



ABŪ 'OṬMĀN RABĪ'A

ABŪ 'OṬMĀN RABĪ'A B. ABĪ 'ABD-AL-RAḤMĀN FARRŪK AL-TAYMĪ, often called RABĪ'AT-AL-RA'Y, important lawyer of the ancient school of Medina and transmitter of Traditions from Companions of the Prophet, died 136/753. Rabī'a was a native of Medina and lived there most of his life. He was a *mawlā* of the Āl Monkader.

According to Šaybānī, Rabī'a was the most prominent Medinese lawyer of his time (Šāfe'ī, *Ketāb al-omm* VII, Būlāq, 1325/1907, p. 290). The biographical sources support this judgment. His stance as a Muslim lawyer of the ancient school of law of Medina must be understood before his activity, whatever it may have been, as a transmitter of Traditions can be evaluated. Rabī'a and his colleagues formulated their legal doctrines from the *sonna*, or usage, of the local community of Muslims as determined by the consensus (*ejmā'*) of those scholars who were experts. If the *sonna* of the community did not provide guidance on a particular case, or there were conflicting reports of the practice of the Muslims in that regard, the lawyer expert offered his opinion (*ra'y*) about what the law should be. In Medina and in other centers in the 2nd/8th century, there sprang up groups of persons referred to as *aṣḥāb al-ḥadīth*, *ahl al-ḥadīth*, or *ahl al-aṭār* who both opposed the methods of the lawyers and sought to change the law at specific points by citing what they represented as the *sonna* of the Prophet himself, expressed in a formal report, Hadith, purporting to be his own words or a description by an associate of his action on some occasion. During Rabī'a's professional career and for some years thereafter, i.e., during the first half of the 2nd/8th century, the interaction of



this movement with the ancient schools contributed fundamentally to the development of legal theory and positive legal doctrine. His disciple, Mālek b. Anas, felt obliged to give at least lip service to the principle that there existed a “sonna of the Prophet” touching specifically on points of law. In practice, however, he showed that he usually considered these to be pious frauds, irrelevant, or of doubtful meaning (see J. Schacht, *Origins of Muhammadan Jurisprudence*, Oxford, 1950, pp. 22-27).

The legal opinions of Rabī'a and his older contemporary Zohrī (d. 136/742) represent the earliest stage to which the development of Islamic law in Medina or the Ḥeĵāz can be traced with some historical reliability (Schacht, *Origins*, p. 246). It is possible that Rabī'a himself wrote at least one book on law (as Sezgin suggests, *GAS I*, pp. 406-07, on the basis of a remark in Saḥnūn's *Modawwana I*, Cairo, 1323/1905, p. 29 referring to a *ketāb* of Rabī'a), a work which was used by jurists of the 3rd/9th century and which was the source for the *Mowaṭṭa'* of Mālek, the *Mowaṭṭa'* of 'Abdallāh b. Wahb (d. 197/813), and the *Modawwana* (Sezgin, *GAS I*, p. 465). His name appears often in the *esnād* in these works. Because of the master-student relationship between Rabī'a and Mālek, the previous (and, until now, only certain) explanation for this has been that Rabī'a's successors used notes made from his lectures or in fact committed some of the material to memory. Not all references to him are authentic, however (Schacht, *Origins*, pp. 247-48 with references).

Although the Ahl al-Hadith were the critics and opponents of Rabī'a in his career as a Medinese jurist, his place as a *tābe'* or Successor, in touch with a number of *ṣaḥāba* or Companions and older Successors, together with his high reputation as a leading scholar of Medina, led to his being treated by later generations as an important traditionist, in that he was identified in his biographies as an active transmitter. Likewise, later works on law sometimes represent him as agreeing with the assumptions of the Ahl al-Hadith regarding the authority of Traditions from the Prophet. Most of the later *reĵāl* critics, among them Aḥmad b. Ḥanbal, regarded him as a reliable transmitter (*teqa*; e.g., Ḍahabī, *Mizān al-e'tedāl II*, Cairo, 1352/1933, p. 44, no. 2574). Fourteen of the Companions from whom he is said to have transmitted are named by Abū No'aym (*Ḥelyat al-awliā'* III, Cairo, 1352/1933, p. 262). On the evidence of the particular Traditions of the Prophet with which he is linked in the *Ḥelya* (III, pp. 263-66) and elsewhere in briefer notices, he seems to be known principally as a transmitter of pious Traditions, and the individual from whom he transmitted the greatest number was Anas b. Mālek, the Companion. *Akbār*



reporting his activity as a transmitter do not specify what kind of Traditions he recited. The above information, together with our knowledge that Traditions had not reached the vast totals that they did later, make it seem probable that he passed on a limited number of genuine reports and reminiscences which he had heard concerning the Prophet, Companions, and others. Any implication that he sat nearly daily on a regular basis (as in a report in *Ta'riḳ Baġdād* VII, p. 423) giving Traditions must have been reference to the transmission of legal subject matter, part of which would be reports (Hadith) about the sayings of early Muslims concerning their usage in matters of ritual, business transactions, punishment of crime, and the like.

There is conflicting evidence on the origin of Rabī'a's well-known nickname Rabī'at-al-ra'y. It is possible that it was bestowed as a term of reproach by the Ahl al-Hadith after the time of Šāfe'ī as part of an effort to create a misleading picture of the school of Medina (the view of Schacht, *Origins*, pp. 114-15). There is no evidence that Rabī'a relied on reasoning any more or less than his contemporaries of the school of Medina. Even the legal thought of his pupil Mālek still shows extensive reliance upon reason.

Against this theory that the name originated with his critics, it must be observed that the fullest sources on him, *Ta'riḳ Baġdād* and the *Ḥelya* of Abū No'aym, both compiled three centuries after the time of Rabī'a and 250 years after Šāfe'ī, use this name constantly and in such contexts as would indicate that it was both used and known by his contemporaries during his life-time and employed as a term of affection and respect, referring to the quality of his reasoning, rather than to the frequency with which he used reasoning in reaching opinions on law. These sources contain a number of testimonials to his high intelligence and powerful mind. The name meant that to Ḍahabī also who, writing from a perspective of six centuries, called him *mojtahed*, *bašīr be'l-ra'y*, "one qualified to employ independent reasoning, perspicacious in his opinions, or reasoning" (*Ḥoffāz* I, Hyderabad, 1388/1968, p. 157). A parallel use of *bašīr be'l-ra'y* occurs in *Ta'riḳ Baġdād* (VIII, p. 223), where it is applied by an informant as a term of praise to *Abū Moṭī' Balkī*, an early judge in Balk and a disciple of Abū Ḥanīfa.

The accepted date of Rabī'a's death is 136/753, and the accepted place is Anbār in Iraq, Hāšemīya nearby, or Madīna Abī'l-'Abbās in Anbār. Abu'l-'Abbās al-Saffāḥ was said to have appointed him as a judge there (*Ta'riḳ Baġdād* VIII, p. 421). This is interesting in view of the anti-Iraqian attitude which Rabī'a is portrayed as expressing in two reports related by Mālek (*Ta'riḳ Baġdād* VIII, p.



425; *Helya* II, p. 260), a reflection perhaps of the rivalries that existed between the scholars of Medina and Iraq in this period.

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