

shedding tears at the death of his own infant son, Ibrahim, and also describe his close friend and successor Abu Bakr breaking into tears upon seeing Muhammad's body. Indeed, tears for the dead were 'a mercy,' the Prophet had explained.⁵⁵

CHANGING TIMES AND THE REASONS BEHIND SCRIPTURAL LAW

When God or the Prophet decreed a ruling for a specific reason, what happened if that reason ceased to apply? Would the ruling still continue to be compelling for Muslims? In matters of ritual and worship, Islam's strict conservatism counted obsolescence as a badge of authenticity, a mark of guarantee that God's last revelation remained unaltered. When he arranged with his Meccan enemies to allow the Muslims to journey from Medina to perform the Hajj one year, Muhammad instructed his followers to move vigorously through the various stations of the pilgrimage, walking briskly in their seven transits between the small hills of Safa and Marwa near the Kaaba. He hoped to show the Meccans that years of war, travel and hardship had not sapped the Muslims' strength. The ulama preserved this 'brisk walking' (*raml*) as a well-established, recommended act. Years after the Prophet's death the caliph Umar remarked on Hajj, 'What is this for, this brisk walking... now that God has empowered Islam and negated unbelief and the unbelievers?' He answered himself with pride. 'Regardless of this, we will not abandon something we used to do in the time of the Messenger of God.'⁵⁶

Outside of ritual matters, though, the disappearance of the original cause for some scriptural ruling proved more complicated. The Qur'an, for example, specifies eight groups who are eligible to receive the charitable tithe (*Zakat*) collected annually from Muslims as part of their religious obligation: the indigent, the poor, those in bondage or debt, travelers, those laboring in God's path, workers compensated for collecting and dispensing the *Zakat* and 'those whose hearts are to be reconciled' (*al-mu'allafa qulubuhum*) (9:60). This verse was revealed as the Muslims achieved their final victory over the Meccans and moved to establish their control over Arabia as a whole. The cryptic last group of *Zakat* recipients refers to the Meccan elite and the nobility of nearby tribes that had opposed the Prophet to the bitter end, embracing Islam only when its triumph became

a foregone conclusion. In a decision that proved controversial even among his loyal followers, Muhammad decided to direct much of the spoils of war and charity collected to this group to help them retain their wealth, standing and thus their loyalty to their new community. It was a decision justified by the strategic fragility of the Muslims' situation.

But was this Qur'anic command valid beyond the strategic circumstances that occasioned it? Medieval ulama differed. The Hanafis and some Maliki scholars felt that the need to garner the support of such folk had disappeared. They deemed the *Zakat* category of 'those whose hearts are to be reconciled' to be defunct. The Hanbalis and Shafi'is both maintained that the category was still valid even centuries after the imperial expansion of Islam, though the Shafi'is rejected giving any *Zakat* funds to non-Muslims from this class. Although it might not seem necessary in a civilization reigned over comfortably by Muslims, surprising needs could arise. The sixteenth-century jurist and Sufi of Egypt, 'Abd al-Wahhab Sha'rani, recalls a Jewish man who had converted to Islam and received no aid or attention from his supposed newfound brethren. Ostracized by Cairo's Jewish community, he was on the verge of apostatizing once again when Sha'rani arranged for him to receive some financial assistance from the *Zakat* collection.⁵⁷

THE INTERACTION OF THE QUR'AN AND HADITHS IN TIME

Although the medieval Sunni tradition developed an astoundingly deep and regimented hermeneutic system, it cultivated no unified study of the relationships between the individual proof texts of the Qur'an and Hadiths. One rarely comes across books, such as the one composed by the Hanbali scholar of Baghdad, Ibn Jawzi, identifying all the ambiguous Qur'anic verses that are explained by other verses in the holy book.⁵⁸ Instead, each school of law and theology proposed its own set of relations between the sea of Qur'anic verses and Hadiths. These varied visions of how Qur'anic verses related to each other, how Hadiths related to each other and how the two bodies of scripture interacted was often what created the divergent interpretations of the schools.

Shah Wali Allah's history provided a glimpse of how Qur'anic verses, Hadiths, Companion rulings and the use of analogy built on, superseded

or elucidated each other in a process of interpretation that varied with each scholar's mind or temperament. Eventually this interpretive flood settled into the more standardized channels of the four Sunni schools of law. In this process, one absolutely defining question in the interpretation of the Qur'an and Hadiths is how they fit together, both internally and with each other.

The minutiae and subtle variations of Hadith narrations could weigh heavily in these calculations. For example, the majority of Sunni scholars understood the Hadith that 'A believer is not killed in punishment for the death of an unbeliever' as prohibiting the death penalty for a Muslim who had murdered a non-Muslim. But Hanafi scholars did not accept this Hadith limiting the general Qur'anic edict of 'A life for a life.' They located versions of the Hadith that place it within the restricted context of warfare and treaties, giving it the circumscribed meaning that a Muslim would not be executed if he had killed a non-Muslim from another polity with whom the Muslim state had no treaty arrangement. The uniform principle of 'A life for a life' was preserved.

The Qur'an and Hadiths appeared over the lengthy time span of the Prophet's career, which increased the potential facets of interpretation. It was self-evident to even the earliest generations of Muslim scholars that the beliefs and law taught by Muhammad had evolved over the course of his preaching, growing gradually from simple to more ornate. Muslim ritual practices and proper conduct oscillated at the margins, their details marked by small changes, sometimes with no consequence, sometimes placing heavier loads on the believers and sometimes lightening them.

From an outside perspective, one could observe that it was impossible to maintain the unity of the Prophet's teachings without seeing them as evolving within a temporal frame. An authenticated Hadith quoted the Prophet teaching that 'Whoever says "There is no deity but God" will enter Paradise,' which seems to obviate not only the totality of Islam's ritual and legal requirements but also the religion's exclusive claim to salvation as a whole. It is thus no surprise that the early scholar and teacher of Malik, Zuhri, explained that the Prophet had said this in the early days of his mission before the pillars of prayer, fasting, charity and other laws had been revealed.⁵⁹

The notion that aspects of the Qur'an's message and the Prophet's teachings developed over time was expressed through the concept of *Naskh*, commonly translated as 'abrogation.' Looking back at their mature

bodies of law, the Sunni legal theorists of the tenth and eleventh centuries described *Naskh* either as God ‘replacing a ruling established by the lawgiver’s address with another ruling’ or as ‘a temporal indication of a ruling’s duration.’

Some cases of abrogation in the Qur’an and Hadiths were unmistakable in the texts themselves: the Qur’an’s command to Muhammad and the Muslims to turn their faces away from ‘the direction of prayer that you faced before’ (Jerusalem) to a new one, one that ‘pleases your heart,’ the Sacred Mosque in Mecca (2:143–50); Muhammad’s command to his followers that, ‘I had prohibited you from visiting graves, but visit them, for indeed in visiting them there is a reminder [of death].’⁶⁰

Many of the other instances of *Naskh* that the ulama identified were less obvious, relying on *Tafsir* reports to offer explanations for when a verse was revealed or Hadith transmitters recalling when the Prophet made a statement. Often, such historical details were barely intimated, and it was just the agreement of scholars that determined if abrogation had occurred. Numerous reliable Hadiths described the Prophet instructing his followers to perform ablutions after eating food cooked by fire. But other authenticated Hadiths note that, during his time in Medina, the Prophet had eaten a cooked lamb and then prayed without renewing his ablutions. Tirmidhi remarks that this is widely agreed upon as the ‘latter command of the Messenger’ and that it abrogates the earlier Hadiths. Indeed, no schools of law required ablutions due to eating cooked food.⁶¹

Such consensus on abrogation was rare. The intangible and ambiguous indications of abrogation meant that there was often little beyond inclination to justify a scholar’s decision to classify a Qur’anic verse or Hadith as ‘abrogated’ or ‘abrogating.’ Zuhri had explained the Hadith about all monotheists entering Heaven as an instance of *Naskh*. Other early ulama explained it as a reference to the well-known Sunni tenet that, in fact, all monotheists would eventually attain salvation. Non-Muslim monotheists and sinful Muslims alike would simply have to endure punishment in Hellfire for some period of time before God relieved them.

One example shows the tremendous consequences of differing perspectives on when verses were revealed, how abrogation could occur and how context determined the meaning of a Qur’anic verse. The Qur’an’s command that ‘retaliatory punishment has been prescribed for you concerning those killed, a freeman for a freeman, a slave for a slave, a woman for a woman...’ (4:178) seemed to clash with the sacred book’s principle of ‘a

life for a life.’ The Hanafi school of law argued that the two verses had to be understood in light of context and *Naskh*. The first verse was revealed to correct the erroneous demand of a powerful Arab tribe that had earlier warred with a smaller tribe in Medina. When they sought to reconcile, the stronger party was insistent that, for every one of their slaves killed, a freeman from the opposing tribe be put to death; and for every woman killed, an enemy man be put to death. The Qur’anic verse then came down, overturning this line of thinking and establishing parity between parties in a blood dispute: ‘a freeman for a freeman, a slave for a slave...’ The Hanafis held that this verse, in turn, was clarified by the verse testifying ‘a life for a life.’ The other Sunni schools of law, however, deemed the ‘freeman for a freeman, a slave for a slave’ verse to be the definitive command that actually *replaced* the egalitarian order of ‘a life for a life.’ As a result, unlike the Hanafis, the other schools did not permit a freeman to be executed as punishment for killing a slave, though other harsh punishments might be appropriate.⁶²

Abrogation brought into sharp contrast the dissonance between the science of legal theory articulated by the medieval ulama and the bodies of law that their *madhhabs* had developed. From the earliest days of scholars like Hasan Basri, it was clear that the Qur’an had abrogated the Qur’an, some verses superseding others, and that the Sunna had abrogated the Sunna, with some Hadiths overruling others. The Hanafi school of law and the rationalized legal theory of Abu Hasan Ash‘ari both upheld the principle that something that is only epistemologically probable cannot overrule something epistemologically certain. Mere authenticated Hadiths thus could not abrogate Qur’anic verses. But the bodies of substantive law in all the Sunni schools demonstrated countless instances of this occurring. All schools of thought were able to overcome this theoretical block by turning to the axis of indication rather than that of attestation. Qur’anic verses might be entirely certain in their *attestation*, but they were not necessarily so in their *indication*. Hadiths could thus effectively overrule the Qur’an not through abrogation but through specification (*takhsis*, or *bayan* among Hanafis), explaining the intended meaning rather than replacing it.

Regarded from the outside, the flexible function of abrogation worked as a stunning multiplier of interpretive possibilities in the Islamic scriptures. The possibility of one Hadith simply replacing another one reduced drastically the challenge of maintaining consonance within the body of scripture overall. Instead of laboring to reconcile two scriptural passages,

if any evidence suggested that one appeared later than the other, one could simply declare that abrogation had occurred. The following verse, for example, was generally thought to have been revealed after the Muslim conquest of Mecca in 630:

When you meet the unbelievers in battle, smite their necks until you overcome them, then bind them as prisoners, either then setting them free out of munificence or for a ransom, until the war ends... (47:4)

Other verses, however, command the Prophet that ‘It is not for a prophet to take prisoners until he has triumphed in the land’ and to ‘Fight the polytheists altogether as they fight you altogether’ (8:67, 9:36). Some early ulama read these second two verses as abrogating the first one above, entailing an end to taking prisoners and commanding a total, merciless war with the enemies of Islam. Others interpreted the first verse above as abrogating the second two, providing a new ruling in the last years of the Prophet’s career that encouraged sparing the enemy soldiers, keeping them as prisoners and even freeing them out of beneficence.⁶³

It is in the Islamic rules of war, in fact, that the doctrine of abrogation has been most consequential. The Qur’an’s commandments on conflict and warfare range from passive forbearance to declarations of open war. This befits a document that unfolded over more than two decades of preaching, persecution, incipient conflict and finally declared war and truces. The reasons of revelations tell of a slow escalation. Non-violent instructions to ‘dispute with [the Meccans] in the best way’ and declare ‘Unto you your religion, unto me mine’ (16:125, 109:6) give way to permitting Muhammad and his followers to fight the Meccans after being driven from the city into exile in Medina: ‘Permission is given to those who fight because they were wronged, verily God is most able to give them succor, those who were driven from their homes unjustly, for but saying, “Our Lord is God”’ (22:39). Yet even war with the Meccans and their allies was restricted by principles of proportionality:

Fight those who fight you, but aggress not, verily God loves not the aggressors. And slay them wherever you find them, and drive them from whence they drove you, for strife is worse than killing... So fight them until there is no strife and religion is God’s alone. And

if they desist, then let there be no attacks except upon the oppressors. (2:190–93)

In a rare instance of agreement, the classical ulama declared all these verses, along with their clear principles of proportionality and non-aggression, to be abrogated by the ‘Sword Verses,’ the moniker for a few decontextualized segments of Qur’anic verses suggesting unrestricted offensive war, such as ‘Fighting has been ordained for you’ (2:216) and ‘Slay the polytheists wherever you find them’ (9:5). In all, a total of 124 Qur’anic verses were considered abrogated by the ‘Sword Verses.’⁶⁴ Jihad for the expansion of the Abode of Islam thus became a collective duty for the Muslim polity according to all Sunni schools of law. Leading medieval jurists ruled that the caliphs must undertake jihad at least once a year against the most proximate foe (based on analogy to the annual collection of the *jizya* poll tax from non-Muslim subjects), though the Prophet’s treaties with the Meccans meant that extended truces were allowed.⁶⁵

Jihad was understood as the unceasing quest to ‘make God’s word supreme,’ as Hadiths described, through the ongoing expansion of the rule of God’s law on earth. This was not envisioned in any way as a quest for forced conversion, which never featured in the Islamic conquests. The Qur’anic edict of ‘No compulsion in religion’ governed the interpretation of Hadiths like the authenticated report of the Prophet declaring, ‘I have been commanded to fight the people until they testify that there is no god but God and that Muhammad is the Messenger of God, establish prayer and pay the charity tithe.’ Read in light of the Qur’anic prohibition on coerced belief, this mission to extract confessions of belief was not interpreted literally. Rather, it was understood as referring either only to Arabia’s pagans (not followers of monotheistic religions) or as a metaphor for the conquered non-Muslims agreeing to submit to Muslim rule.⁶⁶

Some pre-modern Muslim scholars recognized how a recourse to abrogation could excuse laziness in engaging the leitmotifs of Islam’s scriptures. Only after Sufism had permeated Sunni thinking on law, creating a loftier sphere from which the law could be regarded, did perspectives emerge putting the theory of abrogation in its place. The Sufi jurist Sha’rani considered all four Sunni *madhhabs* to be one great school of law, offering each believer a range of positions on any issue and thus the choice between relaxed or more stringent rules on any one issue. For him, claims of abrogation were the recourse of those mediocre and narrow-minded jurists whose hearts

God had not illuminated with His light. They could not perceive all the interpretive possibilities in the words of God and the Prophet or appreciate that a diversity of opinion was a mercy. By taking the shortcut of stamping Qur'anic verses or Hadiths 'abrogated,' such ulama had restricted the interpretive plurality that God had intended in the Shariah. For Sha'rani, only when a Hadith included the Prophet's own clear abrogation, like his report about visiting graves, could it be considered *Naskh*. Shah Wali Allah was similarly skeptical of the ulama's excessive indulgence in abrogation to explain the relationship between Qur'anic verses or Hadiths. In all but five cases, he found explanations for how to understand the relationship between scriptural passages without recourse to abrogation.

Conscientious thinkers like Sha'rani and Shah Wali Allah were aware of how even the learned could be led astray. Sha'rani was fond of the story of David's complaint to God. While building the Temple, everything David constructed would crumble. God spoke to him, 'My house will not be erected by the hands of one who has shed blood.' David pleaded that he had only fought wars in God's name. 'Indeed,' God replied, 'but were those who died not also my servants?'⁶⁷

INTO THE WEEDS: THE CASE OF RAISING ONE'S HANDS IN PRAYER

It is not logic that is the life of the law but experience, observed Oliver Wendell Holmes.⁶⁸ Certainly, one cannot appreciate the complexity of the Islamic interpretive tradition until one experiences its application at least in part on an issue. Appreciating the thousands of volumes written by medieval Muslim scholars is impossible without mustering the patience to trace a few of their paths. The controversy over raising one's hands in prayer might seem a triviality, but nothing was more important to Muslim scholars than the means by which God was worshiped. It almost cost Shah Wali Allah's friend his life. Moreover, this debate crystallized the tension between loyalty to *madhhab* (especially the Hanafi one) and the evocative call to submit to the original evidence of the Qur'an and Sunna. Hanafis claimed that their school's interpretive tradition had taken all the relevant Hadiths, Qur'anic verses and Companion opinions into consideration in formulating its law. Revivalist Salafis considered this a sacralization of institutions outside the Qur'an and Sunna.