

In Pursuit of a Common Paradigm: Islamic and Western Ḥadīṭ Studies

Fatma Kızıl*

Abstract:

This article aims to determine the reasons for differences in approaches of Muslim and Western *ḥadīṭ* scholars to *ḥadīṭ* literature. Since it is recognised that Orientalists do not constitute a coherent group in this respect, they are classified into three groups embracing either skeptical¹, revisionist or middle-ground positions. A further question to be explored is what enables to identify an Orientalist and Islamic paradigm despite the existence of various groups in both scholarly traditions. For this purpose, the article attempts to determine the premises upon which Muslim and Western scholars base their studies.

Keywords: *ḥadīṭ*, tradition, Sunna, *isnād*, *riḡāl* literature, common link theory, *isnād-matn* analysis, Orientalist paradigm, classical Islamic paradigm.

Introduction

Ignaz Goldziher (1850-1921), who claimed that Islamic *ḥadīṭ* criticism is unable to notice “the crudest anachronisms” in the text if the *isnād* is uninterrupted,² preferred to read *aḥādīṭ* in parallel with the formative stages of Islamic community. By accepting *matns* as result of the context to which they seemed to refer to, he argued that there were only limited numbers of authentic *aḥādīṭ*. Although he describes the first two centuries of Islam as a period of extensive *ḥadīṭ* fabrication, some of his remarks imply that, according to him, *ḥadīṭ* literature contains authentic material, too. Even if Goldziher is somewhat elusive on the subject, on one occasion he mentions *aḥādīṭ* about *diyya* as an example of “the earliest elements of legal hadith”,³ and in another work he declares that the *marfū‘ ḥadīṭ* concerning the *zakāt* rates (*farā‘id al-ṣadaqa*) is reliable together with other early traditions relating to the subject.⁴ Joseph Schacht (1902-1969), in addition to applying Goldziher’s method of *matn*-based dating, developed the common link theory and became the first Western scholar who systematically used chains of transmitters for dating purposes. According to Schacht’s definition of the common link theory, a transmitter supports a fabricated report with a spurious *isnād* going back to the Prophet and, later on, by means of other transmitters, who take the report from him, becomes the common link upon whom other strands converge.⁵ This theory has been applied in various works during

* Dr. Fatma Kızıl is Assistant Professor at Yalova University, where she works and teaches in the Department of *Ḥadīṭ*, which is part of the Faculty of Islamic Sciences. The author wishes to thank Professor Harald Motzki for his invaluable comments and constructive criticisms on this article. She is also grateful to Corinna Küster for thoroughly revising the text.

1 Although this article conforms to British English spelling conventions, it has been decided to keep the American English version of this term, since this is used more commonly.

2 Ignaz Goldziher, *Muslim Studies*, ed. S. M. Stern, trans. C. R. Barber/S. M. Stern, London 1971, II, p. 141.

3 Goldziher, “*Disputes over the Status of Ḥadīth in Islam*”, trans. Gwendolyn Goldbloom, in: Harald Motzki (ed.), *Ḥadīth. Origins and Developments*, Aldershot 2004, pp. 55-66, p. 57.

4 See Goldziher, *Introduction to Islamic Theology and Law*, trans. Andras Hamori/Ruth Hamori, Princeton 1981, p. 32.

5 See Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, Oxford 1975, pp. 171-172.

almost two decades in the West and, together with the terms developed and elaborated by G. H. A. Juynboll (1935-2010), turned out to be qualified to be accepted as a Western method of *isnād* criticism. However, the problems that the premises of the method entail are observed even by those scholars who treat *aḥādīṭ* within the Orientalist paradigm, and it has been demonstrated that the common link theory which is based on *asānīd alone*, without taking *mutūn* into consideration, causes to date traditions to later periods. The theory has been revised by Gregor Schoeler and Harald Motzki to consider *matns* and the correlation between *asānīd* and *mutūn*; Motzki also objecting to Schacht's interpretation of common links, namely accepting them as fabricators, by arguing that this is not always the case.⁶ On the other hand, Western scholars who have taken up the revisionist approach, which has come to prevail especially after John Wansbrough (1928-2002), and deny all reports dating back to the first Islamic century, oppose the common link theory.⁷

Debates among Western scholars⁸ about the existence of authentic *aḥādīṭ* to reconstruct the first Islamic century and the methods to identify them occupy Muslim scholars, too. These scholars, on the one hand, attempt to respond to criticism levelled by Western scholars concerning classical *ḥadīṭ* methodology and *riḡāl* literature (biographical literature), and, on the other hand, they become the party to enter into the discussion among themselves about the shortcomings of *isnād*-based *ḥadīṭ* criticism. It is obvious that debates on methodology, both between Orientalists and Muslims and among Muslims themselves, should be narrowed down, at least for Muslims who wish to give shape to their daily life according to *aḥādīṭ*. Otherwise, they risk spending their time criticising competing or alternative methods. It is obvious that by looking at *aḥādīṭ* either as an insider/Muslim or outsider/Orientalist will affect the standards one assumes and surely the results one reaches.

Pertaining to the insider/outsider debate, the article at hand seeks to find reasons for the differences between approaches of Western and Muslim scholars of *ḥadīṭ*. In this context, it is investigated whether all Orientalists share the same position in terms of their approach to the literature. In doing so, comparisons between different possible positions are drawn based on a selection of writings of various Western scholars, while priority is given to the views of Schacht and Motzki as prominent representatives of their respective positions. It should be admitted at the outset that the views of Orientalists are not evaluated with objectivity, but from the belief that the classical Islamic paradigm is more privileged in terms of being in agreement with the facts and reading of the dynamics of the history of *ḥadīṭ* transmission. Seeking to establish the lines of thoughts within the Orientalist paradigm, for the most part criticisms from the same paradigm are preferred, and only in this context are the views of Orientalists adduced as evidence (*al-istiṣhād bi 'l-istiṣrāq*).

6 For example, see Harald Motzki, "Whither *Ḥadīth* Studies", in: idem (ed.), *Analysing Muslim Traditions: Studies in Legal, Exegetical, and Maghāzī Ḥadīth*, Leiden 2010, pp. 47-124, p. 51.

7 For example, see Michael Cook, "Eschatology and the Dating of Traditions", in: Harald Motzki (ed.), *Ḥadīth*, pp. 217-241, p. 218; Norman Calder, *Studies in Early Muslim Jurisprudence*, Oxford 1993, p. 240.

8 In the present article, I have preferred the term "Western" to "non-Muslim" since a Muslim scholar who received education in the Western scholarly tradition could follow Orientalist – meaning Western – paradigm and accept its premises despite being a Muslim. In fact, a researcher who did not receive education in the Western world could follow the Orientalist paradigm as well. Therefore, it would be more appropriate to use the term "Orientalist" than the term "Western". However, in order to avoid repeating the word "Orientalist", i.e. only due to stylistic concerns, I have used these two terms interchangeably in the article.

Nonetheless, it is done with the outmost care so as not to reiterate the situation described by al-Ġazālī (d. 505/1111) in *al-Munqid*:

fa la-qad qāma ṭā'ifatun min hum bi mā nadabahumu 'llāhu ta'ālā ilayhi, fa 'aḥsanū l-ḡabba 'an al-sunnati, wa 'l-nidāla 'an al-'aqīdati 'l-mutalaqqāti al-qabūli min al-nubuwwati, wa 'l-tag'yīri fī waġhi mā 'aḥḍata min al-bid'ati, wa lakinnahum 'i'tamadū fī ḡalika 'alā muqaddamātin tasallāmūhā min ḥuṣūmihim.⁹

In due course a group of theologians performed the task to which God invited them; they successfully preserved orthodoxy, defended the creed received from the prophetic source and rectified heretical innovations. Nevertheless in so doing they based their arguments on premises which they took from their opponents.¹⁰

Even though criticism levelled against Western *ḥadīth* studies based on particular examples is important, too, this article aims to show that differences between Muslim and Western scholars primarily result from pursuing different paradigms. Undoubtedly, discussing the differences in terms of methodology also requires, to a certain extent, identifying the inaccuracies in the particular cases. However, it should be emphasised that reducing criticisms to the discussion of isolated examples leads to reiteration of the same arguments in each case, whilst leaving the main framework of the line of thought intact most of the time. Criticisms raised against Schacht constitute a striking example of this problem. As is known, a great many scholars, Muslims and Westerners alike, refuted his claims, and showed that several of his arguments are not accurate. For instance, his claims that Imām al-Šāfi'ī is the architect of *uṣūl al-fiqh*¹¹ and, further, that the gate of *iğtihād* was closed by the fourth/ninth century were refuted by Wael B. Hallaq;¹² assertions that Islamic law did not exist in the first Islamic century “in the technical meaning of the term”¹³ and that the Qur'ān was introduced to Islamic law only at a secondary stage were refuted by Shelomo D. Goitein¹⁴ (1900-1985), Zafar Ishāq Anṣārī¹⁵, Noel Coulson¹⁶ (1928-1986), David Powers¹⁷, Harald Motzki¹⁸, Wael B. Hallaq¹⁹ and Rudolf Peters²⁰. Other points of

9 Al-Ġazālī, Abū Ḥāmid, *al-Munqid mina 'd-ḡalāl wa'l-mūṣil li'l-'izzati wa'l-ḡalāl*, ed. Ġamīl Ṣalībā/Kāmil 'Ayyād, Beirut 1967, p. 72.

10 As translated by William Montgomery Watt (1909-2006) in *The Faith and Practice of al-Ghazālī*, London 1953, p. 28.

11 Despite Wael B. Hallaq's criticism of Schacht's stance on this, it seems he agrees with Schacht about Imām al-Šāfi'ī's role in *marfū' aḥādīth* gaining overriding authority over *mawqūf* and *maqṭū' aḥādīth*. See Wael B. Hallaq, “Was al-Shafi'ī the Master Architect of Islamic Jurisprudence”, in: *International Journal of Middle East Studies* 25 (4/1993), pp. 587-605, p. 587; Hallaq, “On Dating Malik's *Muwatta*”, in: *UCLA Journal of Islamic and Near Eastern Law* 1 (2001-2002), pp. 47-65, p. 53.

12 See Hallaq, “Was the Gate of *Ijtihad* Closed?”, in: *International Journal of Middle East Studies* 16 (1/1984), pp. 3-41, p. 4.

13 See Schacht, *An Introduction to Islamic Law*, Oxford 1982, p. 19.

14 See Shelomo Dov Goitein, “The Birth Hour of Muslim Law: An Essay in Exegesis”, in: idem, *Studies in Islamic History and Institutions*, Leiden 2010, pp. 126-134, p. 133.

15 See Zafar Ishāq Anṣārī, *Early Development of Fiqh in Kūfah with Special Reference to the Works of Abū Yūsuf and Shaybānī*, McGill University, Montreal 1966, pp. 56-57, 192, 236.

16 See Noel J. Coulson, *A History of Islamic Law*, Edinburgh 1978, p. 22.

17 See David S. Powers, *Studies in Qur'an and Ḥadīth: The Formation of the Islamic Law of Inheritance*, Berkeley 1986, pp. xii, 8.

18 See Motzki, *The Origins of Muhammadan Jurisprudence: Meccan Fiqh before the Classical Schools*, trans. Marion H. Kartz, Leiden 2002, p. 115.

contention were Schacht's claim that *isnāds* were put together arbitrarily, namely for Muhammad Mustafa al-Azami²¹, Iftikhar Zaman²², Motzki²³, Gregor Schoeler and Andreas Görke²⁴; his emphasis on cultural borrowing, which was refuted by Wael B. Hallaq²⁵ and William Avi Maghen²⁶; his interpretation of common links, disagreed upon by Schoeler²⁷, Motzki²⁸ and Görke²⁹; his claim that family *isnāds* are not reliable, which was refuted by Nabia Abbott³⁰ (1897-1981), James Robson³¹ (1890-1981), Montgomery Watt³² (1909-2006), al-Azami³³ and Motzki³⁴; his main thesis that legal *aḥādīṭ* dating from the first Islamic century do not exist, rebutted by Coulson³⁵, Powers³⁶ and Motzki;³⁷ Schacht's frequent use of *argumentum e silentio*, disagreed upon by Zafar Ishāq Anṣārī³⁸, al-Azami³⁹ and Motzki⁴⁰; his conclusion to extend the results reached by analysing legal traditions to

-
- 19 See Hallaq, "From *Fatwās* to *Furū'*: Growth and Change in Islamic Substantive Law", in: *Islamic Law and Society* 1 (1/1994), pp. 29-65, pp. 61-65. Cf. idem, "Groundwork of the Moral Law: A New Look at the *Qur'ān* and the Genesis of *Sharī'a*", in: *Islamic Law and Society* 16 (3-4/2009), pp. 239-279, p. 248.
- 20 See Rudolf Peters, "Murder in *Khaybar*: Some Thoughts on the Origins of the *Qasāma* Procedure in Islamic Law", in: *Islamic Law and Society* 9 (2/2002), pp. 132-167, p. 165.
- 21 See M. Mustafa al-Azami, *On Schacht's Origins of Muhammadan Jurisprudence*, Riyadh 1985, pp. 168-177.
- 22 See Iftikhar Zaman, *The Evolution of a Hadith: Transmission, Growth and the Science of Rijal in a Hadith of Sa'd b. Abi Waqqas*, University of Chicago, Chicago 1991, pp. 104-109.
- 23 See Motzki, *Origins*, p. 24; idem, "Dating Muslim Traditions. A Survey", in: *Arabica* 52 (2/2005), pp. 204-253, p. 221.
- 24 See Andreas Görke/Gregor Schoeler, "Reconstructing the Earliest *sīra* Texts: The *Hiġra* in the Corpus of *Urwa b. al-Zubayr*", in: *Der Islam* 82 (2005), pp. 209-220, p. 220.
- 25 See Hallaq, "The Quest for Origins or Doctrine? Islamic Legal Studies as Colonialist Discourse", in: *UCLA Journal of Islamic and Near Eastern Law* 2 (1/2002-2003), pp. 1-31, pp. 4-5.
- 26 See William Avi Maghen, *Al-Taharah Shatir Al-Iman: An Inquiry into the Historical Evolution of the Islamic System of Ritual Purity*, Columbia University, New York 1997, pp. 69-70, 77.
- 27 See Schoeler, *The Biography of Muḥammad: Nature and Authenticity*, ed. James E. Montgomery, trans. Uwe Vagelpohl, New York 2011, p. 18.
- 28 See Motzki, "Whither *Hadīth* Studies", p. 51; idem, "Dating Muslim Traditions", p. 238.
- 29 See Görke, "Prospects and Limits in the Study of the Historical Muhammad", in: Nicolet Boekhoff-van der Voort, Kees Versteegh, Joas Wagemakers (eds.), *The Transmission and Dynamics of the Textual Sources of Islam: Essays in Honour of Harald Motzki*, Leiden 2011, pp. 137-151, p. 143.
- 30 See Nabia Abbott, *Studies in Arabic Literary Papyri II: Qur'ānic Commentary and Tradition*, Chicago 1967, pp. 1, 36-37.
- 31 See James Robson, "The *Isnād* in Muslim Tradition", in: Motzki (ed.), *Hadīth*, pp. 163-174, p. 171.
- 32 See William Montgomery Watt, "The Reliability of Ibn Ishāq's Sources", in: idem, *Early Islam: Collected Articles*, Edinburgh 1990, pp. 13-23, p. 20.
- 33 See al-Azami, *On Schacht's Origins*, p. 197; cf. idem, *Studies in Early Hadīth Literature: With a Critical Edition of Some Early Texts*, Indianapolis 1978, pp. 246-247.
- 34 See Motzki, "Dating Muslim Traditions", p. 221.
- 35 See Coulson, *A History of Islamic Law*, p. 64.
- 36 See Powers, *Studies in Qur'an and Hadīth*, p. 8.
- 37 See Motzki, *Origins*, pp. 287-288. William Montgomery Watt, Alfred Guillaume, Josef van Ess, Gregor Schoeler and Andreas Görke also accept the existence of reports coming from the first century. But since their works are not about legal *aḥādīṭ* in particular, their names have not been mentioned in this context. As for Rudolf Peters, who analysed *qasāma* procedure, he traced the story, not the *aḥādīṭ*, back to the first century. For his analysis, see Peters, "Murder in *Khaybar*", pp. 132-167.
- 38 See Anṣārī, *Early Development of Fiqh in Kūfah*, pp. 61-65, 236-242.
- 39 See al-Azami, *On Schacht's Origins*, pp. 118-119, 122-147.
- 40 See Motzki, "Dating Muslim Traditions", p. 215.

include *sīra* reports, repudiated by Alfred Guillaume⁴¹ (1888-1965) and Watt⁴²; finally, his severing of the connection between living tradition and Prophetic Sunna, which was refuted by Anṣārī, al-Azami,⁴³ Yasin Dutton⁴⁴ and even Fazlur Rahman (1919-1988), who accepted Schacht's theses on *aḥādīṭ* except those about *farā'id*.⁴⁵ It can be observed that in spite of all these criticisms, which virtually dismantle his theory piece by piece, Schacht's effect on scholarship is far from abating, even today. When Western studies on *ḥadīṭ* and Islamic law are read with reference to his theses, it is nearly impossible not to become aware of this situation. As a matter of fact, several Western scholars,⁴⁶ including Harald Motzki, who can be considered Schacht's most important critic, continue to argue, like Noel Coulson, that Schacht's theory is "irrefutable in its broad essentials".⁴⁷

Another issue to be pointed out in this introduction is the preference of the term "Orientalist" in the article at hand, despite the fact that it is no longer in use in the contemporary literature. The term is employed without involving a value judgement – for a negative connotation was attached to it especially following Edward Said's (1935-2003) analysis of Orientalism in terms of its connection to colonialism – in order to denote the affiliation with the Orientalist paradigm, indicating the scholars who follow or work within this paradigm. In doing so, it is attempted to emphasise the continuity of Orientalism as a paradigm taken over from previous generations of Western scholars.

I The Orientalist Paradigm and Its Founding Principles

A Categorisation of Orientalists

Even though it is necessary to distinguish Western and Muslim scholars from each other due to the differences in their approaches, this should not lead to the assumption that Orientalists present a unified camp. As a matter of fact, their remarkably heterogeneous positions were discerned by several researchers, and consequently they are classified into different groups based on various criteria. Judith Koren and Yehuda D. Nevo, for example,

41 See Alfred Guillaume, "The Origins of Muhammadan Jurisprudence", in: Bulletin of the School of Oriental and African Studies 16 (1/1954), pp. 176-177, p. 176.

42 See Watt, *Muhammad at Medina*, Oxford 1956, pp. 336-338.

43 See al-Azami, *On Schacht's Origins*, pp. 29-68.

44 See Yasin Dutton, *The Origins of Islamic Law: The Qur'ān, the Muwaṭṭa', and Madinan 'Amal*, Richmond 1999, pp. 172-173.

45 See Fazlur Rahman, *Islamic Methodology in History*, Islamabad 1984, p. 72.

46 For example, see Noel J. Coulson, *A History of Islamic Law*, pp. 64-65. Cf. Motzki, *Origins*, p. 33.

47 Motzki, *Origins*, pp. 295-296; see also Bülent Uçar, "Harald Motzki ile Hayatı, İlmî Kariyeri ve Fikirleri Üzerine", in: idem (ed.), *Batı'da Hadis Çalışmalarının Tarihi Seyri*, Istanbul 2006, pp. 293-348, p. 309. For a similar view, see the review by Christopher Melchert, "On Schacht's 'Origins of Muhammadan Jurisprudence', *Studies in Early Muslim Jurisprudence by Norman Calder*", in: Journal of Law and Religion 15 (1/2/2000-2001), pp. 363-367, p. 367. Another important researcher in this respect is Wael B. Hallaq. Although he is one of the most prominent critics of Schacht's views, for instance on issues such as the gradual acceptance of the Prophet's legal authority or the back-projection of *asānīd* in particular – despite his early datings for Prophetic Sunna and *aḥādīṭ* – he has come to hold a not so different view than Schacht did. Having realised Hallaq's predicament, David Powers says: "In 'Quest for Origins' Hallaq razed Schacht's citadel and buried the master. In *Origins*, he appears to have exhumed the body and begun the process of rehabilitating his image." See Powers, "Wael B. Hallaq on the Origins of Islamic Law: A Review Essay", in: Islamic Law and Society 17 (1/2010), pp. 126-157, p. 156. Hallaq's mentioned works were published in 2003 and 2004 respectively.

made a binary classification between the “traditional approach”, which analyses the Islamic literature in keeping with the Islamic tradition and its premises, and the “revisionist approach”, which gives precedence to source-critical methods and archeological evidence.⁴⁸

Koren and Nevo state that traditionalists base their arguments on premises such as (i) Islamic literature contains reliable facts, and hence these facts are suitable to reconstruct both the pre-Islamic and Islamic period; (ii) among conflicted reports, the one with the highest degree of accuracy can be determined by means of the *isnāds* and other elements; (iii) literary sources are sufficient, thus it is not necessary to use material remains as evidence; (iv) arguments from silence should not be employed.⁴⁹ Koren and Nevo, who explain the revisionist approach especially according to John Wansbrough’s views, note that revisionists do not trust written sources since they present the historical incidents not *per se* but through the author’s eyes, rendering them susceptible to various distortions during the transmission process.⁵⁰ Revisionists further claim that Islamic sources should be used only if there are existing material remains together with corroboratory narratives derived from other contemporary cultures, so that, according to them, the scarcity of this kind of evidence constitutes a situation against the authenticity of Islamic literature.⁵¹ As is shown, Koren and Nevo classify scholars on the basis of their premises and methods. Even if there is some truth in Koren and Nevo’s claim that the label “revisionist” derives from conclusions more than it does from methods, it should also be added that the conclusions reached by the revisionists have their roots in the premises with which they set out, and the methods preferred and employed in keeping with these premises.

Another classification has been made recently by Jonathan Brown, who discerns four approaches in the Western study of early Islam.⁵² These approaches also correspond to historical stages of Western *ḥadīth* studies. Brown labels the first as “Orientalist approach”, the heading under which he discusses early Orientalists who applied the Historical Critical Method to legal and historical reports and also later ones, such as Joseph Schacht and Gautier H. A. Juynboll.⁵³ The second is the revisionist approach, which has become prominent since the late 1970s and is represented by John Wansbrough and his students Michael Cook and Patricia Crone, who rejected using *ahādīth* to reconstruct the earliest period of Islamic history.⁵⁴

Brown describes the reaction to the extreme skepticism of the revisionists as the reevaluation period, starting from the 1980s,⁵⁵ and discusses scholars such as David Powers,

48 Judith Koren/Yehuda D. Nevo, “Methodological Approaches to Islamic Studies”, in: *Der Islam* 68 (1991), pp. 87-107, p. 87.

49 See *ibid.*, pp. 88-89.

50 See *ibid.*, pp. 89-93.

51 The argument “If there are no contemporary sources/material remains to corroborate Islamic account, this points to the inauthenticity of Islamic sources” could be accepted as one of the most extreme uses of an *e silentio* argument.

52 See Jonathan A. C. Brown, *Hadith: Muhammad’s Legacy in the Medieval and Modern World*, Oxford 2009, p. 204.

53 See *ibid.*, pp. 205-217.

54 For Brown’s comments on these scholars’ approaches, see *ibid.*, pp. 220-224.

55 Also, Wael B. Hallaq notes that since the 1980s a revolution has taken place in Islamic legal studies, as Orientalists started to liberate themselves from assumptions of colonialism during this period. See Wael B.

Fred Donner and Harald Motzki in this regard.⁵⁶ Although Brown notes that these scholars realised that Islamic *ḥadīth* scholarship was more developed than previously assumed, and depicts Motzki “as the first Western scholar to treat *ḥadīth* with the same ‘respect’ as Muslim *ḥadīth* masters did”,⁵⁷ he also reminds that this does not mean that they accepted the classical Islamic view of *aḥādīth* and their authenticity altogether.⁵⁸

Another important work which analyses the approaches of both Muslim and Western scholars is Herbert Berg’s *The Development of Exegesis in Early Islam*. This work led to a series of writings between Harald Motzki and Herbert Berg, and hence it illuminates the nature of Western studies more. In this study, Berg analyses different views on legal and exegetical *aḥādīth*⁵⁹ and notes that the focal point of debate is the reliability of *isnāds*. He claims that there are two approaches which he labels the “skeptical” and the “sanguine” respectively.⁶⁰ In his later article, he says that he chose these terms instead of “revisionist” and “traditionalist”, as Koren and Nevo did, since they do not focus on the results but the approaches themselves.⁶¹ Berg points out that the results of both camps are determined by their respective presuppositions, and that is why he does not base his classification on the results. Accordingly, stating that every researcher’s stance has an effect on his conclusions, and that these conclusions are in turn adduced to justify the presuppositions, he emphasises the circular nature of the argumentations. According to him, the arguments of both sides will convince only those who share their presuppositions; as a consequence, the problem will not likely be resolved.⁶²

Harald Motzki objected to Berg’s classification of “skeptical” and “sanguine” scholars in his review of *The Development of Exegesis in Early Islam* and argued that this classification is both “illogical and epistemologically pointless”.⁶³ Motzki declares this categorisation to be illogical because Berg did not consider the reasonable middle-ground position between either skeptical or sanguine scholars, namely those who accept the existence of reliable and spurious *isnāds* at the same time. The reason Motzki depicts Berg’s categorisation as “epistemologically pointless” is grounded on the latter’s choice to employ a “logically superfluous” criterion for categorisation, namely the scholars’ conclusions. As a matter of fact, according to Berg, skeptical scholars attain skeptical results, whereas sanguine scholars reach non-skeptical ones. Motzki rejects this position on

Hallaq, “‘Muslim Rage’ and Islamic Law”, in: *Hastings Law Journal* 54 (2003), pp. 1705-1719, p. 1711. Cf. also Hallaq, “*The Quest for Origins*”, pp. 21-22.

56 For Brown’s comments on these researchers, see Brown, *Hadith*, pp. 224-232.

57 *Ibid.*, p. 226.

58 See *ibid.*, pp. 204, 224.

59 Berg also mentions the views of Western scholars on historical reports. See Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period*, Richmond 2000, pp. 106-111.

60 *Ibid.*, p. 1. Michael Cook, too, does not accept the methodological middle-ground position. See Michael Cook, *Early Muslim Dogma: A Source-Critical Study*, Cambridge 1981, p. 116.

61 See Berg, “*Competing Paradigms in the Study of Islamic Origins: Qur’ān 15: 89-91 and the Value of Isnāds*”, in: *idem, Method and Theory in the Studies of Islamic Origins* (ed. Herbert Berg), Leiden 2003, pp. 259-290, p. 261.

62 See Berg, *The Development of Exegesis in Early Islam*, pp. 1-5, 50. For circular reasoning in Orientalists’ and Muslim scholars’ procedures, see also Zaman, *The Evolution of a Hadith*, p. iv.

63 Motzki, “*The Question of the Authenticity of Muslim Traditions Reconsidered: A Review Article*”, in: *Method and Theory in the Studies of Islamic Origins*, pp. 211-258, p. 213.

the basis of the procedure followed by a middle-ground scholar during his/her research.⁶⁴ A middle-ground scholar, as for instance Motzki, begins his/her study with the assumption that *asānīd* and *mutūn* could be both reliable and spurious, and at the end of his/her study obtains a hypothesis to use in further researches. If the results of these further studies substantiate the first hypothesis, it will become more reliable, even if he/she postpones the final verdict on the material until sufficient material has been analysed. On the other hand, if he/she reaches a conflicting result in the second study, the first hypothesis will be revised. Therefore, Motzki believes that this process gives the possibility to avoid circular reasoning, and thus the claim that a researcher always employs the same hypothesis does not correspond with the reality.⁶⁵ Accordingly, he argues that since results are not necessarily dictated by the assumptions, the categorisation should be made according to the assumptions without combining them with the results. In fact, Motzki even considers a categorisation which is based *entirely* on conclusions to be more meaningful.

In light of the aforementioned discussion, the question arises according to which criteria Orientalists should be classified? This question could be put from a different point of view, too: If it is not possible to categorise the entire Orientalists in the same group, what are the reasons for these differences? What first comes to mind is a categorisation based on the methods. But at the outset it is necessary to decide if this kind of categorisation is sufficiently distinguishing. Obviously, a positive response to this question does not seem possible. For, although Schacht and Juynboll employed the same method, i.e. the common link theory, there is a nearly twenty-five-year difference between their general dating of traditions. Also, Juynboll grew more skeptical than Schacht with his new additions to the theory, and so he distrusted the part of the *isnād* bundle between the common link and the collectors, which was previously accepted as historical/authentic by Schacht.⁶⁶ However, as far as historical reports are concerned, Juynboll assumed a different position from Schacht, who extended the results he reached by analysing legal *aḥādīth* to the historical reports by suggesting that inverted common links in the *isnāds* of these kind of traditions cannot always be described as the inventor of the *ḥadīth* in question.

Unlike Schacht and Juynboll, Gregor Schoeler, another Western scholar who applies the common link theory, accepted the possibility of common links from the generation of the Prophet's Companions in his article "*Mündliche Thora und Ḥadīth im Islam*".⁶⁷ Although Juynboll had considered this to be possible in one of his earlier writings⁶⁸ on the common link theory, in his later works he argued to the contrary. In light of the discussed differences between Schacht, Juynboll and Schoeler, it could be stated that researchers who apply the same method can reach different results. Therefore, the method applied is

64 See *ibid.*, p. 224.

65 See *ibid.*, p. 225.

66 Schacht refers to this part of the *isnād* bundle as "the lower, real part of the *isnād*". But he also points out the possibility of later additions of *isnāds* which pass or eliminate the common link. See Schacht, *Origins*, p. 171.

67 For the English translation of the article, which was originally published in German in 1989, see Schoeler, "*Oral Torah and Ḥadīth in Islam: Transmission, Prohibition of Writing, Redaction*", in: Motzki (ed.), *Ḥadīth*, pp. 67-108.

68 See G. H. A. Juynboll, "*Some Isnād-Analytical Methods Illustrated on the Basis of Several Woman-Demeaning Sayings from Ḥadīth Literature*", in: *Al-Qanṭara* 10 (2/1989), pp. 343-384, p. 382.

not able to discern the differences between the Western scholars in order to categorise them accordingly.

Since it has become clear that methods are not as useful for the categorisation as one was inclined to think at the outset, another option, namely the results, suggests itself. In fact, it cannot be denied that the results are a functional means for this purpose. For in considering the results, this point of distinction enables to differentiate scholars, such as Harald Motzki, who accepted the existence of reports dating back to the first century as a result of his source-critical analysis, and hence argued that the origins of Islamic law should be dated 50-75 years before the time Schacht proposed, and Wael B. Hallaq, who sought the origins of Islamic law in Mecca in the first century of Islam, or David Powers and Gregor Schoeler, who dated some *aḥādīṭ* to the generation of Companions, from scholars, such as Joseph Schacht, who denied the authenticity of *mawqūf* and *maqṭūʿ* traditions allegedly from the first century as well as *marfūʿ aḥādīṭ*, and dated the beginning of the Islamic law to the second century. The approach also gives the opportunity to differentiate Harald Motzki's conclusion that the development of Islamic law in Mecca can be traced starting from 'Abdullāh b. 'Abbās (68/687-88), and Fred Donner's⁶⁹ acceptance of outlines of the history of the first Islamic century as authentic, from Herbert Berg's conclusion based on his analysis of the development of the Muslim exegesis of the Qur'ān that nothing can be said with certainty about the first Islamic century. It may also assist to differentiate G. H. A. Juynboll, who dated the beginning of *isnād* to the last quarter of the first Islamic century and used *asānīds* in his dating of traditions, from Norman Calder (1950-1998), who dated *Muwaṭṭa'* to the third century as a result of his distrust of the *isnād* and the system of transmission, and from Michael Cook, who refused to employ the *asānīd* for dating traditions in view of his conviction that "the spread of *isnāds*" occurred on a large scale to affect all chains of transmissions.⁷⁰ However, it should be noted that an Orientalist who generally dates *aḥādīṭ* to earlier periods might give later dates for some particular traditions, or that a skeptical Orientalist could trace back a group of transmissions to relatively earlier periods. Therefore, when categorising researchers depending on their results, their *general* results should be taken into consideration. The fact that one Orientalist might reach different results compared to his/her earlier datings could be accepted as evidence in showing that Motzki was right in his objection to Herbert Berg, who argued that assumptions dictate the results. However, in his objection to Berg, Motzki, in a way, justifies his use of *isnāds* with the results of his previous analyses which showed that *asānīd* and *mutūn* could be used for dating purposes. In this case, we should consider the existence of scholars, including Herbert Berg, who claim that *isnād-matn* analyses do not necessarily produce the expected result. Then, the fact that the so-called objective and reliable results of the *isnād-matn* analyses do not compel other scholars to admit to them, too, points to another factor, which is the cluster of premises on which every researcher bases his/her studies.

69 See Fred McGraw Donner, *Narratives of Islamic Origins: The Beginnings of Islamic Historical Writing*, Princeton 1998, pp. 286, 289.

70 See Cook, *Early Muslim Dogma*, p. 116.

As a matter of fact, in one of his later articles Motzki also reached the conclusion that the dating of one researcher will not generally be accepted since dating is inevitably based on a limited number of facts,⁷¹ and he concludes his article with the following remarks:

*Therefore, whether the dating of a tradition is considered reliable or not, depends not only on the dating methods applied, but also on our preconceptions of early Islam which we have formed.*⁷²

As Motzki's observation points out, results and assumptions present an intricate edifice, and discerning them from one another does not seem to be easily done. In other words, the question remains whether the results corroborated by the data according to one researcher are the only possible ones to be deduced from these data. For it is always possible to look for "supportive evidence from the classical literature for an advocated idea without considering the system as a whole."⁷³

In conclusion, it should be emphasised that every researcher interprets or, in some cases, attempts to explain away the data, and if there are any gaps in his/her knowledge, the researcher fills them based on his/her inherited scholarly tradition and its premises.⁷⁴ In this respect, the premises are both inescapable in terms of their being always present and extant, and also necessary in order to acquire a perspective and point of view going beyond the data on how to use and interpret them. These premises are more useful in order to discern Muslim and Western scholars' approaches from each other than they are in the categorisation among the Orientalists themselves. In the following part, the premises which play a role in differentiating between classical Islamic and Orientalist paradigms will be examined and, in doing so, it will be discussed to what extent it is possible to use the results attained by a scholar who works with different premises and whether a common paradigm in Islamic and Western *ḥadīth* studies can be reached.

B The Founding Principles of the Orientalist Paradigm

The difference between the classical Islamic paradigm and its Orientalist counterpart is obvious even if only their respective reconstruction of the first Islamic century is taken into consideration, without going into further detail. It is important for the objective of this study to adopt a holistic methodological perspective to determine the premises at the root of these two reconstructions. One of the first significant attempts in this respect has been carried out by Wael B. Hallaq. He has pointed out that, although Orientalists are diverse in their methodological approaches and findings, they share some "constitutive tenets".⁷⁵ According to Hallaq, these tenets have remained unchanged despite the recently raised doubts about them.⁷⁶ Therefore, he emphasises that it is permissible to presume a constant nature for the Orientalist paradigm in spite of isolated variations in scholarship.⁷⁷

71 See Motzki, "Dating Muslim Traditions", pp. 252-253.

72 Ibid., p. 253.

73 İbrahim Hatiboğlu, "Transmission of Western *Ḥadīth* Critique to Turkey: On the Past and the Future of Academic *Ḥadīth* Studies", in: *Hadis Tetkikleri Dergisi* IV (2/2006), pp. 37-53, p. 49.

74 Cf. Thomas S. Kuhn, *The Structure of Scientific Revolutions*, Chicago 1996, p. 4.

75 Hallaq, "The Quest for Origins or Doctrine?", p. 2.

76 See *ibid.*, p. 2.

77 See *ibid.*, p. 3.

Fatma Kızıl: In Pursuit of a Common Paradigm

Wael B. Hallaq enumerates these tenets with reference to Islamic law as manifested in Schacht's works as follows:

[1] *Islamic law started nearly a century after the appearance of the Prophet (whose claim to prophethood, in the long history of Christian dogma, has never been substantiated); [2] the Prophet's traditions must be assumed to be spurious until the contrary is proven (a thesis articulated on the basis of work conducted long ago by Goldziher from whom Schacht derived both epistemic authority and legitimacy); [3] that the textual and practical inspiration of the shari'a came from Mesopotamia not from the cradle of Islam (an added proof of the disconnection between Muhammad and Islamic law and of the debt of this law to that of Mesopotamia); [4] as further proof of the preceding finding, Mesopotamia was the locus of the most advanced geographical schools that were later to transform themselves into personal schools; [5] Shāfi'ī represented the zenith of legal evolution in Islam; [6] the latter was the first founder of a personal school of law and thus, we infer, the model after whom the other schools adopted their founders; and that the shari'a suffered from categorical stagnation thereafter, a thesis that easily and conveniently allowed for the claim that the gate of ijihad was closed once and for all.*⁷⁸

In addition to the quoted ones, determining the tenets of classical Islamic *ḥadīth* scholarship will make it easier to understand the reasons for the vast difference between Western and Muslim scholars' results. When the tenets given below are structured as propositions, they can be classified as premises of either the classical Islamic or Orientalist paradigm, depending on their affirmative or negative quality. In the following, precedence will be given to those premises possessing the nature of theological *musallamāt* (propositions admitted especially in a discussion) since they provide definitive boundaries between the two paradigms. Subsequently, the remaining tenets will be enumerated according to their gradually weakening link in regard to the theological *musallamāt*. These tenets are:

1. to accept or not accept the prophethood of the Prophet Muhammad (pbuh);
2. to accept or not accept the Prophet's position in the religion,
3. to accept or not accept the privileged position of the Companions;
4. to have or not have a general trust in preceding generations and scholars;
5. to give or not give precedence to *i'māl* rather than *ihmāl*,⁷⁹ depending on scholars' intention to use *ahādīth* to guide their daily life;
6. to accept or not accept all the traditions as authentic until proven to the contrary;
7. to use or not use *asānīds*;
8. to accept or not accept *riḡāl* literature as a decisive criterion in *ḥadīth* analyses.

The first one of these tenets, which is also a dogma, plays a role especially in the dating of certain traditions. Although Harald Motzki claims that there is no need for religious

78 Ibid., p. 15.

79 The terms *i'māl* and *ihmāl* are taken from the legal maxim: "*i'mālu 'l-kalāmī awlā min ihmālih*/it is better for a word to be construed as having meaning, rather than to be ignored".

empathy for the reconstruction of historical incidents,⁸⁰ while dating the reports in which the Prophet informs believers about future events, and those which contain some shared elements with other religions and cultures, researchers will have to deal with the meaning (*maḍmūn*) of the report before considering anything else. Western scholars dated the first kinds of traditions to a later time than the events they refer to as the possibility of His prophecy is denied from the outset, and the latter ones to periods in which encounters with other religions and cultures became possible.

Michael Cook's article "*Eschatology and The Dating of Traditions*" can be cited as an example to show how a scholar who does not accept the first tenet operates.⁸¹ In his article, Cook aims to refute the common link theory. According to him, eschatological traditions are suitable for this purpose because it is possible to determine a *terminus post quem* date for them. He claims that common links cannot be used for dating since there is no correspondence between the common links in the *isnāds* of the traditions he analysed and the *termini post quem* he established, depending on the events they predicted. As is to be seen, Cook accepts eschatological traditions as criteria to check the validity of the common link theory. In his response to Cook, Motzki, like him, acknowledged that eschatological traditions provide a *terminus post quem*, but he attempted to demonstrate that common links correspond to the *termini post quem* dates if his interpretation of the theory were accepted instead of Schacht's.⁸²

Another group of traditions on whose dating the acceptance of the first tenet has a bearing are those about the regulations and institutions similar to their counterparts in other religions and cultures. Two of the most tangible examples are Schacht's claims that regulations about physical purity were developed "in all details" under the influence of Judaism and that the penalty of stoning was taken from Mosaic Law by the caliphs of the first Islamic century.⁸³ Many Orientalists do not consider the likelihood that people from different parts of the world might have produced similar solutions when facing the same problems, let alone regarding Islam as the last link of the revealed religions.⁸⁴

A consequence of not accepting the prophethood of Muhammad (pbuh) is to not concede his position in the religion and his formative effect especially on the first generation of Muslims. As a result, Orientalists are not willing to acknowledge continuous *hadīth* transmission starting from the first generation, and Schacht even claimed that "it is not the case, as is often been supposed a priori, that it was the most natural thing, from the first generation after the Prophet onwards, to refer to his real or alleged rulings in all doubtful cases."⁸⁵ As another example serve Motzki's remarks on *mutawātir* traditions, in whose *isnāds* the Prophet appears as common link. He admits that he is not able to explain

80 See Uçar, "Harald Motzki ile Hayatı", p. 308.

81 Cook, "*Eschatology and the Dating of Traditions*", pp. 217-241.

82 See Motzki, "*Dating Muslim Traditions*", pp. 237-239.

83 Schacht, "*Wuḍū*", in: *Et*, ed. M. Th. Houtsma et al., Leiden 1913-1936, vol. 8, p. 1140; Schacht, *An Introduction to Islamic Law*, p. 15.

84 The secular perspective, which does not consider God as an actor in history, does not represent the only problem here, but also the hegemonic approach which invariably depicts Muslims as the indebted party. For a discussion of this approach, see Fatma Kızıl, "*Avrupamerkezçiliğin Bir Yansıması Olarak Oryantalist Söylem: Kültürel Ödünç Alma Kavramı*", in: *İnsan ve Toplum* 3 (6/2013), pp. 323-332.

85 Schacht, "*A Revaluation of Islamic Traditions*", in: *Journal of the Royal Asiatic Society* 81 (3-4/1949), pp. 143-154, p. 146.

these cases.⁸⁶ For, as he pointed out, in his studies, he did not start out with an assumption as to whether there was a continuous transmission process or not,⁸⁷ whereas this assumption is an indisputable premise of the classical Islamic paradigm. On the other hand, it should be noted that there are Western scholars such as Johann Fück (1894-1974), who acknowledged the Prophet's effect on his Companions right from the start.⁸⁸ Goldziher also claimed that transmission about the Prophet began while he was alive, but these transmissions grew in number due to new additions by first generations.⁸⁹ As can be seen, it is out of the question for Motzki to accept the view that the Companions did not fabricate any *aḥādīṭ*. Because the belief in the collective trustworthiness of Companions, as held by Islamic scholars, resulted from the fact that they were around the Prophet, they saw him, and thus they could not ascribe false reports to him. But, as Motzki set out, Western scholars of Islam are secular and do not take Islamic dogmas into consideration; therefore, they do not take them as bases for their researches.⁹⁰

As they do not rely on Islamic dogmas, Orientalists do not base their arguments on Muslims' views about their predecessors and past scholars either. This attitude presents itself in two ways: Firstly, Western scholars treat the reports about previous generations of Muslims and their works and collections with a general skepticism.⁹¹ Secondly, many Western scholars do not hesitate to use sources deemed unreliable by Muslims without paying attention to Muslims' assessments about these sources and their writers.⁹²

The value Muslims attached to their predecessors and past scholars is relevant to the understanding of *aḥādīṭ*, too. When Muslim scholars encounter an equivocal statement which needs explanation or else it would turn out to be problematic in terms of accepted theological and legal principles, they mostly tend to prefer one of the possible meanings in accordance with these principles. Another aspect of this trust can be observed in *ilm al-ḡarḥ wa l-ta'dīl*. Acting according to the maxim of "*al-aṣlu barā'atu l-ḡimma*/presumption of innocence", Muslims give *ḡarḥ* precedence over *ta'dīl* only when the reason for *ḡarḥ* is explained (*mufassar*). As far as the transmitters, about whom neither *ḡarḥ* nor *ta'dīl* exists in *riḡāl* works, are concerned, they are designated in these works as *mastūr* (concealed), not *matrūk* (abandoned).⁹³

Another point to deal with in terms of general trust in Muslim scholars and their work is Motzki's view towards the subject. Motzki argues that a transmitter who generally names his/her real sources in the *isnād* could state otherwise in other transmissions. One of the most striking examples for this line of thought can be observed in his work on 'Abdurrazzāq's (d. 211/826) *Muṣannaf*. In this study, Motzki limits his result entirely to

86 See Motzki, "Dating Muslim Traditions", p. 242.

87 See Motzki, "Al-Radd 'Alā l-Radd: Concerning the Method of Ḥadīth Analysis", in: idem (ed.), *Analysing Muslim Traditions*, pp. 209-225, p. 213.

88 See Johann W. Fück, "The Role of Traditionalism in Islam", in: Motzki, *Ḥadīth*, pp. 3-26, pp. 3-4.

89 See Goldziher, *Muslim Studies*, II, p. 18.

90 See Uçar, "Harald Motzki ile Hayatı", p. 337. Cf. also Melchert, "On Schacht's 'Origins of Muhammadan Jurisprudence'", p. 364.

91 This skepticism does not only apply to Muslim scholars but to orthodoxy as a whole. For example, see Melchert, "The Early History of Islamic Law", in: Berg (ed.), *Method and Theory in the Studies of Islamic Origins*, pp. 293-324, p. 301.

92 About Goldziher's use of Islamic sources, see Motzki, "Dating Muslim Traditions", p. 208.

93 Ibn Ḥibbān (d. 354/967) even considers a *maḡhūl l-'ayn* transmitter to be reliable until a criticism (*ḡarḥ*) is found. See Mehmet Ali Sönmez, *İbnu Hibbān ve Cerh-Tādil Metodu*, Istanbul n.d., p. 30.

the *isnād* of ‘Abdurrazzāq ↔ Ibn Ğurayġ ↔ ‘Atā ↔ Ibn ‘Abbās⁹⁴, and declares that the contents of *aḥādīṭ* with this *isnād* might be false, although he determines that all the transmitters – up to the Companion – in the aforementioned *isnād* did in fact transmit the *aḥādīṭ* from the masters they had stated in this *isnād*. In other instances, Motzki reaches the conclusion that common links such as Zuhri (d. 124/742), Ibn Ğurayġ (d. 150/767), Ibn ‘Uyayna (d. 198/814) and ‘Amr b. Dīnār (d. 126/744) are reliable in stating their real sources but still adds that “this does not preclude the possibility that they also occasionally produced forgeries or were taken in by them.”⁹⁵

In accordance with their general distrust towards Muslim scholars and their works, Western scholars consider mistakes such as misreadings and variations in the text almost always as intentional and deliberate acts. Therefore, *taṣarrufāt* of transmitters (mistakes occurring both in oral and written transmissions) are accounted for by intentional distortion on the part of transmitters, not by carelessness or negligence. However, it should be emphasised that Motzki always considers these possibilities in his analyses and avoids passing negative judgement on the transmitter immediately. Instead, as a matter of principle, he attempts to find possible explanations by giving the benefit of doubt. In line with his general approach to *aḥādīṭ*, he does not start out with the maxim “*al-aṣlu barā’atu l-ḍimma*/presumption of innocence” or with the view that “all the traditions are spurious until the contrary is proven”. By applying his exhaustive method, he underlines the importance of giving independent judgement on every particular transmitter and *ḥadīṭ*.⁹⁶ Although, as a scholar who holds a middle-ground position, Motzki is one of the leading Western *ḥadīṭ* scholars, the general attitude in the West is skepticism, as he pointed out.⁹⁷ In this context, it is obvious that David Powers’ remarks about Wael B. Hallaq, “Blanket and unsubstantiated attacks on colleagues and predecessors do little to advance the enterprise in which historians are engaged”,⁹⁸ do not apply when it comes to contemporary or previous generations of Muslim scholars.

Muslims’ general trust in sources, in fact, is a result of their existential connection with them.⁹⁹ For, in a way, they do not have the “luxury” to treat these sources only for

94 In the present article, the connection between transmitters is shown with (↔). Juynboll places the collectors at the top of his *isnād* diagrams and reads single strands downwards since he argues that by means of these fabricated strands collectors “dive” first above and then below common link level. On the other hand, Motzki reads not only the single strands but all the *isnāds* downwards in order to underline the fact that these *isnāds* were not the only ways of transmission for the *ḥadīṭ* in question but the ones the collectors included into their works. Therefore, I chose to depict the links between transmitters with (↔) due to two main reasons. First, to point out that these were not the only strands for *aḥādīṭ* but the ones we know of due to extant collections and, secondly, in order to emphasise that one of the premises of classical *ḥadīṭ* scholarship was accepted in this article, namely that a continuous *ḥadīṭ* transmission starting from the first generation existed.

95 Motzki, *Origins*, p. 25, cf. also p. 297; Motzki, “*The Question of the Authenticity*”, pp. 219-221. Christopher Melchert argues that however commendable Motzki’s self-restraint is, it “reduces his work to a footnote to Schacht’s”. See Melchert, “*The Early History of Islamic Law*”, p. 302.

96 For example see Motzki, *Origins*, p. 54; Motzki, “*Whither Ḥadīth Studies*”, p. 53; Motzki, “*Dating Muslim Traditions*”, p. 220.

97 See Motzki, “*The Question of the Authenticity*”, p. 211.

98 Powers, “*Wael B. Hallaq on the Origins of Islamic Law*”, p. 157.

99 Cf. Rahman, “*Book Review: On Schacht’s Origins of Muhammadan Jurisprudence. By G. M. Azami*”, in: *Journal of Near Eastern Studies* 47 (3/1988), pp. 228-229, p. 229. As a Muslim, Fazlur Rahman accepts the existence of the Prophetic Sunna, even if he agrees with Schacht’s views about the authenticity and

academic and historical purposes as Orientalists do. Therefore, they do not rush to deem a report/transmitter unreliable, and they prefer to postpone the judgement (*tawaqquf*) when there is no sufficient information. Besides, it can be stated that the additions by reliable transmitters (*ziyādatu 'l-tīqa*) were accepted based on a similar consideration, namely preferring *i 'māl* to *ihmāl*. It needs no explanation that neither revisionists, who claim that nothing can be said for certain about the first Islamic century, nor Schacht, who dates legal *aḥādīṭ* after 100 A.H. and *marfū* legal *aḥādīṭ* to an even later date, i.e. after 125 A.H.,¹⁰⁰ or Juynboll, who argues that only *isnāds* with a common link can be dated, have any concerns on how to apply these *aḥādīṭ* in their daily life. In this context, it should also be observed that reconstructions of middle-ground Orientalists who use common link based *isnād-matn* analysis produce *matns* which do not qualify as bases for legal rules; in other words, they do not give sufficient information in terms of *'amal*. In fact, Motzki notes that his purpose is not to establish whether a transmission is authentic or not, but to date them, and what matters in this approach is not the authenticity of the report but to determine how far its origins are traceable.¹⁰¹ While dating a tradition, for example, to 50 A.H. would be regarded as a positive result for Orientalists, who aim to attain reliable information to reconstruct the first Islamic century; for a Muslim, this tradition would be deemed as fabricated, hence insignificant in terms of authority.

Orientalists' tendency to dismiss traditions when even a shadow of doubt is cast upon them also applies to their general assessments about the literature. One of the most famous expressions of this tendency belongs to Schacht:

*Every legal tradition from the Prophet, until the contrary is proved, must be taken not as an authentic or essentially authentic, even if slightly obscured, statement valid for his time or the time of the Companions, but as the fictitious expression of a legal doctrine formulated at a later date.*¹⁰²

Patricia Crone, who is more skeptical than Schacht as far as the first Islamic century is concerned, also comments on this “clash between those who treat Ḥadīth as essentially authentic and those who treat it as evidence for later developments”, and adopts the second position in her own work.¹⁰³ If the traditions are considered to be inauthentic until the contrary is proven, the responsibility to demonstrate the authenticity of traditions rests upon Muslims' and middle-ground Orientalists' shoulders. However, it is obvious that this responsibility lies with the revisionist and skeptical scholars according to the principle of “*al-bayyina 'alā 'l-mudda 'ī*/the burden of proof lies with the person who alleges”. For the expected behaviour of a person is not to make false statements; therefore, those who claim that *ḥadīṭ* transmitters were not reliable should prove their assertions.¹⁰⁴ In fact, although

development of *ḥadīṭ* literature. His position is depicted by Herbert Berg as “a unique position” and “an attempt to save the Sunna”. See Berg, *The Development of Exegesis in Early Islam*, p. 32.

100 See Schacht, *Origins*, pp. 149, 159, 176, 243.

101 See Motzki, “*Al-Radd 'Alā l-Radd*”, p. 222; cf. Uçar, “*Harald Motzki ile Hayatı*”, p. 308.

102 Schacht, *Origins*, p. 149.

103 Patricia Crone, *Roman, Provincial and Islamic Law: The Origins of the Islamic Patronate*, Cambridge 1987, p. 31. For his view that forgery marks an exception for Muslim scholars, while “Orientalists consider it to be the rule”, see Albrecht Noth, “*Common Features of Muslim and Western Ḥadīth Criticism: Ibn al-Jawzī's Categories of Ḥadīth Forgers*”, in: Motzki (ed.), *Ḥadīth*, pp. 309-316, p. 309.

104 Halis Aydemir points out that a transmitter is expected to relate some authentic information to gain the trust of the society even if his ulterior objective is to spread false reports. So, he argues that “the probability of

they do not accept that traditions are authentic until the contrary is proven, many Orientalists are also of the opinion that the burden of proof lies with the skeptical scholars. For example, David Powers states that until the skeptics “have convincingly demonstrated that a significant number of reports attributed to the Prophet are not authentic, the burden of proof should continue to lie on those who deny authenticity.”¹⁰⁵ Long before Powers, Johann Fück, in his review of Schacht’s *Origins of Muhammadan Jurisprudence*, criticised the skepticism in the book and pointed out that while extreme skepticism was abandoned in other disciplines, generalisations still exist in Islamic studies.¹⁰⁶ Like Fück, who, on the basis of Ibn Ishāq’s (d. 151/768) *Sīra*, objected to Schacht drawing generalisations, Montgomery Watt, too, argued that historical material should be accepted as having “a solid core of fact” unless a reason is adduced to the contrary, although he does agree with Schacht’s views on legal material.¹⁰⁷ In his review of Patricia Crone’s *Meccan Trade and the Rise of Islam*, R. B. Serjeant, another scholar of Islamic history, goes beyond Watt’s somewhat blurry classification between historical and legal material and observes:

*Methodologically we cannot but start from the premise that a Tradition is a genuine report of “fact” until it is creditably shown to be false, or partially or wholly invalidated by palpable bias.*¹⁰⁸

Echoing David Power’s view that the burden of proof lies with skeptical scholars, Harald Motzki notes that adopting a premise about authenticity/inauthenticity of traditions is only possible after having dated a large number of *ahādīṭ*, and Western *hadīṭ* studies have so far not reached a stage allowing its scholars to make these kinds of generalisations.¹⁰⁹ Although he is right about Western *hadīṭ* studies, it is evident that Muslim scholars hold this privilege since they analysed and categorised *ahādīṭ* based on their methodology, some of whose constituents can be traced to Imām al-Šāfi’ī’s *Risāla*. If this methodology is deemed failing, giving rise to the claim that *hadīṭ* literature should be analysed anew, then it appears to be obvious who bears the responsibility of proving these claims. In addition, as Serjeant rightly puts, the purpose of criticism of sources is to deduce the acceptable data, not to “destroy” them.¹¹⁰ Scholars starting from the principle that “traditions cannot be accepted as authentic until the contrary is proven” focus their energy on proving the unreliability of sources and, in doing so, neglect to demonstrate how these sources should be rightfully used.

As a result of their distrust of Muslim *hadīṭ* criticism, Western scholars remain skeptical about chains of transmitters, too, which are at the centre of Islamic *hadīṭ* scholarship. While some of them, like Ignaz Goldziher, completely ignored *asānīd* in their

one’s making an accurate transmission is higher than the probability of one’s making an inaccurate transmission.” See Halis Aydemir, “A Theoretical Approach to the System of Transmission of Hadīth Based on Probability Calculations”, in: *Hadis Tetkikleri Dergisi* III (1/2005), pp. 39-72, p. 40.

105 Powers, “On Bequests in Early Islam”, in: *Journal of Near Eastern Studies* 48 (3/1989), pp. 185-200, p. 200.

106 Fück, “J. Schacht: *The Origins of Muhammadan Jurisprudence*”, in: *Bibliotheca Orientalis* 10 (5/1953), pp. 196-199, p. 199.

107 Watt, *Muhammad at Medina*, pp. 336-338; idem, “The Reliability of Ibn Ishāq’s Sources”, pp. 13-23.

108 Robert B. Serjeant, “*Meccan Trade and the Rise of Islam: Misconceptions and Flawed Polemics*”, in: *Journal of the American Oriental Society* 110 (3/1990), pp. 472-486, pp. 472-473.

109 Motzki, “*Rivāyetlerin/İslâmî Haberlerin Tarihlendirmesinde Metot*”, in: Uçar (ed./trans.), *Batı’da Hadis Çalışmalarının Tarihi Seyri*, pp. 129-150, p. 143; Uçar, “Harald Motzki ile Hayatı”, p. 337.

110 Serjeant, “*Meccan Trade and the Rise of Islam*”, p. 486.

analyses, other scholars restricted their use of them. Joseph Schacht can be given as an example for the latter tendency. Even though he accepted the *isnāds* between common link and collectors as historical, he argued that the part between the common link and the person to whom the report is ascribed (either the Prophet, someone from the generation of Companions or Successors) is forgery. Later, Juynboll takes Schacht's claim even further and denies the authenticity of single strands between common link and collectors.

There are also Western scholars who completely reject the use of *isnāds*. As discussed earlier, the use of *isnāds* determines the difference between traditionalist and revisionist scholars, and between sanguine and skeptical ones according to the classification by Koren and Nevo, and Berg respectively. Berg and Cook argue that if *asānīd* are accepted as reliable, there emerges a picture of *ḥadīth* literature transmitted by reporters from different parts of the Islamic world. Then, since it is not reasonable to claim that transmitters from various parts of the Islamic world could have agreed on a conspiracy, it would be inescapable to accept the authenticity of *aḥādīth*.¹¹¹ In their views, there are only two possible positions concerning *isnāds*: either Imām al-Šāfi ī's/Fuad Sezgin's or Schacht's/Goldziher's.¹¹²

In fact, it is to be understood from some of Berg's remarks that he places sanguine scholars between ascriptionists and skeptics, but has doubts whether sanguine scholars really differ from ascriptionists at all.¹¹³ Despite his reservations, for it is obvious that scholars such as Motzki cannot be described as ascriptionists, one has to leave room for a third option, i.e. a middle-ground position. As a middle-ground scholar, Motzki argues that "isnāds are, in principle, reliable except, perhaps, around the time when the system came into being."¹¹⁴ In this regard, it is not a matter of debate whether a middle-ground position exists or not, as did Berg, but whether it is reasonable to assume an ascriptionist approach as well, since Muslim scholars do not accept the reliability of all *isnāds* despite their trust in the system as a whole.¹¹⁵ After all, their *ḥadīth* criticism will suffice to refute this claim as it is based mainly on *isnād* criticism, which leads to the rejection of some *asānīd*, or not using them until additional evidence appears. The terms *iḥtilāfu 'l-ḥadīth* (contradictory *ḥadīth*), *muḍṭarib* (disrupted), *šādd* (anomalous), *tadlīs* (misrepresentation), *'ilal* (defect), *al-mazīd fī muttaṣili 'l-asānīd* (additions to cohesive *isnāds*)¹¹⁶ point towards the fact that

111 See Cook, *Early Muslim Dogma*, p. 116; Berg, "Competing Paradigms", p. 289.

112 See Cook, *Early Muslim Dogma*, p. 116; Berg, *The Development of Exegesis in Early Islam*, p. 50. Cf. Zaman, *The Evolution of a Hadīth*, p. 104.

113 See Berg, "Competing Paradigms", p. 261.

114 Motzki, "The Prophet and the Cat: On Dating Mālik's Muwaṭṭa' and Legal Traditions", in: Jerusalem Studies in Arabic and Islam 22 (1998), pp. 18-83, p. 32.

115 As a Muslim researcher who believes that it is permissible to apply common link based *isnād-matn* analysis within the classical Islamic paradigm without breaching the integrity of the system, my experience also points to occasional inconsistencies between *isnād* and *matns*, hence the existence of some problems in the *isnād*/process of transmission. Yet, in most cases, in referring to *riḡāl* literature an explanation for these "anomalies" is provided. For my analysis of variants of *ḥadīth* of 'Uraniyyīn, see Kızıl, *Müşterek Rāvi Teorisi ve Tenkidi*, Istanbul 2013, pp. 231-501; the illustrated *isnād* diagram is based on the variants of the *ḥadīth* in question and can be accessed via the following site: <https://yalova.academia.edu/FatmaKIZIL> (accessed March 5, 2015).

116 The English terms were taken from Eerik Dickinson's translation of Ibn al-Šalāh's (d. 643/1245) *'Ulūmu 'l-ḥadīth*. See Ibn al-Šalāh al-Šahrazūrī, *An Introduction to the Science of the Ḥadīth*, trans. Eerik Dickinson, Reading 2006.

even traditions of reliable transmitters are refutable based on various criteria. Certainly, Muslim scholars are more inclined to accept *isnāds* in comparison to Orientalists. In addition, unlike Schacht and Juynboll, they do not restrict the use of *isnāds*, neither do they require that more than one strand/variant exist for a *ḥadīṭ* to be accepted. However, it would be unjust to depict Muslim scholars as naïve by arguing that they took *isnāds* at face value even if their efforts to assess the chains of transmitters were not deemed sufficient by Western scholars.

Western and Muslims scholars' assessments about *isnāds* are closely connected to their views on *riḡāl* literature. In this respect, it can be stated that in Western *ḥadīṭ* studies doubts regarding *riḡāl* literature prevail over debates about *isnāds*. Some Western scholars occasionally used *isnāds* before Schacht's time, although the systematic use of *isnāds* in dating *aḥādīṭ* in the West started in the middle of the twentieth century.¹¹⁷ On the other hand, unreliability of *riḡāl* literature was discussed by early Orientalists, such as Alfred von Kremer (1828-1889) and Ignaz Goldziher, re-emerging as a position adopted by Schacht fifty years later.¹¹⁸ One of the reasons given for distrust of *riḡāl* literature is the interdependency between *isnād* system and this literature. For example, according to Herbert Berg, biographical materials were "produced symbiotically with the *isnāds* they seek to defend"; hence, it loses its value for those who accept the possibility of *isnād* fabrication.¹¹⁹ In addition, Berg states that he did not employ biographical materials in his analyses since they cannot be accepted as objective.¹²⁰

Motzki responded to Berg's claims against *riḡāl* literature and emphasised the necessity to prove that fabrication of *isnād* and biographical reports were indeed the case, not just a possibility. Besides, as Motzki observes, even if the fabrication of some of these materials is proven, this does not imply that they are all forgeries. As for the interdependency of *isnāds* and biographical materials, Motzki points to the data in this literature which is not likely to be derived from *isnāds*. Motzki also addresses the question of objectivity of biographical reports. He calls to mind that this does not apply only to Islamic traditions and does not mean that this material is without value.¹²¹ According to Motzki, "dating cannot do without *isnāds* and biographical traditions, at least if fairly accurate dates are desired."¹²² Similar to his general attitude about *aḥādīṭ* and *isnāds*, he defends the researcher's practice to decide whether a piece of information is reliable or not individually for every case, instead of using *a priori* decisions.¹²³ In fact, in *Die Anfänge der islamischen Jurisprudenz* he points out that he has not encountered deliberate forgeries about the transmitters he discusses in his book, adding that it is possible to identify the mistakes, exaggerations, tendentious information and topoi in biographical reports with the

117 Long before Schacht, Alois Sprenger (1813-1893) argued that the earliest transmitter upon whom variants of a *ḥadīṭ* converged is the one who fabricated the *ḥadīṭ* in question. See Josef Horowitz, "The Growth of the Mohammed Legend", in: Uri Rubin (ed.), *The Life of Muḥammad*, Aldershot 1998, pp. 269-278, p. 271.

118 See Motzki, *Origins*, pp. 8, 36, 49.

119 Berg, *The Development of Exegesis in Early Islam*, pp. 26, 109, 137.

120 See *ibid.*, p. 137.

121 For Motzki's quoted responses, see Motzki, "The Question of the Authenticity", pp. 244-245.

122 Motzki, "Dating the So-Called *Tafsīr Ibn 'Abbās*: Some Additional Remarks", in: *Jerusalem Studies in Arabic and Islam* 31 (2006), pp. 147-163, p. 161.

123 See Motzki, "Al-Radd 'Alā l-Radd", p. 224.

help of other variants. He also states that information in later *riğāl* works was derived from the earlier literature, and these later sources were no less reliable than the previous ones.¹²⁴

Finally, one of the aspects of Motzki's uses of biographical material should not be failed to be mentioned in order to demonstrate the difference between Muslim and Western scholars in their approach to *riğāl* literature. When employing this literature, Motzki separates reports providing information on biographies of transmitters (*tarğama*) from the assessments of *ḥadīth* critics about these transmitters (*al-ğarḥ wa 'l-ta'dīl*).¹²⁵ As outlined before, Motzki does not avoid giving judgements about transmitters which are contrary to Muslim *ḥadīth* critics' opinions about them. In this regard, he considers it to be possible that a transmitter who is praised with the highest *ta'dīl* phrases by *ḥadīth* critics could have forged *aḥādīth*. According to him, final decisions about these transmitters should be based on *isnād-matn* analysis.¹²⁶ Therefore, it becomes evident that not only revisionist and skeptical scholars but also Western scholars who adopt a middle-ground position, like Motzki, take a different stance from Muslim scholars concerning the biographical literature.

After attempting to establish to what extent the tenets under discussion enable to differentiate scholars and their approaches, the following section examines another factor which allows to speak of an Orientalist paradigm, namely intra-paradigm continuity.

II The Orientalist Paradigm as an Inherited Tradition

The classification of Orientalists into three groups – revisionists, who reduce the first Islamic century to a period about which nothing can be said for sure; skeptical scholars, who, to a varying degree, deny the greater part of the reports dating from the first century, yet accept the existence of material enabling to reconstruct this century; and, lastly, middle-ground Orientalists, who do not base their studies on an *a priori* trust or distrust of this material and date *aḥādīth* to earlier periods in comparison – should not be misunderstood by assuming that they are completely separate groups without any common characteristics. On the contrary, the groups should be seen as three consecutive points on a straight line, placing emphasis on the continuity between them.¹²⁷ What constitutes this continuity is their education in the same scholarly tradition, which these scholars accepted, consciously or not, as an authority, which is in accordance with Edward W. Said's remarks that "orientalism is after all a system for citing works and authors".¹²⁸

When Western *ḥadīth* studies are read from this point of view, it is not difficult to discern the cross-reference network.¹²⁹ For example, Ignaz Goldziher refers to Alois Sprenger as the first person who treats *aḥādīth* scientifically, and his works contain references to Orientalists such as Edward E. Salisbury (1814-1901), William Muir (1819-

124 For the conclusions Motzki drew by comparing the results of his source-analyses with the information provided in the biographical literature, see Motzki, *Origins*, pp. 285-286.

125 See Motzki, "The Origins of Muslim Exegesis. A Debate", in: idem (ed.), *Analysing Muslim Traditions*, pp. 231-304, p. 241.

126 See Motzki, *Origins*, pp. 219-222; Motzki, "The Prophet and the Cat", p. 54.

127 Cf. Berg, "Competing Paradigms", p. 261.

128 Edward W. Said, *Orientalism*, London 2003, p. 23.

129 Actually, this is the case for every scholarly tradition.

1905), Alfred von Kremer and C. Snouck Hurgronje (1857-1936).¹³⁰ Following Goldziher, references to his works became the characteristic of Western *ḥadīṭ* studies, and his argument that *aḥādīṭ* – with some exceptions – are spurious influenced other Orientalists while he was still alive. In fact, Theodor Nöldeke (1836-1930) wrote in one of his letters to him:

*With all your doubts about the originality of the Hadith you have awakened my suspicion too. Eventually, I will be more suspicious than you are! You have completely upset my simple soul.*¹³¹

In addition to Goldziher's main thesis that *aḥādīṭ* were the result of religious, historical and social developments taking place in the first two centuries,¹³² his other theses – (i) the authority of the Sunna increased with time; (ii) the idea of the divine origin of the Sunna (*waḥy ḡayru mathuw*) was adopted later to establish the authority of the Sunna;¹³³ (iii) starting from the Prophet, Muslims borrowed elements including legal doctrines and maxims from other cultures, and while the Prophet incorporated them into the Qur'ān, the first generations put these borrowings into *ḥadīṭ* form by back-projecting them to the Prophet –¹³⁴ were accepted by other Orientalists, too. One of his contemporary scholars, Snouck Hurgronje, whose works, together with Goldziher's, were deemed, by Schacht, as the beginning of a new period in Islamic studies,¹³⁵ argued that there was a connection between the acceptance of the doctrine of infallibility and the increasing authority of the Prophetic Sunna.¹³⁶ Following Goldziher's main thesis, David Samuel Margoliouth (1858-1940) claimed that the first question to be asked when encountering a tradition is: "For what purpose is this likely to have been invented?"¹³⁷ Like Goldziher and Snouck Hurgronje, he linked the divine origins of *aḥādīṭ* and the doctrine of infallibility with the increasing authority of the Prophetic Sunna, and also paved the way for Schacht by arguing for the transition of meaning of the term "Sunna" from normative practice to the Prophetic Sunna based on Imām al-Šāfi'ī's works.¹³⁸

Schacht, in turn, explained the scholarly tradition he followed with the remarks below:

I feel myself under a deep obligation to the masters of Islamic studies in the last generation. The name of Snouck Hurgronje appears seldom in this book; yet if we now

130 See Goldziher, *Muslim Studies*, II, pp. 19-20.

131 Talal A. H. Maloush, *Early Ḥadīth Literature and the Theory of Ignaz Goldziher*, University of Edinburgh, Edinburgh 2000, p. 4.

132 See Goldziher, *Muslim Studies*, II, p. 19.

133 See *ibid.*, II, pp. 31-32.

134 See *ibid.*, II, pp. 79, 148.

135 See Schacht, *Origins*, p. v; Schacht, "Christiaan Snouck Hurgronje", in: *Der Islam* 24 (2/1937), pp. 192-195, p. 192.

136 See Christiaan Snouck Hurgronje, *Mohammedanism: Lectures on Its Origin, Its Religious and Political Growth, and Its Present State*, New York 1916, p. 29; Snouck Hurgronje, "Islam", in: Georges-Henri Bousquet/Schacht (eds.), *Selected Works of C. Snouck Hurgronje*, Leiden 1957, pp. 1-108, p. 48; Snouck Hurgronje, "The 'Foundations' of Islamic Law", in: Bousquet/Schacht (eds.), *Selected Works of C. Snouck Hurgronje*, pp. 268-289, pp. 269-272.

137 David Samuel Margoliouth, "On Moslem Traditions", in: *The Moslem World* 2 (1912), pp. 113-121, p. 121.

138 See *ibid.*, pp. 113, 115; cf. also Margoliouth, "Omar's Instructions to the Kadi", in: *Journal of the Royal Asiatic Society* 42 (2/1910), pp. 307-326, pp. 313-314.

Fatma Kızıl: In Pursuit of a Common Paradigm

*understand the character of Muhammadan law it is due to him. Goldziher I shall have occasion to quote often; I cannot hope for more than that this book may be considered a not unworthy continuation of the studies he inaugurated. Margoliouth was the first and foremost among my predecessors to make more than perfunctory use of the then recently printed works of Shafi'i; in reviewing the field which is surveyed here in detail he came nearest, both in his general attitude to the sources and in several important details, to my conclusions. Lammens, though his writings rarely touch Muhammadan law and jurisprudence directly, must be mentioned in the preface to a book which is to a great part concerned with the historical appreciation of Islamic 'traditions'; my investigation of legal traditions has brought me to respect and admire his critical insight whenever his ira et studium were not engaged.*¹³⁹

Schacht weaved his predecessor's views into a more coherent structure and placed the theory of backward growth of isnāds/backward projection at the centre of his reconstruction of the early history of Islamic law. Unlike Goldziher, he dated all legal traditions later than 100 A.H. and, in doing so, took Goldziher's skepticism one step further. Similarly, his views led the way to revisionists like John Wansbrough, whose views were then extended by Norman Calder to include Islamic law. Almost a century after the release of Goldziher's *Muhammedanische Studien*, Herbert Berg inquired "what can we know for certain about the first decades of Islam?", to which he responds, "nothing".¹⁴⁰

As far as the middle-ground Orientalists are concerned, although their position does indeed differ from skepticism and its ramification revisionism, they do not exit from the Orientalist framework by dating only the core/kernel of *aḥādīṭ* to the early period of Islamic history but not the formal *aḥādīṭ per se*. Their approach is certainly important in terms of studies of Islamic history, yet, since *aḥādīṭ* cease to be theological, legal and moral principles, it carries no weight for a Muslim.

In light of the previous discussion, it should be noted that in the final analysis both revisionist and middle-ground Orientalists work within the Orientalist paradigm. The three positions within this paradigm differ in degree not in kind. It is possible to speak of differences of kind as far as the classical Islamic and Orientalist paradigm are concerned due to their tenets. In this regard, this study reveals that not only Muslims but also Orientalists share some common assumptions. Therefore, it is necessary to abandon condescending, hence hegemonic, language stating that Muslim's approach is less academic and critical, and to discard the opinion that the only possible explanation for the development of *ḥadīṭ* literature was provided by Orientalists, or that Muslims do not understand the dynamics of their literature.¹⁴¹ For it is obvious that when it comes to the reconstruction of the past, it is not correct to assume that only facts are at work. So,

139 Schacht, *Origins*, pp. v-vi.

140 Berg, "Competing Paradigms", p. 287.

141 As an example, Burton's following criticism towards Fazlur Rahman may be recalled: "His intention, he says, has been to attempt 'to do justice to both historical and Islamic demands' – surely a self-contradictory, and hence impossible programme. Historiography respects none save objective historical standards and can enter into no alliances." John Burton, "Islam", in: *Bulletin of the School of Oriental and African Studies* 31 (2/1968), pp. 392-395, p. 392.

As is to be seen, Burton overlooked the fact that Western scholarship is as unsuccessful as Islamic scholarship as far as "entering into no alliances" is concerned.

although Christopher Melchert argues that al-Azami is a “dogmatist”, this does not rule out that Schacht was a dogmatist, too.¹⁴² In other words, as Hallaq rightly states, the Orientalist paradigm is no less ideological than Islamic scholarship.¹⁴³

The fact that both sides have certain assumptions and premises, and take some propositions for granted fuels a debate in which scholars are attempting to convince¹⁴⁴ each other. Certainly, it is not the intention of this study to deny the value of this debate or to exclude the possibility that scholars from both sides might set forth some definite proofs which will compel the other camp to accept them. It does imply, however, that a consensus between the two paradigms is not likely,¹⁴⁵ and that the search for a common paradigm even is a pointless task. Therefore, the emergence of a new synthesis,¹⁴⁶ or a full scale paradigm shift in Kuhn’s terminology, should not be expected. Yet, despite of this, researchers from different scholarly traditions are able to benefit from each other’s studies, for in most cases it is possible to separate a scholar’s findings from his/her interpretations of these findings. In bearing this separation in mind, Muslim researchers should attempt to find explanations for Orientalists’ findings according to the classical Islamic paradigm.

142 Melchert, “*On Schacht’s ‘Origins of Muhammadan Jurisprudence’*”, p. 365.

143 See Hallaq, “*The Quest for Origins or Doctrine?*”, p. 30.

144 Since they do not deduce their results from definite proofs (*burhān*), we can speak only of *iqnā’* (persuasion without required proof), not *ilzām* (forcing the interlocutor to accept the inadmissibility of his/her doctrine).

145 See Coulson, “*European Criticism of Ḥadīth Literature*”, in: Alfred F. L. Beeston et al. (eds.), *Arabic Literature to the End of the Umayyad Period*, Cambridge 1983, pp. 317-321, p. 321.

146 See Powers, “*On Bequests in Early Islam*”, p. 200.