SYÂFI'Î'S INFLUENCE OF NASKH
IN THE 'ULÛM AL-QUR'ÂN

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Abstract

Muḥammad bin Idrîs al-Syâfi'î dikenal sebagai pemikir dan penulis yang otoritatif dalam bidang fiqh *dan* ushûl al-fiqh, *khususnya di kalangan Sunni. Karya-karyanya dalam dua bidang tersebut menjadi rujukan penting dalam berbagai kajian tentang perkembangan pemikiran hukum dan jurisprudensi Islam.*

Tulisan ini akan melacak pengaruh terhadap konstruksi konsep naskh dalam dua kategori literatur tafsir al-Qur'an, yaitu: karya-karya yang secara khusus membahas al-nâsikh wa al-mansûkh, *dan karya-karya tafsir yang di dalamnya naskh menjadi kunci untuk memahami ayat-ayat tertentu dalam al-Qur'an. Tulisan ini diawali dengan kajian historis dengan menelusuri asal-usul dan perkembangan naskh sejak masa Nabi hingga masa al-Syâfi'î dan berlanjut hingga masa* al-Suyûthî. *Kajian dilanjutkan dengan menganalisis, sebagai contoh, enam karya dari penulis yang masing-masing mewakili empat madzhab dalam Islam Sunnî.*

Dari enam karya yang dikaji itu ditemukan bahwa secara umum teori Syâfi'î tentang naskh jarang dijadikan rujukan. Dalam hal penerimaan terhadap adanya nask, Syâfi'î dan enam penulis itu memiliki pendapat yang sama dan memandang bahwa nask merupakan hak eksklusif Tuhan. Pendapat Syâfi'î tentang pembagian dua model naskh mendapat bantahan dari keenam penulis itu yang mengajukan tiga model naskh. Dalam hal pembedaan istilah naskh dari istilah lainnya, tidak ada satu pun dari mereka yang memandang Syâfi'î orang pertama yang mengulas masalah tersebut. Akhirnya, signifikansi pendapat Syâfi'î tentang naskh terletak pada pembatasan dan sistematisasi yang dilakukannya sehingga menjadikannya operasional dalam wilayah pendeduksian hukum dan interpretasinya dengan parameter yang lebih terkontrol.

Keywords: *Syâfi'î,* al-Nâsikh wa al-Mansûkh, *Theory of* Naskh, *Existence of* Naskh, *Modes of* Naskh, *Exegetical Works, Historical Analysis.*

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NASKH which may be defined as a sub-science of *'Ulûm al-Qur'ân,* developed synchronically and diachronically with other Islamic sciences, particularly those dealing with Qur'anic exegesis. This may be seen for example in the

relation between *naskh* and *asbâb al-nuzûl*, for whether it is used in *'ulûm al-Qur'ân* or *ushûl al-fiqh*; *naskh* depends on a knowledge of which verse is earlier and which one later, a knowledge which is to be gained from the circumstances of revelation (*asbâb al-nuzûl*).[1] The exegetes developed the Qur'anic sciences, including *naskh*, by tracing incidents from the Qur'an and the traditions, as well as from theories of their contemporaries. One example from the Qur'an is, the change of the direction of prayer from Bayt al-Maqdis in Jerusalem to the Ka'bah in Mecca, based on Qatâdahh's conclusion that Qs. al-Baqarah (2): 115 is abrogated by Qs. al-Baqarah (2): 144.[2] Similarly, the change of the law on visiting the grave was effected by the abrogation of the same *Sunnah*.[3]

Naskh: It's Genesis up to Syâfi'î's Time

In the period of the Prophet Muhammad and his Companions, the concept of *naskh* in *'ulûm al-Qur'ân* had not yet been fully developed. Rather, this period saw the emergence of a more primitive *naskh,* which seemed to "have arisen in response to the need for reconciling what appeared to the early Muslims as seeming contradictions within the body of legal verses in the Qur'an."[4] Companions are reported to have paid a great attention to the problem of *naskh*. Scholars for instance refer to the story of 'Ali ibn Abî Thâlib, the fourth caliph who expelled a follower from the mosque in Kûfa because he gave an explanation of which a passage from the Qur'an in complete ignorance of *naskh*. [5]

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[1]David S. Powers, "The Exegetical Genre Nâsikh al-Qur'ân wa Mansûkhuh," in *Approaches to the History of the Interpretation of the Qur'ân*, Andrew Rippin, ed. (Oxford: Clarendon Press, 1988), 119; Andrew Rippin, *The Qur'anic Asbâb al-Nuzûl Material: An Analysis of its Use and Development in Exegesis*, Ph.D. Dissertation (McGill University, 1981). In this case, Rippin goes further, saying that *naskh* is based more on logic rather than on chronology. He cites the cases of wine drinking and the direction of prayer as examples.

[2]Hâtim Shâli̲h al-Dhâmin, *Kitâb al-Nâsîkh wa al-Mansûkh fî Kitâb al-Lâh Ta'âlâ 'an Qatâdah ibn Di'âmah al-Sadûsî* (Beirut: Mu'assasah al-Risâlah, 1985), 32.

[3]John Burton, *The Sources of Islamic Law: Islamic Theories of Abrogation*. Edinburgh: Edinburgh University Press, 1990), 3.

[4]Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnî Ushûl al-Fiqh* (Cambridge: Cambridge University Press, 1997), 8-9.

[5]Powers, "The Exegetical Genre…," 124. He quotes the story from Ibn Salâmah, al-Na̲h̲h̲âs and Ibn 'Atâiqî; Andrew Rippin, "al-Zuhrî, Naskh al-Qur'ân and the Problem of Early Tafsîr Texts," *BSOAS* 47 (1984), 28; Kamâl al-Dîn 'Abd al-Ra̲h̲mân ibn al-'Atâ'iqî, *Al-Nâsikh wa al-Mansûkh* (Najf: Mathba'a al-Âdâb, 1970), 22.

The Companions, Successors and the followers of the latter (*tâbi'ûn* and *tâbi' al-tâbi'în*) all contributed to constructing the science. However, only one work has survived, i.e., Qatâdah ibn Di'âmah al-Sadûsî's composition *al-Nâsikh wa al-Mansûkh fî Kitâb al-Lâh Ta'âlâ*.[6] Qatâdah's treatise does not attempt any conceptualization of *naskh*; nor does it illustrate the discussion with definitions of *naskh*, its origins, and its scope. It does nothing more than furnish instances of the abrogating and abrogated verses of the Qur'an.

The real codification of *naskh* began in the second century Hijrî, when many treatises produced on *naskh*, of which only a few have survived. Musthafâ mentions seven scholars who wrote on *naskh*,[7] of whom only one has reached us, i.e., Zuhrî's *al-Nâsikh wa al-Mansûkh*.[8] Rippin acknowledges that the Zuhrî's treatise is "the earliest known systematic treatment of the *naskh* phenomenon",[9] and Powers is in line with statement.[10]

In the 3rd century, discourse on *naskh* entered a new stage where there was an attempt to systematize the genre. Mushthafâ mentions 12 scholars as having been involved in this effort,[11] two of them being Syâfi'î and Abû 'Ubayd al-Qâsim Ibn Sallâm al-Harawî (d. 224 A.H./839 A.D.). The former came up with an elaboration differentiating *naskh* from *takhshîsh*, *taqyîd*, *tafshîl*, and *bayân*.[12] The later came up with a treatise entitled *al-Nâsikh wa al-Mansûkh fî al-Qur'ân al-'Azîz wa Mâ fîhi min al-Farâidl wa al-Sunan*.[13]

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[6]Muḥammad Shâliḥ 'Alî Mushthafâ, *Al-Naskh fî al-Qur'ân al-Karîm: Mafhûmuh wa Târîkhuh, wa Da'âwâh* (Damascus: Dâr al-Qalam, 1988), 25-6. They are Abû al-Ḥajâj Mujâhid ibn Jabr, known as Mujâhid (d. 103 A.H./721 A.D.), Abû 'Abd al-Lâh al-Barbarî, known as 'Ikrimah (d. 107 A.H./725 A.D.), and Qatâdah ibn Di'âmah al-Sadûsî (d. 117 or 118 A.H./735 or 736 A.D.).

[7]Al-Zuhrî, Ibn Abî 'Urûba, Atha' Ibn Muslim Ibn Maysara al-Hurâsânî (d. 135 A.H./753 A.D.), Abû al-Nadlr Muḥammad Ibn al-Sâib Ibn Bashr al-Kalbî (d. 146 A.H./763 A.D.), Abû al-Hasan Muqâtil Ibn Sulaymân Ibn Bashr al-Balkhî (d. 150 A.H./767 A.D.), Abû 'Alî al-Ḥusayn Ibn Wâqid al-Marwazî (d. 159 A.H./776 A.D.), and 'Abd al-Raḥmân Ibn Zayd Ibn Aslam (d. 182 A.H./798 A.D.). See 'Alî Mushthafâ, *al-Naskh…*, 26.

[8]This treatise is preserved in Dâr al-Kutub al-Mishriyya. *Ibid.*

[9]See Rippin. "al-Zuhri…," 22-43.

[10]David S. Powers, "On the Abrogation of the Bequest Verses," *Speculum*, 65 (1990), 934.

[11]See 'Alî Mushthafâ, *al-Naskh…*, 27.

[12]*Ibid.*

[13]As may be seen from its title, the work deals with *naskh* in both the Qur'an and *Sunnah*. The book is divided into two parts, the first dealing with the meaning and the

As regards to the mode of *naskh*, Abû 'Ubayd believes that this occurs in the Qur'an and *Sunnah* in three modes. The first is *naskh al-ḥukm dûna al-tilâwah* (abrogation of the ruling and not the wording). The second is *naskh al-tilâwah wa al-ḥukm* (abrogation of the ruling and the wording). The third is not clearly stated by Abû 'Ubayd, but in other authorities this is included in the formula *naskh al-tilâwah dûna al-ḥukm* (abrogation of the wording and not the ruling). The third mode would appear to be less frequent in the genre. Burton infers that Abû 'Ubayd contributed only a small *tafsîr* to the genre.[14]

Discussion of Naskh after Syâfi'î and Prior to al-Suyûthî

Six works on *naskh* which the fourth and the tenth centuries A.H. will be discussed. These works will be examined to see how far Syâfi'î's notion of *naskh* was implemented in later works and just how relevant it was to the debate. The six works are: (1) *al-Nâsikh wa al-Mansûkh fî al-Qur'ân al-Karîm* by al-Naḥḥâs, a Syâfi'îyyah and a prolific writer in various Islamic sciences; (2) *al-Îdlâḥ* by Makkî, a Mâlikiyyah and a prominent scholar from Andalusia (Spain); (3) *Nawâsikh al-Qur'ân* by Ibn al-Jawzî, a well known Hanbaliyyah scholar from Baghdâd and a prolific writer with works cover various fields, including from *fiqh*, *ushûl al-fiqh*, *Ulûm al-Qur'ân*, *tafsîr*, *Hadîts*, history of Arabic and non Arabic societies, astronomy, *ḥisâb* (arithmetic), and *thibb* (medicine); (4) *Shafwat al-Râsikh* by Syu'lah, a Hanbaliyyah, a linguist, literary-figure and jurist; (5) *al-Nâsikh wa al-Mansûkh* by Ibn al-'Atâ'iqî, a litterateur, philosopher, and scholar whose areas of concern included *fiqh*, *tafsîr*, sufism, medicine, linguistic and literature, astronomy, logic, and arithmetic; (6) *al-Itqân* by al-Suyûthî, a Syâfi'îyyah, known most as a Qur'anic scholar.

The six authors arrange their books of *naskh* in two parts: first, introduction where they discuss the theory of *naskh*, and second, the instances of *nâsikh* and *mansûkh* in the Qur'an. I only focus my analysis on

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importance of *naskh*, and second exploring *naskh* in the light of twenty-nine aspects of *fiqh*, beginning with *shalât*, ending with *al-amr bi al-ma'rûf wa al-nahy 'an al-munkar*. Abû 'Ubayd follows the traditional style of scholarship in the Muslim world, that is, he bases his explanations on authority. This work has been edited and studied by both Burton and and al-Mudayfar. See John Burton, ed., *Abû 'Ubayd al-Qâsim b. Sallâm's K. al-Nâsikh wa al-Mansûkh* (Cambridge: E.J.W. Gibb Memorial Trust, 1987). This treatise is preserved in manuscript in Istanbul (Topkapi, Aḥmet III, A 143). It was first recorded by F.E. Karatay in his *Topkapi Sarayi Müzesi Kütüphanesi Arabça Yazmalar Katalogu*, v. 1 (Kur'ân ilimleri tafsirler, 1962), 591-2. Neither Brockelmann nor Sezgin mentions this treatise.

[14]Burton, *Abû 'Ubayd…*, 64.

the first part—theory of *naskh*. In order to appreciate Syâfi'î's influence on their discussion of the genre, I will construct a framework of analysis for his theory of *naskh* with two points of comparison: phenomena, and theory.

Phenomena. There are two points in this topic. Firstly, Syâfi'î adjudged the subject of *naskh* to be a field of an accepted field, because it is God's exclusive right do what ever He wants, including revising His own Words. On this point, although they do not quote Syâfi'î's opinion directly, the six authorities basically share his view, holding that *naskh* is God's exclusive right. However, they vary in different ways or at least three levels: sources of argumentation, techniques of elaboration, and points made to support the argumentation.

As regarding *argumentation*, Nahhâs, Makkî, al-Jawzî, Syu'lah and al-Suyûthî all consider *naskh* to be based on two types of foundation: reason and *syarî'ah*. Syu'lah and al-Suyûthî accept *naskh* on the basis of arguments drawn from *syarî'ah* and logic, although with differences in labeling: Syu'lah uses the terms *sam'î* (the transmitted source) and *'aqlî* (logic),[15] while al-Suyûthî considers them to be *naqlî* (revealed and transmitted sources) and *târikh* (history). Both scholars also add that the field is accepted on the basis of a consensus of Muslim scholars.[16] Surprisingly, Ibn 'Atâ'iqî keeps silent on this phenomenon. This may be due to the fact that the field is well known and his treatise is of a summary nature. On the other hand, Syâfi'î regards it as depending on religious doctrine in that he connects the genre to the obligation laid upon Muhammad and his followers to obey God, directing the reader to accept it as a matter of faith.

Regarding *the technique of elaboration*, the six authorities, with the execption of Ibn 'Atâ'iqî, tend to engage two different ways of doing so, *syarî'ah* and logic, whereas Syâfi'î tends to make his logical awareness inserted to his elaboration, resulting in a formal elaboration of accepting the genre. Syâfi'î precedes his discussion of *naskh* by starting how obedience should be operative between the Prophet and God, between Muslims and their Prophet, and between the Prophet, Muslims and God. He holds that God maintains the truth of His messages embodied in His revelation and the

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[15]Abû 'Abd Allâh Syu'lah. *Shafwah al-Râsikh fî 'Ilm al-Mansûkh wa al-Nâsikh*, ed. Muhammad Ibrâhîm 'Abd al-Rahmân Fâris (N.p.: Maktabat al-Tsaqâfah al-Dîniyyah, 1995), 91; Jalâl al-Dîn 'Abd al-Rahmân al-Suyûtî, *al-Itqân fî 'Ulûm al-Qur'ân*, vol. 3 (1354/1935), 71.

[16]Syu'lah, *Shafwah...*, 91; al-Suyûthî, *al-Itqân...*, 59.

traditions of the Prophet.[17] In this discussion, we see that he makes it a precondition for readers that they accept *naskh* as valid, even though in reality they seldom do so. In support of this argumentation, Syâfi'î cites three points: 1) God is powerful and capable of doing anything, including revising and changing His words; 2) *naskh* is the exclusive right of God; and 3) accordingly to accept it is to obey God.[18]

Secondly, the six authorities assess the importance of *naskh* in various ways. Ibn Nahhâs considers it as part of the *syarî'ah* and a great matter that can lead one to heresy.[19] Makkî estimates a knowledge of it as the premier subject in Qur'anic studies[20] and a part of worship (*'ibâdah*).[21] Ibn al-'Atâ'iqî' shares Makkî's opinion, saying that mastering *naskh* and *mansûkh* is the first condition for someone to learn Qur'anic studies.[22] Ibn al-Jawzî was stimulated to write on the genre because, according to him, there were many previous authorities who had written the subject with such a poor result.[23] Syu'lah and al-Suyûthî not only consider the importance of the genre in the light of its status in Qur'anic studies but also in view of its position as as expression of a consensus of Muslim society.[24] In addition, they, with the exception of Makkî, mention the report of 'Alî's prohibition against teaching the Qur'an without knowing the genre as a reason for encouraging people to develop proficiency in this area of discourse.[25]

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[17]Abû 'Abdillâh Muhammad ibn Idrîs al-Syâfi'î, *Al-Risâlah*, ed. Ahmad Muhammad Syâkir (Cairo: Maktabah wa Mathba'ah Mushthafâ al-Bâbî al-Halabî wa Awlâduhu bi Mishr, 1940), 49-54.

[18]*Ibid.*

[19]Abû Dja'far Muhammad b. Ahmad al-Nahhâs, *al-Nâsikh wa al-Mansûkh fî al-Qur'ân al-Karîm* (Cairo: Maktabah 'Âlim al-Fikr, 1986), 6-7.

[20]Abû Muhammad Makkî, *Al-Îdlâh li nâsikh al-Qur'ân wa mansûkhuhu wa Ma'rifat Ushûlihi wa Ikhtilâf al-Nâs fîhi* (Jeddah: Dâr al-Manârah, 1986), 45-6.

[21]*Ibid.*, 57-8.

[22]Ibn al-'Ata'iqî, *al-Nâsikh…*, 22.

[23]For example, he notes *Kitâb al-nâsikh wa al-mansûkh* by Ismâ'îl Ibn 'Abd al-Rahmân Ibn Abî Karîma al-Suddî (d. 128 A.H./746 A.D.) has mixing materials. Jamâl al-Dîn Abû al-Faraj 'Abd al-Rahmân Ibn al-Jawzî, *Nawâsikh al-Qur'ân* (Beirut: Dâr al-Kutub al-'Ilmiyyah, n.d.), 11.

[24]Syu'lah, *Shafwah…,* 91; al-Suyûthî, *al-Itqân…,* 59. Ibn al-Jawzî also mention the consensus of Muslim society on naskh but only the Qs. al-Baqarah (2): 106 as the foundation of the existence of naskh in Qur'ân. Ibn al-Jawzî, *Nawâsikh…*, 17.

[25]Al-Nahhâs, *al-Nâsikh…*, 3-4; Ibn al-Jawzî, *Nawâsikh…*, 29-32; Syu'lah, *Shafwah…,* 96-7; Ibn al-'Ata'iqî, *al-Nâsikh…*, 22; al-Suyûthî, *al-Itqân…,* 59.

Theory. There are four themes of Syâfi'î's construction of *naskh:* definition, condition, type and mode. My approach will focus on how the six authorities discuss these four themes.

Definition. Although Syâfi'î does not define *naskh* very rigidly, we can identify, at least, three elements in his definition of *naskh*: the nature of *naskh*, its retardation (*ta'akhkhur*), and its differentiation from other terms (*bayân, takhshîsh, tafshîl* and *taqyîd*). As far as its nature is concerned, Syâfi'î holds that *naskh* can mean abrogation or *izâlah* at the levels of *mitsl* (similar) and *khayr min* (superior), which are mentioned in Qs. 2:106, as well as *tabdîl* (change), found in Qs. al-Nahl (16): 101.

Regarding the retardation of *naskh*, Syâfi'î asserts that *al-nâsikh* (the abrogating) must be a later verse or *Hadîts*, whereas *mansûkh* must be an earlier verse or *Hadîts*. The six authorities confirm this principle and some of them elaborate upon it in more detail. Na<u>hh</u>âs and Ibn al-'Atâ'iqî implicitly include *ta'akhkhur* (retardation) as one of the conditions for *naskh*. When Na<u>hh</u>âs differentiates *naskh* from *badâ'*,[26] he declares *al-nâsikh* (the abrogating) to be a later ruling and *al-mansûkh* (the abrogated) an earlier one.[27] Ibn al-'Atâ'iqî' infers this awareness when he simply defines *naskh* is one who eliminates the ruling of the abrogated matter.[28]

As regards *naskh* and its distinctness from other terms (*bayân, takhshîsh, tafshîl* and *taqyîd*), Syâfi'î was not anticipated by previous or contemporary authorities. Of the six authorities, Ibn al-'Atâ'iqî is entirely silent on the topic. 'Abd al-Hâdî al-Fudlalî, the editor of Ibn al-'Atâ'iqî's *al-Nâsikh*, considers Ibn al-'Atâ'iqî's definition to be general in application, cannoting not only *naskh* but also *takhshîsh, istitsnâ'*, etc.[29] Na<u>hh</u>âs for this part only differentiates *naskh* from *badâ'*, saying that *naskh* consists in the changing of rulings made by God whereas *badâ'* is the changing of human intention only.[30] On the other hand, Makkî, Ibn al-Jawzî, Syu'lah and al-Suyûthî all differentiate *naskh* not only from *badâ'* but also from other terms, like *takhshîsh*, and *istitsnâ'*. In the case of *badâ'* they all see that the changing of a

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[26]*Badâ'* may basically be defined as the appearance of a temporary opinion that did not occurred before. The creator of this idea is human and not God as in *naskh*. Makkî, *al-Îdlâh…*, 112-3.

[27]Al-Na<u>hh</u>âs, *al-Nâsikh…*, 8.

[28]Ibn al-'Atâ'iqî, *al-Nâsikh…*, 22.

[29]'Abd al-Hâdî al-Fudlalî, "al-Naskh," in Ibn al-'Atâ'iqî', *al-Nâsikh…*, 8.

[30]Al-Na<u>hh</u>âs, *al-Nâsikh…*, 8-9.

ruling is human-made. In addition, Syu'lah and al-Suyûthî assign this opinion to a group which rejects *naskh* and which al-Suyûthî identifies as the Jews.[31] In distinguishing *naskh* from other terms, they consider the changing of a ruling in *naskh* as applying to the whole of it, whereas in *takhshîsh* or *istitsnâ'* it affects only part of it. al-Suyûthî and particularly Makkî engage in a long discussion on *takhshîsh* and how different it is from *naskh*, while Ibn al-Jawzî and Syu'lah explicate this briefly.[32]

Condition. Though Syâfi'î does not formulate the conditions of *naskh*, we can see from his construction of the concept that he implicitly saw it a being formed of four conditions, i.e.: 1) there should be a conflict between *nâsikh* and *mansûkh*;[33] 2) the ruling declared *mansûkh* must have been established before determining the *nâsikh*;[34] 3) the *nâsikh* and *mansûkh* should be in the area of *syarî'ah*;[35] and 4) the *nâsikh* has to be established in a similar or better way than in which the *mansûkh* was established.[36] Like Syâfi'î, neither Nahhâs nor Ibn al-'Atâ'iqî nor al-Suyûthî formulates the conditions of *naskh*. Again, however, on the basis of their discussio, we can identify their opinions in this regard. Thus we find that Nahhâs confirms all four of the conditions,[37] while Ibn al-'Atâ'iqî[38] and al-Suyûthî[39] approve only the third condition, saying that *naskh* should be applied in the area of *amr* (commands) and *nahy* (prohibitions) with the addition that, according to al-Suyûthî, *khabr* (information/news) which is intended as *amr* or *nahy* can be included within the scope of *naskh*.

On the other hand, Makkî, Ibn al-Jawzî and Syu'lah explicitly formulate the conditions of *naskh*. Makkî develops seven of these, of which four ratify

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[31]Syu'lah, *Shafwah...,* 92; al-Suyûthî, *al-Itqân...,* 60.

[32]Makkî, *al-Îdlâh...,* 85-7, 88-100, and 101-4; Ibn al-Jawzî, *Nawâsikh...,* 16; Syu'lah, *Shafwah...,* 94-5; and al-Suyûthî, *al-Itqân...,* 43-51.

[33]Al-Syâfi'î, *al-Risâlah,* 57.

[34]*Ibid.*

[35]*Ibid.*, 60.

[36]*Ibid.*, 55.

[37]Regarding the first and second conditions, we can infer this from his discussion on the definition of *naskh* (p. 6). The third condition can be inferred from his presupposition that *naskh* can be applied only in *amr* (commands) and *nahy* (prohibitions) (p. 2 and 9). And in the case of the fourth condition, Nahhâs believes that *naskh* occurs based on the guidance of God (p. 2). Al-Nahhâs, *al-Nâsikh...,* 2, 6, and 9.

[38]Ibn al-'Atâ'iqî, *al-Nâsikh...,* 26-7.

[39]al-Suyûthî, *al-Itqân...,* 61.

the fourth condition but from different stressing points: 1) in *nâsikh* and *mansûkh*, a verse should abrogate another verse [of equal status];[40] 2) the *nâsikh* should be in *'ilm* (knowledge) and *'amal* (practice) as is the case with the *mansûkh*,[41] 3) a heavier matter can abrogate a weaker one as in the case of Qs. 8: 65 abrogated by Qs. 8: 66,[42] and 4) or vice versa, a weaker matter can abrogate a heavier one, as in the case of the command to perform three days fasting each month for every Muslim abrogated by the order of one month fasting in the month of *Ramadlân*.[43] Two of them confirm the second condition: 1) the matter dealt within *nâsikh* should be a totally separate matter from the *mansûkh*, so that, according to Makkî, Qs. al-Baqarah (2): 222 cannot be included in *naskh* because this part of the verse, "…And when they have purified themselves, then go in unto them…" and the other part of the verse, "…till they are purified…" are related, so that the former part of the verse cannot be regarded as *nâsikh*,[44] a point which is the same point as that expressed in the first condition inferred by Syâfi'i and 2) the *mansûkh* cannot related to a certain time but has to have been in effect until being terminated by the second *nash* (which may be from the Qur'an or *Sunnah*), functioning as the *nâsikh*.[45] Makkî's seventhand final point seems inappropriate in this context, namely that the messages of the prophet Muhammad abrogates all previous religions.[46] Thus Makkî does not confirm Syâfi'i's third condition, that the *nâsikh* and *mansûkh* should be in the area of *syarî'ah*, at least not in his chapter entitled *Chapter on the Explanation of the Conditions of Nâsikh and Mansûkh*. Nevertheless he does discuss this point in another section where he explains the scope of *naskh*, saying that "*naskh* may occur in *ahkâm* (laws), *farâidl* (religious obligations), *awâmir* (commands), *nawâhî* (prohibitions), *hudûd* (definitions), and *'uqûbât min ahkâm al-dunyâ* (the punishments stemming from worldly laws)."[47] Ibn al-Jawzî confirms all four conditions,[48] with the difference being that he breaks the third condition down into two: first, *mansûkh* should be in the area of *syarî'ah*, and second,

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[40]Makkî, *al-Îdlâh*, 107.

[41]*Ibid.*, 110.

[42]*Ibid.*

[43]*Ibid.*, 110-1.

[44]*Ibid.*, 108-9.

[45]*Ibid.*, 109.

[46]*Ibid.*, 107.

[47]Makkî, *al-Îdlâh*…, 66.

[48]Ibn al-Jawzî, *Nawâsikh*…, 23-4.

that the *nâsikh* should also be in the same area.[49] Finally, Syu'lah likewise ratifies the four, but with certain differences: first, regarding the third condition, he says only that *nâsikh* should be *masyrû'an*, keeping silent on the *mansûkh*, and second, regarding the fourth condition where Syâfi'î emphasizes the equality and the supriority of the *nâsikh*, Syu'lah stresses on the function of the *nâsikh* as a *muqaddamun* (breaker) in eliminating the *mansûkh*.[50]

Type. Syâfi'î admits two types of *naskh*: *naskh* Qur'an by Qur'an and *Sunnah* by *Sunnah*.[51] Of the six authorities, only Ibn al-'Atâ'iqî is silent on the discussion of the types of *naskh*.[52] Syu'lah discusses only abrogating the Qur'an by the *Sunnah*.[53] Only Naḥḥâs, Makkî and Ibn al-Jawzî however mention these two types,[54] while al-Suyûthî mentions only *naskh* Qur'an by Qur'an.[55] While Naḥḥâs and al-Suyûthî avoid passing judgment on them, Makkî[56] and Ibn al- Jawzî[57] consider them validated by consensus. On the other hand, Syu'lah and Ibn al-'Atâ'iqî do not mention these two types, perhaps because their treatises are only summaries, or because they had been established on the basis of the consensus of *'ulamâ'* (Muslim scholars), as Makkî and Ibn al-Jawzî state.

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[49]*Ibid.*, 24.

[50]Syu'lah, *Shafwah...,* 92-3.

[51]Shâfi'î, *al-Risâlah*, 55.

[52]Al-Naḥḥâs identifies four types of *naskh* discussed by Muslim scholars: abrogating the Qur'an by the Qur'an, abrogating the Qur'an by the Qur'an and by the *Sunnah*, abrogating the *Sunnah* by the Qur'an, and abrogating the *Sunnah* by the *Sunnah*. Al-Naḥḥâs, *al-Nâsikh…*, 2,4-5; Makkî adds three more types: abrogating the Qur'an by the consensus and analogy, abrogating the consensus by the consensus, and abrogating the analogy by the analogy. Makkî, *al-Îdlâh…*, 77-81; Ibn al-Jawzî only mentions three types: 1) abrogating the Qur'an by the Qur'an; 2) abrogating the Qur'an by the *Sunnah* or abrogating the *Sunnah* by the Qur'an; and 3) abrogating the *Sunnah* by the *Sunnah*. Ibn al-Jawzî, *Nawâsikh…*, 25; and al-Suyûthî only mentions two types: abrogating the Qur'an by the Qur'an, and abrogating the Qur'an by the *Sunnah*. See Al-Suyûthî, *al-Itqân...,* 60.

[53]Syu'lah, *Shafwah...,* 93.

[54]Al-Naḥḥâs, *al-Nâsikh…*, 2; Makkî, *al-Îdlâḥ…*, 77 and 80; Ibn al-Jawzî, *Nawâsikh…*, 25.

[55]Al-Suyûthî, *al-Itqân...,* 60.

[56]Makkî, *al-Îdlâḫ…*, 77.

[57]He calls the consensus *ittifâq al-'ulamâ'* (the agreement of Muslim scholars). Ibn al-Jawzî, *Nawâsikh…*, 25.

Among the types of *naskh* which came into dispute was *abrogating the Qur'an by the Sunnah* or vice versa. Syâfi'î categorically rejects this type, saying that it is not allowable, because the *Sunnah* functions only as "*taba'un li al-Kitâb, bi mitsli mâ nuzila nashshan, wa mufassiratun ma'nâ mâ anzala al-Lâh minhu jumalan*"[58] (The *Sunnah* should only follow what is laid down in the Book, and that the *Sunnah* is intended to explain the meaning of communications of general [nature] set forth [in the Book]).[59] To support his idea, Syâfi'î quotes Qs. 10: 15, Qs. al-Ra'd (13): 39, Qs. al-Baqarah (2): 106, and Qs. al-Nahl (16): 101, saying that it is up to God to maintain or revise His words and that the Prophet Muhammad only functions as the agent of Qur'anic explanation, not as a substitute for the Qur'an.[60] Ibn al-'Atâ'iqî is, as usual, silent on this issue, while Makkî and Shu'lah discuss it but do not attribute its first treatment to Syâfi'î. Makkî identifies the group that allows this type as jurists from among the followers of Mâlik ibn Anas, the *ahl al-'ilm* (scholars), and the *ahl al-Madînah* (people of Medina). They hold that it is true that the *Sunnah* is the explanation of the Qur'an, but where the Qur'an abrogates the *Sunnah* is in the area of *amr* and *nahy* (command and prohibition). Makkî gives one example in *Hadîts* in general and another involving a *Hadîts* reported by many from many to illustrate both types. The first example is of *abrogating the Sunnah by the Qur'an*, as seen in the *Hadîts* on the refusal to permit marriage to a woman in the year of the Hudaybiyya, out of worry that she may still be a *mushrikah* (polytheist/disbeliever). This was abrogated by Qs. 60: 10, where it says that after examining her and determining that she is really a *muslimah*, there is no reason not to marry her.[61] The second example is of *abrogating the Qur'an by the Sunnah*, and deals in particular with the problem of bequest. Abû al-Faraj (d. 331 or 332 A.H./943 A.D.) reported that Qs. al-Baqarah (2): 180, which pronounces on bequest, was abrogated by the *Hadîts*, "No bequest to an heir."[62] Syu'lah limits the acceptance of this type of *naskh* to a *Sunnah* reported by many

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[58]Al-Syâfi'î, *al-Risâlah*, ed. Kaylânî (Cairo: Syirkah Maktabah wa Mathba'ah Mushthafâ al-Bâbî al-Halabî wa Awlâdihi, 1969), 55.

[59]We use Khadduri's translantion with an addition that what in the bracket is mine. Majid Khadduri, trans., *Al-Imâm Muhammad ibn Idrîs al-Syâfi'î's al-Risâlah fî Ushûl al-Fiqh: Treatise on the Foundations of Islamic Jurisprudence* (Cambridge: The Islamic Texts Society, 1961), 123-4.

[60]Shâfi'î, *al-Risâlah*, 55-6; Khadduri, trans., *al-Imâm…*, 123-6.

[61]Makkî, *al-Îdlâh…*, 78.

[62]*Ibid.*, 78-9.

from many. He proposes two reasons: first, since one is obliged to accept the *Sunnah* reported by many from many, the acceptance of *abrogating the Qur'an by the Sunnah* or vice versa, and its application are obligatory too; and second, he regards the idea of the equality of the revelation of the Qur'an (*wahy al-Qur'ân*) and the revelation of the explanation (*wahy al-bayân*) as a consideration in justifying the application of this type of *naskh*, since the *Sunnah* is naturally, also from God.[63]

Three of the six authorities—Nahhâs, Ibn al-Jawzî, and al-Suyûthî—admit that the idea of rejecting *abrogating the Qur'an by the Sunnah*, or vice versa belongs to Syâfi'i[64] with a note that Ibn al-Jawzî also attributes this refusal to Sufyân al-Thawrî.[65] Nahhâs and Ibn al-Jawzî consider Qs. al-Baqarah (2): 106,[66] and Nahhâs mentions also Qs. 10: 15,[67] as indicating that the Qur'an and the *Sunnah* are not equal. Nahhâs mentions that due to the function of the *Sunnah* as the agent of the Qur'an explanation, it cannot abrogate the Qur'an;[68] whereas Ibn al-Jawzî contends that the *Sunnah* and the Qur'an have different status, so that either can abrogate the other.[69] In addition, Ibn al-Jawzî cites a report from Dâraquthnî, to the effect that Jâbir Ibn 'Abd al-Lâh (c. 78 A.H./692 A.D.), said that the Prophet said "My words do not abrogate the Qur'an, the verses of the Qur'an abrogates each other."[70] On the other hand, al-Suyûthî does not elaborate on this point, he simply quotes Syâfi'i who said, "If it should occur that the Qur'an is abrogated by the *Sunnah,* still there is with it [the *Sunnah*] the Qur'an supporting (*'âdlid*) it, and if the *Sunnah* is abrogated by the Qur'an, still there is with it [the Qur'an] the *Sunnah* supporting it. By this explanation, it is clear that the Qur'an is in accordance with the *Sunnah*…"[71]

Mode. Syâfi'i does not discuss the modes of *naskh*, but he seems to admit only two, i.e., *abrogating the ruling but not the wording* and *abrogating the wording but*

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[63]Syu'lah, *Shafwah...,* 93.

[64]Al-Nahhâs, *al-Nâsikh…*, 4; Ibn al-Jawzî, *Nawâsikh…*, 25; and al-Suyûthî, *al-Itqân...,* 60.

[65]Ibn al-Jawzî, *Nawâsikh…*, 25

[66]Al-Nahhâs, *al-Nâsikh…*, 5; Ibn al-Jawzî, *Nawâsikh…*, 25.

[67]Al-Nahhâs, *al-Nâsikh…*, 5.

[68]*Ibid.*

[69]Ibn al-Jawzî, *Nawâsikh…*, 26.

[70]*Ibid.*

[71]Al-Suyûthî, *al-Itqân...,* 60.

not the ruling.[72] In this case, Syâfi'î is unique in asserting this, because the six authorities consider at least two other modes to exist: *abrogating the ruling and the wording*, and *abrogating the wording and not the ruling;*[73] Makkî even adds three other modes. He breaks down the first mode into three,[74] and the second into two,[75] then adds yet another mode, that is *God's abrogation of the practice of the Prophet and his Companions which they did before.* For this he cites the example of the Prophet Muhammad's request for forgiveness for his uncle Abû Thâlib, which was abrogated by Qs. al-Tawbah (9): 113.[76]

Naskh in Exegetical Treatises

Five Qur'anic verses will be discussed here in this section in the light of their treatment by works of representative of the four *Sunnî* schools.[77] For the Hanâfiyahs, al-Zamakhsyârî's *al-Kasysyâf* [78] and al-Jashshâsh's *Ahkâm al-Qur'ân;* [79] for the Mâlikiyyah al-Qurthubî's *Jâmi' li Ahkâm al-Qur'ân;*[80] for the

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[72]John Burton, *The Collection of the Qur'ân* (Cambridge: Cambridge University Press, 1977), 89 and 94; Burton, *Abû 'Ubayd…*, 40.

[73]Al-Nahhâs, *al-Nâsikh…*, 7-8; Makkî, *al-Îdlâh…*, 67-71; Ibn al-Jawzî, *Nawâsikh…*, 33-8; Syu'lah, *Shafwah...,* 95-6; Ibn al-'Atâ'iqî, *al-Nâsikh…*, 22-4; al-Suyûthî, *al-Itqân...,* vol. 3, 62-75.

[74](1) *Abrogating the ruling of a verse by another verse, and both verses are maintained.* This mode is a common one in the Qur'an; (2) *a deed which is obliged because of an incidence ('illat), then this obligation is over because its incidence has gone,* e.g. Qs. 60: 10-11; (3) *what is inferred from the text, and it is abrogated by the Qur'an in which its wording is maintained,* e.g. it can be inferred from Qs. al-Nisâ' (4): 43 that being drunken not in performing prayer is allowed, and this verse was abrogated by Qs. al-Nisâ' (4): 91-92. Makkî, *al-Îdlâh…*, 67-8.

[75](1) *Abrogating the wording and the ruling and its learning by heart is gone,* e.g. the abrogation one chapter which is similar with chapter *al-Tawbah* in number; and (2) *abrogating the wording and the ruling and its learning by heart is not gone,* like in the case of breast feeding reported by 'Âisyah. *Ibid.*, 68-9.

[76]*Ibid.*, 70.

[77]Sayyid Muhammad 'Alî Iyâzî lists exegetes based on the backgrounds of the authors. See Iyâzî, *al-Mufassirûn: Hayâtuhum wa Minhâjuhum* (n.p.: Wizârah al-Tsaqâfah wa al-Irsyâd al-Islâmî, 1373 A.H./1967 A.D.), 830-2, 834.

[78]Al-Zamakhsyarî (467-538 A.H./1075-1144 A.D.) wrote *al-Kasysyâf* in Arabic language in four volumes, was written in the period of time between 526-8 A.H./1132-4 A.D.), and was published in many versions. *Ibid.*, 573.

[79]Al-Jashshâsh's full name was Abû Bakr Ahmad b. 'Alî al-Râzî al-Jashshâsh (305-370 A.H/918-783 A.D.). His *tafsîr* survived and was initially printed in three volumes in 1347 A.H. and reprinted in five volumes in 1985. *Ibid.*, 109.

Syâfi'îyyahs al-Thabarî's *Jâmi' al-Bayân*[81] and al-Suyûthî's *Durr al-Mantsûr*,[82] and for the Hanbaliyyah Ibn al-Jawzî's *Zâd al-Masîr*.[83] In the case of the Hanâfiyyah category, we have chosen to include al-Jashshâsh's *Ahkâm al-Qur'ân* in addition to al-Zamakhsyarî's work because of his interesting interpretation of Qs. al-Baqarah (2): 106.[84] As for Syâfi'îyyah school, we have included two works in consideration of the fact that since the object of this research is to investigate the legacy of Syâfi'î's theory of *naskh*, it would be useful to see how earlier and later Syâfi'îyyah scholars responded to it. In addition, al-Suyûthî's works on Qur'anic studies are considered by many to be among the standard works in the field.

Qs. al-Baqarah (2): 106. The six authorities all agree that this verse has an important bearing on the field of *naskh* and interpret it in the light of *naskh* as a sub-science of the Islamic sciences. They randomly discuss the verse from the following points of view: the canonical reading, linguistic usage of the term *naskh*, definitions, scope, modes, types and conditions. Qurthubî[85] and al-Suyûthî[86] also mention the story of how 'Alî bin Abî Thâlib, the Follower, forbided a Muslim to teach the Qur'an without a knowledge *al-nâsikh wa al-mansûkh*. None of them, however, except Qurthubî, refers to Syâfi'î, in the course of this discourse from the point of definition and modes of *naskh*, only al-Suyûthî who does not provide them. al-Thabarî draws his definition of *naskh* from this verse, describing it as the

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[80]Al-Qurthubî's full name was Abû 'Abd al-Lâh Muhammad b. Ahmad al-Anshârî al-Al-Qurthubî (580-671 A.H./1184-1273 A.D.). His *tafsîr* is in twenty volumes, and was initially published in 1952 and was reprinted several times since then. *Ibid.*, 408.

[81]Al-Thabarî's full name was Abû Ja'far Muhammad b. Jarîr al-Thabarî (224-310 A.H./739-925 A.D.). His *tafsîr* is in twelve volumes, and has been reprinted several times. *Ibid.*, 399.

[82]Al-Suyûthî's full name was Jalâl al-Dîn 'Abd al-Rahmân al-Suyûthî (849-911 A.H./1445-1505 A.D.). His *tafsîr* is in eight volumes and has been reprinted several times. *Ibid.*, 458.

[83]Ibn al-Jawzî's full name was Jamâl al-Dîn 'Abd al-Rahmân b. 'Alî b. Muhammad al-Jawzî (510-597 A.H./1116-1201 A.D.). His tafsîr is in eight volumes. *Ibid.*, 391.

[84]Abû Bakr Ahmad b. 'Alî al-Râzî al-Jashshâsh, *Ahkâm al-Qur'ân*, 3 vols. (Beirut: Dâr al-Kitâb al-'Arabî, 1335 A.H./1929 A.D.).

[85]Abû 'Abd al-Lâh Muhammad b. Ahmad al-Anshârî al-Qurthubî, *Al-Jâmi' li Ahkâm al-Qur'ân*, vol. 2, binding 1 (Cairo: Dâr al-Kâtib al-'Arabî li al-Thibâ'ah wa al-Nashr, 1967), 65-6.

[86]Jalâl al-Dîn 'Abd al-Rahmân al-Suyûtî, *Al-Durr al-Mantsûr fî al-Tafsîr al-Ma'tsûr*, vol. 1 (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1990), 200-1.

change of a ruling of a verse by another;[87] he then only admits, here, one mode of *naskh*, i.e. *abrogating the ruling and not the wording*.[88] On the other hand, al-Jashshâsh defines *naskh* as "the explanation of the period of the effectiveness of the ruling and the wording." Accordingly, he draws from the verse only, two modes of *naskh*: *abrogating the wording and not the ruling* and *abrogating the ruling, and not the wording*.[89] Though Ibn al-Jawzî defines *naskh* as *abrogation*[90] and Qurthubî and al-Zamakhsyarî see it as *replacement*,[91] they all mention the three modes of *naskh*,[92] while in addition, Ibn al-Jawzî identifies the sources of this arrangement as Ibn 'Abbâs and Ibn Mas'ûd. It is said that al-Suddî (d. 128 A.H./746 A.D.) reported that Ibn 'Abbâs (d.68 A.H./687 A.D.) had said this mode, *abrogating the wording and the ruling*. And Muqâtil Ibn Sulaymân (d. 150 A.H./767 A.D.) reported the following mode, *tabdîl al-âyah bi ghayriha* (changing a verse by another) or as it is given in the more common formulation *abrogating the wording and not the ruling* from Ibn 'Abbâs. Mujâhid (d. 104/722) reported that Ibn Mas'ûd (d. 33 A.H./653 A.D.) mentioned the third mode, *abrogating the ruling and not the wording*.[93]

In connection with the types of *naskh*, Qurthubî and al-Jashshâsh discuss the reasons offered by the camp that rejected *abrogating the Qur'an by the Sunnah* and vice versa. Qurthubî for this part disagrees with their position. He asserts that both Syâfi'î and Abû al-Faraj al-Mâlikî (d. 331 or 332 A.H./943 A.D.) advocated this idea, arguing that a ruling deduced either from the Qur'an or the *Sunnah* is in fact from God. He further asserts his idea by giving examples. The first example is of *abrogating the Qur'an by the Sunnah*, illustrated by the ruling that lashing the *zhannî* (the adulterer) is not applicable to an elderly offende because the Prophet abrogated it. The second example is of *abrogating the Sunnah by the Qur'an*, illustrated by the case of the change of direction of the *qiblah* which had been established by

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[87]Abû Ja'far Muhammad b. Jarîr al-Thabarî, *Jâmi' al-Bayân an Ta'wîl al-Qur'ân*, binding 9, vol. 2 (Beirut: Dâr al-Ma'rifah, 1987), 482.

[88]*Ibid.*, 487.

[89]Al-Jashshâsh, *Ahkâm…,* vol. 1, 59.

[90]Jamâl al-Dîn Abû al-Faraj 'Abd al-Rahmân b. 'Alî b. Muhammad al-Jawzî, *Zâd al-Masîr fî 'Ilm al-Tafsîr,* vol. 1, (Beirut: al-Maktab al-Islâmî, 1984), 127.

[91]Al-Qurthubî, *al-Jâmi'…*, binding 1, vol. 2, 64; al-Zamakhsyarî, *al-Kasysyâf*, vol. 1 (Beirut: Dâr al-Ma'rifah, n.d.), 87.

[92]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 1, 127; al-Qurthubî, *al-Jâmi'…*, binding 1, vol. 2, 66; al-Zamakhsyarî, *al-Kasysyâf*, vol. 1, 87.

[93]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 1, 127.

Sunnah to that which was decreed in the Qur'an.[94] Al-Qurthubî does not identify the verse, but Ibn al-Jawzî in his *Nawâsikh al-Qur'ân* clarifies that this tradition was abrogated by Qs. al-Baqarah (2): 143-145.[95]

On the other hand, al-Jashshâsh disagrees with the others on the rejection of this formula *abrogating the Qur'an by the Sunnah* or vice versa. For him, those who disagree with this point are negligent but he refers to it without identifying who he had in mind. He offers three reasons in support his arguments. First he states that it is not allowed to interpret the term "*bi khayr minhâ*" (better than it/this verse) in Qs. al-Baqarah (2): 106 to be in recitation and composition (*nazhm*) because of its parallel with *nâsikh* and *mansûkh* in the inimitability of composition.[96] Second the consensus of the early scholars (*salaf*) held that this principle does not disprove the *nazhm* of the Qur'an, having interpreted this verse, as meaning one of two things: *takhfîf* (mitigating) or *mashlaha* (advantage). In this purpose, the Qur'an has been abrogated by the *Sunnah* or vice versa. And none of *ahl al-salaf* said that the term "*bi khayr minhâ*" was meant as *al-tilâwa* (recitation), so the indication of this verse on the permission of abrogating the Qur'an by the *Sunnah* is stronger that the indication of prohibiting this principle.[97] 3) Accordingly, al-Jashshâsh explains that the nature of Qs. al-Baqarah (2): 106 truly requires abrogating the wording (*naskh al-tilâwa*) and the verse does not refers to its ruling, because God says, "Whatever a verse (Â*ya*) do We abrogate," The *âya* is truly *ism al-tilâwa* (the name of wording) and there is no in *naskh al-tilâwa* what obliges it to refer to *naskh al-hukm* (abrogating the ruling). If it is the case, it is permissible to interpret its meaning as whatever the wording of a verse do We abrogate or cause to be forgotten, We bring a better one for you from the certain source from the *Sunnah* or alike [the Qur'an].[98]

Qs. al-Hajj (22): 52. None of the authorities appeal to this verse as a device to explain the science of *naskh*. They treat it merely as an example of the usage of the word *naskh* and a confirmation on God's part that He *protects* His words from the intervention of devils *(syaythân)*.[99] And even, they

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[94]Al-Qurthubî, *al-Jâmi'…*, binding 1, vol. 2, 65-6.

[95]Ibn al-Jawzî, *Nawâsikh…*, 26.

[96]al-Jashshâsh, *Ahkâm…*, vol. 1, 60.

[97]*Ibid.*

[98]*Ibid.*

[99]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 5, 443; al-Thabarî, *Jâmi'…*, binding 9, vol. 17 (Beirut: Dâr al-Ma'rifa, 1987), 134-5; al-Qurthubî, *al-Jâmi'…*, binding 6, vol. 12, 86; al-Suyûthî, *al-*

do not mention Syâfi'î. Basically, they translate the word as meaning *ibthâl* (annulment). Al-Thabarî and al-Qurthubî conceive of it as *ibthâl*,[100] while al-Jawzî and al-Zamakhsyarî see it as *ibthâl* and *idzhâb* (eliminating),[101] al-Jashshâsh as *izâlah*, *ibthâl* and *ibdâl* (replacement),[102] and al-Suyûthî as *abrogation*.[103]

All, except al-Jashshâsh, devote their discussion largely to the circumstances of the revelation of Qs. al-Hajj (22): 52. In explaining the context of the verse, by my calculation, al-Thabarî provides eight reports,[104] Qurthubî ten,[105] and al-Suyûthî thirteen in all.[106] Al-Zamakhsyarî and Ibn al-Jawzî summarize the story told by the exegetes in illustrating this verse,[107] without mentioning their exact source. The circumstances related to this verse are however debatable. Al-Qurthubî says, "there is nothing valid in the traditions that report on the circumstances of this verse."[108] These reports were considered invalid because the transmitters were weak. In addition, he confirms that al-Bukhârî and Muslim do not include any report on the occasion for its revelation.[109] Prior to him, al-Jawzî had been aware of this, saying that the editors of <u>H</u>adits (*al-muhaqqiqûn*) believed that the reports related to this verse were invalid because the Prophet Muhammad was infallible.[110] However, that Ibn 'Abbâs's report is quoted by al-Thabarî, al-Qurthubî, and al-Suyûthî. While, al-Thabarî does not judge the report, al-Qurthubî grades it as uncertain, yet allows people to tell the story and al-Suyûthî for this part says that the transmitters of this report were qualified.[111]

Durr…, vol. 4, 664; al-Zamakhsyarî, *al-Kasysyâf*, vol. 3, 37; and al-Jashshâsh, *A<u>h</u>kâm…*, vol. 1, 58.

[100]Al-Thabarî, *Jâmi'…*, binding 9, vol. 17, 134; al-Qurthubî, *al-Jâmi'…*, binding 6, vol. 12, 85.

[101]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 5, 443; al-Zamakhsyarî, *al-Kasysyâf*, vol. 3, 37.

[102]Al-Jashshâsh, *A<u>h</u>kâm…*, vol. 1, 58.

[103]Al-Suyûthî, *al-Durr…*, vol. 4, 664.

[104]See al-Thabarî, *Jâmi'…*, binding 9, vol. 17, 131-40.

[105]See al-Qurthubî, *al-Jâmi'…*, binding 6, vol. 12, 80-2.

[106]See al-Suyûthî, *al-Durr…*, vol. 4, 661-2.

[107]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 5, 441; al-Zamakhsyarî, *al-Kasysyâf*, vol. 3, 37.

[108]Al-Qurthubî, *al-Jâmi'…*, binding 6, vol. 12, 80.

[109]*Ibid.*

[110]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 5, 441

[111]Al-Thabarî, *Jâmi'…*, binding 9, vol. 17, 133; al-Qurthubî, *al-Jâmi'…*, binding 6, vol. 12, 82; al-Suyûthî, *al-Durr…,* vol. 4, 661.

Qs. al-Jâtsiyah (45): 29. Like Qs. al-Hajj (22): 52, Qs. al-Jâtsiyah (45): 29 too is devoid of any discussion of the theory of *naskh*, and wherever the word is used it seems only to have the meaning of the word *istinsâkh* in the sense of copying. Al-Thabarî and al-Zamakhsyarî qualify the word as *istiktâb* (dictation),[112] while Ibn al-Jawzî and al-Qurthubî translate it as *naskh* (copy),[113] and al-Jashshâsh and al-Suyûthî identify it as *naql* (copy).[114] None of them provide any circumstances of revelation. However, with the exception of al-Jashshâsh and al-Zamakhsyarî, they interpret the verse in the light of the traditions of the Companions. al-Thabarî provides four reports,[115] al-Qurthubî six[116] and al-Suyûthî nine.[117] Ibn al-Jawzî on the other hand directly interprets the verse without reference to traditions. Regarding the word *istinsâkh*, he refers to the exegetes without identifying them, saying that this kind of *istinsâkh* comes from *lawh al-mahfûzh* (the preserved tablets), on which the angels record the deeds of human beings every year (in other reports, every day) and he mentions two opinions reported respectively by al-Farrâ' and al-Zujâj.[118] Al-Farrâ' explains that the two angels inscribe the record of the deeds of every person, and then God determines which is to be rewarded and which punished, and deducts its mistake (*laghw*). Al-Zujâj asserts a similar point without identifying those who record the deed.[119]

Qs. al-A'râf (45): 154. This verse uses the noun form *nuskhat* (inscription), and explains that the inscription brought by the Prophet Mûsâ was a Divine guidance and mercy. Once again, the six authorities, except al-Jashshâsh, treat the word *nuskhat* in this verse in a linguistic sense,

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[112]Al-Thabarî, *Jâmi'…*, binding 11, vol. 25, 94; al-Zamakhsyarî, *al-Kasysyâf*, vol. 3, 440.

[113]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 7, 365; al-Qurthubî, *al-Jâmi'…*, binding 8, vol. 16, 175.

[114]Al-Jashshâsh, *Ahkâm…*, vol. 1, 58.

[115]1) Abû Karîb from Ibn 'Abbâs; 2) Ibn Humayd from Ibn 'Abbâs; 3) Ibn Humayd from Ibn 'Abbâs, and 4) Al-Hasan b. 'Irfah from 'Alî b. Abî Thâlib. Thabarî, *Jâmi'…*, binding 11, vol. 25, 94-5.

[116]1-3 from Ibn 'Abbâs; 4) Al-Hasan; 5 and 6 the transmitters are not mentioned. Al-Qurthubî, *al-Jâmi'…*, binding 8, vol. 16, 175-6.

[117]1 and 3 Ibn Jarîr from Ibn 'Abbâs; 2) Al-Mundzir from Ibn 'Abbâs; 4) Ibn Jarîr from 'Alî b. Abî Thâlib; 5) Ibn Mardawiyyah from 'Umar b. Khaththâb; 6-7) Ibn Mardawiyya from Ibn 'Abbâs; 8) Ibn Mardawiyyah and Abû Na'îm from Ibn 'Abbâs, and 9) al-Thabrânî from Ibn 'Abbâs. Al-Suyûthî, *al-Durr…*, vol. 5, 760-1.

[118]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 7, 365.

[119]*Ibid.*

interpreting it as equivalent to *naql* (copy).[120] Ibn al-Jawzî, quoting Ibn 'Abbâs and Ibn Qutaybah, explains that by "*wa fî nuskhatihâ*" (and in its inscription) can be meant either "*wa fîmâ baqiya minhâ*" (and from the rest of it) or "*wa fîmâ nusikha fîhâ*" (and from what is recorded).[121] al-Suyûthî shares Ibn al-Jawzî's stand in that he quotes Ibn 'Abbâs's opinion from Ibn Abî Hâtim, accepting that it is "*wa fîmâ baqiya minhâ*" (and from the rest of it).[122] Meanwhile, al-Thabarî, al-Qurthubî and al-Zamakhsyarî share Ibn Qutaybah's opinion, which Ibn al-Jawzî also quotes it, i.e., that it means "*wa fîmâ nusikha fîhâ*" (and from what is recorded).[123]

Qs. al-Nahl (16): 101. All authorities, except al-Jashshâsh, anchor this verse in the discussion of *naskh*, interpreting the word *tabdîl* as *naskh*.[124] Al-Thabarî confines his interpretation of the word to "replacement of a ruling."[125] Al-Qurthubî shares al-Thabarî's opinion that the word *tabdîl* signifies replacing the ruling of a verse only.[126] Al-Zamakhsyarî and al-Suyûthî do not say whether the abrogation is of the ruling, or of the wording, or both of the ruling and the wording together.[127] Al-Jawzî clarifies the fact that the replacement of a verse here can consist in either abrogating the ruling and wording, or abrogating the ruling and not of the wording.[128]

Al-Suyûthî cites a *Hadits* to illustrate the occasion of revelation of Qs. al-Nahl (16): 101,[129] one that seems to have no relation at all to *naskh*. In fact,

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[120]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 3, 267; Thabarî, *Jâmi'…*, binding 6, vol. 9, 49; al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 96; al-Qurthubî, *al-Jâmi'…*, binding 4, vol. 7, 293; al-Suyûthî, *al-Durr…*, vol. 3, 236-7.

[121]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 3, 267.

[122]Al-Suyûthî, *al-Durr…*, vol. 3, 236-7.

[123]Al-Thabarî, *Jâmi'…*, binding 6, vol. 9, 49; al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 96; al-Qurthubî, *al-Jâmi'…*, binding 4, vol. 7, 293.

[124]Thabarî, *Jâmi'…*, binding 7, vol. 14, 118; al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 344; al-Qurthubî, *al-Jâmi'…*, binding 5, vol. 15, 176; Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 4, 491; al-Suyûthî, *al-Durr…*, vol. 2, 246.

[125]Al-Thabarî, *Jâmi'…*, binding 7, vol. 14, 118.

[126]Al-Qurthubî, *al-Jâmi'…*, binding 5, vol. 15, 176.

[127]Al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 344; al-Suyûthî, *al-Durr…,* vol. 2, 246.

[128]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 4, 491.

[129]Al-Suyûthî Quotes a report of Abû Dâwud in his work *al-Nâsikh*, Ibn Mardawiyya, and al-Hâkim from Ibn 'Abbâs when he explains Qs. al-A'râf (45): 101 and 110. Ibn 'Abbâs said that 'Abd al-Lâh ibn Abî Sarh wrote [a letter] to the Prophet Muhammad, the satan dispersed him and met with the disbelievers. The Prophet ordered his Companions to kill him in *yawm al-fath* (the day of victory), but 'Uthmân, the Companion, asked him to

al-Suyûthî, in his *Lubâb al-Nuqûl fî Asbâb al-Nuzûl* does not provide any circumstances for this verse.[130] Ibn al-Jawzî on the other hand provides a circumstance reported by Abû Shâli<u>h</u> from Ibn 'Abbâs, stating that God in this case revealed a verse and then revised it. The disbelievers of Quraysh furthermore said that verily Muhammad had obliged his Companions to do a thing, once, and then prohibited them from doing so another time. For these reasons Qs. al-Na<u>h</u>l (16): 106 was revealed.[131] The rest of the authorities are silent on the circumstances surounding this verse.

Al-Thabarî, al-Zamakhsyarî and Ibn al-Jawzî relate also that *naskh* occurs because God offers it as one of the advantages for Muslims. They accuse those who do not believe in *naskh* of being ignorant; al-Thabarî suspects them as well to be ignorant of the nature of *naskh*,[132] while al-Zamakhsyarî considers them just as ignorant of the science of *naskh*,[133] and Ibn al-Jawzî says that they were ignorant because they did not know that God had revealed the Qur'an with *naskh*, and because they did not know its advantages.[134] Al-Zamakhsyarî and Ibn al-Jawzî both claim that the *nâsikh* can be either harder or weaker than the *mansûkh*;[135] according to the former, this is because the *nâsikh* is based on the advantages (*mashla<u>h</u>ah*) embodied in it.[136] Al-Qurthubî on the other hand insists that most of the authorities (*jumhûr*) consider that the *nâsikh* should be harder than the *mansûkh*.[137]

None of the six authorities mentions Syâfi'î as a source in discussing Qs. al-Na<u>h</u>l (16): 101. However, al-Zamakhsyarî does take the opportunity to affirm the principle of *abrogating the Qur'an by the Sunnah* and vice versa, which Syâfi'î had originally advocated. Al-Zamakhsyarî said, "the Qur'an abrogates a similar thing and so there is no impediment to the Qur'an's being abrogated by another thing (the *Sunnah*). In fact, the *Sunnah,* when reported many by many (*al-sunnah al-mutawâtirah*) is like the Qur'an in that one is obliged to know it; thus, the Qur'an can be abrogated by the *Sunnah*."

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release 'Abd al-Lâh ibn Abî Sar<u>h</u>, the Prophet released him. al-Suyûthî, *al-Durr…*, vol. 2, 246.

[130]Al-Suyûthî, *Lubâb al-Nuqûl fî Asbâb al-Nuzûl* (Beirut: Dâr al-Ma'rifah, 1997).

[131]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 4, 491.

[132]Al-Thabarî, *Jâmi'…*, binding 7, vol. 14, 118.

[133]Al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 344.

[134]Ibn al-Jawzî, *Zâd al-Masîr…*, vol. 4, 491.

[135]*Ibid.*; al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 344.

[136]*Ibid.*

[137]Al-Qurthubî, *al-Jâmi'…*, binding 5, vol. 15, 176.

Moreover, he makes it clear that *ijmâ'*, *qiyâs*, and *Sunnah* not reported by many are dissimilar to the Qur'an, so these cannot abrogate the Qur'an.[138]

Conclusion

Like other authors of *naskh*, Syâfi'i's theory of *naskh* bases its epistemology on the principle rooted from the divine revelation. Syâfi'î formalized the subject of *naskh* to be accepted as part Muslim's application of their faith. To do so, he put *naskh* to be a relational device in that he considers that *naskh* has to be put in relation to other key terms such as *takhshîsh*, and *istisnâ'* and treated it as an integral packet of systematic principles of method of inquiry and Islamic source theory.

In contrast to the earlier treatises that do not differentiates *naskh* from other key terms, Syâfi'i's theory of *naskh* bears a new step. His theory of *naskh* constitutes three basic elements of the definition (abrogating a juristic ruling by another one, *ta'akhkhur*, and differentiating the term *naskh* from other key terms), four conditions, two modes, and two types of *naskh*. The Syâfi'i's theory of *naskh* was earliest attempt to elaborate the field, but in a sense that his credit does not neglect al-Zuhrî's contribution.

From the six works disscussed we find that in general Syâfi'i's theory of *naskh* was rarely consulted. The only issue where Syâfi'î was refuted is his rejection on *abrogating the Qur'an by the Sunnah* or vice versa. In the point of accepting the existence of *naskh*, Syâfi'î and the six authorities share the same opinion in that they consider *naskh* as the exclusive right of God. However, relating the importance of *naskh*, Syâfi'î only relates to the Qur'an, quoting Qs. 14: 51, Qs. al-Na<u>h</u>l (16): 9, whereas the six authorities go further, basing not only on religious doctrine, but also historical report. In addition, Syu'lah and al-Suyûthî interpolate also the consensus of previous Muslim experts as another point to signify *naskh*.

Regarding the theory of *naskh*, of the six authorities, only Ibn al-'Atâ'iqi does not discuss types of *naskh* and the differentiation of it from other keys terms, like *badâ'* or *takhshîsh*. However, none of them attribute Syâfi'î as the one who initially formulated this differentiation.

Another point, Syâfi'i's insistence on two modes of *naskh* receives a persistent refutation from the six authorities in that they discuss the three modes of *naskh*. Even, Makkî adds three other modes, extending the first mode (*abrogating the ruling and not of the wording*) into three and the second

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[138]Al-Zamakhsyarî, *al-Kasysyâf*, vol. 2, 344.

(*abrogating the wording and ruling*) into two, a new mode, *God's abrogation of the practice of the Prophet and his Companions in which they did it before.*

Finally, regarding the conditions of *naskh*, like Syâfi'î, al-Na<u>hh</u>âs, Ibn al-'Atâ'iqî and al-Suyûthî do not formulate, but al-Na<u>hh</u>âs ratifies four of them, Ibn al-'Atâ'iqî and al-Suyûthî only ratify the third. Syu'lah formulates them and shares Syâfi'î's formulations. Makkî and Ibn al-Jawzî go further, breaking down the four formulations, in that Ibn al-Jawzî separates the third formulation into two and Makkî breaks them into seven with a note that the seventh seems not appropriate to be included in it.

From our contention on the eight verses discussed in the six *tafsîr*s, Syâfi'î also was rarely consulted. Of the six authors only Qurthubî mentions Syâfi'î and Abû al-Faraj as the advocators of the camp who reject the application of *abrogating the Qur'an by the Sunnah* or voice versa, and refutes it.

Another finding is that all authorities that we discuss in the case of distinguishing *naskh* from other terms, not one credits Syâfi'î as the first scholar to identify the divergence. As a matter of fact, no matter what school each adheres, he keeps silent on this point. However in the case of the rejection of abrogating the Qur'an by the *Sunnah* or vice versa, the background of the authors has a relation with their idea, with the exception that Ibn al-Jawzî (a <u>H</u>anbaliyyah) shares with Na<u>hh</u>âs (a Syâfi'îyyah) and Suyuthî (a Syâfi'îyyah) in this rejection. This sharing happens may be because the teacher of Ibn al-Jawzî, A<u>h</u>mad Ibn <u>H</u>anbal, was in the same idea with Syâfi'î. While Syu'lah (a <u>H</u>anbaliyyah), Makki (a Mâlikiyyah), and al-Jashshâsh (a <u>H</u>anâfiyyah), al-Zamakhsyarî (here, we classify him as a <u>H</u>anâfiyyah), and Qurthubî (a Mâlikiyyah) disagree with this rejection. Even, al-Jashshâsh and al-Zamakhsyarî do not mention the camp that rejects this principle.

Finally, as far as we are concerned, the significance of Syâfi'î's *naskh* lies on the boundaries and systematization he makes to allow it operative within the areas of deduction of law as well as the interpretation but with more controllable parameters. *Wa al-Lâh a'lam.*●