

Uṣūl al-Fiqh versus Hermeneutics: History, Linguistics, Ideology, Phenomenology and Postmodernism between Europe and Indonesia

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It might seem nonsensical to contrast *uṣūl al-fiqh* with hermeneutics, since Islamic legal theory is itself a hermeneutic in the broad sense of a theory of understanding, and since it contains within it a hermeneutic in the narrower sense of a theory of language and textual interpretation. In Indonesia, however, the two disciplines are often contrasted with each other, each representing a different kind of epistemology: classical Islamic legal theory—or at least the law-oriented discourse toward which the Sunni schools converged in the eleventh century and which remains dominant in Indonesia today—is theocentric, while the term hermeneutics stands for an inherently anthropocentric approach to interpretation that incorporates several strands of European thought. In this essay I will note briefly how two creative Indonesian advocates of such hermeneutics have embraced modern European conceptions of history, language, and ideology, as refracted through various Muslim thinkers and scholars of Islam, and then I will linger over phenomenology, whose wholesale application to *uṣūl al-fiqh* at the hands of the Egyptian philosopher Hasan Hanafi has been attractive but harder to swallow whole. His radical reduction of theology to anthropology, like the still more radical postmodernism that arguably characterized Mohammed Arkoun’s epistemology, has been kept at arms length by Indonesian Muslim thinkers, who like many others around the world are still searching for ways to affirm the subjectivity of anthropocentric interpretation without stripping the Qur’an of its transcendent divine meaning and reducing it to its human and historical dimensions.

The phrase “*uṣūl al-fiqh* versus hermeneutics” comes from the title of a book by Yudian Wahyudi (b. 1960), an Indonesian scholar who earned his Ph.D. at McGill and is now the Rector of his alma mater the State Islamic University in Yogyakarta (UIN Sunan Kalijaga). In the introduction to a collection of his own essays titled *Ushul Fikih versus Hermeneutika*, he lambasts some of the faculty at his own institution for “criticizing *uṣūl al-fiqh* when in fact they themselves do not really understand it” and “wielding [the word] hermeneutics as a magical incantation that turns out to be nothing but amateurish martial arts hand waving.” He traces this fetishization of hermeneutics and this marginalization of *uṣūl al-fiqh* to Indonesian scholars who in the second half of the 20th century returned from Western Ph.D. programs “drunk with method.” But he is not simply resisting the introduction of “Western” scholarship into Qur’anic interpretation;

on the contrary, the main theme that runs through his eclectic collection of essays is that Indonesian scholars of Islam need to study abroad more, learn more Western languages, and engage more deeply with thinkers like Gadamer the way Fazlur Rahman did, and then, rather than merely adopting their ideas as slogans or magical incantations, use them to rethink in detail the classical discipline of *uṣūl al-fiqh*, the way Hassan Hanafi did.

The main problem that Wahyudi sees with applying “hermeneutics” directly to the Qur’an, as some Indonesian thinkers do, is that it dilutes the authenticity of divine revelation by introducing into the text itself the interpretive activity of the messenger (Hermes, or in this case Gabriel and the Prophet Muhammad). This tells us something about what Wahyudi means by hermeneutics: it designates not just any interpretive method, but a theory of meaning that gives the recipient’s perspective a role in the construction of the meaning of the text itself. The solution Wahyudi offers comes, he says, from Hassan Hanafi: let the text itself stand as a pure repository of divine speech communicated directly from above, and reserve “hermeneutics”—consideration of the reader’s consciousness—for the horizontal process of applying the text to the reader’s context, without integrating the reader’s consciousness into the construction of textual meaning itself. Although he affirms subjectivity in the contemporary interpretation and local application of the Qur’an, Wahyudi insists that the text itself be regarded as a repository of divine instructions from beyond the limits of human consciousness, and he wants to preserve some objective human access to that transcendent meaning.

Aksin Wijaya (b. 1974), a professor at the State College of Islamic Religion (STAIN) in Ponorogo, East Java, has called for Indonesianizing Qur’anic interpretation along similar lines. He attempts this through a creative and radical rethinking not of *uṣūl al-fiqh* but of *ʿulūm al-qurʿān*, a parallel and overlapping discipline that provides the framework for much contemporary Indonesian hermeneutical thought. He advocates an explicitly anthropocentric Islamic epistemology, arguing that the overwhelming theocentrism of the traditional Islamic sciences makes them ill-suited to Qur’anic interpretation that addresses the urgent and very particular social problems of contemporary Indonesia.

Wahyudi and Wijaya represent the more progressive end of the traditionalist Indonesian thought associated with Nahdlatul Ulama and the state-sponsored Islamic Universities (UIN) and Institutes of Islamic Religion (IAIN), in contrast to more revivalist strands such as the Muhammadiyah and the more traditional branches of the Pesantren system of Islamic education, which I will not discuss in this essay since they have not been as engaged in integrating Western thought with the Islamic sciences. For these two thinkers, and for others of like mind, hermeneutics is not incompatible with traditional Islamic disciplines like *uṣūl al-fiqh* and *ʿulūm al-qurʿān*; both subjectivity and objectivity, both the interpretive filters imposed by particular human perspectives and the genuine possibility of hearing God’s speech, can and must be embraced at the same time.

History and context

The concept that has had perhaps the greatest influence on contemporary Indonesian legal hermeneutics is the modern notion of history. The idea that there is a hermeneutical distance between the historical context in which a text was produced and that in which it is read has had a profound impact on Western philosophical and Biblical hermeneutics. Hans-Georg Gadamer (1900–2002) is perhaps the most famous European thinker to attempt to bridge the gap between the “horizon” of the author and that of

the interpreter. He argued that although one cannot leave one's own tradition and horizon and enter the horizon of the author, one can enter into a circular process of negotiation with the text, and allow it to modify one's own horizon and thus to impinge on one's interpretation.

This represents a substantial shift from classical *uṣūl al-fiqh*. Premodern Muslim legal theorists obviously had some concept of history, but they allowed it to play only a rather marginal and largely symbolic role in interpretation. It was acknowledged most notably in the doctrines of *naskh* and *asbāb al-nuzūl*, but did not fundamentally affect Muslim theories of meaning. Abrogation was held to have ended with the death of the Prophet, and the occasions of revelation were generally held not to limit application. After some back and forth on the subject, classical law-oriented legal theorists lined up behind the principle that what matters is the generality of the verbal form of a revealed text, not the particularity of its occasion of revelation (*al-ḥikmah al-ʿāmmah al-lafẓiyyah bi-khuṣūṣ al-sabab*). And the idea of hermeneutical distance was kept systematically at bay by classical legal theorists, who identified the reader's horizon with that of the original revelation by arguing that the original linguistic system, the original body of textual context and historical information, and the methodological horizon of the earliest community had been handed down substantially unaltered to the present generation of interpreters through a carefully prescribed educational process.

Fazlur Rahman (1919–1988) was perhaps the most influential modern Muslim exponent of the idea that the dislocation between the social context and cultural horizon of the text's original performance and that of its modern readers might result in interpretations that clearly differ from the plain meaning of the text. His double movement theory called for careful study of the text's historical context for the purpose of extracting the universal moral purposes the text sought to fulfill in that context, and then for equally careful study of the contemporary context to determine how those universal moral objectives might be pursued at a new time and place.

The Indonesian influence of Rahman's hermeneutic, and of its applications by figures such as Amina Wadud, has been vast, to the point that it is now taken for granted in the State Islamic Universities. Solving contemporary social problems specific to the Indonesian context is now the single most dominant theme of discourse on both Islamic law and Qur'anic interpretation, and it has become a commonplace that this requires filtering out the context-specific elements of classical Islamic law to arrive at more general ethical principles. Exactly what this might entail, hermeneutically and politically, is a matter of ongoing discussion.

Wahyudi, for example, champions the Indonesianization of *fiqh* that was advocated by Hasbi Ash Shiddieqy (1904–1975), and envisions it being implemented through a modern representative legislative process within the context of a religiously pluralistic and democratic society. He even allows that in the context of the government's policy of embracing religious pluralism, Pancasila, the contents of Indonesian *fiqh* can be determined by a legislative body that includes non-Muslims and still be binding on Indonesian Muslims. This does not mean, however, that *fiqh* can become whatever Indonesians want; his confidence in local and contextual interpretation is undergirded by Fazlur Rahman's belief that historical investigation makes it possible to extract and recover from the historically specific details of Prophetic revelation a transhistorical moral impulse that is objectively identifiable and universally applicable.

Wijaya is less sanguine about such a confident hermeneutic of recovery, and ends up aligning more closely with Gadamer than with Rahman: the text can impinge upon and modify the reader's horizon, but ultimately interpretation begins and ends with the reader, who can never be certain that his or her interpretation aligns with the author's intended meaning. Yet he cites Rahman's hermeneutic appreciatively in support of his project of extracting the essential, universal divine message from all the culture- and situation-specific material in the Qur'an. He too insists on the ongoing historical development of Islamic law, which he and many others justify by pointing to the doctrines of *asbāb al-nuzūl* and *naskh*—even though classical legal theorists never contemplated the continuation of abrogation beyond the time of the Prophet.

Structural linguistics

Somewhat less dramatic than the turn to historical contextualization, but almost equally pervasive in modern Islamic thought, is the influence of the structural linguistics introduced by Ferdinand de Saussure (1857–1913), who introduced the idea that words gain meaning not simply because arbitrary signs are assigned to definite meanings by the lexicon, but by virtue of each word's relationships of contrast and adjacency to other words in the lexicon.

Classical Muslim legal theorists generally remained committed to a theory of language in which the lexicon—regardless of whether it originated in divine instruction or human convention—assigns arbitrary verbal forms to specific meanings (*maʿānī*, features of reality as grasped by the mind and indicated by words). This view was worked out in elaborate rules for determining exactly which individual things were included in the denotation of each and every Qur'anic word. Languages do change over time, legal theorists acknowledged, but in principle all one needed for decoding the meaning of an utterance was a reliably transmitted lexicon reflecting the state of the Arabic language at the time of the Qur'anic revelation. Of course, that rich and subtle Arabic lexicon assigned multiple words to certain meanings, and multiple meanings to certain words, but the law-oriented paradigm that came to dominate classical legal hermeneutics assigned clear default meanings to most words, so that other evidence in addition to the lexicon, such as other texts, was needed only when the default meaning was problematic. The possibility that words might be used to mean something outside their lexical range of meanings was acknowledged with the concept of non-literal or figurative usage, but that concept ended up playing only a marginal role in classical *uṣūl al-fiqh* and did not become a vehicle for freewheeling interpretation. One rare departure from this strictly semiotic paradigm was Ibn Taymiyya, who dispensed with the distinction between literal and figurative meaning because his more pragmatic linguistic theory grounded meaning in contextual usage rather than the lexicon; but his theory was not widely adopted, and became rather the exception that proved the rule.

The person who did perhaps the most to introduce structural linguistics into Islamic thought was the Japanese scholar Toshihiko Izutsu (1914–1993), who studied the ethical terms in the Qur'an by arranging them into semantic fields, thus spelling out a whole vision of Qur'anic ethics not by interpreting Qur'anic ethical statements but simply by mapping out the structure of relationships between terms in the Qur'anic lexicon. Ethics was not only proclaimed by the Qur'an but encoded in the very structure of the language it employed.

Izutsu is frequently referenced in the works of Indonesian thinkers like Aksin Wijaya. He also cites the similarly structuralist analysis of the Syrian Muḥammad Shaḥrūr's (b. 1938), who argues that what appear to be interchangeable Qur'anic terms should never be interpreted as mere synonyms, but that the use of binary pairs of terms like *qur'ān* and *kitāb*, for example, always intends a deliberate differentiation between different concepts. Wijaya also appeals to the structuralist analysis of the Egyptian thinker Amīn al-Khūlī (1895–1966) to make the argument that although consideration of historical context makes interpretation highly variable over time, an inner-structural study of “what is in the text” (*mā fī al-qur'ān*, as opposed to the context that is “around the text,” *mā ḥawla al-qur'ān*) defines a stable core of meaning and thus provides a degree of objectivity in interpretation. He does not claim that we can know with certainty the single true meaning of any Qur'anic passage, but borrowing Shaḥrūr's concept of “limits” he argues that while we cannot determine objectively a single meaning for God's speech, we can objectively determine that certain meanings are within the limits God has set down, or, citing Izutsu, within the semantic range of the Qur'an's vocabulary.

Ideology and critique

One upshot of the structuralist approach to language was forcefully articulated by Roland Barthes: messages are conveyed not just by the words a speaker chooses but by the very system of words, the linguistic structure, that he or she must make use of. Our languages make important choices for us, and thus encode and enforce certain ideologies. Texts, therefore, convey ideologies not just by what they say but also by what they are able to leave unsaid because it is presupposed in their framing.

Unmasking the ideologies latent in texts, and in any other product that encodes human knowledge, was a dominant concern of twentieth-century Western thought, and also of its global post-colonial rejoinders. That project came to be symbolized by the three “masters of suspicion,” Marx, Freud, and Nietzsche, and is now carried forward by numerous strands of critical theory.

That was certainly not the project of the classical legal theorists, who acknowledged the role of human belief systems in the interpretation of revelation but tended to regard them as universal and rationally demonstrable truths, not as subtexts hidden within the very language of debate, or of revelation itself. They implicitly recognized that not all interpreters would start with the same set of assumptions and guiding values, but their response was to set up a standard horizon of understanding that every jurist must come to inhabit, through training in all the ancillary sciences of language, exegesis, *ḥadīth*, etc., that they required of a *mujtahid*; anyone with a markedly different ideological framework was *ipso facto* excluded from the community of qualified interpreters. As Abou El Fadl has emphasized, the interpretive tradition within which the texts of revelation were handed down and taught embodied the ideologies of the juristic community, but this was not acknowledged by their legal theory itself. On the contrary, the law-oriented interpretive paradigm that dominated classical legal theory was designed in such a way as to give the interpretive community a great deal of control over the meaning of revelation while claiming that its interpretations arose naturally from the texts, thus denying the agency and ideological input of the interpreter.

And they certainly did not regard the Qur'anic text itself with suspicion, or seek to uncover hidden ideologies that might be encoded in its linguistic and cultural forms. One

might look to the Muslim philosophical tradition for some acknowledgement that revelation is constructed in terms of human categories and local cultural vocabularies, but not to classical legal theorists. To their minds the Qur'an's ideology was not implicit but explicit, comprehensively expressed in language which, while not immediately clear on every point, had only to be grasped in light of the jurist's training and then implemented, not critiqued.

Perhaps the most prominent modern exponent of an ideological-critical Qur'anic hermeneutic was Nasr Hamid Abu Zayd (1943–2010), who declared that the Qur'an itself was a cultural product, a manifestation in a specific time and place of God's actual speech, which exists in a sphere beyond human knowledge. The text of the Qur'an reflects the Prophet's understanding, not God's speech itself, and therefore is encoded in terms of the Prophet's linguistic and cultural framework. It must therefore be decoded, not merely in light of its historical context, as Fazlur Rahman emphasized, but in light of the cultural and linguistic givens that embody the implicit ideological messages of the Prophet's culture; and then it must be recoded in terms of the cultural and linguistic context of each interpreter. This makes the text itself—and not just the interpretive process—subject to subjective human presuppositions, interests, and ideologies. Abu Zayd retained symbolically the view that God's speech itself transcends human categories and experience, but like medieval Ash'arī legal theory he made that transcendent speech inaccessible and thus irrelevant for interpretation.

Abu Zayd's critical hermeneutic has been seized upon by Indonesian scholars as a philosophical ground for rejecting aspects of the Prophet's legacy that they feel reflect Arab culture rather than God's eternal will, and that clash with local Indonesian customs (*adat*) and ways of practicing Islam. This is a major bone of contention between members of Nahdlatul Ulama, who vociferously defend Indonesianized or "indigenized" Islam, and reformists like the Muhammadiyah who attempt to purify Islam of local cultural corruptions and restore it to the Middle Eastern forms that they brought home from their studies in Cairo and the Hijaz.

One of the most blunt and creative proponents of this critique of Arab ideology is Aksin Wijaya, whose reconstruction of *ʿulūm al-qurʿān* concludes that the Qur'anic text preserved in the *muṣṣaf* is 50% Arab cultural ideology (due to the Prophet's encoding of the revelation in Arabic language and cultural categories such as angels), another 20% specifically Qurayshī ideology (due to the elimination of alternative versions of the text under ʿUthmān), and only 30% eternal and universal divine message.

How to identify and recover that 30% is, of course, a challenge. Wijaya avers that this eternal component of the Qur'an's message is not up for grabs, but can be identified and recovered with a degree of objectivity. To show how this is possible methodologically, he cobbles together aspects of Fazlur Rahman's double movement theory and Izutsu's and Khūlī's structural analysis, and then simply asserts, without providing an exegetical argument, that applying these methods will reveal that the Qur'an's eternal message is a modern message of human rights, gender equality, and liberal democratic values. But his real concern is not to prove these conclusions from the text; indeed they are already taken almost for granted in his modern progressive Indonesian context. The challenge, rather, is to show that such an approach to the text can be legitimated not just by reference to modern Western hermeneutical theories but also in terms of the traditional Qur'anic sciences. This he does by appeal to an Ash'arī-style theory of God's speech

(which he ascribes to Ibn Rushd), dividing it into its eternal and non-verbal transcendent meaning, which can be applied to all times and places, and its historical Arabic expression that was formulated by the Prophet for his own community and context. Like Abu Zayd, Wijaya affirms that the Qur'an as we have it is a cultural construct, and that its ideological layers need to be peeled away by the interpreter.

At the same time, however, Wijaya insists that he has not stripped away the divine authority of scripture or reduced its message to a reflection of human experience. Historicizing the Qur'an, subjecting it to literary analysis, and unmasking its human ideological dimension are all ways of disenchanting the Qur'an; but just as the Ash'ariyya found a way to uphold the idea of the Qur'an's eternity and its subsistence in God against those who wanted to make it part of the created order, so modern Muslims are finding it possible and indeed necessary to reenchant the scripture that they have so thoroughly humanized.

Phenomenology and anthropocentrism

It is precisely the reduction of revelation to its human dimension that has proven to be the sticking point for Indonesian Muslim intellectuals. Yet that reduction of divine revelation to human experience, and of theology to anthropology, is not incidental to Western hermeneutics; it is part and parcel of the European philosophical developments that many Indonesian and other modern Muslims have embraced.

That “anthropological turn,” which profoundly reshaped much of modern Christian theology, was set in motion by Immanuel Kant (1724–1804). It was he who first systematically expounded the view that humans cannot actually know reality as it exists in itself, but can only know their own experience of reality, which takes its shape from the structures of their own consciousness and not from the structure of external reality itself. In this epistemology, the noumena or “things in themselves” that occasion our experiences can only be known “transcendentally,” which does not mean “as they are in and of themselves independently of our experience” but, on the contrary, as “transcendental inferences” from phenomena (things as they are perceived and grasped by our minds). If we have experiences, then there must be some ground for their being the way they are, so by “transcendental inference” we know that whatever is necessary to explain the occurrence and structure of our experiences must exist; but that is all we can know about them. The concept of God, for example, is a necessary condition for our moral categorization of experience, but we have no cognitive access to God's noumenal reality. Theology, therefore, can only be a description of the content and conditions of human experience. We might as well call it anthropology.

Kant regarded the structures of human consciousness—categories such as space and time—as universally given. But as colonialism made Europeans more and more conscious of other cultures, the idea that human experience might be culturally relative, or determined in part by culturally specific categories of perception and understanding, emerged with thinkers such as Johann Gottfried Herder (1744–1803), who argued that all religious expression and interpretation is shaped by historical and cultural context, as well as by language, which shapes all thought.

Another element of subjectivity was added by the phenomenological tradition of Edmund Husserl (1859–1938) and Martin Heidegger (1889–1976), who pointed out that

there are differences in perception even between individuals, because our experience of reality is shaped not only by generic mental or cultural constructs but by our individual wills, which transform everything we interact with into tools of our own purposes. I perceive a chair not only as an object with a certain extension in space, but also as an object that fits into the field of my possible actions, which I may choose to use in one way or another for my own ends. In an attempt to avoid the nihilistic conclusion to which Nietzsche eventually drove this line of reasoning—the conclusion that there is no truth, knowledge, or objective ethic but only the will to dominate others—the phenomenologists redefined truth and indeed reality itself: rather than focusing on independently existing beings that our minds struggle in vain to grasp, they focused on Being—the way in which things are manifest and intelligible in our experience. Human experience (along with its necessary conditions) is all there is to know.

That modern rethinking of ontology and epistemology is not easy to square with classical *uṣūl al-fiqh*. As Wijaya likes to point out, classical Islamic thought was overwhelmingly theocentric, and followed a “logic of descent:” knowledge is sent down from God to shape human life, rather than arising from human experience to a transcendent but empty conception of God. This is evident in the most basic premises of mainstream *uṣūl al-fiqh*: what one needs to know—the legal values or *al-ḥukm* of human actions—is determined by God’s commands, and the meaning of those commands is determined by God’s will or intent. The entire edifice of linguistic principles is oriented towards translating the words of revelation into statements of the legal values God has assigned to human actions. Even the extra-linguistic principles of interpretation are regarded as just that—not methods of inferring what is good from human experience, but means of interpreting the signs God has provided to discern which human actions fall under which of his commands and prohibitions.

To be sure, there were some anthropocentric strands in classical *uṣūl al-fiqh*. The Muṭazilī Ḥabd al-Jabbār, for instance, argued that revelation really cannot convey knowledge of God at all, but can only convey knowledge of what is beneficial for human beings. That knowledge, moreover, is ultimately not about God’s will or command but about the consequences of human actions. This made revelation anthropocentric in content, but it did not make interpretation dependent on the will or experience of the individual interpreter, because Ḥabd al-Jabbār, like Kant, regarded the categories of human understanding as universal.

Wijaya, in elaborating what he calls an anthropocentric Islamic epistemology, appeals to two other strands of Islamic precedent. He has written extensively on Ibn Rushd (1126–1198), whom he presents as holding an Aristotelian bottom-up epistemology in which knowledge of universals is inferred from human experience of particulars. And he finds a particularly important precedent in the illuminationist epistemology of Suhrawardī (1153–1191) and especially Mullā Ṣadrā (1572–1640), who combines both upward and downward epistemological movements. Here he relies on Mehdī Ḥāḥeri Yazdī (1923–1999), a twentieth-century Iranian scholar who combined the mystical epistemology of the illuminationists with the empiricism of Ibn Rushd. He spoke of *ʿilm al-ḥuḥūr*, “knowledge by presence” of an immanent object: not the external object as it is in itself, but as it is present to the senses and conceptualized in the mind—in other words, phenomenal knowledge along the lines laid out by Kant and Heidegger. For the illuminationists such knowledge could not be true or false; it was not subject to evaluation by the criterion of

correspondence with external reality. But Haeri argued that such knowledge of internal immanent objects could be correlated with knowledge of external objects, thus making human consciousness a legitimate ground of metaphysical knowledge. He also argued that God could be known directly and immediately by humans, with “knowledge by presence” (rather like the way we experience our own bodily limbs as parts of our own selves) because human beings are themselves emanations of God’s own being. ʿAbdūlḥakīm’s mystical yet empirical epistemology gave Wijaya a Muslim precedent for how to respond to Kant. Haeri himself was a student of western philosophy, and framed his work as a response to Kant and subsequent Western thinkers, showing that it was possible to ground one’s epistemology in human experience while still ensuring direct metaphysical knowledge of God himself. Wijaya does not adopt the mysticism of ʿAbdūlḥakīm’s epistemology wholesale; he recognizes direct knowledge of God, and immediate understanding of God’s speech, only as something experienced by prophets, which therefore cannot play a role in modern interpretation. But the mere fact of finding in classical Islamic thought, as interpreted by Haeri, a basis for an epistemology that starts from human experience yet arrives at true knowledge of God himself demonstrates for Wijaya that not all classical Islamic epistemology regarded knowledge as coming downward from God to humanity, and that the anthropological turn in epistemology and hermeneutics does not require giving up reliable knowledge of God and the meaning of his speech.

Wijaya did not find any precedent for an anthropocentric or phenomenological epistemology within the discipline of *uṣūl al-fiqh*, but one modern Muslim earned his fame by doing just that. The Egyptian philosopher Hasan Hanafi (b. 1935) studied Continental philosophy, including the phenomenology of Husserl, as well as *uṣūl al-fiqh* under Robert Brunschvig (1901–1990) and others at the Sorbonne during the 1950s. The first and most enduringly famous part of his three-volume French dissertation was a translation, or transposition, of the entire edifice of classical *uṣūl al-fiqh* into the vocabulary of phenomenology. The four sources of law became “anonymous consciousness” (the Qur’an), “privileged consciousness” (the Sunna), “intersubjective consciousness” (consensus), and “individual consciousness” (*ijtihād*, especially reasoning by analogy). In this schema, even the Qur’an is an articulation of human experience, albeit a generic, idealized, anonymous human experience representing what is best and most universal about the experience of all individuals. The Qur’an is not, then, about God, who is outside of human experience altogether. Nor does it come from God, but from an “Enunciator” (the Prophet) who grasps and then articulates the reality that presents itself to human consciousness in its most generalized and ideal form.

This radical reformulation of *uṣūl al-fiqh* through intimate engagement with the Western philosophy of Hanafi’s time earns Yudian Wahyudi’s highest praise. Already in the 1980s and 1990s Indonesian thinkers had discussed and translated several of Hanafi’s later works, written in Arabic, about the need for a revolutionary and politically-oriented reconstruction of the Islamic sciences and a critical engagement with Western thought. When that revolutionary intellectual ferment died down in Indonesia in the 2000s, Wahyudi continued to translate articles by Hasan Hanafi and excerpts from his books, especially his French works, which Wahyudi chastised his colleagues for neglecting for want of training in Western languages. Above all he praised *Les Méthodes d’Exégèse*, Hanafi’s “Essay on the Science of the Foundations of Understanding *ʿIlm Uṣūl al-Fiqh*,” because its radical reconstruction of *uṣūl al-fiqh* in a new idiom epitomized the

combination of thorough knowledge of the Islamic sciences with serious engagement with Western thought that Wahyudi continues to promote today as rector of the State Islamic University in Yogyakarta.

That reconstruction was indeed radical. Hanafi rearranged the sequence of traditional *uṣūl al-fiqh* topics to follow the natural order of human reflection upon revelation: first reception, then knowledge, then action.

Reception he calls “historical consciousness:” our awareness of the whole cultural and religious heritage (including revelation) that is passed on to us and which forms the received horizon within which we experience daily life. Under this heading he discusses the three “a priori” (i.e., received) revealed sources that form part of our inherited interpretive horizon, namely the Qur’an, the Sunna, and Consensus (though he steadfastly refuses to designate them by these terms in the body of the dissertation, relegating the Arabic *uṣūl* terminology to a glossary and an occasional footnote, because he intends the transformed theory he is presenting as a general philosophical method of inquiry and not a specifically religious or Islamic one). Each of these is presented as a past articulation of human experience: the Qur’an (anonymous experience) is the Prophet’s (the Enunciator’s) articulation of the universal features of an idealized human experience; the Sunna (privileged experience) records the Prophet’s grasp of his own particular experiences; and Consensus (intersubjective experience) encapsulates the results of communal debates and interactions through which the diversity of past Muslims’ experiences were distilled down to their abstract and universal features. All of these “revealed givens” are the products of particular historical experiences, but they are revealed in the sense that they contain generalized insights that can help us to identify the ideal and universal features of our own daily experiences. Since we receive each of them through some mechanism of transmission, this is where Hanafi discusses the *uṣūl al-fiqh* discourse about collective and singular reports, their various subtypes, their certainty or uncertainty, and the methods used to evaluate their reliability. The most original part of this section is his view that transmission of the sense (*al-riwāya bi-l-maʿnā*) is more fundamental than verbatim transmission, and that even forgery (*waḥḍ*) is a viable vehicle for revelation, and indeed the most fundamental mode of transmitting revelation, because the essence of revelation is not the preservation of a particular past experience but the grasp and articulation of generic human experience, which continues to happen beyond the time of the Prophet. For that very reason, he also counts *ijtihād* as a fourth “source of revelation” which he calls “individual experience,” and argues that the interpreter’s grasp of his own particular experience in light of the received tradition is not fundamentally different from the three received sources. Indeed, the interpreter’s grasp of his own experience, though it is more particular and less generalized than the human experience conveyed by the Qur’an, Sunna, and Consensus, is no less a disclosure of reality than they, and affords just as much insight into general human experience as other individual articulations of experience that may be transmitted within the tradition, such as the opinions of Companions, Successors, or the people of Medina. He concludes this section on “historical consciousness” by considering the methods of abrogation (*naskh*) and preponderance (*tarjīḥ*), by which the interpreter can give historical or epistemological priority to one transmitted text over another if they conflict.

The second section is on “eidetic consciousness,” which is the phenomenological tradition’s term for the mind’s grasp of an experience, that is, its abstraction from particular sensations to a more abstract grasp of the object of experience as it presents itself to the mind. Here he discusses the interpreter’s comprehension of two things: the language of transmitted revelation, and his own daily experience. Both are understood in the same way, because language itself abstracts and generalizes from the particulars that we experience and presents them to us as mental concepts. Understanding the language of revelation, therefore, is simply grasping conceptually and abstractly the experiences of past interpreters from the words in which they were expressed, just as our minds grasp our present lived realities from our sensory experiences, conceptualize those experiences, and relate them to past experiences through the process of reasoning by analogy. Hanafi’s reproduction of the *uṣūl al-fiqh* discourse on language seems to me unexceptional, apart from the language into which it is transposed, which sounds like philosophical gibberish until one realizes which Arabic terminology and which classical *uṣūl* debates he is reproducing. Even then he sometimes appears to misunderstand his sources, and often contradicts himself, if only because he transposes or summarizes sections from about a dozen classical *uṣūl al-fiqh* works without specifying when he has stopped paraphrasing one author’s views and has moved on to another. The upshot of this section is that interpretation—of both the language of revelation and of our daily experiences—is highly subjective. Our “historical consciousness” may give us objective knowledge of the verbal form in which revelation was recorded, at least when it has been transmitted objectively, but given the many ambiguities of language that are discussed in *uṣūl al-fiqh* our grasp of revelation’s meaning is just as subjective as our comprehension of our personal daily experiences, which we try to understand in relation to the generalized and idealized human experience expressed in revelation. This section closes with a consideration of the different types of interpreter, including *mujtahid* and *muqallid*. Here Hanafi discusses the question of whether all interpreters are correct (*kull mujtahid muṣīb*). He concludes that since knowledge of things as they are in themselves is impossible, and the reality with which we are concerned consists only of objects as they are represented to consciousness, and since the will, needs, and other factors that shape our consciousness of things differ from person to person and from one culture, time, place and circumstance to another, reality itself is multiple, and a multiplicity of interpretations can be objectively correct—though interaction between individuals can lead to a degree of convergence about the universals of human experience, and thus to a more transcendent kind of objectivity.

In the third section Hanafi finally arrives at the very subject matter of *fiqh*, which is usually discussed at the beginning of treatises on *uṣūl al-fiqh*: the legal values (*al-qānūn*) of human actions. He puts this subject last because the phenomenological tradition he has imbibed is inflected with existentialism and the whole drive toward choice and action that characterized much of mid-twentieth-century Continental philosophy, so that for him the orientation of *fiqh* toward the goal of human action is paramount. Our consciousness of reality is always, in his philosophy, oriented toward what we are going to do in and with that reality, and particularly with the range of possibilities it places before us and the choice we must make to instantiate one possibility or another, thereby transforming the very reality we experience. The point of interpreting received revelation—that is, of bringing our own experiences into relation with the universal and idealized human experience that revelation helps us to grasp—is for our actions to bring

about a reality that tends more and more toward a universal human ideal. It is this universal and ideal humanity that effectively takes the place of God in Hanafi's areligious and thoroughly anthropocentric philosophical method.

The aspect of Hanafi's reconstructed legal theory that Wahyudi prizes the most is its recognition and legitimation of the subjectivity of interpretation. Like many Indonesians, Wahyudi feels that renewing *fiqh* in the Indonesian context requires flexibility, contextualism, attention to local customs, and openness to a multiplicity of interpretations. Hanafi's view that the relationship between the text and the interpreter is determined by the reader's will and intentional engagement with the world provides the basis for such a multiplicity of interpretations geared toward the particular concerns of contemporary Indonesians.

Wahyudi is reticent, however, to grant subjectivity unrestricted free rein in interpreting revelation, and he criticizes liberal Indonesians like Ulil Abshar Abdulla who make humanity the sole measure of the Qur'an's meaning and thus run the danger of absolutizing the self. In his own dissertation, completed at McGill in 2002, Wahyudi recognizes that Hanafi pushes his subjectivity further than comparable figures like Muḥammad Ḥabīb al-Jābirī (1935–2010) and Nurcholish Madjid (1939–2005), and that he waffles somewhat on just how subjective interpretation should be. Citing criticism of Hanafi's subjectivism by Ali Mabruk, and even by such a radical thinker as Nasr Hamid Abu Zayd, he warns that subjectivism has its limits and that the text of the Qur'an must be regarded as holding some objective and accessible meaning, regardless of how variously it might be applied. Ultimately Wahyudi interprets Hanafi as agreeing in substance with the moderate Gadamerian view that while interpretation is always shaped by the horizon of the reader, that horizon can approach and ultimately fuse with the horizon of the author through repeated engagement with the text, so that interpretation is not completely detached from the intent of the author. Moreover, Wahyudi shares Hanafi's view that subjectivity can be transcended through engagement and even struggle between human beings, leading toward interpretations with greater general validity that can claim a degree of objectivity through consensus. Wahyudi sees such collectively engendered objectivity as important for political rule-making, which he envisions taking place in a representative and pluralistic legislative body that agrees on rules which then become binding *fiqh* for Indonesia.

Moreover, like Wijaya, Wahyudi is loth to countenance the prospect that the contents of revelation itself might be merely an articulation of human experience rather than a reliable source of objective knowledge about God's will and the created order. This, he fears, would make revelation inauthentic, by which he means unauthoritative. An essential feature of the Qur'an is its "corrective" function: it does not simply reflect the vagaries and errors of human experience, but rebukes and restores humans when they go astray. He interprets Hanafi charitably on this point, quoting his later works in which he defends the objectivity of the text of the Qur'an and contrasts it favorably with the dubious text of the Bible. He understands Hanafi to say that the Qur'an was revealed verbatim to the Prophet Muhammad, rather than articulated by the Prophet himself. He cites Hanafi's distinction between the vertical dimension of revelation, which conveys the text itself without any subjective human involvement, and its horizontal dimension, meaning its interpretation and application to specific contexts, which Wahyudi agrees should be subjective and may result in multiple interpretations. Wahyudi is therefore

comfortable commending Hanafi's works to his Indonesian colleagues, whom he criticizes for failing to study either *uṣūl al-fiqh* or Western thought in depth. He is confident that Hanafi manages to protect both the objectivity of interpretation and the transcendence of the Qur'an against the dangers that would befall if the inherently anthropocentric Western discourse of "hermeneutics" were recklessly applied to the Qur'an, without paying due attention to the Qur'an's transcendence and without properly integrating into Western hermeneutics the safeguards of classical *uṣūl al-fiqh*.

It is true that in some of his later works Hanafi does emphasize the objectivity and authenticity of the Qur'anic text, especially when contrasting it with the Bible. But this must be understood in light of his desire not to sound like an atheist to his Arab Muslim readers, who, after all, still operate largely in a religious rather than a purely philosophical framework. It must also be read in light of his desire to stand up to Western orientalist views of Islam, turning the arguments of historical critics, for instance, against their own scriptures. Hanafi therefore presented at times a very traditional and even naïve picture of the origin and transmission of the Qur'an.

But in his French dissertation on *uṣūl al-fiqh*, where he systematically elaborates the hermeneutic that anticipates and undergirds all his later writings, he sidelines the "vertical" dimension of revelation completely. This is not simply because his focus is on the "horizontal" process of interpretation; even when discussing the nature of revelation itself he refuses even to mention the word "God" in the body of his writing, and only occasionally acknowledges in a footnote that a religious rather than philosophical view of the subject would insert God where he himself will only speak of human experience—as required by his phenomenological method.

The Qur'an, he says, provides objective knowledge of reality only in two senses. First, the sciences of *ʿadīth* criticism, which he discusses under the heading of "historical consciousness," establish that the multilateral (*mutawātir*) transmission of the Qur'anic text guarantees its verbatim agreement with the Qur'an uttered by the Prophet Muhammad. But this does not make it a verbatim record of God's speech. Historical consciousness means simply our awareness of ourselves as existing within a horizon and tradition of handed-down materials, including the Qur'an, reports, and prior consensus, some of which convey the contents of revelation more reliably than others. The Qur'an is objective truth in the sense that it was reliably transmitted. What matters more is the second sense of objectivity: the authenticity of the original Qur'an as revelation. And here it is crucial to understand what he means by revelation: it is not divine speech expressing God's will or knowledge, but an articulation of human experience pure and simple.

The Prophet, according to Hanafi, is just one of many visionary leaders, heroes, and artists who have the ability to see beyond their own daily experience and grasp the currents, trends, and general directions of people's experience within their communities and even within the human race as a whole. How they do so Hanafi does not exactly say; at one point he suggests that Muhammad actually heard the Qur'an as speech, though not from any speaker in particular. What he heard, perceived, or grasped was rather an anonymous expression of humanity's collective experience, which the Prophet articulated in Arabic and transmitted to his followers. Like all other experience, that revelatory experience was historically, culturally, and even individually particular, yet like all our individual experiences it pointed, more clearly than most, to the universal features

of human experience that color all the particular experiences of our daily lives. It was a transcendental experience, not in the sense that it came from beyond human consciousness but in the sense that it was a generalized abstraction, from a particular historical experience, of those features of human experience that must be supposed to be universal if we are to understand and improve our own individual experiences. And it was idealized, both in the sense that it was abstracted from concrete particulars and in the sense that it represented not just what is but what might and should be, that toward which reality is tending (in Hegelian fashion) as humans interact and their experiences converge. Hence its value for posterity, and the importance of its objective transmission as part of the received heritage as a “source of revelation” that helps us to understand our own experiences; and hence its authority and force as a moral imperative to which we should assimilate our own experiences, choices, and actions. Its authority is not that of a personal command that establishes an obligation toward some divine judge; it is the authority of human nature—of that universal and ideal human nature toward which we are all collectively striving.

So despite its greater generality and anonymity, the first source of revelation—the Qur’an—is not qualitatively different from the other three. In fact, it is not the root or basis of the other three, as in the classical *uṣūl al-fiqh* pattern established by al-Shāfiʿī (and recalled by Hanafi) according to which the Sunna merely clarifies what is already implicit in the Qur’an. Rather, the foundational source of revelation is every person’s daily experience of lived engagement with the world. It is with this basic revelation—this grasping or comprehension of reality through particular individual experiences—that the process of abstraction, generalization, and striving toward the human idea must begin. As Hanafi says in defending his innovative claim that forgery (*wadʿ*) is the most fundamental form of transmission, “it is not revelation that imposes itself on life, but life that appeals to revelation.” As our life experiences are brought into relation with the more generic ones articulated in revelation, our experiences and the revealed texts interpret and illumine each other, so that our comprehension rises toward a more universal and ideal grasp of human experience, which we then realize in the world through the choices and actions of our active consciousness.

Revelation, Hanafi says, means simply “reality tending toward its truth,” meaning its most universal, ideal, and hence “objective” form. This movement begins not with the descent of what is traditionally the first of the four sources of law, the Qur’an, from some transcendent realm, but with the ascent toward universal human validity that begins with the comprehension of our daily experiences by our individual consciousness, which is Hanafi’s term for the traditional fourth source of the law, *ijtihād*, which he says should really be seen as the first. That individual and subjective comprehension is made progressively more generalizable through our interpretation of the Qur’an and Sunna, as we discover points of agreement between our experiences and those recorded in the revealed texts, and also through reasoning by analogy, which identifies the relevant abstract quality (the *ʿilla*) of our experience (the *farʿ*) and correlates it with some relevantly similar experience (the *aṣl*) previously grasped and articulated in revelation. Those activities of textual interpretation and analogical reasoning are themselves subjective. Both occur in our personal eidetic consciousness, and they involve essentially the same mental process of comprehending reality by abstracting from the particular forms in which reality is presented to us—linguistic forms for the past experiences

recorded in revealed texts, and sensory forms for our own lived experiences. Textual interpretation is highly subjective because many of the verbal forms of the Qur'an and Sunna, of which our eidetic consciousness grasps the meaning, are left open to multiple interpretations by the linguistic principles of *uṣūl al-fiqh*; and analogy (“individual experience”) is highly subjective because our eidetic consciousness chooses the relevant points of analogy between our experiences and those recorded in revealed texts in light of our particular concerns, circumstances, and will. But that subjectivity is progressively reduced through interaction with the interpretations of others, which moves us eventually toward the more universal validity or objectivity of consensus.

Individual experience and interpretation, then, are part of revelation itself, and are highly variable. It follows that the legal values (*al-kāf*) of human actions are also highly variable, depending on factors like time, place, culture, circumstances, motivations, that shape the experiences of individual interpreters and interpretive communities. The law itself, then, varies from time to time and place to place. In classical *uṣūl al-fiqh* the *al-kāf* are set up as the goal and final product of interpretation, with the result being knowledge, but in Hanafi's system the end result is the realization of *al-kāf* in human choices and actions, which itself inserts another layer of subjectivity due to the freedom of the individual active consciousness. All this subjectivity does not always tend toward truth; there can be errors in our historical consciousness (the heritage transmitted to us), in our eidetic consciousness (our comprehension of language and reality), and our active consciousness (the actions we choose to implement). But human consciousness and its implementation in the world become more objective, truer, more universal, and closer to the human ideal as humanity rises from the particularities of its competing traditions, perceptions, and motivations, through interaction and even conflict with each other, and through engagement with the universal ideals that have been grasped by prophets and other Enunciators and then transmitted to us as part of our heritage.

What Wahyudi failed to grasp, or could not accept, about Hasan Hanafi's laudable integration of *uṣūl al-fiqh* and Western thought, is that the objectivity of which he speaks has its source and goal entirely in human nature. God is irrelevant to Hanafi's reading of *uṣūl al-fiqh*. Revelation, he says, is essentially a science of idealized humanity, while theology is just a projection of personal or idealized human realities that needs to be reincorporated into its proper place within the human sciences. There is no place in phenomenology for any transcendent referent outside of direct human experience. The heaven and hell described in our revealed heritage are just an articulation of the double movements of attraction and repulsion that color human experience and shape human action. If God exists, indeed if any reality exists independently of human consciousness, it exists only as an unknown signified indicated but never disclosed by our experiences.

Hanafi cannot quite be called an atheist. Kant and the phenomenological tradition before him had allowed that the very fact and form of human experience itself can only be explained if we presume the truth of certain conditions, so that by “transcendental deduction” we can infer the reality of some ground for our experiences; but our experience allows us no access to it. Hanafi likewise believes that certain aspects of human experience, and even of revelation, remain essentially and forever uninterpretable (*mutashābih*). Such puzzles as the disconnected letters that begin some chapters of the Qur'an, for example, are there solely to point to Existence as a world beyond our knowledge. Hanafi speculates that perhaps such unknown dimensions of

reality could be known by a truly universal consciousness. Clearly the consciousness he has in mind would be described in religious terms as God, who alone knows the meaning of such finally obscure parts of the Qur'an, according to most legal theorists. But the God toward which he gestures is not a transcendent, powerful, willful being outside the realm of human experience. Rather, universal consciousness is the ideal and telos of the development of humanity itself. Collectively, he suggests, humanity can transcend the limits of individual experience to arrive at an objective knowledge not merely of phenomena but of reality itself. That universal and ideal humanity appears to be what Hanafi means by God.

Hanafi's reduction of theology to anthropology is too radical for Wahyudi. What he takes from Hanafi, and urges on his Indonesian colleagues in his translations of selections from Hanafi's writings, is only the idea that interpretation is subjective, that it must start from the experiences, concerns, circumstances, and motivations of particular individuals and communities, but that this need not lead to hopeless relativism and competition because that subjectivity can be transcended through engagement with the universal dimensions of revelation and with the opinions of others—an engagement that Wahyudi envisions taking place in a representative and pluralistic legislative body. As Wahyudi said to me during an interview in 2015, the keys to *uṣūl al-fiqh* are *maqāṣid* and *ijmāʿ*: like Hanafi, he wants a legal theory that is anthropocentric and political, without reducing theology to pure anthropology. Though he extols Hanafi's thorough knowledge and integration of phenomenology and *uṣūl al-fiqh*, Wahyudi has not undertaken such a radical integration himself, but like many contemporary Indonesian Muslim intellectuals continues to draw selectively, rather than integratively, from Western and traditional Islamic discourses.

A more thoroughgoing anthropocentrism may be found in a recent book by Aksin Wijaya with the title *One Islam, Diverse Epistemologies: From Theocentric to Anthropocentric Epistemology*. Like several other recent Indonesian thinkers (Kuntowijoyo, Amin Abdullah, Amin Suprayogo), Wijaya calls for an integration of revealed and empirical knowledge, arguing that since both are directed toward human concerns, they should complement each other. He feels that most of his fellow Indonesians have not gone far enough, however, and that in various ways they continue to subject the natural and social sciences to the Islamic sciences, whereas he wants the Islamic sciences to be modified by empirical knowledge and by particular local cultures. Only in Abdurrahman Wahid's (1940–2009) "indigenization" of Islam does Wijaya find a more consistent anthropocentrism that allows local cultures to govern the changing shape of Islam. And that, for Wijaya, is the key issue in approaching the Qur'an: like many Indonesians, he is intent on stripping out the Arab cultural bias that he feels has permeated the Qur'anic sciences, and letting Qur'anic interpretation be governed by the particular concerns of modern Indonesian society, with its religious pluralism, its social and economic struggles, and all the variety of its indigenous cultures. He wants an approach to the Qur'an that is not about God or God's will, but about particular human beings and their unique experiences, concerns, and wellbeing. So he argues that the meaning of the Qur'an's commands and statements depends on the particular problems its readers are facing in a given time and place. Qur'anic interpretation must start from human experience and interests, and move toward a knowledge of God and his will, not vice versa. We noted earlier that he justifies this approach by appealing to the "bottom-up" epistemology of Ibn Rushd, and to the epistemology of "knowledge by presence" put forward by the

Illuminationist tradition of Suhrawardī, Mullā Ṣadrā, and Mehdī ʿĀṣerī Yazdī, which shows how God can be known directly from human experience.

This anthropocentrism, however, does not reduce revelation to an expression of purely human experience, as Hanafi did. Like many Western thinkers after Kant, including much of the phenomenological tradition, Wijaya appreciates Kant's role in the shift from a theocentric to an anthropocentric, this-worldly, and practical epistemology, but he wants to avoid the implication that God himself is unknowable, or is nothing but a human construct. As we saw above, Wijaya insists that although the Qur'an contains a great deal of human ideology, it still contains thirty percent divine revelation, which Wijaya firmly believes can be recovered, partially but objectively, by means of a critical hermeneutical inquiry. His anthropocentrism, therefore, makes access to the divine message tricky, but it does not reduce the Qur'an to a purely human message, and thus retains the possibility of claiming some kind of objective, transcendent, divine authority for Islamic law, subjective as it is.

Postmodernism and deconstruction

If these two Indonesian thinkers—among the most creative and liberal I have encountered—are unwilling to follow Hasan Hanafi in reducing the divine authority of Islamic law to an idealized vision of collective humanity, it is unsurprising that they are also unwilling to embrace the last of our five major themes of modern European thought: the deconstructive postmodernism associated above all with Jacques Derrida, which pulls the rug out from under grand narratives about the progressive realization of an ideal humanity, for instance, and undercuts any claim to base knowledge of universal ethical principles on a bedrock epistemological foundation such as revelation, direct human experience, or universal reason.

Classical *uṣūl al-fiqh*, after all, was plainly foundationalist in its epistemology and logocentric in its approach to language. Legal theorists differed about whether their convictions about God and his law were ultimately grounded in universal reason and the data of human experience, or in revelation, which itself provides the impetus toward rational inquiry; but they all agreed on the possibility of grounding their legal epistemologies in some foundational source of secure knowledge and moral obligation. That is why legal theory was called *uṣūl al-fiqh*: the sources, roots, or foundations of law or understanding. And concerning language they all shared the logocentric view that the words of revelation refer to definite ranges of mental concepts and external realities, and that their intended range of denotation in any particular utterance is determined by the received Arabic lexicon and the contextual evidence accompanying the utterance. Now from our perspective a deconstructive reading of classical *uṣūl al-fiqh* is certainly possible. I have argued elsewhere the toolbox of interpretive principles that made up classical *uṣūl al-fiqh*, especially among the law-oriented classical theorists, gave interpreters wide scope for subjective and open-ended manipulation of the complex and multivalent set of signs at their disposal in the corpus of revealed texts. This was arguably the effect, if not the intent, of the powerful and flexible law-oriented paradigm of legal hermeneutics that was imagined by al-Shāfiʿī and came to dominate all the Sunni schools of law by the mid-fifth/eleventh century. But I am aware of no classical legal theorist who consciously affirmed anything but a foundationalist and logocentric legal epistemology.

That is one reason why Mohammed Arkoun (1928–2010) has been so controversial among Muslim Intellectuals. He resisted being labeled a postmodernist, and like many other medieval and contemporary Muslim thinkers he distinguished the transcendent content of revelation from its earthly linguistic embodiments, thus preserving in principle the idea of an absolute meaning behind the shifting signs of human language. But he denied any possibility of recovering that meaning, or even the intended meaning of the original oral Qur’anic proclamation. Like Hanafi, he regarded revelation solely on the level of human experience, defining it as “the accession to the interior space of a human being [...] of some novel meaning that opens up unlimited opportunities or backcurrents of meaning for human existence.” The wording of the Qur’an he regarded as a historical and linguistic fact produced by human beings, and he called for the linguistic, anthropological, and historical investigation of this fact and of its subsequent reception, setting aside the question of theological truth. He denounced the quest for authentic or objective interpretation of the Qur’an as a logocentric attempt to reduce the meaning-making impetus that is revelation’s essential contribution, and the great variety of interpretations and meaning systems that are produced from it, down to a single orthodoxy claiming both revealed authenticity and social or political authority. He shared Hanafi’s humanistic optimism and hope for the expansion and liberation of human consciousness, but he did not see it converging toward consensus and universality. On the contrary, his academic project aimed at the deconstruction of orthodoxies and the recovery of the great variety of interpretations that had been marginalized or even rendered unthinkable by them. For him the aim of Qur’anic study was to give voice to its interpretive history and potentialities, not to discover authentic or objective meaning. Such an approach gave plenty of leeway for contemporary Islamic law to take new directions, but in so doing it stripped the Qur’an of any pretension of transcending human history and language.

Arkoun’s affirmation of the great multiplicity of interpretations, especially those marginalized by authenticity-claiming scholarly traditions, has attracted the attention of Indonesian scholars, who discussed and translated several of his works during the 1980s and ’90s. Already in the ’80s Arkoun was cited (indirectly) by the prolific Muhammad Quraish Shihab, for instance, in support of the idea that the Qur’an is always open to new interpretations. But something similar has happened to him as to Hasan Hanafi: in the very act of translating and advocating for his ideas, Indonesian scholars have stripped them of their more radical elements. For example, Komaruddin Hidayat, rector of the State Islamic University in Jakarta (UIN Syarif Hidayatullah), in a laudatory article extolling Arkoun’s call for a reexamination and reopening of the Islamic interpretive tradition, presents his hermeneutic as thoroughly Gadamerian, allowing for the interpreter’s horizon to interact and fuse with that of the author, and as little more than an elaboration of Fazlur Rahman’s project, which aimed to recover the Qur’an’s universal meaning from its accidental cultural and contextual trappings. Hidayat presents Arkoun as affirming the Qur’an’s supernatural ability to substantially direct and restrain interpretation even as it spurs innovation and novel understanding. This misses the force of Arkoun’s critique of logocentrism, which undermines the very idea of recovering the voice of the author—even a multivalent voice—or of engaging in a dialog in which the reader’s horizon fuses with the horizons of the text and author. Hidayat presents Arkoun as someone who can show the way to continual renewal through engagement with other cultures, including other religions and modern Western thought, and who affirms

the open-ended plurality of interpretation, but who poses no real threat to the possibility of discovering authentic and transcendent divine meaning—to the idea that what Muslims do in their interpretations is to recover aspects of the universal divine meaning that is buried under the Arab linguistic and cultural veneer of the Qur'an. Like Hanafi, Arkoun has been tamed in the process of being embraced as a contributor to the new legal hermeneutics of liberal Indonesian Muslims. Scholars like Hidayat, Wijaya, and Wahyudi are willing to go a long way in setting Islamic law free to float on the play of subjective, contextual interpretation and political contestation—even, for Wahyudi, allowing non-Muslims into the game of defining Islamic law. But symbolically, at least, it remains crucial for them to retain in their legal theory the idea that the law is not just an open field for imaginative human construction but is grounded, with some manner of objectivity, in a transcendent divine message.

Conclusion

And that, in fact, seems to me one of the most important functions of *uṣūl al-fiqh*. No doubt it has served at times, for some scholars, as a productive method for generating legal rules. For others it has been the grammar of legal argument, or a means to justify the preconceived position of a school or a modern turn toward human rights. But since its inception *uṣūl al-fiqh* has also played the role of an epistemology: an explanation of how what we do know fits into our idealized conception of how we should know.

A specifically religious epistemology has this advantage over the kind of generically humanistic and religiously agnostic philosophical method offered by Hasan Hanafi: it holds out the promise of both authority and meaning. To retain in one's legal theory some claim of access to the will and knowledge of God certainly bolsters the juristic class's pretension to social or even political authority. This was one important function of the whole *uṣūl al-fiqh* project, launched by al-Shāfiʿī, of grounding law in revealed texts: it legitimated a class of interpretive specialists upon whom rulers and society must rely for the plausibility of their claim to follow the command of God. Just as importantly, to my mind, *uṣūl al-fiqh* endowed a Muslim scholar's life with meaning: it offered a way for the custodians of Islamic law to understand themselves as submitted to God, and not merely to culture and politics.

That is one plausible reason why classical legal theorists continued to affirm doctrines like the Ashʿarī theory of God's eternal and transcendent yet created, accessible, and easily interpretable speech, even as they gravitated toward the law-oriented hermeneutical paradigm, which made interpretation more subjective and loosened its theological moorings. Similarly, as Hanafi, Arkoun, and many other modern Muslims have disenchanting the Qur'an and deconstructed its ideological components, most of them, including Nasr Hamid Abu Zayd, Muḥammad Shaḥrūr, and our Indonesian thinkers, have continued to seek ways to reenchant the Qur'an at least symbolically, affirming its divine nature and gesturing toward some transcendent, universal, and irreducible component of its message.

If authority and meaning are essential motivations of *uṣūl al-fiqh*, then it is not surprising that so few Muslims have followed Hasan Hanafi and Mohammed Arkoun in disenchanting *uṣūl al-fiqh* so thoroughly and reducing it, in effect, to culture and politics. Our two Indonesian thinkers have found that modern conceptions of history, language, ideology, and even phenomenology can provide even more of the interpretive flexibility

that classical *uṣūl al-fiqh* already provides so generously. They are willing to make interpretation anthropocentric, but they are not willing to reduce revelation itself to an expression of human nature, however idealized—thus reducing theology to anthropology—or to go still further and undercut the very possibility of knowing even a natural universal such as humanity. To do so would be to undercut the special kind of authority and meaning that are offered by a religious epistemology such as *uṣūl al-fiqh*.