

Applying the Canon in Islam: The Authorization and Maintenance of Interpretive Reasoning in Hanafi Scholarship

By Brannon M. Wheeler. Albany: State University of New York Press, 1996, 340 pp.

According to Smith, the Ndembu diviner applies a "canon" of twenty-four fixed objects to a client's situation, first selecting a few of the objects by shaking the basket, interpreting the selected objects according to a range of meanings fixed by public convention, and matching the meanings to the client's particular condition.

Brannon Wheeler, in his Introduction to *Applying the Canon in Islam*

When the idolaters inimical to the message of Muhammad, upon him be peace, attempted to criticize the Qur'an for its use of the lowly and the trivial in its rhetorical repertoire, the following verse was revealed in reply.

Behold, God does not disdain to propound a parable of a gnat, or of something even less than that. Now, as for those who have attained to faith, they know that it is the truth from their Sustainer whereas those who are bent on denying the truth say, What could God mean by this parable? (2:26)

This exchange then became the basis for discussion and debate among the classical Arabic rhetoricians on the subject of what might and what might not be suitable for use in similes, metaphors, and other comparative literary devices.

That this debate should be recalled at the outset of a review of a work dealing with Hanafi fiqh scholarship might seem strangely out of place. Yet, once one has acquainted oneself with the underlying premise of this work, one cannot help but recall the classical debate and the verses of Qur'anic scripture so often cited in regard to it. What lies at the heart of the matter is that comparisons drawn between disparate and remote subjects are sometimes delightful and sometimes awful. This, after all, is the stuff of literature. There are some comparisons, however, that are simply offensive.

In fact, there are some things people just don't like to see compared at all. Period. Things held near and dear often fall under this category, things like one's religion, ethnicity, culture, and so on. This is human nature. And that is dangerous ground.

Of course, I've oversimplified the matter. In fact, I'm going in a direction that was certainly not intended by the author for his readership. Wheeler's *Applying the Canon in Islam* is not a work of literature. Likewise, his use of models and examples from other disciplines, like anthropology and the history of religion, is a methodological rather than a literary choice. But the fact remains that the choice Professor Wheeler has made in this matter is one that will not likely be met with objectivity by Muslims. If I may venture a comparison of my own, this is rather akin to inviting a Muslim to partake of a meal, a sumptuous and hearty

one, no doubt, even a perfectly *halal* one, and then serving it on a china setting with a porcine motif.

Islam and idolatry, or worse, in the same breath? Bones tossed about in a basket by a pagan diviner and the text of the Glorious Qur'an? The Sunnah of the Prophet and the customary practices of sorcerers? Intuition and cunning compared to the sophisticated legal genius of Islam's golden age? No, Professor Wheeler, I suspect that there are a lot of Muslims who would rather you didn't tell them what you find to be similar in these things.

Similar to how the Ndembu use an established interpretation to provide an authoritative model for the interpretation of the basket of objects, the classical schools used the sunnah as a model for how to interpret the revelation contained in the Qur'an.

I mention these matters at the outset of this review because I realize, finally, that I have been greatly disappointed by Wheeler's work. This is not to say that his scholarship is in any way deficient. On the contrary, he has clearly and logically laid out his arguments and then supported them by citing material from a tradition he has clearly acquired a great deal of familiarity with. My disappointment in the work stems from the realization that the author is less interested in Hanafi scholarship, and Ndembu divination, and more interested in finding examples to show the dependence of a canon, any canon, upon its application.

Finally, and not to put too fine a point on it, I felt used. And I've little doubt that the next time I meet up with a Ndembu sorcerer we'll bond.

Readers, other than Ndembu and Muslim readers, will undoubtedly be attracted by the simplicity of the thesis the author attempts to set forth. It is always a pleasure to follow a good argument. The analysis undertaken here by Professor Wheeler is often compelling, because his knowledge of the two traditions he is comparing, including the Hanafi school and its major and minor figures, is quite good. That he has managed to fit the scholarship of several illustrious centuries into such a neat package is indeed a thing of beauty. But then, of course, the real question is whether or not the model really works. Or is that the real question?

Well, not for me, it's not. And not for Muslims who hold the Shari'ah to represent the Will of Allah. It is a matter of disappointment for me that Professor Wheeler is not writing about Muslims (the Hanafi jurists), not really. In this work, the jurists of the Hanafi school of jurisprudence are merely the compared, and the Ndembu diviners are the compared to. Thus, it is a matter for further disappointment that the author is not writing for Muslims, either. So, not about Muslims, and not for them either. One has the feeling that if laboratory rats somehow fit the bill, they too would have found their way into this work.

So, has Brannon M. Wheeler, in his *Applying the Canon in Islam: The Authorization and Maintenance of Interpretive Reasoning in Hanafi Scholarship* contributed something new to Islamic legal studies? Beginning with the assertion by Jonathan Z. Smith that the study of religion is "about how different people conceive of and practice the interpretive reasoning that allows them to apply a relatively fixed range of things to their changing circumstances," Wheeler proceeds to examine the processes of textual interpretation as practiced within the Hanafi fiqh tradition. (He also examines examples from the tradition of Ndembu divination, at every step, as it were. I, however, will make no further reference to that tradition.) As the title of the work suggests, it is the authorization and maintenance of this interpretive tradition that concerns the author and leads him to speculate on a concept of canonical authority which resides in textual and logical considerations epitomized in Hanafi legal opinion. In other words, the author has sized up the edifice of Hanafi scholarship and

determined it to represent an epistemological method concerned in the main with "a certain conception of authority," or interpretive privilege.

In carrying out this examination of the Hanafi legal system, the author begins with a chapter titled "The Authorization of Exegesis." This chapter considers how earlier concepts of revelation and Sunnah developed into a text-based epistemology. Students interested in the content and development of the Sunnah will find a great deal of thought-provoking material here. I was puzzled at the absence of any mention of either 'Abd Allah ibn Mas'ud or Ibrahim al-Nakha'i (not to mention dozens of others) in the discussion of Kufan "local authorities." A quick look at the bibliography, however, showed that while the author had referred to many of Zahid al-Kawthari's works, he had not listed his *Fiqh Ahl al-Iraq wa Hadithuhum*. In any case, and while we're on the subject of comparisons, the author's discussions of the Medinese and Kufan schools adds a perspective certainly not present in the work of Joseph Schacht.

Chapter 2, titled "Restricting Authority to the Classical Schools," shows how later Hanafi scholarship was able to claim that "the particular corpus of opinions on which their scholarship was based was itself an epitome of the interpretive reasoning used by the Prophet to derive his sunnah from the revelation." Here, examples from the work of Al-Karkhi, Al-Tahawi, and Al-Jassas are used to illustrate how this worked in practice. Of particular interest in this chapter are the section on interpretive logic and the one on the epistemology of Ibn Abi Hatim with regard to the Sunnah and how it moves beyond the construct of Al-Shafi'i. I was disappointed by the lack of any mention here of the Mu'tazilah, or of Al-Maturidi, or of their influence on the Hanafi jurors of this period. Clearly, this is a dimension that, at least on the face of things, lies outside of the subject at hand, or fiqh. Still, if the authorization of logic is to be discussed, it seems that the picture might be better fleshed out if these matters were drawn into it.

Shifting its focus to the Hanafi scholarship of the sixth and seventh centuries, the third chapter looks at the distinction between the textual basis of authority and the logical basis of the reasoning required to interpret the revelation. In particular, the chapter discusses the work of Al-Dabusi and Al-Sarakhsi. This chapter is titled "The Logic of the Opinions," and the following quote explains it quite succinctly.

Because the scholars of the previous century had already established the opinions' link to the revelation, the scholars of the fifth century were able to use the corpus of Hanafi opinions in place of the sunnah as the guide for how to define practice.

The final chapter of the book describes how what the author terms "postclassical scholarship" maintains the interpretive tradition of the school by teaching that it is built upon the accretion of interpretations regarding the opinions of certain second century authorities. This period is represented by the work of scholars like Al-Quduri, Al-Marghinani, Al-Maydani, and Al-Haddad. Summing up his chapter, Wheeler writes:

The whole point of postclassical scholarship is to demonstrate that future scholarship will continue to be as authoritative as previous generations as long as it is deduced from the same principles that earlier generations of scholarship take to be principles from which the original opinions are deduced.

Thus, the author takes the reader full circle with his premise, or rather that of Jonathan Z. Smith; but only after offending Muslim and Ndembu readers with his methodology, affronting them by his existentialism, and alienating them by his thesis.

I did not open Dr. Wheeler's book expecting hagiography. But I did hope that it would offer new perspectives on, if not insights into, the Hanafi jurists' exercise of the *ijtihad* dynamic, i.e., "Interpretive Reasoning in Hanafi Scholarship." Instead, I was treated by the author to a cynical thesis concerning the power of the pen, interpretive authority, and how that was to be perpetuated so that the practice it dictated could ultimately turn and validate the canon. In the end, I'm very disappointed. But I await Dr. Wheeler's translation of Al-Quduri's *Compendium*. I hope that with the theorizing out of the way, the text can come first.

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