological challenge posed by Motzki's *isnād-cum-matn* analysis raises broader implications for contemporary Islamic scholarship in Muslim-majority societies, including Indonesia. While this method offers a more nuanced reconstruction of early legal traditions, its technical complexity limits its accessibility for mainstream academic discourse and religious education institutions. Several Indonesian scholars have noted that methodological sophistication in hadith criticism is often underutilized in applied Islamic legal reasoning, leading to a gap between academic historiography and practical jurisprudential development ([Hidayat & Maulana, 2021](#)). This gap underscores the need for integrative frameworks that bridge historical-critical methods with normative fiqh pedagogy.

Another critical issue lies in the socio-political embedding of early Islamic legal formation, particularly in Meccan Fiqh. Motzki's findings suggest that legal reasoning was not developed in isolation but was deeply embedded within socio-economic realities, teacher-student authority structures, and local interpretive practices. In modern Indonesian scholarship, similar contextual approaches have been used to reinterpret the development of Islamic legal institutions as adaptive systems influenced by changing governance structures and community needs ([Sari & Abdullah, 2022](#)). This parallel highlights the relevance of historical legal contextualization for understanding contemporary legal pluralism in Indonesia, especially in balancing between state law, Islamic law, and customary norms.

Finally, the debate surrounding authenticity and fabrication of early Islamic legal materials remains highly relevant in addressing modern concerns about legal authority and textual interpretation. The skepticism initiated by Schacht and expanded by Crone continues to influence contemporary critical discourse, but it also risks undermining constructive engagement with classical sources if applied excessively. Recent Indonesian scholarship emphasizes the importance of methodological moderation, advocating for a balanced approach that recognizes both historical construction and normative continuity in Islamic legal tradition ([Rahman & Setiawan, 2023](#)). In this regard, Motzki's framework serves not only as a historiographical tool but also as a methodological bridge for reconciling critical scholarship with faith-based legal epistemology.

This article review examines three central themes from Motzki's study, namely the historiographical context of early Islamic legal studies and Motzki's methodological contribution, the role of the Musannaf 'Abd al-Razzaq as an authentic early legal source, and the transformation of Islamic law in Mecca alongside the significance of the 'Ata'-Ibn Jurayj transmission relationship. This review situates these themes within the broader literature on Islamic legal historiography and evaluates Motzki's contribution to the contemporary understanding of fiqh's pre-classical foundations. ([Haider, 2021](#); [Fadel, 2018](#)).

2. Literature Review and Hypothesis/es Development

2.1 *Historiographical Debates on Early Islamic Legal Origins*

The study of early Islamic legal origins has been structured around a foundational tension between what might be termed the "traditionalist" and "revisionist" positions. The traditionalist position, reflected in classical Islamic scholarship and much modern Muslim academic writing, holds that Islamic law developed in direct continuity from Qur'anic revelation and prophetic Sunnah, with the hadith corpus providing an essentially reliable record of early legal practice ([Auda, 2021](#)). Revisionist scholarship, inaugurated by Ignaz Goldziher *Muhammedanische Studien* in 1889–1890 and developed most influentially by Joseph Schacht *The Origins of Muhammadan Jurisprudence* in 1950, challenges this continuity thesis by arguing that much of the hadith corpus was fabricated in the second and third centuries AH to provide prophetic authority for legal positions that had actually developed from local custom and scholarly *ra'y* (personal opinion) ([Crone, 1987](#); [Vikrør, 2019](#)).

Schacht argument rests on the "projecting back" thesis: legal positions attributed to the Prophet were, in his view, originally opinions held by later scholars that were gradually projected backward in time through the development of more elaborate *isnād* ([Schacht, 1950](#); [Munawwir et al., 2021](#)). This thesis, while influential, has been criticized for its circular reasoning and overreliance on *argumenta ex silentio* ([Motzki, 2002](#); [Hallaq, 2005](#); [Brown, 2018](#)). Wael Hallaq *The Origins and Evolution of Islamic Law* (2005) provides a more contextually sensitive treatment, acknowledging political and institutional influences on legal development while preserving greater continuity between prophetic and post-prophetic legal tradition ([Hallaq, 2005](#); [Kamali, 2019](#)). Norman Calder *Studies in Early Muslim Jurisprudence* (1993) offers a textualist alternative, focusing on the analysis of early legal texts themselves rather than their transmission history, though without fully integrating socio-political contextualisation ([Lowry, 2023](#)).

Harald Motzki occupies a distinctive position in this scholarly landscape. His *isnad-cum-matn* methodology provides the tools to assess hadith authenticity empirically rather than theoretically, examining the internal structural features of transmission chains and their content relationships to distinguish genuine early traditions from later fabrications ([Motzki, 2002](#); [Salaymeh, 2020](#)). This approach builds on Nabia Abbott and Fuat Sezgin defenses of early hadith transmission while introducing more systematic analytical criteria, enabling nuanced conclusions about specific texts and transmitters rather than programmatic verdicts on the hadith corpus as a whole ([Haider, 2021](#); [Zysow, 2022](#)).

A further dimension of this debate concerns the epistemological status of legal authority in early Islam and the ways in which methodological assumptions shape historical reconstruction. Revisionist

scholarship often presupposes a fundamentally skeptical epistemology in which textual proximity to the Prophet is treated as inherently suspect unless independently corroborated, whereas traditionalist approaches assume a baseline reliability of transmission unless explicit contradiction is demonstrated. Motzki's intervention is significant because it disrupts this binary by proposing a probabilistic model of authenticity grounded in internal textual dynamics rather than external assumptions. By analyzing patterns of agreement, divergence, and editorial intervention within transmission layers, the *isnād-cum-matn* method allows for a differentiated assessment of reliability that avoids both wholesale acceptance and wholesale rejection of the hadith corpus. This methodological refinement has broader implications for Islamic legal historiography, as it shifts the focus from abstract debates over authenticity to concrete case-by-case reconstruction of legal reasoning processes in early Muslim communities, particularly in regional centers such as Mecca, Medina, and Kufa.

Moreover, the implications of Motzki's framework extend beyond historiographical methodology into the reconstruction of early Islamic intellectual geography. The case of Meccan *fiqh*, as mediated through the 'Ata'–Ibn Jurayj transmission network, illustrates how legal authority was not centrally imposed but emerged through localized scholarly circles characterized by fluid interpretive practices and layered teacher-student relationships. This challenges earlier models that portrayed early Islamic law as either fully centralized under prophetic authority or entirely fragmented into regional schools without coherence. Instead, the evidence suggests a semi-structured epistemic network in which legal reasoning was transmitted, modified, and critically engaged across generations. Such a model provides a more nuanced understanding of how legal doctrines stabilized over time, eventually contributing to the formation of *madhhab*-based systems in the classical period. In this sense, Motzki's contribution is not only methodological but also reconstructive, offering a historically grounded account of how Islamic jurisprudence evolved from dispersed interpretive practices into more formalized legal traditions.

2.2 Primary Sources and Key Scholarly Works

The *Musannaf 'Abd al-Razzaq* constitutes the primary textual corpus for Motzki analysis. Compiled by 'Abd al-Razzaq al-San'ani and transmitting materials from the first and second centuries AH, it is one of the earliest extant hadith compilations and an invaluable window into pre-classical Islamic legal thought. Motzki analysis of approximately 3,810 traditions from this work constituting approximately 21% of the total corpus provides a sufficient sample for systematic transmission pattern analysis ([Amin, 2003](#); [Fadel, 2018](#)). Among the four dominant transmitters identified (Ma'mar ibn Rashid at 32%, Ibn Jurayj at 29%, Sufyan al-Thawri at 22%, and Ibn 'Uyayna at the remainder), Ibn Jurayj material provides the analytical centrepiece of Motzki study due to its concentration on 'Ata' ibn Abi Rabah legal opinions ([Rohidin, Nurdin, & Riyanta, 2022](#)).

Ahmed El-Shamsy the *Canonization of Islamic Law* in 2013, provides important context for Motzki study by examining the subsequent codification of Islamic law in the early Abbasid period, illuminating the institutional transformation through which the fluid scholarly tradition documented by Motzki became formalised into recognisable *madhabs* ([El-Shamsy, 2013](#); [Hafid & Astutik, 2022](#)). Marion Katz *Body of Text* (2002) contributes evidence on the evolution of ritual purity law in the Sunni tradition, while Fred Donner *Muhammad and the Believers* (2010) contextualises the early Islamic community's normative frameworks ([Donner, 2010](#); [Salaymeh, 2020](#)). Jonathan Brockopp *Early Maliki Law* in 2000, provides comparative regional perspective, demonstrating that legal development in other centres followed patterns comparable to those Motzki identifies in Mecca ([Abdullah & Mukhlas, 2020](#); [Haider, 2021](#)).

Beyond its quantitative and transmitter-based analysis, the significance of the *Musannaf 'Abd al-Razzaq* also lies in its capacity to reveal the intellectual texture of early Islamic legal reasoning in its formative stage. The text preserves not only legal rulings attributed to early authorities but also layers of interpretive engagement, including disagreement, hesitation, and methodological reflection among transmitters. This suggests that early *fiqh* was not a monolithic system of doctrinal assertions, but rather a dynamic discourse in which legal norms were continuously negotiated within scholarly

circles. The presence of variant opinions attributed to the same authority, alongside the critical remarks of transmitters such as Ibn Jurayj, indicates that early Islamic legal culture tolerated interpretive plurality while still maintaining reverence for authoritative figures like 'Ata' ibn Abi Rabah. Such complexity challenges simplistic reconstructions of early Islamic law as either fully systematized or entirely fragmented, instead pointing toward a developing epistemic tradition characterized by layered authority, oral transmission practices, and evolving criteria of legal validation. In this sense, the *musannaf* functions not merely as a repository of legal reports but as a documentary trace of an emergent legal consciousness in which revelation, local practice, and scholarly reasoning were still in active dialogue, gradually forming the foundations of what would later crystallize into structured madhhab methodologies.

3. Research Methodology

3.1 Research Method

This study employs a qualitative library research methodology (library research), which is appropriate for book review scholarship aimed at critically evaluating and synthesizing the contributions of a major work within its scholarly context ([Hafid & Astutik, 2022](#); [Ummah, 2019](#)). The primary analytical object is Motzki *The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools* (2002), as reviewed through [Amin's \(2003\)](#) book review and the original German text's translated edition ([Motzki, 2002](#); [Munawwir et al., 2021](#)).

Methodological approach enables the study to position itself within a meta-analytical framework that goes beyond mere descriptive review, allowing for critical engagement with both the epistemological assumptions and historiographical implications embedded in Motzki's work. By treating the book not only as a textual object but also as a scholarly intervention within the broader discourse on Islamic legal origins, the study is able to interrogate how methodological choices such as isnād-cum-matn analysis shape historical conclusions about authenticity, authority, and legal development. Furthermore, the library research design facilitates triangulation across multiple layers of discourse, including primary source reconstruction, secondary scholarly debate, and contemporary academic responses, thereby strengthening interpretive depth and analytical rigor. This approach also acknowledges that book review scholarship in Islamic legal historiography functions as a critical bridge between textual tradition and modern academic inquiry, where interpretive synthesis becomes essential for understanding contested narratives of early Islamic law formation.

3.2 Data Collection Method

Data collection was conducted using three complementary approaches. First, a close reading and thematic coding of Motzki text was conducted, identifying the major analytical claims, methodological innovations, and empirical findings of each chapter ([Rohidin et al., 2022](#); [Yahya, 2023](#)). Second, systematic review of the relevant secondary literature including [Schacht \(1950\)](#), [Hallaq \(2005\)](#), [Calder \(1993\)](#), [El-Shamsy \(2013\)](#), and the review literature on Motzki work was conducted to contextualise Motzki contribution within ongoing scholarly debates ([Brown, 2018](#); [Vikrør, 2019](#)). Third, a comparative analysis of Motzki methodology against alternative approaches (Schachtian skepticism, traditionalist acceptance, textualism) was undertaken to evaluate its methodological distinctiveness and empirical advantages ([Auda, 2021](#); [Kamali, 2019](#)).

3.3 Data Analyze Method

Analysis followed thematic coding organised around three principal themes: (a) the historiographical positioning of Motzki methodology; (b) the authentication of the Musannaf 'Abd al-Razzaq as an early legal source; and (c) the character of the 'Ata'–Ibn Jurayj transmission relationship and its implications for understanding Meccan fiqh ([Amin, 2003](#); [Salaymeh, 2020](#)). Conclusions were drawn through dialectical synthesis of Motzki findings with the critical responses generated in subsequent scholarship ([Haider, 2021](#); [Zysow, 2022](#)).

4. Results and Discussions

4.1 Motzki's Methodological Contribution: The *Isnad-Cum-Matn* Approach

The methodological core of Motzki study is his *isnad-cum-matn* analysis, which represents a significant advance over both the traditional Islamic sciences of hadith criticism and the Orientalist revisionist tradition ([Abdullah, 2020](#)). Classical Islamic hadith scholarship evaluated transmitters individually through biographical dictionaries (*rijal* literature) but lacked the tools to detect systematic fabrication across transmission networks. Schacht and his followers used the *isnad* structure as evidence of inauthenticity. In contrast, Motzki approach uses transmission pattern analysis to identify structural features that distinguish authentic early traditions from later fabrications ([Motzki 2002](#); [Amin 2003](#); [Brown, 2018](#)).

The decisive analytical insight is that authentic transmission generates characteristic diversity: different transmitters receive slightly different versions of the same material, reflecting their individual reception of an early tradition rather than copying from a single, fabricated source. By contrast, fabrication tends to generate suspicious uniformity or is marked by patterns inconsistent with the sociology of actual knowledge transmission ([Zysow, 2022](#); [Vikrør, 2019](#)). Applied to Ibn Jurayj citations from 'Ata' in the *Musannaf 'Abd al-Razzaq*, this method yields a consistent picture: the diversity of transmission modes (*responsa dicta*, cited second-hand opinions), the uneven frequency distribution of 'Ata rulings across different topic areas, and the presence of Ibn Jurayj own critical commentary on 'Ata positions collectively resist explanation as fabrication while being readily explicable as authentic historical transmission ([Motzki 2002](#); [Salaymeh, 2020](#)).

Motzki position productively mediates between Schacht skepticism and uncritical traditionalism. His evaluation of earlier scholarship from Sachau two-source theory through Goldziher *ra'y* hypothesis to Schacht, which is projecting back, argument demonstrates the cumulative evidential problems with the skeptical tradition while acknowledging the genuine insights that motivated it ([Munawwir et al., 2021](#); [Haider, 2021](#)). The result is a historically grounded and methodologically defensible account of early legal transmission that takes seriously both the possibility of authenticity and the possibility of fabrication, adjudicating between them based on empirical evidence rather than prior theoretical commitment ([Auda, 2021](#); [Kamali, 2019](#)).

A further implication of Motzki's methodological framework lies in its challenge to linear models of legal historiography that assume a straightforward evolution from prophetic injunctions to fully systematized juristic doctrines. By foregrounding transmission dynamics and micro-level textual variations, the *isnad-cum-matn* approach reveals that early Islamic legal knowledge was constructed through iterative processes of reception, reinterpretation, and selective preservation rather than through a single authoritative codification moment ([Hidayatullah & Rahman, 2023](#)). This has significant consequences for understanding the sociology of knowledge in early Islam, as it suggests that authority was distributed across overlapping scholarly networks rather than concentrated in institutionalized legal schools at an early stage. Moreover, the method highlights the role of interpretive agency exercised by transmitters such as Ibn Jurayj, who did not function merely as passive conduits of 'Ata's opinions but actively engaged in evaluation, clarification, and occasional disagreement. Such findings complicate assumptions about the transparency of transmission chains and instead point to a layered epistemic structure in which textual fidelity coexisted with interpretive flexibility ([Nasution, 2022](#)). Consequently, Motzki's analysis not only strengthens arguments for the partial historicity of early legal material but also reframes the emergence of Islamic jurisprudence as a dialogical and socially embedded process, where legal meaning was continuously negotiated within evolving communities of scholars, thereby bridging the gap between textual transmission studies and broader theories of intellectual history ([Omar & Zin, 2020](#)).

4.2 The *Musannaf 'Abd al-Razzaq* as an Authentic Early Legal Source

Motzki demonstration of *Musannaf 'Abd al-Razzaq* authenticity as a first/second-century legal source is one of the most significant contributions of his study. Working from a sample of approximately 3,810 traditions covering major topics in ritual law, commercial transactions, family law, and penal

provisions, Motzki identifies four dominant transmitters whose material shows the characteristic diversity of authentic multi-strand transmission ([Amin, 2003](#); [Rohidin et al., 2022](#)). The analysis of the four dominant sources (Ma'mar ibn Rashid, Ibn Jurayj, Sufyan al-Thawri, and Ibn 'Uyayna) reveals distinct transmission profiles: Ma'mar material concentrates on Ibn Shihab al-Zuhri and Qatada ibn Di'ama, while Ibn Jurayj material is dominated by 'Ata' ibn Abi Rabah and 'Amr ibn Dinar a divergence explicable by the different scholarly environments of Syria/Iraq versus Mecca in which these transmitters operated ([Amin, 2003](#); [Fadel, 2018](#)).

The authenticity argument is further supported by 'Abd al-Razzaq own editorial behaviour. A forger seeking to maximize the authority of a fabricated corpus would not introduce doubts about individual traditions or preserve disagreements between sources; 'Abd al-Razzaq documented expressions of uncertainty about specific reports are therefore evidence of genuine scholarly transmission rather than deliberate construction ([Motzki, 2002](#); [Lowry, 2023](#)). This editorial transparency preserving intellectual uncertainty rather than smoothing it away, is a hallmark of authentic compilation practice in the Islamic scholarly tradition ([Ummah, 2019](#); [Yahya, 2023](#)).

further dimension of the authenticity argument lies in the internal coherence between transmission stratification and the historical geography of early Islamic scholarship. The distribution of reports across different transmitters reflects not only individual scholarly networks but also broader regional epistemic formations that were characteristic of the first and second centuries AH. For instance, the concentration of Meccan material in Ibn Jurayj's transmissions and the relatively greater presence of Syrian and Iraqi traditions in Ma'mar's corpus indicate that legal knowledge circulated through localized scholarly circles before later processes of standardization. This geographical differentiation would be difficult to reproduce artificially in a later fabrication scenario, as it presupposes an intricate awareness of early intellectual networks and their distinctive doctrinal emphases. Moreover, the variation in legal subject matter across transmitters suggests that early *fiqh* was not centrally compiled according to systematic doctrinal categories but rather accumulated organically through teaching circles where certain jurists specialized in particular legal domains. Such patterns reinforce the plausibility of gradual accumulation rather than retrospective construction. In addition, the preservation of conflicting opinions within the same transmission layers further indicates that early compilers did not impose doctrinal harmonization but instead documented legal plurality as a normative feature of scholarly discourse. Collectively, these features strengthen the argument that the Musannaf 'Abd al-Razzaq reflects an authentic stratum of early Islamic legal thought embedded in real scholarly practices rather than a later ideologically motivated reconstruction ([Auda, 2021](#)).

4.3 The 'Ata'–Ibn Jurayj Relationship and Meccan Fiqh Transformation

The analytical centrepiece of Motzki study is his examination of the legal opinions transmitted by Ibn Jurayj from 'Ata' ibn Abi Rabah. Schacht acknowledged 'Ata' as a historically credible legal authority in second-century Mecca, while G.H.A. Juynboll suggested that legal opinions attributed to 'Ata' may have been transformed into prophetic hadith through a process of upward attribution. Motzki analysis directly addresses this suggestion by applying his dual-criteria methodology to the 'Ata'–Ibn Jurayj corpus ([Motzki, 2002](#); [Salaymeh, 2020](#); [Zysow, 2022](#)).

The six internal criteria that Motzki identifies as supporting the authenticity of Ibn Jurayj transmission from 'Ata' are significant because they collectively constitute a sociology of authentic knowledge transmission, including the presence of Ibn Jurayj's own legal opinions which distinguishes him from a mere copyist, critical commentary on 'Ata rulings that indicates engaged reception rather than passive transmission, expressions of uncertainty that reflect honest scholarly practice rather than constructed certainty, citation of 'Ata opinions from second-hand sources which would be counterproductive for a forger attempting to assert direct authority, careful differentiation between 'Ata's views and those of other authorities demonstrating analytical precision incompatible with fabrication, and acknowledgement of informational gaps that prioritizes epistemic honesty over rhetorical completeness ([Amin, 2003](#); [Rohidin et al., 2022](#)). Together, these criteria make systematic fabrication practically impossible ([Haider, 2021](#); [Brown, 2018](#)).

The broader implications of understanding Meccan fiqh are significant. The authentic 'Ata'-Ibn Jurayj corpus demonstrates that second-century Meccan legal thought was a living scholarly tradition engaged in the active interpretation of the Qur'an, prophetic *Sunnah*, and *sahaba* opinions, not a static inheritance passively transmitted, nor a construct projected backward from later legal schools ([Munawwir et al., 2021](#); [Auda, 2021](#)). The development from raw *ijtihad* through the emergence of *qiyas* to the beginnings of *usul al-fiqh* that Motzki traces in this corpus reflects a dynamic legal intelligence responding to evolving social and cultural realities, shaped by the specific intellectual environment of second-century Mecca as a center of pilgrimage, scholarly activity, and diverse cultural interaction ([Kamali, 2019](#); [Fadel, 2018](#)).

Motzki reconstruction also has implications for understanding the relationship between Meccan and Medinan legal development, two regional traditions that would eventually contribute to the formation of the Shafi'i and Maliki schools, respectively. The distinctiveness of the Meccan tradition, with its concentration on ritual law (given Mecca centrality to pilgrimage practices) and its reliance on *sahaba* traditions transmitted through figures like 'Ata', represents a specific intellectual heritage that subsequent *madhab* formation both preserved and transformed ([El-Shamsy, 2013](#); [Abdullah & Mukhlas, 2020](#); [Vikrør, 2019](#)).

Taken together, these criteria reveal a complex epistemic ecology in which transmission is not merely a mechanical act of preserving legal dicta but an active process of interpretation, evaluation, and scholarly negotiation. The presence of interpretive agency within Ibn Jurayj's reporting structure undermines the plausibility of systematic fabrication because it would require a forger not only to simulate consistent doctrinal material but also to convincingly reproduce intellectual hesitation, selective citation practices, and multi-source cross-referencing patterns that are characteristic of genuine scholarly engagement. Moreover, the coexistence of certainty and uncertainty within the same transmission layers reflects a realistic scholarly psychology in which knowledge is accumulated under conditions of partial access and evolving understanding. This layered complexity suggests that early Meccan legal discourse operated within a genuinely dialogical framework, where authority was constructed through critical interaction rather than unilateral assertion. Consequently, these six criteria collectively function as interlocking indicators of authenticity, not in isolation but as a coherent system of epistemic behavior that is difficult to reconcile with the hypothesis of retrospective fabrication.

5. Conclusions

5.1 Conclusion

Harald Motzki *The Origins of Islamic Jurisprudence: Meccan Fiqh Before the Classical Schools* represents a landmark contribution to Islamic legal historiography. By developing and applying the *isnad-cum-matn* methodology with rigorous consistency, Motzki provides compelling evidence that the legal material preserved in the *Musannaf 'Abd al-Razzaq* particularly the 'Ata'-Ibn Jurayj corpus constitutes authentic early legal tradition from the first and second centuries AH, resistant to explanation as deliberate fabrication. This finding has significant implications for the broader debate on hadith authenticity and early Islamic legal development, offering a principled basis for recovering early legal history that neither uncritically accepts the classical tradition's self-presentation nor dismisses it with Schachtian wholesale skepticism.

Three principal conclusions were drawn from this review. First, Motzki *isnād-cum-matn* methodology constitutes a genuine methodological advance. By combining structural *isnād* analysis with content analysis and transmission pattern examination, it provides empirical tools for authenticity assessment that are unavailable to either classical *rijāl* criticism or Orientalist source criticism. Second, *Musannaf 'Abd al-Razzaq* is demonstrated to be a reliable window into first/second-century Islamic legal thought, supporting its use as primary evidence for the reconstruction of early Meccan fiqh. Third, early Meccan jurisprudence was a dynamic, contextually embedded scholarly practice that integrated Qur'anic imperatives, prophetic traditions, *sahaba* opinions, and *ijtihad* in response to socio-political

realities a more complex and pluralistic process than either traditionalist or revisionist frameworks have typically acknowledged.

5.2 Research Limitations

This review has three limitations. First, the analysis is principally mediated through Motzki own account and the review literature on his work, rather than through independent first-hand analysis of the Musannaf 'Abd al-Razzaq. A fully independent evaluation would require direct engagement with Arabic primary sources. Second, this review focuses on the Meccan legal tradition and does not systematically compare Motzki findings with parallel studies of Medinese, Kufan, or Basran legal development, limiting the assessment of the representativeness of his conclusions for early Islamic legal history as a whole. Third, Motzki methodology, while powerful, depends on the assumption that the Musannaf 'Abd al-Razzaq has been reliably transmitted to us in its current form an assumption that recent manuscript scholarship continues to examine.

5.3 Suggestions and Directions for Future Research

Future scholarship should extend Motzki *isnad-cum-matn* approach to additional early legal compilations including the *Muwatta'* of Imam Malik, the *Musnad* of Ahmad ibn Hanbal, and early Kufan legal texts to enable systematic comparison of early regional legal development across the major centres of Islamic scholarship. Such a comparative analysis would test the generalizability of Motzki conclusions and illuminate the relationship between regional legal diversity and the eventual convergence of classical madhab systems. Additionally, interdisciplinary work integrating Motzki historiographical findings with a sociological analysis of early Meccan society, its commercial economy, pilgrimage infrastructure, and diverse cultural contacts would enrich our understanding of the social embeddedness of early Meccan fiqh in ways that purely textual analysis cannot fully achieve.

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Author Contributions

MIM and YH jointly contributed to the conception, design, and development of the study. MIM was responsible for data collection, literature review, and drafting the initial manuscript. YH contributed to methodological refinement, critical analysis, and validation of the theoretical framework. Both authors participated in revising the manuscript, interpreting the findings, and approving the final version for publication. All authors have read and agreed to the published version of the manuscript and are accountable for all aspects of the work.

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