

A RESEARCH AND CRITICAL ANALYSIS OF THE SOURCES OF SIRAH AND HISTORY BY THE CONTEMPORARY ORIENTALIST WAEEL HALLAQ

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Abstract

The primary sources of Islamic sciences are in the Arabic language, making proficiency in Arabic language and literature essential for understanding the Quran, Hadith, Sirah, history, and Islamic jurisprudence. One of the most significant shortcomings of early Orientalists was their reliance on secondary sources in their study of Islam, often resulting in unreliable research findings. Contemporary Orientalists have made substantial efforts to overcome this limitation, with Wael Hallaq achieving remarkable success in this regard. This can be attributed to two key factors: his Palestinian heritage and his deep interest and rigorous scholarship in Islamic sciences. His proficiency in Arabic language and literature distinguishes him among Orientalists, enabling him to utilize primary sources for his study of Islamic jurisprudence. While Wael Hallaq's primary area of research is Islamic law and politics, his methodological and evolutionary approach to Islamic law has also led him to address topics related to Sirah (biography of the Prophet Muhammad, peace be upon him) and history. Hallaq's research places particular emphasis on the legislative and political aspects of the Sirah. Similarly, in the realm of Islamic history, he has expressed his views on the political, economic, social, and legal theories of the early Islamic period. However, the sources Hallaq employs in his discussions of Sirah and history are predominantly secondary and, in many cases, rooted in Orientalist research. This appears to stem from his reliance on Orientalist thought as a framework for understanding pre-Islamic history through a legal perspective and for reinforcing his evolutionary and historical theories regarding the Islamic period. From our perspective, this constitutes a significant weakness in his scholarship. This paper presents a research and critical analysis of the "Sources of Sirah and History" utilized by the contemporary Orientalist Wael Hallaq, addressing the issues and examining the strengths and weaknesses of his methodology.

Keywords: Primary Sources, Secondary Sources, Sirah and History, Islamic Law and Politics, Orientalist Thought

Wael B. Hallaq is a famous Scholar of the twentieth century. He was born in Nazareth, Palestine in 1955. He is an expert in Islamic Law. He did his Ph.D. at the USA, University of Washington. He served as Assistant Professor at McGill University and taught Islamic Law. He was promoted to Professor of Islamic law in 2005 at McGill University. He is one of the leading scholars of Islamic Law. Hallaq's work has been widely debated and translated into Arabic, Hebrew, Indonesian, Italian, Japanese, Persian and Turkish, among others. Hallaq's ideas are being discussed in the world due to their importance. His books and articles are a big source of knowledge to understand the oriental approach to Sharia. Wael B. Hallaq's scholarship can be categorized into two intellectual dimensions or perspectives. These two dimensions represent his evolving thought process regarding Islamic law, Sharia, and governance.

1. Notable Books of the First Intellectual Phase: Islamic Law/Sharia

The first phase of Hallaq's thought primarily focuses on Islamic law (Sharia) as a historical and legal tradition. His works in this category analyze the development of Islamic jurisprudence, the role of jurists (fuqaha), and the classical legal institutions of the Muslim world.

Notable books in this category:

Islamic legal studies encompass a vast and dynamic field, exploring the historical development, theoretical foundations, and practical applications of Sharī'a. The following notable books provide critical insights into this discipline.

- *The Origins and Evolution of Islamic Law: The Origins and Evolution of Islamic Law* traces the historical emergence and transformation of Islamic legal principles.¹
- *A History of Islamic Legal Theories: A History of Islamic Legal Theories* examines the intellectual debates and methodologies that have shaped Islamic jurisprudence.²
- *Authority, Continuity, and Change in Islamic Law: Authority, Continuity, and Change in Islamic Law* explores the balance between tradition and reform in Islamic legal practice.³
- *Sharī'a: Theory, Practice, Transformations: Sharī'a: Theory, Practice, Transformations* offers a comprehensive overview of the diverse interpretations and applications of Islamic law across different societies. Together, these works contribute to a deeper understanding of the complexities and evolution of Islamic legal thought.⁴

2. Notable Books of the Second Intellectual Phase: Islamic State/Modern State

In his later works, Hallaq shifts his focus to the relationship between Islamic governance and the modern state. He critically examines how the modern nation-state, influenced by Western colonial structures, has transformed the concept of Islamic governance. His critique suggests that the modern state and Sharia are fundamentally incompatible.

Notable books in this category:

Wael Hallaq delves into the complex relationship between Islamic governance and the modern nation-state, arguing that the structures of the modern state—shaped by Western colonialism—are fundamentally at odds with traditional Islamic governance. His critical perspective challenges conventional understandings of Shariah and its role in contemporary political systems. The following books provide critical insights into this discipline.

- *The Impossible State: The Impossible State* presents a bold argument on the incompatibility of the modern state with Islamic principles.⁵
- *Restating Orientalism: Restating Orientalism* revisits and critiques the legacy of Orientalist thought in shaping perceptions of Islam and governance.⁶

¹ Wael B. Hallaq, *Origins and Evolution of Islamic Law*, Cambridge University Press, Published in 2004.

² Wael B. Hallaq, *History of Islamic Legal Theories*, Cambridge University Press, Published in 1997.

³ W.B. Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge University Press, 2004),

⁴ Wael B. Hallaq, *Sharia, Theory, Practice, and Transformation*, Cambridge University Press, Published in 2009.

⁵ Wael B. Hallaq, *The Impossible State (Islam, Politics and Moral Predicament)*, Columbia University Press, Published in 2013.

⁶ *Restating Orientalism: A Critique of Modern Knowledge* (New York: Columbia University Press, 2018)

- *Reforming Modernity: Reforming Modernity* explores the broader philosophical and ethical dilemmas posed by modernity, offering insights into alternative frameworks for governance.⁷

These two categories encapsulate Hallaq's intellectual trajectory—from a legal historian of Islamic law to a critical theorist of the modern state and its impact on Islamic governance. Hallaq's ideas are multi-dimensional. Sira, Hadith, Fiqh, History, and the Quranic Sciences are also parts of his research. Here are details of Hallaq's interpretation and understanding about incidents of Sira of the Holy Prophet PBUH and criticism about the references he used to interpret these incidents of Prophetic life of last prophet Muhammad (peace be upon Him). In the books of Seerah, the event that is given great significance before the birth of Prophet Muhammad (PBUH) is the incident of **Ashab al-Fil** (the People of the Elephant).⁸ The Arabs referred to that year as "**Aam al-Fil**" (the Year of the Elephant).⁹ In the interpretation of **Surah Al-Fil**,¹⁰ commentators also present the details of this event in the context of the sanctity of the Kaaba and as a prophecy of the birth of the **Final Prophet (PBUH)**. However, **Wael Hallaq** presents this incident from a **political and economic perspective**. He writes:

In 570 AD, close to the time of Muhammad's birth, the Christian Abraha launched a military campaign with a view towards subduing the Hejaz, a campaign that seems to have been dictated by a broader Byzantine policy to secure the trade routes from India to the Syrian territories in the north. The decimation of the Himyarite's was only the first step in the process. The subjugation of the Arabian trading tribes in the Hejaz, especially at Mecca, was supposed to be the second. The latter scheme, however, reportedly fell apart when disease wrought havoc with Abraha's military campaign and sent it back to the Yemen in ruins. This setback signaled the end of Abraha's rule, and with it the hegemony of the Abyssinian kingdom over Yemen.¹¹

The above theory of Hallaq regarding Abrah's incident is based on his personal interpretation which is supported by Lapidus and Juynboll.¹² Similarly, regarding the history and tradition of Syria, Yemen, Rome, Iraq, and Hijaz Wael Hallaq's sources are as follows:

- D.T.Potts, *The Arabian Gulf in Antiquity*, 2 vols. Oxford: Clarendon Press, 1990.
- M. J. Kister, "Al-Gira: Some Notes on its Relations with Arabia," *Arabica*, 15 (1968).

⁷ *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha* (New York: Columbia University Press, 2019)

⁸ Ibn Hisham, *As-Sirah an-Nabawiyyah*, Jild 1, Safhah 50-55, Maktabah Dar Ibn Kathir, Beirut / Also see, Al-Bayhaqi, *Dala'il an-Nubuwwah*, Jild 1, Safhah 115-120, Maktabah Dar al-Kutub al-Ilmiyyah, Beirut.

⁹ Ibn Kathir, *Al-Bidayah wa an-Nihayah*, Jild 2, Safhah 166-170, Maktabah al-Ma'arif, Beirut

¹⁰ Al-Tabari, *Jami' al-Bayan fi Ta'wil al-Qur'an*, Vol. 30, Page 320-325, Maktabat al-Risalah al-Hadithah, Beirut / Al-Qurtubi, *Al-Jami' li Ahkam al-Qur'an*, Vol. 20, Page 223-228, Dar al-Kutub al-Ilmiyyah, Beirut / Ibn Kathir, *Tafsir Ibn Kathir*, Vol. 4, Page 607-612, Maktaba Darussalam, Riyadh

¹¹ Wael B. Hallaq, *Origins and Evolution of Islamic Law*, page:09, Cambridge University Press, Published in 2004.

¹² Ira M. Lapidus, "The Arab Conquests and the Formation of Islamic Society," in G. H. A. Juynboll, ed., *Studies on the First Century of Islamic Society* (Carbondale and Edwardsville: Southern Illinois University Press, 1982), 50.

- Marshall Hodgson, *The Venture of Islam: Conscience and History in a World Civilization*, 3 vols. Chicago: University of Chicago Press, 1974.
- Fred Donner, "The Role of Nomads in the Near East in Late Antiquity (400–800 C.E.)," in F. M. Clover and R. S. Humphreys, eds., *Tradition and Innovation in Late Antiquity*, Madison: University of Wisconsin Press, 1989.
- M. B. Piotrovsky, "Late Ancient and Early Medieval Yemen: Settlement, Traditions and Innovations," in G. R. D. King and Avril Cameron, eds., *The Byzantine and Early Islamic Near East*, vol. II, Princeton: The Darwin Press, 1994
- R. Dussaud, *La Pe 'ne 'tration des arabes en Syrie avant l'Islam*, Paris: Paul Geuthner, 1955. 7 Potts, *Arabian Gulf*, I, 251.

According to **Wael Hallaq**, the key events in the **Seerah**, including **trade journeys before the proclamation of Prophethood** and **relations with Jews and Christians after the announcement of Prophethood**, were primarily driven by **political and economic objectives**. In this regard, **Hallaq's sources** can be derived from his three books: **History, Origins, and Sharia**, which are as follows:

- Uri Rubin, "Hanifiyya and Kaba: An Inquiry into the Arabian Pre-Islamic Background of Din Ibrahim," *Jerusalem Studies in Arabic and Islam*, 13 (1990)
- S. D. Goitein, "The Birth-Hour of Muslim Law," *Muslim World*, 50, 1 (1960)
- P. Crone and M. Cook, *Hagarism: The Making of the Muslim World* (Cambridge: Cambridge University Press, 1977)
- 7. Robert G. Hoyland, *Seeing Islam as Others Saw it: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton: The Darwin Press, 1997)
- R. B. Serjeant, "The Constitution of Medina," *Islamic Quarterly*, 8 (1964).
- S. D. Goitein, *Studies in Islamic History and Institutions* (Leiden: E. J. Brill, 1966)
- Ver Steeg, *Early Mesopotamian Law*, 178; Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon, 1964)

Similarly, to examine Hallaq's historical sources, some key events from the early period of Islamic history can be used as a foundation. Instead of deriving the matter of the election of the Rashidun Caliphs from Muslim historical sources and analyzing it within that context, Hallaq presents it as an ambiguous and unresolved issue based on his opinion. Hallaq writes:

In 11/632 the Prophet died, leaving unsettled the question of succession. The dispute over governance was resolved in favor of Abu Bakr, a distinguished Meccan of senior age who had adopted Islam when Muhammad was still preaching his new religion in the city. Abu Bakr's short tenure as caliph, however, allowed him to accomplish little more than to quell the so-called apostasy rebellions that erupted among the Arab tribes upon the death of the Prophet¹³.

Wael Hallaq attributed the election of the caliphs to political and social factors. Similarly, he cast doubt on the process of the compilation and preservation of the Quran, without providing any reference in this regard. Wael Hallaq writes:

The increasing importance of the Quran as a religious and legal document manifested itself in the need to collect the scattered material of the Book and to establish therefrom a vulgate. 'Uthmân, who followed in the footsteps of his two

¹³ Wael B. Hallaq, *Origins and Evolution of Islamic Law*, page:29, Cambridge University Press, Published in 2004.

predecessors in enforcing the rulings of the Quran, was the man who took charge of the task. The collection of the Quran must have had a primary legal significance, for it defined the subject matter of the text and thus gave the legally minded a *textus receptus* on which to draw. The monumental event of establishing a vulgate signified the rudimentary beginnings of what may be described as a “textual” attitude toward the Quran, an attitude which reached its zenith only centuries later¹⁴.

Hallaq's concept of Sunnah and the election of Uthman (RA) as Caliph is presented in his book *History* as follows:

The most persuasive argument in support of the early origins of “the Sunna of the Prophet” is the term’s attestation by the middle of the first century at the latest, indeed, as early as 23 H., when ‘Uthmân and ‘All, the two candidates for the caliphate, were asked whether they were prepared to work according to the Sunna of the Prophet and the sira of the two preceding caliphs,” Abū Bakr and ‘Umar. It is reported that, even earlier, Umar referred to the decisions of the Prophet in a matter related to meeting out punishment for adulterers, and in another in which the Prophet enjoined him to allot the distant relatives the shares of inheritance to which they were entitled. Subsequently, the number of references to the “Sunna of the Prophet” increased, frequently with reference to concrete things said or done by the Prophet.¹⁵

The biography of the Prophet (PBUH), the history of Hejaz, Rome, and Persia, Arab traditions, details of the eras of the Caliphs, the concept of Sunnah, and the accounts and traditions related to the compilation and preservation of the Quran and Hadith—Wael Hallaq’s additional sources in these matters are as follows:

- Studies in Quran and Hadith: The Formation of the Law of Inheritance, Berkeley; University of California Press, 1986.
- Harald Motzki, 'The Muṣammat of ‘Abd al-Razzaq al-Ṣaʿaʿanī as a Source of Authentic Ahadith of the First Century A.H.,” *Journal of Near Eastern Studies*, 50 (1991)
- Powers, Studies in Qur'an and Hadith, and generally; David S. Powers, “The Will of Sa’d b. Abi Waqqas: A Reassessment,” *Studia Islamica*, 58 (1983): 33-53.
- M. M. Azami, *Studies in Early Hadith Literature* (Beirut: Maktab al-Islamī, 1968); M. M. Azami, *On Schacht’s origins of Muhammadan Jurisprudence*, New York: John Wiley, 1985.
- Nabia Abbott, *Studies in Arabic Literary Papyri*, II (Chicago: University of Chicago Press, 1967)
- Fuat Sezgin, *Geschichte des arabischen Schrifttums*, I, Leiden: E. J. Brill, 1967.
- P. Crone and M. Cook, *Hegemony: The Making of the Muslim World* (Cambridge: Cambridge University Press, 1977).
- S. P. Brock, “Syriac Views of Emergent Islam,” in G. H. A. Juynboll, ed., *Studies on the First Century of Islamic Society* (Carbondale: Southern Illinois University Press, 1982).

Conclusion

¹⁴ Wael B. Hallaq, *History of Islamic Legal Theories*, page: 08-12, Cambridge University Press, Published in 1997.

¹⁵ Ibid

For the events of Seerah and history and compilation of Quran, the works of Imam Abu Ja'far Muhammad ibn Jarir al-Tabari¹⁶, Hafiz Imad al-Din Abu al-Fida Isma'il ibn 'Umar Ibn Kathir¹⁷, Abu Zayd 'Abd al-Rahman ibn Muhammad Ibn Khaldun¹⁸, Abu al-Qasim 'Ali ibn al-Hasan Ibn 'Asakir¹⁹, Muhammad ibn Ishaq ibn Yasar²⁰ and Abu Muhammad 'Abd al-Malik ibn Hisham²¹ can be used as a basic sources. However, Hallaq based his ideas on European historians and Orientalists, who, in our view, are an unreliable source of information. Therefore, the conclusions drawn by Hallaq are also unreliable.

¹⁶ Imam Abu Ja'far Muhammad ibn Jarir al-Tabari, *Tārīkh al-Ṭabarī*, Dar al-Ma'rifah, Beirut, Lebanon / Imam Abu Ja'far Muhammad ibn Jarir al-Tabari, *Tafsīr al-Ṭabarī (Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān)* Dar al-Ma'rifah, Beirut, Lebanon

¹⁷ Hafiz Imad al-Din Abu al-Fida Isma'il ibn 'Umar Ibn Kathir, *Al-Bidāyah wa al-Nihāyah*, Nafis Academy, Karachi / Hafiz Imad al-Din Abu al-Fida Isma'il ibn 'Umar Ibn Kathir, *Tafsīr Ibn Kathīr (Tafsīr al-Qur'ān al-'Azīm)*, Dar al-Salam, Riyadh, Saudi Arabia

¹⁸ Abu Zayd 'Abd al-Rahman ibn Muhammad Ibn Khaldun, *Muqaddimah Ibn Khaldun*, Dar al-Isha'at, Karachi

¹⁹ Abu al-Qasim 'Ali ibn al-Hasan Ibn 'Asakir, *Tārīkh Ibn 'Asākīr*, Dar al-Fikr, Beirut, Lebanon

²⁰ Muhammad ibn Ishaq ibn Yasar, *Sīrah Ibn Ishāq (Al-Sīrah al-Nabawiyyah)*, Dar al-Kutub al-'Ilmiyyah, Beirut, Lebanon

²¹ Abu Muhammad 'Abd al-Malik ibn Hisham, *Sīrah Ibn Hishām (Al-Sīrah al-Nabawiyyah)*, Dar al-Kutub al-'Ilmiyyah, Beirut, Lebanon