

Theologies of Divine Speech and the Human Exigencies of Law: A Conundrum for Classical and Contemporary Islamic Legal Hermeneutics

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Accepted Version

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Introduction

The ideal of a comprehensive and coherent theological vision sometimes comes into productive tension with the practical exigencies of legal interpretation. This tug of war between theology and law has shaped and reshaped the discipline of Islamic legal theory (*uṣūl al-fiqh*), and more particularly the analysis of language that I will call legal hermeneutics, from its formative period until today. This essay presents examples from both classical and modern Islamic theology and legal theory, and concludes that constructing a theologically consistent and practically adequate legal hermeneutic is possible but may come at a price that few are willing to pay.

How a Muslim theologian imagines God's speech has (or logically ought to have) crucial implications for how he or she understands and interprets the Qur'an's legal and ethical injunctions. The practical human concerns of law, however, often lead interpreters to prefer more flexible and powerful hermeneutical theories that seem less than perfectly consistent with their theological premises. This tension between the theological coherence of one's legal hermeneutic and its practical adequacy for the exigencies of lived human experience has been apparent throughout the history of Islamic legal theory, and continues to present a daunting and thrilling intellectual challenge today.

Some contemporary thinkers would question whether theology and metaphysics really need to govern epistemology and hermeneutics, and would suggest instead that practical concerns like social justice, and lived experiences like economic deprivation, have existential priority over theological reflections on the nature of God and his attributes, and therefore should be given priority, in the search for God's will, over

purely theoretical concerns like philosophical coherence.¹ Others would argue that legal theory should indeed follow from theological premises, but that a theologically principled legal theory need not impede the interpretive practice of jurists because legal theory is not what actually constrains the law; the law's adaptability depends not so much on hermeneutics and legal theory as on the maxims and institutional mechanisms by which the law is handed down and applied.² Nevertheless, many Muslim intellectuals do aspire to a full theoretical convergence between the theology of revelation, legal theory, and legal interpretation; and for them it may be instructive to explore some historical and modern examples of the relationship between theories of divine speech and theories of legal interpretation. I will not address the question of how law actually does or should adapt to changing historical circumstances, or the question of whether those adaptations are or should be governed by hermeneutical theories. Instead I will address myself mainly to those readers who do believe that some adaptations of Islamic law are required by the circumstances of modern life, and that these should be justified by a principled legal hermeneutic which, in turn, should follow from a coherent conception of divine revelation.

I will begin with three examples from the formative period of Islamic legal theory, starting with the Mu'tazilī Qāḍī 'Abd al-Jabbār (d. 415/1025), who argued that the doctrines of divine justice and God's created speech entailed a minimalist and relatively rigid approach to interpretation, at least in law. In contrast, the Ash'arī Mālikī Qāḍī Abū Bakr al-Bāqillānī (d. 403/1013) argued for greater ambiguity and flexibility on the basis of his theory of God's eternal speech. I will argue that while these hermeneutical approaches were principled and theologically coherent, both of them complicated, in principle, the task of finding in the language of revelation a secure grounding for the details of law as it existed and evolved in legal thought and practice. In the 5th/11th century, therefore, a more pragmatic, law-oriented, and theologically less principled hermeneutical paradigm, which I will illustrate by reference to the Ḥanbalī Abū Ya'lā Ibn al-Farrā' (d. 458/1066), came to dominate legal hermeneutics across all the Sunni schools of law. Despite centuries of sophisticated further developments in *uṣūl al-fiqh*, that basic set of powerful and flexible interpretive rules for the analysis of language endures largely unchanged in mainstream Sunni works of legal theory today. I will argue that this law-oriented hermeneutic makes it easier for interpreters to claim that their interpretations, whether conservative or novel, constitute the most obvious and authentic readings of scripture. However, since novel interpretations face higher barriers to acceptance, many modern Muslims who desire to reform the law have not been satisfied with this powerful and flexible hermeneutic, but have instead revisited some of the basic theological premises of classical Sunni legal theory, including its views on the language, meaning, historicity, and theocentrism of revelation, in order to justify novel legal and ethical interpretations. I will offer two principal examples. Aksin Wijaya

¹ Farid Esack, for example, strives for theoretical coherence while giving priority to lived experience and the pursuit of justice. Farid Esack, *Qur'an, Liberation & Pluralism: An Islamic Perspective of Interreligious Solidarity against Oppression* (Oxford: Oneworld, 1997).

² See for example Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), xi–xii, 166, 174, 188–89, 208, 233–35, 239–41; Samy A. Ayoub, *Law, Empire, and the Sultan: Ottoman Imperial Authority and Late Ḥanafī Jurisprudence* (Oxford: Oxford University Press, 2020), 109–13, 140–42, 150–56.

(b. 1974), a creative and prolific thinker little known outside of Indonesia, has drawn upon classical Ash'arī views about God's speech (as well as a wide range of medieval and modern Muslim and non-Muslim thinkers) to support a flexible, contextually sensitive, and anthropocentric approach to interpretation that allows him to support his modern liberal reading of Islamic law; but his theology of revelation appears to be constructed in a somewhat ad hoc manner to suit his hermeneutical goals rather than forming a principled starting point for his hermeneutical reflection, as was the case with the early theologians. A more philosophically consistent and thoroughly anthropocentric reimagining of the doctrine of revelation and the theory of law was proposed by Hasan Hanafi (1935–2021), who transposed the entirety of classical legal theory into the vocabulary of European phenomenology; but his radical reconceptualization of revelation encountered stiff resistance, and his revolutionary hermeneutic did not find acceptance as a practical method for legal interpretation. All these historical and modern examples illustrate a troubling but productive conundrum still faced by legal hermeneutics today: how can interpretation be grounded simultaneously in a coherent theology of divine speech and the messy human exigencies of law?

The Baṣra Branch of the Mu'tazila

In a groundbreaking book titled *Divine Discourse: Philosophical Reflections on the Claim that God Speaks*, the Christian philosopher Nicholas Wolterstorff developed a theory of what it would mean for God to speak, and then worked out the hermeneutical implications of that model of divine speech. Building on the speech act theory of J. L. Austin and others, he proposed that God performs various illocutionary actions such as promising and commanding by means of the locutionary actions—the verbal utterances or writings—of various human beings whom God deputizes to speak on God's behalf, or whose speech God appropriates. By means of such human utterances, which include canonized scriptural texts, God takes on the same kinds of moral relationships and obligations as human speakers who engage in acts of asserting, promising, or commanding—though the kind of illocutionary act God performs by way of a particular scriptural text is not always the same illocutionary act its human author performed in writing it. Starting from this model of divine speech, Wolterstorff then proposed the outlines of a hermeneutic in which God should not be taken as asserting everything that the human authors of scripture are found to assert. In this hermeneutic, it is the interpreter's goal to discern just what kinds of illocutionary stance God intends to take toward each of the assertions, commands, entreaties, promises, threats, and other speech acts performed by the human authors of scripture.³

To focus in this way on the nature of divine speech (as distinct from revelation) was surprisingly novel for a Western philosopher, but this kind of exercise has a long history in Islamic theology, where God's attribute of speech has been a major focus of debate, and in legal theory, where the hermeneutical

³ Nicholas Wolterstorff, *Divine Discourse: Philosophical Reflections on the Claim that God Speaks* (Cambridge: Cambridge University Press, 1995).

implications of various theories of divine speech have been worked out in much more detail than in Wolterstorff's proposal. The Mu'tazila, for example, famously held that God's speech is an action, and thus part of the temporal created order. 'Abd al-Jabbār, the best-known representative of the Baṣran branch of that school, identified the act of speaking with the sentences, words, letters, and sounds that are produced by a speaker—not, as Wolterstorff did, with illocutionary actions like promising.⁴ And of course he considered the original production of the letters and sounds of the Qur'an to be an act of God, not the act of any human author. But by declaring the Qur'an to be an act of God, he subjected it to the requirements of God's attribute of justice, so that like Wolterstorff he considered that God's speech takes place within a web of moral obligations between speaker and hearer—though we will see that in his legal theory he downplayed the idea that by speaking God performatively takes upon himself any new obligations. Like Wolterstorff, 'Abd al-Jabbār considered his theory of divine speech to have important hermeneutical implications, which he worked out with remarkable consistency in his legal theory.

His view that God's speech is an act created in time and space did not lead 'Abd al-Jabbār to treat the Qur'an as a historical document to be interpreted contextually⁵—though there is one intriguing passage in his monumental work *al-Mughnī fī abwāb al-tawhīd wa-l-'adl* that points tantalizingly in this direction.⁶ Neither did it diminish the authority or importance of revelation in Mu'tazilī epistemology, as both opponents and admirers of the Mu'tazila have often too hastily assumed.⁷ On the contrary, 'Abd al-Jabbār argued that it was his Ash'arī opponents who were undermining the value of revelation by making God's speech one of his eternal attributes, thus putting it beyond the reach of human knowledge and leaving no way to prove its truth and reliability as a source of knowledge.⁸ To his mind, to know for sure that God's speech was trustworthy, one had to know that God cannot speak deceitfully or even ambiguously, and we only know that because we know, rationally, that God must be just. But justice is a characteristic of a person's actions, not of a person's attributes. If God's speech were an eternal attribute, it would be a category mistake to say that it was subject to God's justice and therefore must be good and true. That is why, in his theological works, 'Abd al-Jabbār discussed God's speech not in the section on *tawhīd* (God's

⁴ 'Abd al-Jabbār ibn Aḥmad, *Sharḥ al-Uṣūl al-khamsa*, with the commentary of Aḥmad ibn al-Ḥusayn ibn Abī Hāshim [Mānkadīm], ed. 'Abd al-Karīm 'Uthmān (Cairo: Maktabat Wahba, 1965), 528–29; Omar Farahat, *The Foundation of Norms in Islamic Jurisprudence and Theology* (Cambridge: Cambridge University Press, 2019), 99–106.

⁵ See Abū al-Ḥasan 'Abd al-Jabbār al-Asadābādī, *al-Mughnī fī abwāb al-tawhīd wa-l-'adl*, ed. Ṭāhā Ḥusayn, et al. (Cairo: Wizārat al-Thaqāfa wa-l-Irshād al-Qawmī, 1960–1969), 17:127.

⁶ See 'Abd al-Jabbār, *al-Mughnī*, 7:78–80, where 'Abd al-Jabbār argues that God would have been speaking falsely if he had spoken about historical events, such as his sending of the prophet Noah, in eternity past or at any time before those events took place. God's speech must have been created after, and thus in some sense in response to, the events it narrates. I thank Khalil Andani for pointing me to this passage.

⁷ See, for example, Abū al-Ḥasan al-Ash'arī, *al-Ibāna 'an uṣūl al-diyāna*, ed. Fawqīyya Ḥusayn Maḥmūd (Cairo: Dār al-Anṣār, 1977), 70; William Montgomery Watt, "Early Discussions about the Qur'ān," *The Muslim World* 40 (1950), 99–104; Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th–10th Centuries C.E.* (Leiden: Brill, 1997), 15 n. 69; Farahat, *Foundation of Norms*, 97–98.

⁸ 'Abd al-Jabbār, *al-Mughnī*, 7:19–20, 106–9; 'Abd al-Jabbār, *Sharḥ al-Uṣūl al-khamsa*, 527–37; J. R. T. M. Peters, *God's Created Speech: A Study in the Speculative Theology of the Mu'tazilī Qāḍī I-Quḍāt Abū I-Ḥasan 'Abd al-Jabbār bn Aḥmad al-Hamadḥānī* (Leiden: E. J. Brill, 1976), 59–60, 65–68.

oneness) but in the section on *‘adl* (justice).⁹ God’s speech is only good, beneficial, and trustworthy if it is an action; and an action is something produced in time. That is why God’s speech has to be part of the temporal created realm.

The idea that God’s speech is one of his good, just, and beneficial actions had two important consequences for ‘Abd al-Jabbār’s legal hermeneutic. First, ‘Abd al-Jabbār reasoned that to be good God’s speech must have a purpose. That purpose can only be to benefit human beings, since God himself needs nothing and does not stand to gain anything from his own actions.¹⁰ The only benefit that God’s speech can possibly impart to humans, ‘Abd al-Jabbār reasoned, is to inform them of God’s law. The Qur’an cannot really inform people about God’s own nature, or about the basic principles of reason, because one has to know all those things before one can be sure that God is just and that the Qur’an is, therefore, a trustworthy source of knowledge.¹¹ Consequently, ‘Abd al-Jabbār regarded God’s speech as purely informative, as a set of statements about the law,¹² and not as a performative speech act that brings about new moral relationships between people, as in Wolterstorff’s theory. This informative view of God’s speech has been taken for granted by many Muslim thinkers, but one could also imagine a performative theology of revelation in which the Qur’an functions primarily to create new moral relationships.¹³ After all, the Qur’an itself presents God’s speech as performative and even creative.

A second consequence of God’s speech being an action characterized by justice is that it must always be clear. If God’s purpose is to communicate his law, he would fail completely—which, of course, is impossible—if he were ever to create words that did not express exactly what he meant. His speech, therefore, is necessarily always clear when read in light of the other evidence God makes available.¹⁴ The Ash‘ariyya could offer no such guarantee, so ‘Abd al-Jabbār considered that their theology undermined revelation as a source of knowledge. In his eyes the Mu‘tazila were the real champions of revelation.¹⁵

This principle of clarity led ‘Abd al-Jabbār and other Baṣran Mu‘tazilī theologians to formulate interpretive rules that were remarkably literalist. In the domain of theology they were known for metaphorical interpretation, but in their view theology was not the point of the Qur’an. For ‘Abd al-Jabbār the Qur’an could not actually be an independent source of theological knowledge; at best it could only supplement or encourage rational knowledge of God, and must always be reinterpreted if necessary to

⁹ See ‘Abd al-Jabbār, *Sharḥ al-Uṣūl al-khamsa*, 527; ‘Abd al-Jabbār, *al-Mughnī*, 17:30–80.

¹⁰ ‘Abd al-Jabbār, *al-Mughnī*, 7:182, 224; Margaret Larkin, *The Theology of Meaning: ‘Abd al-Qāhir al-Jurjānī’s Theory of Discourse* (New Haven: American Oriental Society, 1995), 31.

¹¹ ‘Abd al-Jabbār, *al-Mughnī*, 16:354, 17:93; ‘Abd al-Jabbār ibn Aḥmad al-Hamadhānī, *Mutashābih al-Qur’ān*, ed. ‘Adnān Muḥammad Zarzūr (Cairo: Dār al-Turāth, 1969), 1–5.

¹² ‘Abd al-Jabbār, *al-Mughnī*, 17:23–24, 94–95; David R. Vishanoff, *The Formation of Islamic Hermeneutics: How Sunni Legal Theorists Imagined a Revealed Law* (New Haven: American Oriental Society, 2011), 135–37, 143–45.

¹³ See further David R. Vishanoff, *Islamic Legal Theory: A Critical Introduction Based on al-Juwaynī’s Waraqat fi usul al-fiqh* (Indianapolis: Hackett, 2022), 18–20, 49–52.

¹⁴ ‘Abd al-Jabbār, *al-Mughnī*, 7:182–83, 185, 16:347–58, 17:30–86; ‘Abd al-Jabbār, *Sharḥ al-Uṣūl al-khamsa*, 531.

¹⁵ See ‘Abd al-Jabbār, *Mutashābih al-Qur’ān*, 2, 5; ‘Abd al-Jabbār, *Sharḥ al-Uṣūl al-khamsa*, 531.

accord with that prior knowledge.¹⁶ But in the field of law, which was the real subject matter of the Qur'an, the Mu'tazila were not proponents of metaphorical interpretation at all. Modern Muslim reformers looking for a flexible Qur'anic hermeneutic should not look to the Mu'tazila! In the domain of legal hermeneutics (*uṣūl al-fiqh*) they expressed a strong preference for taking the Qur'an literally and at face value.¹⁷ If an expression is general (or unrestricted), it must be meant to apply unrestrictedly to everything it linguistically denotes, unless God previously or simultaneously provides clear evidence narrowing its scope to refer to just some of the things it denotes.¹⁸ Likewise a command cannot be taken to imply anything more than what 'Abd al-Jabbār's definition of command entails, which is that God desires the act to be performed; so commands only entail recommendation, not obligation.¹⁹ Commands do not require immediate obedience,²⁰ or more than one act of obedience.²¹ They do not imply, in and of themselves, that if one fails to obey one will have to make up the duty later.²² A command does not prohibit the opposite of what is commanded,²³ nor does a prohibition make an act legally invalid.²⁴ If God specifically prohibits an action in certain circumstances, this does not imply anything about whether it is permitted in other circumstances,²⁵ as many other scholars held. God can mean only exactly what he says, or else he has to provide clarifying evidence, and he must make that evidence available at the very moment of his speech; he cannot delay clarifying it (*ta'khīr al-bayān*)²⁶ as most other legal theorists said he could.

The Baṣra Mu'tazila were not as rigid as the strictest members of the Zāhiriyya, a literalist movement that was sparked in part by members of the Baghdād school of the Mu'tazila.²⁷ Some early proponents of Zāhirism adhered so literally to the words of revelation that if two revealed texts seemed to conflict one of them would be discarded before either would be reinterpreted.²⁸ The Zāhiriyya did not think there was

¹⁶ See 'Abd al-Jabbār, *Mutashābih al-Qur'ān*, 4–5, 34–39; 'Abd al-Jabbār, *al-Mughnī*, 16:354, 360.

¹⁷ See generally Vishanoff, *Formation of Islamic Hermeneutics*, 110–16, 123–33, 141, 150.

¹⁸ 'Abd al-Jabbār, *al-Mughnī*, 17:27–29, 54–58, 72–73.

¹⁹ 'Abd al-Jabbār, *al-Mughnī*, 17:107–9, 113–14, 116.

²⁰ 'Abd al-Jabbār, *al-Mughnī*, 17:119–20.

²¹ 'Abd al-Jabbār, *al-Mughnī*, 17:124.

²² 'Abd al-Jabbār, *al-Mughnī*, 17:121.

²³ 'Abd al-Jabbār, *al-Mughnī*, 17:112.

²⁴ 'Abd al-Jabbār, *al-Mughnī*, 17:136.

²⁵ 'Abd al-Jabbār appears to endorse negative implication by a condition in *al-Mughnī*, 17:86, but he is clearly said to have rejected it by Muḥammad ibn 'Alī ibn al-Ṭayyib Abū al-Ḥusayn al-Baṣrī in *al-Mu'tamad fī uṣūl al-fiqh*, ed. Khalīl al-Mays (Beirut: Dār al-Kutub al-'Ilmiyya, [1983]), 1:142, and by Badr al-Dīn Muḥammad ibn Bahādur ibn 'Abd Allāh al-Zarkashī in *al-Baḥr al-muḥīṭ fī uṣūl al-fiqh*, ed. 'Abd al-Qādir 'Abd Allāh al-'Ānī, 'Umar Sulaymān al-Ashqar, and 'Abd al-Sattār Abū Ghudda (Kuwait: Wizārat al-Awqāf wa-l-Shu'ūn al-Islāmiyya, 1988), 4:47.

²⁶ 'Abd al-Jabbār, *al-Mughnī*, 17:65–73.

²⁷ On the connections between the Baghdād Mu'tazila and the Zāhiriyya, see Vishanoff, *Formation of Islamic Hermeneutics*, ch. 3.

²⁸ Abū al-Walīd al-Bājī, *Iḥkām al-fuṣūl fī aḥkām al-uṣūl*, ed. 'Abd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1986, reprint 1995), 266 ¶181; Abū Muḥammad 'Alī ibn Aḥmad ibn Sa'īd Ibn Ḥazm, *al-Iḥkām fī uṣūl al-aḥkām*, based on the edition of Aḥmad Muḥammad Shākir (8 vols in 2, Beirut: Dār al-Āfāq al-Jadīda, 1983), 2:38–39, 3:147.

any coherent moral meaning or rationale behind God's speech or law; they believed that the law consisted solely of the words of God's speech, which must therefore be followed to the letter. That approach was theologically principled, but it turned out to be practically unsustainable: there were too many apparent conflicts between revealed texts, and too many texts that had to be reinterpreted to accommodate the evolving legal discourse and lived practice of the Muslim community. Already by the time of Ibn Ḥazm (d. 456/1064) the Ṣāhiriyya had been slowly giving way to the more flexible interpretive theory of mainstream jurists, and Ibn Ḥazm's own legal hermeneutic ended up looking remarkably similar to that of the Mālikīs around him. Pure Islamic literalism died out long ago.²⁹

The Baṣra Mu'tazila were not that strict. They engaged in the mainstream juristic practice of reconciling conflicting evidence through reinterpretation, and of extrapolating from the available evidence by means of analogy when necessary, because they were convinced that God's law must be coherent, reasonable, and good, and that if his speech did not fit what was known from other revealed evidence and from reason then it must be interpreted to fit the available evidence. In practice Qāḍī 'Abd al-Jabbār's legal interpretations were presumably not radically different from that of his Shāfi'ī colleagues, notwithstanding the minimalist and literalist tendency of his hermeneutic. But at least in principle, in the chapters on legal theory in his *Mughnī*, 'Abd al-Jabbār remained quite attached to the plain literal meaning of revelation, and avoided any deviation from it that was not absolutely required by the other evidence God had provided.

This theory of interpretation was principled, and it flowed from 'Abd al-Jabbār's theological premises, but it was not a very powerful, flexible, or practical legal hermeneutic. It was cautious and even minimalist, assigning to the Qur'an only those meanings that could be justified by clear evidence. Such certainty is hard to maintain in Islamic law, and ambiguity is hard to avoid, so 'Abd al-Jabbār's hermeneutic did not survive for long even among the Mu'tazila. By the early 5th/11th century even his own pupil Abū al-Ḥusayn al-Baṣrī (d. 436/1044) was shying away from such a theologically grounded legal hermeneutic and adopting the much more pragmatic hermeneutic of those legal theorists, referred to as the *fuqahā'*, who were more oriented toward law than theology.³⁰

The Ash'ariyya

Before turning to the *fuqahā'*, however, it is worth describing the alternative hermeneutic of Abū al-Ḥasan al-Ash'arī (d. 324/935) and his second-generation follower al-Qāḍī Abū Bakr al-Bāqillānī (d. 403/1013), whose theology supported a more flexible but still impractical hermeneutic. They shared 'Abd al-Jabbār's

²⁹ See Vishanoff, *Formation of Islamic Hermeneutics*, 67, 84–88, 93–101, 104–7. For an illuminating survey of aspects of literalism that can be found throughout Islamic intellectual history, see Robert Gleave, *Islam and Literalism: Literal Meaning and Interpretation in Islamic Legal Theory* ([Revised] paperback edition, Edinburgh: Edinburgh University Press, 2013).

³⁰ For example, Abū al-Ḥusayn al-Baṣrī, *al-Mu'tamad*, 1:3, 5, 43–51, 69–75, 315–16; George Makdisi, *Ibn 'Aqīl: Religion and Culture in Classical Islam* (Edinburgh: Edinburgh University Press, 1997), 80–81.

concern to ground hermeneutics in the theology of revelation, but they believed God's speech to be eternal, so their hermeneutic was necessarily quite different. Al-Bāqillānī in particular developed very explicitly the hermeneutical implications of the Ash'arī doctrine that God's speech is an eternal attribute subsisting in God's essence, while the letters and words that make up the Qur'an are just a created expression of that eternal attribute. That attribute, technically called a *ma'nā*, is also the meaning (*ma'nā*) that is expressed by the words of the Qur'an. God's speech is both an eternal attribute and an eternal command, prohibition, statement, and all the other meanings that make up God's revelation.³¹

This theory of speech introduced an ontological gap between God's speech itself, which consists of meanings, and the words of the Qur'an that express those meanings. Al-Bāqillānī made of that ontological gap a hermeneutical gap. The goal of interpretation is to know the Qur'an's meaning, but that meaning does not reside in words; it resides in God. All we have access to is words, so we have to use those words as evidence from which to infer the hidden meaning of God's speech. In ordinary human speech we can often grasp the speaker's meaning immediately, without any reflective process, because contextual cues like facial expressions, tone of voice, and the physical setting make it obvious what the speaker is trying to say; but since we cannot perceive God directly we do not get those same contextual cues along with his speech, so we have to sit down and think: if God chose these words to express his meaning, then he must have meant such and such. Interpreting divine speech requires a process of rational deliberation to move us from the words the speaker utters to the inner meanings the speaker intends to express.³²

Our knowledge of the Arabic language, of course, gives us a lot of clues about what meanings each word might be used to express, but al-Bāqillānī said that many important words and verbal forms, including, for example, the imperative form of a verb, can express many different meanings. Interpreting an imperative verb, therefore, requires more evidence than just the word itself. Unless we can find additional evidence from which to infer what was meant by a particular imperative—a command or an authorization, an obligation or a recommendation—we have to suspend judgment and admit that we do not know the word's meaning. Al-Bāqillānī and the few legal theorists who followed him were therefore known as the *wāqifiyya*, the suspenders of interpretive judgment.³³

³¹ See Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī, *al-Taqrīb wa-l-irshād (al-ṣaghīr)*, ed. 'Abd al-Ḥamīd ibn 'Alī Abū Zunayd (3 vols, Beirut: Mu'assasat al-Risāla, 1998), 1:316–17, 335, 2:5, 25, 88, 198, 318; Abū Bakr ibn al-Ṭayyib al-Bāqillānī, *al-Inṣāf fī mā yajib al-tiqāduhu wa-lā yajūzu al-jahl bih*, ed. Muḥammad Zāhid ibn al-Ḥasan al-Kawtharī (2d ed., [Cairo:] Mu'assasat al-Khānjī, 1382/1963), 26, 71–143; Daniel Gimaret, *La doctrine d'al-Ash'arī* (Paris: Cerf, 1990), 201–2; Gregor Schwarb, "Capturing the Meanings of God's Speech: The Relevance of *Uṣūl al-Fiqh* to an Understanding of *Uṣūl al-Tafsīr* in Jewish and Muslim *Kalām*," in *A Word Fitly Spoken: Studies in Mediaeval Exegesis of the Hebrew Bible and the Qur'an presented to Haggai Ben-Shammai*, ed. Meir M. Bar-Asher, et al. (Jerusalem: Ben-Zvi Institute, 2007), 122*–23*, 129*; Alexander Key, *Language between God and the Poets: Ma'nā in the Eleventh Century* (Oakland: University of California Press, 2018), 132–37; Farahat, *Foundation of Norms*, 107–15, 151–59; Bernard G. Weiss, *The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī*, revised edition (Salt Lake City: University of Utah Press / Herndon, Va.: International Institute of Islamic Thought, 2010), 65–68.

³² Al-Bāqillānī, *al-Taqrīb*, 1:429–36, 3:285; Vishanoff, *Formation of Islamic Hermeneutics*, 181–83.

³³ See for example al-Bāqillānī, *al-Taqrīb*, 1:423–24, 427, 2:7, 15, 33, 60, 73; Farahat, *Foundation of Norms*, 177–87; cf. Weiss, *The Search for God's Law*, 341, 346–54, 360–62, 380–81, 396, 399–400.

This appears to leave the meaning of revelation woefully underdetermined, and to leave interpreters in a quandary. Uncertainty, however, presents an opportunity. The biggest interpretive challenge in Islamic law is not usually a lack of evidence but a superabundance of evidence that often seems to point in several directions at once. The groundbreaking legal theorist Muḥammad ibn Idrīs al-Shāfiʿī (d. 204/820) showed how that superabundance of evidence can be reconciled into a coherent picture of the law: some evidence can be designated as unclear, and other conflicting evidence can then be used to reinterpret it. Al-Bāqillānī's hermeneutic justifies this solution by making it possible to claim that almost any evidence is unclear, and that virtually any other evidence, no matter how weak, can be used as evidence from which to infer its intended meaning. The pieces of revelation can therefore be fitted together in nearly endless combinations to produce almost unlimited interpretive possibilities. For al-Shāfiʿī and for al-Bāqillānī ambiguity was not a problem but an opportunity that gave interpreters great flexibility in determining the hidden meaning of God's speech.³⁴

Nevertheless, in principle al-Bāqillānī's hermeneutic called for an enormous amount of interpretive labor. Very little could be taken for granted; many crucial interpretations had to be justified by appeal to additional pieces of evidence. Like 'Abd al-Jabbār's hermeneutic, al-Bāqillānī's was theologically principled but practically unwieldy. It offered numerous avenues for exploring alternative interpretations in response to social changes and the variable pressures of daily life, but it complicated the task of giving those interpretations the sanction of divine revelation. His hermeneutic was laudably consistent with his theology of divine speech, but it left a daunting task to any interpreter who wished to show that his chosen interpretations followed naturally from the application of his hermeneutic to God's speech.

The Jurists

Few legal theorists, therefore, followed either al-Bāqillānī or 'Abd al-Jabbār beyond the early 5th/11th century. Most adopted a more pragmatic hermeneutic that retained the flexibility of the Ash'ariyya but also provided the interpretive power to claim that certain interpretations were obvious without having to justify them by appeal to evidence beyond the words themselves. They might say, for example, that imperative verbs have a strong and definite default meaning—they impose an obligation of immediate and repeated obedience and simultaneously prohibit and render invalid any action contrary to the commanded act—but that this default meaning can easily be set aside in favor of a less stringent meaning on the basis of the slightest evidence. I call this hermeneutic the law-oriented hermeneutical paradigm because it was adopted across the Sunni schools of law by legal theorists whose main concern was the elaboration or justification of law, not philosophical coherence or theological consistency.³⁵ Many of these thinkers did not make any attempt to articulate explicitly the theological conception of divine speech that

³⁴ Vishanoff, *Formation of Islamic Hermeneutics*, 152–89; cf. Weiss, *The Search for God's Law*, 341–42, 441.

³⁵ Cf. Farahat's "theology-averse jurists" (*Foundation of Norms*, 187).

lay behind their hermeneutic, but I want to introduce briefly one particularly strong proponent of this hermeneutical paradigm, the Ḥanbalī Abū Yaʿlā Ibn al-Farrāʾ (d. 458/1066), whose definitions and arguments reveal that his powerful and flexible hermeneutic came at the cost of theological coherence.³⁶

When we look at how Abū Yaʿlā defined commands, for example, and how he defended his rules for their interpretation, we can see that he (much like Wolterstorff) considered God's speech a kind of performative illocutionary act that brings about a moral relationship between God and humanity. In his theological writing he asserted that God's speech is eternal,³⁷ but in his work on legal theory he asserted just as clearly that a command is a kind of action: an act of verbally demanding or requesting that a person of inferior status perform some action.³⁸ This conception of commands had profound hermeneutical consequences. If a command were just a word—an imperative verb uttered with a certain intent under certain conditions, as the Muʿtazila held—then its meaning would be closely tied to the linguistic meaning of the imperative. That was why the Muʿtazila ascribed only minimal legal meaning to commands. If, on the other hand, a command is an act of requesting somebody to do something, then it can be imagined to include all sorts of implications that follow from a superior's instructions to a subordinate. If a master asks his slave to bring him a drink, for example, we might normally suppose that he wants the drink now, not at some unspecified time before the slave's death, and that if the slave continues to just sit there he will be punished. These things are not part of the linguistic meaning of an imperative verb, but they are part of the social meaning of a master's instructions to a slave.³⁹

This view of speech as a socially embedded act made it possible for Abū Yaʿlā to maximize the legal force of revealed language, and to claim that the strong meanings he assigned to commands and other utterances were obvious from the words of revelation alone, without appeal to additional evidence. At the same time, however, Abū Yaʿlā retained all the flexibility of al-Shāfiʿī's and al-Bāqillānī's hermeneutics, justifying departures from his strong default meanings, whenever these seemed necessary, by appeal to even the weakest of evidence. This was the thrust of the law-oriented hermeneutical paradigm, and that explains why it was adopted so quickly and so widely, even among the theologians and the Zāhiriyya, by the middle of the 5th/11th century. The law-oriented hermeneutic was practically adequate for dealing with a large and complex body of revealed evidence, and for interpreting that evidence in a way that was responsive to the interpreter's human experience and social context.

This pragmatism, however, came at the price of theological coherence. Would Abū Yaʿlā really have affirmed, if pressed, that God's speech was an eternal action performed upon created beings from eternity past? I doubt he would have, but in the 5th/11th century theological grounding was becoming less

³⁶ See generally Vishanoff, *Formation of Islamic Hermeneutics*, ch. 6.

³⁷ Abū Yaʿlā Ibn al-Farrāʾ, *Kitāb al-Muʿtamad fī uṣūl al-dīn*, ed. Wadī Zaydān Ḥaddād (Beirut: Dār al-Mashriq, 1974), 44, 86–93; see also Abū Yaʿlā Muḥammad ibn al-Ḥusayn al-Farrāʾ, *al-ʿUdda fī uṣūl al-fiqh*, ed. Aḥmad ibn ʿAlī Sīr al-Mubārakī (5 vols, Riyadh: n.p., 1990), 2:388.

³⁸ Abū Yaʿlā, *al-ʿUdda*, 1:157, 214–24, 2:387.

³⁹ See Abū Yaʿlā, *al-ʿUdda*, 1:141, 224, 238, 247, 281, 288, 292, 2:368–74.

and less of a concern; theology was being excised from books of legal theory and from the curriculum of the Islamic sciences.⁴⁰ Law and legal theory could be based, at least implicitly, on a notion of revelation that was incoherent or, at best, paradoxical. This lack of attention to theological consistency also seems characteristic of modern Sunni textbooks on *uṣūl al-fiqh*, which continue to uphold the essentials of the law-oriented hermeneutical paradigm without revisiting the theology of divine speech that undergirds it.

The Danger of Authoritarianism

This turn from theological principle to interpretive pragmatism is not innocent. It poses the moral danger of what Khaled Abou El Fadl calls authoritarianism: the arrogation of authority that often occurs when an interpreter identifies his or her interpretation as the obvious and indisputable meaning of God's speech, without disclosing her presuppositions, values, or interpretive choices, and thus effectively substitutes her own interpretation for the text of revelation.⁴¹ The law-oriented hermeneutical paradigm embraced by the Sunni schools of law permitted exactly that, at least in principle, because it allowed jurists to find a great deal of legal meaning in revelation, and to claim that it was the plain literal meaning of the text, while reserving the flexibility to deviate from that default meaning whenever they felt it necessary to do so. The law-oriented paradigm concealed the jurists' interpretive labor, making their conclusions seem more obvious than they were—something that theologians like 'Abd al-Jabbār and al-Bāqillānī would have denounced.

The jurists were not free to employ their powerful and flexible hermeneutic at will. The constraints of the scholarly tradition limited quite severely their ability to propose whimsical new interpretations and claim revealed authority for them, even if they might have been hermeneutically justifiable. In the modern world, however, where the scholarly tradition no longer controls the framework or the limits of legal interpretation, the law-oriented hermeneutic has become a more powerful and dangerous tool. Modernists, Salafis, and reformers of all stripes frequently employ the principles and mechanisms of classical legal theory, wittingly or unwittingly, to justify interpretations that would never have been accepted within the classical interpretive tradition. More often than not they do so without any apparent awareness of the theological underpinnings of that hermeneutic.

It is significant, therefore, that some recent and contemporary Muslim thinkers have proposed explicit and creative theologies of revelation. One example is Muhammad Shahrur (1938–2019), who developed at great length a distinction between a suprahistorical *qur'ān* and a historical *umm al-kitāb*.⁴² That

⁴⁰ See Abū al-Ḥusayn al-Baṣrī, *al-Mu'tamad*, 1:3; George Makdisi, "The Juridical Theology of Shāfi'ī: Origins and Significance of *Uṣūl al-Fiqh*," *Studia Islamica* 59 (1984), 14–17, 21, 26–30, 33–39; George Makdisi, "Ash'arī and the Ash'arites in Islamic Religious History, Part I," *Studia Islamica* 17 (1962), 44–46.

⁴¹ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford: Oneworld, 2001), 5, 7, 53–56, 92–93, 141–45, 158–61, and *passim*.

⁴² See Andreas Christmann, "'The Form Is Permanent, but the Content Moves': The Qur'anic Text and Its Interpretation(s) in Mohamad Shahrour's *al-Kitāb wal-Qur'an*," in *Modern Muslim Intellectuals and the Qur'an*, ed. Suha Taji-Farouki (Oxford:

metaphysical distinction had a definite hermeneutical purpose: it allowed Shahrur to classify Qur'anic teachings that fit his own modern liberal values as eternal and objective, while declaring other parts of the Qur'an to be historically contingent and subject to human reasoning. His theology appears to have been driven by his hermeneutical objectives, rather than the other way around as with 'Abd al-Jabbār and al-Bāqillānī. Nevertheless, having identified his hermeneutical goal, Shahrur did make a serious attempt to ground it in a coherent theology of revelation.

Aksin Wijaya

Another remarkably elaborate and creative Qur'anic metaphysics is that proposed by Aksin Wijaya (b. 1974), Professor and Director of Graduate Studies at the State Institute of Islamic Religion (IAIN) in Ponorogo, East Java. Like the Ash'ariyya, he thinks it important to distinguish between God's eternal inner speech and its temporal verbal expression,⁴³ but rather than focusing on the metaphysical properties of God's attribute of speech he analyzes the communicative process through which that speech ends up on the pages of the Qur'an.⁴⁴ In addition to differentiating between the heavenly and earthly dimensions of revelation, he draws a distinction between the oral and written forms of the Qur'an, and thus ends up with a tripartite model consisting of God's direct revelation to the Prophet (*wahyu*), the oral Qur'an (*al-Qur'an*), and the 'Uthmānic Codex (*Mushaf Usmani*).⁴⁵

Wijaya defines *wahyu*, the first dimension of revelation, as an act of communication⁴⁶ that took place when the Prophet, by virtue of his extraordinarily spiritual orientation, transcended the physical dimension of his human nature and entered the realm of spirit and divinity.⁴⁷ This communication took place, he argues, in a private language or sign system that was not Arabic and was independent of any specific culture.⁴⁸ This communication involved no intermediary; the stories about Gabriel conveying God's messages were just the Prophet's way of explaining his claim of revelation to an audience who

Oxford University Press, 2004), 263–95; Andreas Christmann, ““Read the Qur'an as if It Was Revealed Last Night”: An Introduction to Muhammad Shahrur's Life and Work,” in *The Qur'an, Morality and Critical Reason: The Essential Muhammad Shahrur* (Leiden: Brill, 2009), xxxv; Muḥammad Shaḥrūr, *al-Kitāb wa-l-qur'ān: Qirā'a mu'āṣira* (Damascus: al-Aḥālī, [1990]), 51–61.

⁴³ See Aksin Wijaya, *Arah Baru Studi Ulum Al-Qur'an: Memburu Pesan Tuhan di Balik Fenomena Budaya* (Yogyakarta: Pustaka Pelajar, 2009), 59–63 and 68–69, where he says approvingly that this view resolves the conflict over the created or eternal nature of God's speech by distinguishing aspects of God's speech that had been conflated. He attributes to Abū al-Ḥasan al-Ash'arī the view that God's speech has only an eternal dimension, and attributes to Ibn Ruṣṣd the distinction, usually associated more broadly with the Ash'ariyya, between the meaning that constitutes God's inner speech and the verbal form in which it is expressed.

⁴⁴ See Wijaya, *Arah Baru*, 74–95.

⁴⁵ Summarized in Wijaya, *Arah Baru*, vii, 94. This tripartite model is independent of the similar-sounding one put forward by Mohammed Arkoun; Aksin Wijaya, interview by author, 18 August 2015, Ponorogo, Indonesia.

⁴⁶ Wijaya, *Arah Baru*, 54.

⁴⁷ Wijaya, *Arah Baru*, 27–29, 74–77, 80–81. Wijaya also says that God simultaneously entered the human dimension and took on some kind of human attribute (*nasut*).

⁴⁸ Wijaya, *Arah Baru*, 54–55, 64–67, 76–78, 85.

conceived of supernatural inspiration as coming through intermediaries such as jinn.⁴⁹ Nor did it require any interpretation; rather, it yielded immediate, unreflective, and perfect understanding of the divine message (*pesan*) by the Prophet. It is this original message, which cannot be explained as the product of Arab culture, that constitutes the principal miraculous feature of the Qur'an⁵⁰ and that God has promised to protect from corruption.⁵¹ Because it is free of cultural trappings and is therefore relevant to any social context,⁵² only this part of the Qur'an's message is authoritative for all. It is, therefore, the sole object of the interpreter's quest.⁵³

The words of the oral Qur'an (*al-Qur'an*) Wijaya regards as a second act of communication that took place between the Prophet and his original Arab audience. This required transferring the divine message from the private language in which the Prophet had received it into clear Arabic.⁵⁴ The Arabic words of the Qur'an did not exist in the heavenly realm; they were chosen by the Prophet himself.⁵⁵ In his initial prophetic experience in the cave of Ḥirā' the Prophet had been commanded to read—not to recite particular words that were given to him, but to read or diagnose the social reality of his time and place in light of the universal revelation he was to receive.⁵⁶ He did so using the existing medium of Arabic which, following Naṣr Ḥāmid Abū Zayd (1943–2010), Wijaya regards as a carrier of its own cultural message.⁵⁷ The Prophet responded to pagan Arab society in its own terms, mimicking cultural concepts such as the notion of a charismatic figure who receives otherworldly messages through intermediaries and expresses them in poetic form.⁵⁸ The result was that God's message became "trapped" in an Arabic linguistic and cultural system, so that it could not speak directly to all God's servants across the face of the whole earth.⁵⁹ The oral Qur'an proclaimed by the Prophet carried both a divine message and a human cultural message in approximately equal proportions.⁶⁰ Wijaya does not say how he reaches his figure of fifty percent, but by giving a specific number he goes beyond vague assertions about the ability of a language to carry its own implicit message and offers a clear idea of just how radical his interpretive project is: he will consider himself at liberty to dismiss about half of the Qur'an's content as Arab cultural baggage that need not be imported into Indonesia.

⁴⁹ Wijaya, *Arah Baru*, 78–84, 100 n. 67.

⁵⁰ Wijaya, *Arah Baru*, 38–42; 48–51. Wijaya also recognizes a literary dimension to its miraculous nature.

⁵¹ Wijaya, *Arah Baru*, 162.

⁵² Wijaya, *Arah Baru*, 53.

⁵³ See Wijaya, *Arah Baru*, 158, 160.

⁵⁴ Wijaya, *Arah Baru*, 85–89.

⁵⁵ Wijaya, *Arah Baru*, viii, 64–65, 86, 87 n. 48, 164. Wijaya attributes such a view to Abū Ḥanīfa.

⁵⁶ Wijaya, *Arah Baru*, 42–48.

⁵⁷ Wijaya, *Arah Baru*, viii, 8–9, 73 n. 31, 105, 159, 160, 163, 218.

⁵⁸ Wijaya, *Arah Baru*, 97–102, 105; see also 118–19.

⁵⁹ Wijaya, *Arah Baru*, 163.

⁶⁰ Wijaya, *Arah Baru*, vii.

The third communicative event occurred after the death of the Prophet, when his Companions passed on the Qur'an's message in writing. In order to avoid conflict over the oral Qur'an's seven variant recitations (which Wijaya seems to regard as irretrievably lost), they reduced it to a single written text, the 'Uthmānic Codex (*Mushaf Usmani*).⁶¹ In this way God's message was further entrapped, this time by the linguistic and cultural system of one particular tribe, the Quraysh, and also by the act of writing itself.⁶² Wijaya argues that the very act of fixing the Qur'an as a written text broke the direct connection between speaker and hearer that had previously allowed the Companions to understand the oral Qur'an immediately and unreflectively.⁶³ The 'Uthmānic Codex, which is the only form in which we now have access to God's message, can be understood only through a process of linguistic analysis, which by its nature tends to highlight the cultural messages that are embedded in the Arabic language.⁶⁴ Equally problematic is the hegemony accorded to specifically Qurashī language and culture. The seven variant readings were intended to address the linguistic and cultural diversity of the Prophet's Arab audience, but the 'Uthmānic codification further narrowed both the cultural relevance and the cultural message of revelation,⁶⁵ so that the message of the text we read today is about twenty percent Qurayshī ideology. That leaves only thirty percent of the text's message that can be attributed to God himself. The task of hermeneutics is to identify and extract that thirty percent from behind the veil of Arab and Qurashī culture so that revelation can speak to all societies past and present, across the face of the whole earth including Indonesia, without subjecting them to Arab cultural imperialism.⁶⁶

This is a splendid example of an explicit theology of revelation put forward in the service of Qur'anic hermeneutics. Wijaya reworks the classical Ash'arī doctrine of God's eternal speech in terms of modern communication theory, and ends up with a justification for a hermeneutic of recovery that sounds like a slightly more sophisticated, Indonesianized version of the hermeneutic of Fazlur Rahman (1919–1988). The hermeneutical dimension of Wijaya's project, however, remains underdeveloped in his book on the Qur'anic sciences. He says that "exegesis" (*tafsīr*), which considers only the language of the text, can only discover the Qur'an's Arab cultural message,⁶⁷ and so calls for it to be supplemented with "hermeneutics"⁶⁸ so as to consider both the internal linguistic and external contextual dimensions of the text.⁶⁹ He calls for analysis of Qur'anic vocabulary after the manner of Toshihiko Izutsu (1914–1993),⁷⁰ as

⁶¹ Wijaya, *Arah Baru*, 89–93.

⁶² Wijaya, *Arah Baru*, 165.

⁶³ Wijaya, *Arah Baru*, 2–3, 165–68, 180, 220.

⁶⁴ Wijaya, *Arah Baru*, 168.

⁶⁵ Wijaya, *Arah Baru*, 169–72.

⁶⁶ Wijaya, *Arah Baru*, 173–75.

⁶⁷ Wijaya, *Arah Baru*, viii, 168–69.

⁶⁸ Wijaya, *Arah Baru*, viii, 175–82.

⁶⁹ Wijaya, *Arah Baru*, 5, 12–14 (following Amīn al-Khūlī's distinction between *mā ḥawla al-Qur'ān* and *mā fī al-Qur'ān*).

⁷⁰ Wijaya, *Arah Baru*, 216, 221–22, 230–33.

well as isolation of the divine elements of the Qur'anic message from its Arab cultural elements⁷¹ along the general lines taken by Fazlur Rahman⁷² and Naṣr Ḥāmid Abū Zayd.⁷³ Following Maḥmūd Muḥammad Ṭāhā (1909–1985), he suggests that God's universal message is more readily apparent in the Meccan portions of the 'Uthmānic Codex.⁷⁴ It remains unclear, however, how the narrowing from seven oral to one written version of the Qur'an is to be undone in the process of "hunting for God's message behind the phenomenon of culture."⁷⁵ The sample exegetical problem to which he applies his hermeneutic by way of illustration—the Qur'anic term *islām*—is even less developed than his hermeneutical theory: he never gets beyond internal vocabulary analysis before leaping to a predictable list of modern liberal values which, he concludes, must be the universal values that form the genuine revealed core of the Qur'anic message.⁷⁶ It is his theology of revelation that is most detailed and suggestive; indeed one hardly needs an explicit statement of hermeneutical method, or a specific example of interpretation, to see the kinds of interpretive moves that his theory of revelation suggests and supports. His theology allows him to depart radically from the explicit language of scripture, in order to address the concrete particulars of his contemporary Indonesian context, while still claiming to anchor his interpretations in the authority of an imagined suprahistorical act of divine communication.

In Wijaya's hermeneutic, as in al-Bāqillānī's and Shahrūr's, the doctrine of an eternal or suprahistorical heavenly message plays a central role: it is the object of interpretive inquiry. The concept of a transcendent and ahistorical divine discourse behind the timebound Arabic words of the Qur'an is not just a pious affirmation of the transcendent nature of revelation; it is an imagined locus of pure meaning untainted by the processes of human communication and interpretive reasoning. If the Qur'an is a historical and literary text comparable to other historical and literary artifacts, in a linguistic medium that reflects a particular human society, then the desire to find in it a divinely authoritative norm that transcends human cultures requires the positing of some suprahistorical revelation that transcends the words of the Qur'an yet is somehow reflected in them. The interpretive mechanisms that would guarantee recovery of that pure divine message may be difficult to define with any precision, or to carry out in any objective manner, but this does not trouble Aksin Wijaya. It is enough to believe that there is gold beneath the dross of Arab culture. This justifies not a certain method but a certain attitude toward the Qur'an, and toward those who would try to impose its foreign values and customs on Indonesian Muslims.

Indeed, the Indonesian context is crucial for understanding the relationship between Wijaya's theology of revelation and his hermeneutic. The state-supported drive for indigenization or "Indonesianization" of

⁷¹ Wijaya, *Arah Baru*, 158, 218–21.

⁷² Wijaya, *Arah Baru*, 142–43, 218–19, 224–27.

⁷³ Wijaya, *Arah Baru*, 216–19, 227.

⁷⁴ Wijaya, *Arah Baru*, 124–35, 138, 234–36.

⁷⁵ This phrase is from the subtitle of Wijaya's book *Arah Baru Studi Ulum Al-Qur'an: Memburu Pesan Tuhan di Balik Fenomena Budaya*.

⁷⁶ Wijaya, *Arah Baru*, 228–37.

Islam⁷⁷ is a driving force behind much Indonesian Qur'anic hermeneutics. For Wijaya and his circle, the interpretive outcome is not in doubt. Even the historicizing hermeneutic is already largely a given. What is needed is legitimacy: an updating of the Qur'anic sciences that shows how traditional concepts like the occasions of revelation, the distinction between Meccan and Medinan verses, and above all the Ash'arī doctrine of God's eternal speech actually support modern historicizing hermeneutical theories. Wijaya undertakes a similar project in a book on Islamic epistemology⁷⁸ where he draws on an assortment of western and classical Islamic theories, including the Aristotelean-inflected "bottom-up" epistemology of Ibn Rushd (1126–1198)⁷⁹ and the Illuminationist epistemology of Mulla Sadra,⁸⁰ to legitimate his argument that Islamic epistemology and hermeneutics should be anthropocentric, driven by the particulars of local human needs and experiences,⁸¹ rather than theocentric and governed by a certain conception of God's will or speech, as most of classical theology and legal theory were.⁸² As with Shahrur, therefore, I think that Wijaya's theology of revelation, while explicit and creative, is not what drives his hermeneutic. Rather, his contextually sensitive hermeneutic is motivated by the drive for practically adequate and locally relevant interpretation, and his rather ad hoc theological bricolage is motivated by his need to legitimate that hermeneutic.

Despite Wijaya's remarkably systematic attempt to ground his hermeneutic in a coherent theology of revelation, his principled theological grounding does not entirely shield him from the danger of authoritarianism. Although he does not claim to discover by his method a single divinely intended meaning in the Qur'an, but only one of several meanings that fall within the range or limits of God's intended meanings,⁸³ his hermeneutic is such that he could easily use it to foist his own liberal values on the Qur'an as though they were its only universal, transcultural message. And his hermeneutic itself seems to have been foisted onto his theological reflection on God's speech, for like Shahrur he seems to have started from the hermeneutical imperatives he felt were dictated by the exigencies of his modern context, and then to have mined the history of Islamic theology and philosophy to find notions of revelation that would suit his hermeneutic. Nevertheless, like Shahrur, Wijaya has at least been explicit about his hermeneutic's theological foundations, however novel and precarious those may be. And he has amply demonstrated that the Islamic intellectual tradition is a rich resource that can be rethought and redeployed in the service of contemporary legal hermeneutics.

⁷⁷ See Wijaya, *Arah Baru*, 114–15; Carool Kersten, *Islam in Indonesia: The Contest for Society, Ideas and Values* (Oxford: Oxford University Press, 2015), 182–87, 202–20; Carool Kersten, *A History of Islam in Indonesia: Unity in Diversity* (Edinburgh: Edinburgh University Press, 2017), 151–53.

⁷⁸ Aksin Wijaya, *Satu Islam Ragam Epistemologi: Dari Epistemologi Teosentrisme ke Antroposentrisme* (Yogyakarta: Pustaka Pelajar, 2014).

⁷⁹ Wijaya, *Satu Islam*, 95–109, 158.

⁸⁰ Wijaya, *Satu Islam*, 131–46.

⁸¹ Wijaya, *Satu Islam*, 157–58, 313–15, 322–37.

⁸² Wijaya, *Satu Islam*, 3, 66, 147–48, 156–57, 356–59.

⁸³ Aksin Wijaya, interview by author, 18 August 2015, Ponorogo, East Java, Indonesia.

Hasan Hanafi

For a more thorough, principled, and theologically consistent rethinking of Islamic legal hermeneutics, I know of no better example than Hasan Hanafi (1935–2021), whose radical reconstruction of the discipline of *uṣūl al-fiqh* was motivated not only by the interpretive exigencies of modern life but also by his encounter with the anthropological turn in modern European theology. His early work, written in French during his time at the Sorbonne,⁸⁴ set the course for his life's work⁸⁵ by showing how to bring classical Islamic thought into dialogue with the philosophical environment of mid-20th-century Europe, which was steeped in the phenomenology of Heidegger and Husserl. In order to make Islamic thought meaningful in phenomenological terms, and vice versa, he rethought Islamic legal theory and hermeneutics, and indeed the very notions of revelation and divinity, in terms of human experience. In *Les méthodes d'exégèse*, an opaque but brilliant work, he transposed the entire edifice of classical legal theory into the vocabulary of phenomenology.⁸⁶

The result was a completely anthropocentric theory of interpretation in which the quest for meaning begins with the particular experiences of daily life, which are brought into relation with the received truths of revelation. As each person grasps his⁸⁷ own experiences in the light of revelation,⁸⁸ and brings his interpretation into conversation with the experiences of others,⁸⁹ the law—which is to say, human understanding (*fiqh*) of the natural drives and motivations that are the fount of all human action⁹⁰—emerges as an increasingly unified collective grasp of what is most universal about human experience.⁹¹ The goal of interpretation is not to arrive at a knowledge of God's transcendent will, but to bring our actions more and more into alignment with what is most fundamentally, universally, and ideally true about human nature.⁹² The process of legal interpretation takes place entirely within the domain of human experience, beginning with particular human experiences and ending with a conceptual grasp and

⁸⁴ His three doctoral theses were published as Hassan Hanafi, *Les méthodes d'exégèse: Essai sur la science des fondements de la compréhension "ilm uṣul al-fiqh"* (Cairo: Conseil Supérieur des Arts, des Lettres et des Sciences Sociales, 1965); Hassan Hanafi, *L'exégèse de la phénoménologie: L'état actuelle [sic] de la méthode phénoménologique et son application au phénomène religieux* (Cairo: Dar al-Fikr al-Arabi, [1980s]); and Hassan Hanafi, *La phénoménologie de l'exégèse: Essai d'une herméneutique existentielle à partir du Nouveau Testament* (Paris, 1966; Cairo: Anglo-Egyptian Bookshop, 1988).

⁸⁵ See Carool Kersten, "Bold Transmutations: Rereading Hasan Hanafi's Early Writings on *Fiqh*," *Comparative Islamic Studies* 3 (2007), 23, 25; Carool Kersten, *Cosmopolitans and Heretics: New Muslim Intellectuals and the Study of Islam* (London: Hurst, 2011), 106, 128.

⁸⁶ See Hanafi, *Méthodes d'exégèse*, i–iii, lxxxix–cxxxix, 540–43; Kersten, "Bold Transmutations," especially 28, 30, 33; Kersten, *Cosmopolitans and Heretics*, 130–33.

⁸⁷ Since medieval legal theorists and Hasan Hanafi invariably take for granted a male interpreter, I will use masculine pronouns when representing their views.

⁸⁸ See Hanafi, *Méthodes d'exégèse*, ccvi, 58–59, 71–72, 106–7, 238, 262.

⁸⁹ Hanafi, *Méthodes d'exégèse*, cci–ccii, ccviii–ccix, cclxiii–cclxv, 107, 244, 292–93.

⁹⁰ Hanafi, *Méthodes d'exégèse*, cxx, 214–15, 332, 359, 369–70, 382, 384, 392, 403–6, 416–18, 443, 451–52.

⁹¹ Hanafi, *Méthodes d'exégèse*, civ–cvi, clxxxix, ccviii–ccix, 57, 84–96, 107, 291–93, 384; Kersten, *Cosmopolitans and Heretics*, 134, 137.

⁹² Hanafi, *Méthodes d'exégèse*, 75–77, 213–14, 218, 313–14, 397–400, 419–25, 543.

a practical implementation of universal human nature. This hermeneutic meets the need felt by Hanafi, Wijaya, and so many other contemporary Muslims for a law that addresses current human concerns and responds to the particulars of time and place without degenerating into relativism.⁹³

This hermeneutic, however, comes at the cost of a complete humanization of revelation. Indeed, Hanafi does not see this as a cost or a drawback; it is his goal to transpose not just legal hermeneutics but the concept of revelation itself onto the plane of human experience—the only plane that phenomenology claims to elucidate. Accordingly, he redefines the four main sources of law: the Qur'an becomes "anonymous experience," the Sunna "privileged experience," consensus "intersubjective experience," and reasoning by analogy "individual experience."⁹⁴ Even the Qur'an, though it has no particular human author, is an articulation of human experience—an idealized, anonymous experience representing what is best and most universal about human life.⁹⁵ Hanafi insists that the most fundamental source of revelation is actually the fourth, *qiyās* (analogy) or *ijtihād* (legal reasoning), which he understands as the process of grasping one's own personal experience and relating it (by analogy) to the other sources that have been handed down or agreed upon as universally true of all human experience.⁹⁶ In phenomenological terms, *ijtihād* is simply the eidetic process of grasping reality.

This implies—or follows from—Hanafi's radical assertion that the Qur'an is not the speech of a transcendent God that has been sent down into the human world, but simply an articulation of human experience, at a highly universalized level, from one of those great figures of human history known as Enunciators who include heroes, artists, poets, and in the Qur'an's case a prophet⁹⁷—though Hanafi prefers to avoid such religious terminology.⁹⁸ The Prophet did not experience or communicate about anything transcendent; that is by definition impossible, since the noumenal realm is not the object of phenomenal experience.⁹⁹ Rather, the Prophet simply did what all human beings do, seeking to grasp his own experience in light of the handed-down wisdom of the ages that reflects the experience of past generations.¹⁰⁰ That he did so in an unusually incisive and objective way—that is, in a way that reflects what is truly universal about human nature¹⁰¹—does not give his "privileged experience" (the Sunna) or the "anonymous experience" that he articulated (the Qur'an) a qualitatively different character from the

⁹³ See Hanafi, *Méthodes d'exégèse*, cci–ccii, ccxxxvii, 86, 126, 134, 238, 249, 292–93, 433–34.

⁹⁴ Hanafi, *Méthodes d'exégèse*, 7–8, 63–64, 106–7.

⁹⁵ Hanafi, *Méthodes d'exégèse*, cxc–cxci, 65–77, 218, 310, 314; Hasan Hanafi, "What Does the Qur'ān as Sacred Text Mean? Some Preliminary Observations," in *Al-Kitab: La sacralité du texte dans le monde de l'Islam*, ed. D. De Smet, G. de Callatāy, and J. M. F. van Reeth (Brussels: Peeters, 2004), 55.

⁹⁶ Hanafi, *Méthodes d'exégèse*, clxviii, cxciv, cxcvii–cxviii, ccxxxviii–ccxxxix, 57–59, 104–7, 262, 297, 311, 319–20, 433, 542.

⁹⁷ Hanafi, *Méthodes d'exégèse*, cxc–cxci, ccliv–cclv, 7, 53, 63, 65–67, 73, 75–77, 79, 84, 310–11, 313–14, 375–76.

⁹⁸ See Hanafi's comments in *Méthodes d'exégèse*, xxxi n. 1, cxxxv–cxxxviii, 7 n. 2, 7 n. 4, 30 n. 2, 66, 78–79, 88, 167, 313.

⁹⁹ Hanafi, *Méthodes d'exégèse*, 166, 309–14, 358, 487, 521–23.

¹⁰⁰ Hanafi, *Méthodes d'exégèse*, ccxxxix, 76, 161.

¹⁰¹ Hanafi, *Méthodes d'exégèse*, 65–66, 73–84.

experiences (*ijtihād*) of other individuals.¹⁰² Consequently, when discussing *ḥadīth* (Prophetic reports), Hanafi argues that the most genuine reports are not those that are most reliably attributed to the Prophet but, on the contrary, those that are fabricated by later “transmitters,” because the spontaneous and undistorted articulation of each person’s own experience is the very essence of revelation.¹⁰³

This radical reconceptualization of revelation leaves God out of the picture, and in fact we may be forgiven for asking (as some of his critics have) whether Hanafi has not become in effect an atheist.¹⁰⁴ Hanafi would respond that this misses the point of his project, which is not to deny God but rather to give him a place in the phenomenological domain of human experience. That his French dissertation largely avoids the religious term “God,” and speaks instead of a “universal human consciousness,”¹⁰⁵ is not a denial of the claims of Islamic theology but an attempt to make them relevant to the situation of modern Muslims, and also to render them meaningful in the terms of modern European philosophy, which has already transposed Christian theology onto the plane of anthropology. If Islamic discourse about God and revelation is to have any significance in the contemporary social, political, and philosophical context, it must be recast in terms of human experience and action.¹⁰⁶

This will seem to many Muslims an unacceptable price to pay for the holy grail of a theologically coherent but practically adequate legal hermeneutic. Some would argue that Hanafi has simply given up on the tension between the particular realities and exigencies of legal interpretation in the modern world, on the one hand, and the goal of a theocentric religious discourse and a life lived in submission to a transcendent authority on the other: in his quest for relevance, Hanafi has completely sacrificed transcendence. Others might appreciate the point of a theology articulated entirely in terms of human experience, but might find that Hanafi’s notion of universal human experience—which seems to take the place of God in his hermeneutic—is too homogenizing and insufficiently postmodern; it runs the risk of a different kind of authoritarianism in which the experience of one person or group, without claiming any transcendent authority, is nevertheless deemed a human universal and therefore takes on the authority of “revelation” for everyone else. But whatever one’s objections to the theology behind Hanafi’s reconstruction of Islamic legal theory, it must be admitted that his project has set a high bar for theological consistency in the quest for a practically adequate legal hermeneutic, and that it has illustrated just how great a challenge that quest presents to contemporary Muslim intellectuals working at the interface between theology and law.

¹⁰² Hanafi, *Méthodes d’exégèse*, cxc, cxcvii, cclxiv–cclxv, 7–8, 53, 55, 106–7, 292, 406–8.

¹⁰³ Hanafi, *Méthodes d’exégèse*, cxvii, 32, 49–59.

¹⁰⁴ See Hanafi, *Méthodes d’exégèse*, cxi–cxii, cxxvi, 72, 529; Hasan Hanafi, “Théologie ou anthropologie?” in *Renaissance du monde arabe: Colloque interarabe de Louvain*, ed. Anouar Abdel-Malek, Abdel-Aziz Belal, and Hasan Hanafi (Gembloux: Duculot, 1972), 264.

¹⁰⁵ See, e.g., Hanafi, *Méthodes d’exégèse*, cxxvi, 179, 293, 313, 421.

¹⁰⁶ Hanafi, *Méthodes d’exégèse*, xxi–xxii, lxviii, cclxiii, cclxvi, 110–11, 313, 418–19, 421–24, 521–30; Hanafi, “Théologie ou anthropologie?” 233–43, 246–51, 256–58, 264; Kersten, *Cosmopolitans and Heretics*, 133, 157, 165.

Conclusion

Hanafi has done, in effect, just what Nicholas Wolterstorff did in his book on *Divine Discourse*: he has shown how a scriptural hermeneutic adequate to the modern world can be grounded in a coherent philosophy of revelation or divine speech. Many contemporary Muslim scholars have likewise turned their attention to hermeneutics, seeking a theory of scriptural interpretation adequate for the concrete demands of living faithfully in the modern world. Devising a powerful and flexible hermeneutic, in and of itself, is not especially difficult; medieval legal theorists did that long ago, inspired by al-Shāfiʿī and building on the insights of Ashʿarī theologians. In so doing, however, the law-oriented theorists lost sight of the theological paradoxes or contradictions that were at least implicitly demanded by their increasingly pragmatic hermeneutic. Perhaps some such theological paradoxes are a necessary part of any religious thought that aspires to adequately capture the complex experience of religious life. Aksin Wijaya and Hasan Hanafi, however, like al-Bāqillānī and ʿAbd al-Jabbār, were willing to make their theologies of revelation explicit, and spell out their consequences for interpretation, rather than just putting forward a hermeneutic and then assuming (or pretending) that it made theological sense. For those who aspire to theoretical coherence, Wijaya and Hanafi offer two starkly different but equally creative models of explicit reflection on the connections between the theology of revelation and legal hermeneutics, grounded in both classical Islamic and modern European thought. Neither model, however, provides an easy solution to the tension between the desire for a comprehensive and coherent theological vision and the practical exigencies of legal interpretation.