<u>Medieval Islamic Models of Revelation:</u>

<u>Hermeneutical Consequences Then and Now</u>

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This morning I wish to tease out some connections between three issues in contemporary Qurʾānic hermeneutics, and five models of revelation developed by early legal theorists.

First, is the Qurʾān a text that stands in need of interpretation, as Nasr Hamid Abu Zayd (among others) has insisted? Or is it speech that communicates with intuitive immediacy, as maintained by some of Abu Zayd's critics,[1] and by those whom Khaled Abou El Fadl has called "authoritarian" jurists?[2]

Second, who is qualified to engage in legal interpretation – any rational person, or only a small class of specialists? This question is at issue not only between "modernists" and "traditionalists," but even among progressive Muslims.[3]

Third, to what extent does the meaning of the Qurʾān depend on authorial intent, and to what extent is it constructed in relation to the horizon of the reader? For example, Fazlur Rahman aimed to recover the original intent or moral-social objectives of the Qurʾān and apply them to new circumstances;[4] Farid Esack has rejected the quest for authorial intent, and emphasized instead the reader's context – in his case the struggle for justice in South Africa – as a necessarily determinative factor in his interpretation of the Qurʾān.[5]

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[1] See Browers, "Islam and Political *Sinn.*"

[2] Abou El Fadl, *Speaking in God's Name,* 5, 7, 93, and *passim*.

[3] For example, while some progressive Muslims have claimed the right to engage in fresh *ijtihād* without the qualifications prescribed by most classical legal theory manuals, Khaled Abou El Fadl has argued that it can be appropriate for some to hold a position "special agency" in assisting others to fulfill their interpretive duty toward God. See Abou El Fadl, *Speaking in God's Name,* 26-69 and passim, especially 53.

[4] Rahman, *Islam & Modernity,* 5-7.

[5] Esack, *Qurʾān, Liberation, and Pluralism,* chapters 2-3.

Now for our five medieval models of revelation.

It was, in my view, al-Shāfiʿī (d. 204/820) who both posed and solved the fundamental problem of Islamic legal theory. Islamic law was, at the turn of the 3d/9th century, already a more or less well defined set of questions with a limited range of acceptable answers. A revealed basis for Islamic law was not so clearly defined; various factions disputed whether the Qurʾān alone, or ḥadīth, or local precedent and common sense, should define Islamic practice. By defining a canon of revelation, consisting of the Qurʾān and Sunna, al-Shāfiʿī created the hermeneutical problem of reconciling conflicts within this corpus of revelation, and of correlating revelation with Muslim practice. He also proposed what would become the classical solution to this problem: Arabic is highly ambiguous, to the point that wherever there appear to be contradictions, one text can be used to modify the apparent meaning of the other conflicting text, so as to yield a coherent statement compatible with some version of Muslim practice.[6] So for example, the Prophet's command to wash oneself fully before Friday prayer might seem to be in conflict with a ḥadīth in which ʿUthmān performed the prayer without a full washing, despite a reminder from ʿUmar that the Prophet had commanded washing. al-Shāfiʿī argued that although the command appeared to make a full washing obligatory, the ḥadīth about ʿUthmān demonstrated that it was meant merely as a recommendation.[7] This tactic of exploiting ambiguity to correlate law with revelation was the heart of al-Shāfiʿī's interpretive method, and it was further refined and systematized in mainstream classical legal theory.

al-Shāfiʿī did not spell out an explicit theory of what God's speech is, or how it communicates the law; but I think the model implicit in his hermeneutics can be helpfully likened to a jigsaw puzzle: the law is there – we have a more or less clearly defined picture of it; and the pieces of revelation are there – the Qurʾān and ḥadīth. It is up to a class of interpretive specialists – jurists who understand the subtleties of Arabic – to find a way to fit the pieces together so that they form a coherent picture that looks like the picture on the box. The key to this task is to exploit the ambiguity of Arabic: if two pieces do not seem to fit, one can be used

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[6] See Vishanoff, "Early Islamic Hermeneutics," chapter 2.

[7] al-Shāfiʿī, *al-Risāla,* 303-305 ¶¶840-844.

to modify the meaning of the other – just as my children exploit the malleability of cardboard to make recalcitrant puzzle pieces fit.

In relation to our three contemporary hermeneutical questions, notice that 1) al-Shāfiʿī emphasizes the labor required for interpreting revelation, 2) he limits interpretation to a class of scholars (preferably Arabs), and 3) he gives the interpreter considerable flexibility to correlate the meaning of the text with social context and actual practice.

One of the first groups to mount a principled challenge to al-Shāfiʿī's program was the Ẓāhiriyya, the "followers of apparent meaning," beginning with Dāʾūd (d. 270/884) in the mid-9th century, and culminating in the work of the 11th-century Andalusian Ibn Ḥazm (d. 456/1064). In general they denied much of the ambiguity that was so central to al-Shāfiʿī's hermeneutics,[8] and their legal theory curtailed the jurist's ability to choose which texts modify which other texts.[9] Their overall approach was to take texts at face value, as literally as possible, without looking beneath the surface of revealed language to ask whether the divine speaker might have intended something other than the apparent meaning. Thus they interpreted commands as obligations far more consistently than any other Sunni school;[10] and hence they alone claimed that a full washing before Friday prayer is obligatory.[11]

This refusal to massage the pieces of revelation into a coherent picture of the law makes sense because the Ẓāhiriyya seem not to have regarded the law as a coherent moral reality

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[8] For instance, Dāʾūd argued that the since the Sunna clarifies the Qurʾān it cannot itself be ambiguous; Zysow, "Economy," 155-156. The Ẓāhiriyya were famous for denying that the Qurʾān contains any figurative language; see Heinrichs, "Genesis," 117; Zysow, "Economy," 154-155; Abū al-Ḥusayn al-Baṣrī, *al-Muʿtamad,* 1:24.

[9] They would not allow a text to be clarified by another text revealed at a later date; al-Bāqillānī, *al-Taqrīb wa-l-irshād,* 3:387; Gimaret, *La doctrine d'al-Ashʿarī,* 526; Zysow, "Economy," 156. Where al-Shāfiʿī would interpret a narrow prohibition as an exception to a more general permission, some of the Ẓāhiriyya would simply declare the texts contradictory; Abū Isḥāq al-Shīrāzī, *al-Lumaʿ,* 35. They would sooner disregard a pair of conflicting *ḥadīth* than seek to reconcile them by departing from their apparent meanings; Ibn Ḥazm, *al-Iḥkām,* 1:177.

[10] Goldziher, *Ẓāhirīs,* 66-69.

[11] Goldziher, *Ẓāhirīs,* 60-62; Ibn Rushd, *Distinguished Jurist's Primer,* 1:184.

at all. Most other jurists assumed that if some question was not directly addressed by a revealed text, it could be answered by extrapolating from what was spelled out in revelation. If the Qurʾān says one must not insult one's parents, this implies that something worse, like beating them, is also forbidden. If the Qurʾān says that grape wine is forbidden, we may conclude by analogy that date wine is also forbidden. The Ẓāhiriyya typically rejected both of these principles (verbal implication and reasoning by analogy).[12] They limited the law to just what the texts explicitly said, and rather than extend it by the use of reason to address additional problems, they left any questions not mentioned in revelation outside the law's reach.

Ibn Ḥazm[13] (d. 456/1064) gave this approach to revelation a theoretical basis with what Roger Arnaldez has called a "nominalist" view of language. Words, to his mind, refer to individual things and groups of things, not to attributes or qualities or universals that those things have in common. If revelation did refer to qualities, human actions that shared relevant qualities might be thought to have the same legal value; but in fact revelation refers only to individual acts and groups of acts, which share nothing except a common linguistic label.[14] On this view, law is a set of linguistic rules, not a moral truth embodied in rules.

We may perhaps compare this view of revelation to a crossword puzzle: revelation consists of clues, and the task of jurists is to find legal rules that match the language of the clues exactly, and plug them into a grid of legal questions. The resulting set of rules is perfectly consistent – we never find two different letters in the same square – but it has no coherent

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[12] Most legal theorists accepted positive implication *(al-mafhūm),* but many Ẓāhiriyya did not; see Abū Yaʿlā, *al-ʿUdda,* 2:481-482; Zysow, "Economy," 161. Some of them, but not all, upheld negative implication *(dalīl al-khitāb),* perhaps because it stands in opposition to reasoning by analogy *(qiyās);* see Abū Yaʿlā, *al-ʿUdda,* 2:453-454; al-Bāqillānī, *al-Taqrīb wa-l-irshād,* 3:332; Zysow, "Economy," 169, 173-174. Whether the Ẓāhiriyya consistently avoided *qiyās,* or only refused to use the term *qiyās,* was debated; see Ibn Ḥazm, *al-Iḥkām,* 1:170-171; Goldziher, *Ẓāhirīs,* chapter 3; Shehaby, "*ʿIlla* and *Qiyās,*" 29.

[13] Ibn Ḥazm himself actually seems to have retreated somewhat from the limitations on intertextual modification imposed by the earlier Baghdād Ẓāhiriyya, and to have reached some accommodation with the mainstream on problems such as delayed clarification. See Ibn Ḥazm, *al-Iḥkām,* 1:83, 1:161-176. My research so far indicates, however, that he maintains the overall Ẓāhirī approach to law and language that I describe here.

[14] See Arnaldez, *Grammaire et théologie,* 50-61, 125, 131-132; Shehaby, "*ʿIlla* and *Qiyās,*" 32; Goldziher, *Ẓāhirīs,* 133-135 and 150-151.

meaning of its own, and it cannot possibly tell us anything about legal problems that are not on the grid, or about the gaps in the grid that are not addressed by the clues.

Notice here a dramatic flattening out of the process of interpreting a text, and a rejection of the quest for authorial intent.

A second, more muted challenge to al-Shāfiʿī's hermeneutics of ambiguity came from the Muʿtazila, including most notably ʿAbd al-Jabbār (d. 415/1025). He regarded law not as a set of revealed statements, but as a natural truth that reflects the beneficial or harmful consequences of human actions.[15] Much of what is good and bad for us, and hence obligatory or permitted or forbidden, can be known by unaided reason; but the consequences of some acts (such as washing before Friday prayer) are known only to God. God, being just, must make the status of these actions known, and he does so by means of revelation – his speech.[16]

According to the Muʿtazilī theory of God's speech, the Qurʾān is a temporal sequence of sounds and letters that form words, whose meaning is determined by God's intent or will. Because of the Muʿtazilī doctrine of God's justice, God's intent or will must be expressed clearly by his speech. This implies that revelation must always be interpreted as literally as the evidence allows; one cannot read into revelation anything but the minimum literal meaning implied by its verbal form. (It is perhaps ironic that the Muʿtazila, known for metaphorical interpretation of Qurʾānic language about God, produced such a literalist hermeneutic for Qurʾānic language about law.) For example, since a command indicates only the speaker's will that something be done, the most that we may infer from it is that the act denoted by the command is recommended; if God intended obligation, he would have to give some additional evidence that failure to obey would be punished.[17] Hence the Prophet's command to wash before Friday prayer is only a recommendation. Furthermore, if ʿAbd al-Jabbār had wanted to argue that

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[15] God does play a role in imposing law *(taklīf),* so law does not exist entirely naturally; but this *taklīf* is based on the natural properties of acts.

[16] See ʿAbd al-Jabbār, *al-Mughnī,* 17:94.10, 119, 126, 148; Peters, *God's Created Speech,* 96-97.

[17] ʿAbd al-Jabbār, *al-Mughnī,* 17:107-109, 113-114, 116; al-Juwaynī, *al-Burhān,* 1:68.3-8.

washing is obligatory, he could not have used just any evidence, as al-Shāfiʿī could; ʿAbd al-Jabbār held that a text can only by clarified by evidence that God provides at the same instant as the ambiguous text.[18] This seriously undermined al-Shāfiʿī's method of exploiting ambiguity to reconcile completely disconnected pieces of revelation.

Since God's speech expresses his will with perfect clarity, and God's justice requires that he only will that which is beneficial for his creatures, which is the basis of law, it follows that God's speech is a clear and reliable indicator of the law, from which any rational person can infer those details of the law that are beyond the reach of unaided reason. God's speech does not bring about the law, or communicate it in the direct and immediate manner of human speech; rather it functions as indicative evidence from which to begin a rational process of inference.[19] ʿAbd al-Jabbār's view of revelation may therefore be likened to a signpost, erected by God in the midst of his creation, indicating the upright path in plain speech. Indeed ʿAbd al-Jabbār himself frequently referred to revelation as a sign – a *dalīl*. This sign differs from natural landmarks only in that it operates through the medium of language; otherwise it functions in the same way as all the other created evidence of right and wrong that God has put at our disposal.

Notice here that the Qurʾān is a piece of textual evidence that stands in need of a rational process of interpretation. And although ʿAbd al-Jabbār himself was no doubt as elitist as any classical jurist, his model of revelation at least theoretically appears to put legal interpretation within the grasp of all rational creatures. At the same time, meaning is here identified with speaker's intent, and the interpreter's ability to construct that meaning in relation to his or her own horizon and practice is severely restricted by ʿAbd al-Jabbār's assumption that God's intent must be perfectly clear.

A profoundly different view of revelation was put forward by the 10th-century Ashʿarī theologian al-Bāqillānī (d. 403/1013), who employed the Ashʿarī doctrine of God's eternal speech to support al-Shāfiʿī's hermeneutics of ambiguity. He regarded the law not as a language game, or a natural feature of human actions, but as a single all-encompassing inscrutable divine

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[18] See ʿAbd al-Jabbār, *al-Mughnī,* 17:29, 35, 37, 39, 60, and especially 65-70; Peters, *God's Created Speech,* 386-387.

[19] See Vishanoff, "Early Islamic Hermeneutics," 71-73.

command. This command is God's eternal speech,[20] which is expressed by the created sounds and letters and words of the Qurʾān.

On this theory, there is an ontological gap between the meaning of God's speech, which is an eternal attribute of God, and the words that indicate that meaning. That ontological gap entails an interpretive gap between verbal form and meaning.[21] Imperative verbs in the Qurʾān are not themselves commands (as the Muʿtazila held); they are but indicators that may be used to express a command or some other meaning. The interpreter must suspend judgment about whether or not the imperative "wash yourselves!" actually expresses a command, until he (for al-Bāqillānī it is always he) finds some evidence to that effect. Even then, he must suspend judgment on the legal force of that command until he finds some evidence (such as the *ḥadīth* about ʿUthmān) that indicates whether the command was intended as an obligation or a recommendation.[22] This constant need to search for clarifying evidence justified, quite brilliantly I think, al-Shāfiʿī's method of calling one text ambiguous and then using some conflicting text to clarify it.

al-Bāqillānī's hermeneutics, like ʿAbd al-Jabbār's, treated revelation as a body of indicative evidence from which one must reason to a knowledge of the law. But he regarded the law quite differently, as itself rationally inscrutable; and he regarded revelation as a dim, ambiguous, and incomplete indicator of that law. We might compare revelation to a person's last will and testament, which gives expression to her desires, but which must be deciphered and implemented in her absence by those who will read it. al-Bāqillānī used this metaphor himself,[23] though of course he could not apply it directly to God's speech, since he would not want to suggest that God is dead. But he did want to suggest that God is absent from the process of interpretation, and that his speech cannot communicate with the same unreflective immediacy as human interpersonal address.

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[20] See al-Bāqillānī, *al-Taqrīb wa-l-irshād,* 2:198, 202.

[21] See Vishanoff, "Early Islamic Hermeneutics," 114-116.

[22] See Vishanoff, "Early Islamic Hermeneutics," 97-98.

[23] al-Bāqillānī, *al-Taqrīb wa-l-irshād,* 1:336.

This theory supports the notion that revelation is the starting point for a rational interpretive process; it supports the need for a class of interpretive specialists able to marshal and set in order an enormous amount of evidence; and it justifies the interpretive flexibility needed to correlate meaning with the reader's horizon and practice.

Alongside the Ẓāhirī, Muʿtazilī, and Ashʿarī responses to al-Shāfiʿī's project, one can also trace a less sophisticated, more practical, and ultimately more influential system of interpretive rules. The two overarching characteristics of this hermeneutic were flexibility and definiteness: they sought to maintain al-Shāfiʿī's flexible method of reconciling texts with each other and with existing law, while at the same time claiming that their interpretations were not the result of complex interpretive reasoning, but represented the plain and obvious sense of scripture. Thus for example, rather than leave commands ambiguous (as al-Bāqillānī did), they assigned them a definite default literal meaning (obligation); but they were also willing to reinterpret commands on the basis of just about any other evidence while still calling their interpretation literal. Thus the Prophet's command to wash, although it is modified by the *ḥadīth* about ʿUthmān, can still be said to be taken literally.

One model of revelation that supported such a hermeneutic was suggested by the 11th-century Ḥanbalī Abū Yaʿlā (d. 458/1065). He regarded revelation not as indicative evidence, from which human beings must infer the law, but as a speech act that brings about obligations performatively. He defined a command not as an imperative form, or as a meaning subsisting in the speaker, but as the act of requiring obedience, which is often accomplished by means of the imperative form.[24] He treated revelation as an eternal speech act by which God addresses all his servants at once, across all of time, and thereby creates legal obligations, just a master brings about obligations in the hearts of his servants by the very sound of his voice.[25]

This Ḥanbalī view of God's speech is almost anthropomorphic, in that it sidesteps the problem of God's transcendence, and allows his speech to function performatively and to communicate immediately and intuitively, in the same way as human interpersonal address. It thus eliminates the rational process of inference that both ʿAbd al-Jabbār and al-Bāqillānī

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[24] Abū Yaʿlā, *al-ʿUdda,* 1:157, 214-224.

[25] See Abū Yaʿlā, *al-ʿUdda,* 1:221, 2:354, 401-402.

required of the interpreter. It might be taken (by modernists or islamists) as opening up interpretation to anyone who knows the Qurʾān and Sunna. It also maintains the practical flexibility that allowed al-Shāfiʿī to correlate the meaning of revelation with the dictates of his social context and practice; but because it simultaneously denies that the interpreter is participating in the construction of meaning, it appears to provide a quite suitable basis for what Khaled Abou El Fadl calls "authoritarian" interpretations.

In classical legal theory, the interpretive consequences of the debates we have just sketched were muted, because the medieval models of revelation were designed mainly to support rather than revise the existing legal system. Our five different models of revelation did not generate very much disagreement about the actual legal value of washing before Friday prayer; almost all agreed on that point, despite their theoretical differences, and the one school that departed from the mainstream legal view – the Ẓāhiriyya – was discounted and eventually disappeared. In contemporary Muslim discourse, however, legal theory has come to be viewed as a positive method for constructing and reforming law. Those same debates about language and meaning that we found enshrined in our five competing metaphors for revelation, today have the potential to generate dramatic changes in interpretation and law.

What I principally want to highlight with this highly interpretive, almost impressionistic tour of classical legal theory, is that the hermeneutical issues raised by contemporary Muslim interpreters did not sprout spontaneously out of modern or postmodern soil. They are also rooted in the debates of classical legal theorists. We must not be content to regard recent developments as a break from some monolithic classical interpretive method. A historical understanding of contemporary Islamic hermeneutics will have to overcome the dramatic shifts in terminology and mode of argument that have taken place since the advent of modernity, so as to recognize that within the classical tradition itself there was a vigorous contest over the legitimacy of a rational process of interpretation, the qualifications for such interpretation, and the contributions of the author and the reader to that interpretation.

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