

Orientalism is an ancient tradition of Western scholarship which portrays Islam, Muslim societies and Arabs in negative manner. Orientalist tradition was extended to Islamic legal scholarship during colonial era. Ground breaking publication of a Hungarian orientalist Ignac Goldziher (d.1921) 'Introduction to Islamic Theology and Law' (1910) became the basis of all future writings on this subject. Joseph Schacht (d.1969) a German orientalist carried his work in Goldziher's footsteps and published 'Origins of Mohammadan Jurisprudence' (1950) and 'An Introduction to Islamic law' (1964) which laid the foundations of Islamic legal orientalism in academic writings of the Western world.

With the advent of orientalist tradition in USA during the Cold War era, leading American universities established Oriental Studies, Near Eastern Languages and Cultures and Middle Eastern Studies departments which worked closely with U.S. State department and Foreign Affairs department to facilitate the government to establish political hegemony over the Middle East and the Muslim world. Two major assumptions put forward in the academic debate by the West on 'Origins' of Islamic law were inauthenticity of hadith literature and influence of pre-Islamic non-Arab laws on the development of Islamic law. This dissertation carries out critical analysis of writings of Western scholars during cold war era through post 9/11 era to date, on these two issues.

The objective of this research is to study the shift in paradigms, trends, approaches and methodology adopted by Western scholars of 21' century in their writings on Origins of Islamic law and to see how this scholarship is related to European and American political hegemony over the Muslim world. Writings of Harald Motzki, Jonathan Brown, Wael Hallaq and Patricia Crone and a few more are selected to analyze 21' century Western scholarship. Responses, rebuttals and critiques on the assumptions put forward by Western scholars of 20th century are also part of this dissertation. A shift in trend and methodology is observed in 21' century Western scholarship on Islamic law but the essential paradigms for the study remain the same thus putting forth similar results.

It is also observed that Western scholarship on Islam is strongly connected with its political hegemony over the Muslim world. Methodologically Western scholarship has shifted from 20th century philological zeitgeist to 21' century social science research but it remains within the orientalist problematique. Thus Islamic law is portrayed as an essentially defective legal system and hadith literature the second primary source of Islamic law remains inauthentic in Western scholarship. However there are scholars who are aware of the fact that they are not to become hostage to biased paradigms and inadvertent commitments to political agendas in order to promote academic honesty.