

Abrogation in Hadīth

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“Hadiste Nesih”

Özet: Nesh konusu, Kuran ve Sünnetin doğru anlaşılması ve yorumlanmasındaki önemi sebebiyle hadis dâhil tüm diğer İslâmî ilim dallarıyla uğraşanlar tarafından yoğun ilgi görmüştür. Ancak neshle ilgili bazı yaklaşımlar, kaynakların doğru anlaşılmasını sağlamadığı gibi, Müslümanlar arasındaki ilişkilerin de sağlıklı yürütülmesine engel olmuştur. Hâlbuki sürekli geçerli olan iptal anlamında nesh sadece tabiatı gereği kötü olan şeyler için geçerlidir ve bunların da istisnaları bulunmaktadır. Tabiatı gereği kötü olmayan şeylerin neshi ise sadece toplumsal maslahatın korunması ve iyileştirilmesi olarak değerlendirilmiş olsaydı, sürekli geçersizlikleri anlamına gelebilecek bir iptalden bahsedilemeyecekti. Çünkü neshin iptal anlamında kullanılması, ilâhî mesajın başka bir ilâhî mesaj ile kaldırılması, yani hak olan şeyin geçersiz hale dönüştürülmesi sorununu gündeme getirdi. Ayrıca birçok ayet ve hadisi geçersiz kılarak dinin genişliğinden istifade edilebilme yollarını kapatmış ve Müslümanlar arasındaki ilişkilerin de sağlıklı yürütülmesine engel olmuştur. Bu anlayış doğrultusunda, çalışmamızda nesh konusunu farklı yönleri ile tanıtmamızın yanısıra insanlığın ortak ahlâkî değerleri ile temel hak ve hürriyetlerini geçersiz kılabilecek yorumlara açık olan tarihin bilinmesine dayalı olan nesh anlayışı yerine delillerin illetini ve dinin maksatlarını esas alan nesh anlayışını destekleyici bir yol izledik.

Atıf: Yusuf Suiçmez, “Abrogation in Hadith”, *Hadis Tetkikleri Dergisi (HTD)*, X/1, 2012, ss. 35-58.

Anahtar Kelimeler: Nesih, nâsîh, mensûh, hadis

Naskh (النسخ) is an Arabic word derived from the verb (نسخ) means to abrogate, invalidate, cancel, supersede, replace, copy, change etc.¹ It shares the same root with the words al-nâsikh (الناسخ): the abrogator² and mansûkh (المنسوخ): the abrogated and naskh (النسخ): abrogation. This word used as a term in methodology of hadīth, Islamic legal exegesis and fiqh (jurisprudence) to refer to the reconciliation process for seemingly contradictory materials.

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¹ Edward Wiliam Lane, *An Arabic-English Lexicon*, Beirut: Librairie du Lubnan 1968, VIII, 2788; Rohi Baalbaki, *al-Mawrid*, Beirut: Dar el-Ilm lilmalayin 1995, p. 1169.

² Mostly scholars translated الناسخ as abrogating but it is not correct. It is better to be translated it as abrogator.

Naskh or abrogation is one of the most controversial problems discussed among the scholars of Hadīth, Qur'ānic studies, as well as in Islamic jurisprudence and Kalam. Most classical-era scholars, among them Abu 'Ubayd al-Qāsim ibn Sallam (d. 224 AH), Ibn Shāhin (d. 385 AH), al-Hazimi, Makki Ibn Abī Tālib (d. 437 AH) Abd al-Rahmān Ibn al-Jawzī (d. 597 AH) and others were enthusiastic supporters of the theory of abrogation³. And the first two studies about naskh attributed to two famous hadīth scholars Katāda (d. 117 AH) and az-Zuhrī (d. 124 AH).

The application of abrogation by revelation to the Qur'ān and Sunna is restricted, in terms of time, to one period only, which is the lifetime of the Prophet. But during his lifetime, there were instances when some of the rulings of the Qur'ān and Sunna were either totally or partially superseded by later rulings. This was due mainly to the change of circumstances in the life of the community and the fact that the revelation of the Qur'ān spanned a period of twenty-three years⁴. So there is no abrogation justified by revelation after the death of the Prophet so all judgments about naskh are ictihads (deductions). However some scholars neglected determining of naskh by ictihad⁵. Therefore, there is no agreement on its definition and methodology of determining of naskh and how to deal with the nāsikh (abrogator) and mensūkh (abrogated).

It has also been argued that the change in the meaning of the term naskh in different stages of the development of the phenomenon is responsible for a good deal of confusion. It is observed that some companions and the early authorities had used the word in the sense of exception, particularizing the meaning (al-takhsis) and the clarification of a previous verse. It is also claimed that when they stated that a certain verse was nasikh for another, they intended thereby that the verse explained and removed the misconception that could arise from a certain passage by comparing it with earlier related one. They did not mean that the latter revelation has totally abrogated and rendered out of force the former one⁶. These different meanings of this word were confused in the later ages and no distinction was drawn between them.

There are different definitions originated from different perspectives to the abrogation in science of hadīth, exegeses and Islamic law. Nask defined

³ Israr Ahmad Khan, "Classification of Abrogation in the Qur'ān: A Critical Analysis", *American Journal Of Islamic Social Sciences*, Vol. 23 Fall 2006 Number 4, p. 1.

⁴ Mohammad Hashim Kamali, *Principles of Islamic jurisprudence*, Islamic Texts Society, Cambridge, UK, 2003, p. 139.

⁵ Mostafa Zeyd, *an-Nash fi al-Qur'ān*, Egpt: Dar al-Vafa li at-Tebaa, 1408 /1987, I, 6.

⁶ Ibn Qayyim Al-Jawziyyah, *I'lam al-Muwaqqi'in*, Beirut: Mektebe al-'Asriyye 1407/1987, I, 34; Thameem Ushama, "The Phenomenon of Al-Naskh: A Brief Overview of the Key Issues" *Jurnal Fiqh*, 3. 4 (2006): 101-132, p. 28.

as: اِزْتِفَاعُ الْحُكْمِ الثَّابِتِ بِالْخَطَابِ الْمُتَقَدِّمِ عَلَى وَجْهِ لَوْلَاهُ لَكَانَ ثَابِتًا بِهِ مَعَ تَرَاخِيهِ عَنْهُ = *The (divine) address that indicates the lifting of a legal ruling that had been established prior to it such that, in its absence, the ruling would continue to take effect.* This is one of the common definitions among scholars of hadīth and fiqh methodologists⁷. According to this definition a revelatory process by which certain divine decisions, enacted at a given date, had been overtaken and superseded by other divine decisions enacted at a later date⁸. In case of conflict, the later law or code always replaces an earlier one, called mansukh (منسوخ) means abrogated, which can then be disregarded since it has been superseded and the earlier one called nasikh (ناسخ) means abrogator, and all of the process called (النسخ) means abrogation. at-Tirmitheh (d. 279 AH) defined naskh as illah (cause)⁹ so naskh is not a termination process but a process of reconciliation of new circumstances. According to some scholars abrogation implies a total elimination of a law or code, and cancellation or restriction of the specific ordinance or statement contained in a law or code and for others implies clarification of the end point of one previous law or code by another later one¹⁰.

Naskh may be defined as the suspension or replacement of one Sharia ruling by another, provided that the latter is of a subsequent origin, and that the two rulings are enacted separately from one another. According to this definition, naskh operates with regard to the rules of Sharia only, a proviso that precludes the application of naskh to rules that are founded in rationality (aql) alone. The hukm or ruling, in this definition not only includes commands and prohibitions but also the three intermediate categories: recommended, reprehensible and mubah (permitted generally). The requirement that the two rulings must be separate means that each must be enacted in a separate text. For when they both occur in one and the same passage, it is likely that one complements or qualifies the other, or that one may embody a condition or an exception to the other¹¹.

⁷ al-Hatib al-Baghdadi, *al-Faqih wal-Mutafaqqih*, I, 80; Abu Bakr al-Hamadhānī, Muḥammad b. Mūsā, al-Hāzimi, *K. al-Ibar fi 'n-nāsikh vel-l-mansūkh min al-athār*, Haiderabad 1410/1989, p. 53; Ibn al-Ṣalāh. *An Introduction to the Science of the Hadīth* Trans. Dr. Eerik Dickinson. First ed. Reading: Garnet Publishing Limited, 2006, p. 199.

⁸ Ibn al-Ṣalāh. *An Introduction to the Science of the Hadīth*, p. ۱۹۹; John Burton, *The sources of Islamic law: Islamic theories of abrogation*, Edinburgh: Edinburgh University Press, 1990, p. 18.

⁹ Shams Ad-Din as-Sahāvi, *Fath al-Mughis*, Madina: Al-Maktabah as-Shalafiyya 1968/1388, III, 59.

¹⁰ Jalal al-Din al-Suyūti, *Tadrib al-Rāwi*, Madina: Maktabatu al-ʿIlmiyye 1972, II, 19; Sayfud-din Ebu al-Ḥasan al-Amīdi, *al-Ihkam fi Usul al-ahkam*, Beirut: Daru al-Kutub al-Ilmiyya ts., II, 98, 99.

¹¹ Mohammad Hashim Kamali, *Principles of Islamic jurisprudence*, Cambridge, UK: Islamic Texts Society, 2003, p. 139.

Ibn Jarir stated that the verse “We do not erase/ nullify/ abolish/ copy from a sign/ verse/ evidence, or we make it forgotten/ we postpone it, except that we come/ bring with better than it, or similar/ equal/ alike to it. Do you not know that God is on everything powerful/ capable?”¹² means, repeal in a verse by making the allowed unlawful and the unlawful allowed and pointed out that the naskh only occurs with commandments, prohibitions, permissions, and so forth. So the stories, they do not undergo naskh¹³.

It is claimed that changing the rules means that God was making experiments to find out what is good and what is bad for us, and than he finds out what is beneficial or harmful to the human, and at that time he changes his rulings and this is admitting that he made mistake or what he revealed before was not perfect. But there is perfect harmony between divine will and divine knowledge for that reason the end point that was known to Allah and nevertheless concealed from those addressed by the sacred law, such that it appeared to be a lasting ruling from the perspective of humans. Hence, abrogation entails replacement from our perspective and clarification of the termination of a legal ruling and the beginning of a new legal ruling from divine perspective¹⁴. So naskh refers to something that has previously been permitted but later has become invalid or vice-versa due to God’s desire to improve the situation of human being. Al-Naskh, then, does not indicate any change in the divine will, rather all-knowing God’s knowledge of the facts that the situation of the human being would.

The Prophet's mission extended over twenty-three years. Thus naskh theory is rooted in a concept of the gradual development of the revelation. The theory does not, on that account, hint even remotely at mutability of the divine will, much less of the divine knowledge. These discussions on abrogation were thus not attended with any potentially embarrassing metaphysical or theological implications¹⁵. The entire processes of history, and hence the entire sweep of revelation history were present to the divine knowledge without any restriction by time.

Some scholars rejected existence of abrogation in Qur’ân like Muhammad Asad¹⁶, Süleyman Ateş¹⁷, and as mentioned some like Abu Moslem al-

¹² Holy Qur’ân, 2:106.

¹³ Mohammad b. Jarir at-Tabari, *Cami al-bayan fi Taviil al-Qur’ân*, Muassasa ar-Resala, 2000, II, 471.

¹⁴ as-Sharif Ali b. Mohammad al-Curcaniy, *Kitab al-Tarifât*, Beirut: Daru al-kutubi al-ilmiyyah 1988, p. 240.

¹⁵ John Burton, *The sources of Islamic law: Islamic theories of abrogation*, p. 20.

¹⁶ Muhammad Esad, *The Message of the Qur’ân*, Dar al-Andalus 1980, p. 22, 23.

¹⁷ Süleyman Ateş, *Yüce Kuran’ın Çağdaş Tefsiri*, İstanbul: Yeni Ufuklar Neşriyat 1988, I, 215.

Asfahany¹⁸ and Sayyid Qutub¹⁹, especially of recent times like Caner Taslaman and Ahmet Özel²⁰ do not believe in the concept of abrogation at all²¹. In the institutions of higher learning religious scholars and exegetes are divided over the issue. Those who are trained in the traditional Islamic institutions inspire students to believe in its occurrence. Others who are trained in modern educational institutions seem not in favor of the phenomenon of naskh and thus influence students and the academic community to reject it. Consequently, there is no agreement among the scholars and students on its existence²².

Some scholars pointed out that most Jewish theologian²³ reject abrogation but they disagreed on its nature like Muslim theologians²⁴. The supporters of abrogation used as an evidence the marriage of children of Adam and Eva each other to demonstrate their views²⁵. But this evidence is not valid because this marriage was necessary for surviving of human race. As it is determined in case of necessities all prohibited (haram) things become free (halal)²⁶. Al-Jassas stated that God, the Almighty, never commanded an act unless it was good and he never prohibited an act unless it was bad. The result was that the very things, which were good in themselves like justice and belief in Allah, could not be abrogated by opposite commands²⁷. So the basic beliefs of Islam and common human ethics and rights that are good in themselves cannot be abrogated permanently. Therefore permanent abrogation deals with things that are not good in themselves or are evil effected as mentioned in verse: *And we did not send from before you from a messenger, and nor a*

¹⁸ Muvaffaqudin al-Makdası, *Ravdatu an-Nazer va Cannatu al-Munazer* (with commentaries of Abdulkadir ed-Demasky), Egpt: Maktabatu al-Kulliyatu al-Esharyya 1991, I, 153; Mostafa as-Sibai, *as-Sunne ve mekanatuha fi tashrii Islami*, Beirut: al-Maktabu al-Islami 1985, p. 394.

¹⁹ Thameem Ushama, "The Phenomenon of Al-Naskh: A Brief Overview of The Key Issues", p. 120.

²⁰ Caner Taslaman, "The Rhetoric of "Terror" and The Rhetoric of "Jihad": A Philosophical And Theological Evaluation." *Annals of Japan Association for Middle East Studies*, 22-2 (2006): 81-93, p. 9, 10.

²¹ Abdurrahman Çetin, "Nesih", *TDV İslam Ansiklopedisi*, XXXII, 580.

²² Thameem Ushama, "The Phenomenon of Al-Naskh: A Brief Overview of The Key Issues", p. 103.

²³ Muvaffaqudin al-Makdası, *Ravdatu an-Nazar wa Cannatu al-Munazer* (with commentaries of Abdulkadir ed-Demasky), Egpt: Maktabatu al-Kulliyatu al-Esharyya, 1991, I, 154.

²⁴ Alauddin es-Samarkandy, *Mizan al-usul*, Egypt: Metabiu ad-davha al-Hadisa 1984, p. 702, 703; Mostafa Zayd, *an-Naskh fi al-Qur'an*, I, 26-38.

²⁵ Muhammad b. Hazm, *an-Nasikh and Mensukh in Qur'an*, Beirut: Daru al-Kutubu al-Ilmiyya 1986, p. 8.

²⁶ Ahmed b. Es-Sayh Muhammad az-Zarka, *Sarhu al-Kavaidi al-Fiqhiyya*, Damascus: Dar al-Kalem 1989, p. 185.

²⁷ Mohammad Akram, *The principles of abrogation: with special reference to the Usul of al-Jassas*, Diss. University of St Andrews, 1987, p. 15.

prophet, except if/ when he wished/ desired, the devil threw in his wish/ desire, so God erases/nullifies what the devil throws, then God perfects/ tightens His verses/ evidences/ signs, and God) is knowledgeable, wise/ judicious²⁸.

Some commentators claimed that the verse (2: 106) refers not to the text of the Qur'ân itself, but to previous scriptures including the Torah and the Bible. They maintained that accepting abrogation of verse of Qur'ân by another should be understood as discrepancy between the Qur'ânic verses and this allegation is in opposition with the verse: *'Do they not consider the Qur'ân? Had it been from other than God, they would surely have found therein much discrepancy'*²⁹. But accepting abrogation of Torah and Bible means cancel of divine message by another one this makes abrogation of Qur'ânic verses possible as well. Because there is no doubt that, at least some parts of Torah and Bible are authentic.

Abu Muslim al-Isfahani, a Mu'tazili scholar and author of a Qur'ân commentary (Jami al-Ta'wil), has held the view that all instances of so-called abrogation in the Qur'ân are in effect no more than qualifications and takhsis (restriction) of one text by another, to al-Isfahani, the word 'ayah' in these passages means not a portion of the Qur'ânic text, but miracle.³⁰ Two other points that al-Isfahani has added to his interpretation are as follows. Supposing that the passages under consideration do mean abrogation, even then they do not confirm the actual occurrence of naskh but rather the possibility of it. Lastly, al-Isfahani maintains that all instances of conflict in the Qur'ân are apparent rather than real³¹.

The scholars of hadith mentioned three criteria to be identified in any one alleged instance of naskh:

1. A report from the Prophet or his companion clarifying the naskh. However, some scholar objected to determine naskh by a report from companion for possibility to be an icthad.
2. Conflict between two enactments such that it is impossible to implement the two texts jointly and knowledge of the relative dates of both abrogator and abrogated.
3. Consensus that clarify abrogation. Some objected to the abrogation of Qur'ân or hadith by consensus and claimed that consensus cannot abrogate but clarify existence of abrogation.

²⁸ Holy Qur'ân, 22:51.

²⁹ Caner Taslaman, "The Rhetoric of "Terror"and the Rhetoric of "Jihad": A Philosophical and Theological Evaluation", p. 10.

³⁰ Thameem Ushama, "The Phenomenon of Al-Naskh: A Brief Overview of the Key Issues" p. 123, 124.

³¹ Mohammad Hashim Kamali, *Principles of Islamic jurisprudence*, p. 151.

One of the conditions is knowledge of which is the later, since the nasikh must be later than the mansukh³². This knowledge of the relative dating of the two documents can be derived solely from the tradition but there is no Qur'anic verse or saying of prophet support this idea. For that reason in time, more complex philological, theological, and philosophical theorizing accrued and in the amount of Qur'anic verses and hadīths recognized as either nāsikh or mansūkh. For that reason Ibn Javzi rejected many hadīths that accepted by Ibn Shain as abrogated. As it is clear, the numbers of abrogated hadīths and Qur'anic verses has over time increased and decreased according to the changing of criteria.

When we analyse the number of hadīths that recognized as mensūkh we realize that the number is increased periodically from the beginning than critics begun to on some examples. There is no any example of hadīth in earliest books wrote by Katade and az-Zuhri. In one narration mentioned that az-Zufar one of the students of Abu Hanifa founder of Hanafi School determined some of abrogated hadīths but no any example is given³³. Another student of Abu Hanifa Mohammad Hasan mentioned only five different abrogated hadīths³⁴ and one abrogated Qur'anic verse³⁵. Imam Malik the founder of Malikiy School mentioned only one example in his book³⁶. Than Imam as-Shafi discussed this problem and became famous in this field. And al-Kasim b. Sallam (d. 224), an-Nahhas (d. ۳۳۸ AH), al-Makri (d. ۴۱۰ AH), Ibn Hazm (d. 456 AH), Ibn Barizi (d. 738 AH), al-Makdasi (d. 1033 AH) wrote their books about naskh and based it on names of suras and abrogated verses in Qur'an. Later Abu Bakr Ahmad b. Muhammed al-Ashram (d. ۲۷۲ AH), Ibn Shahin (d. 385 AH), al-Hamadani (d. 584 AH) Ibn Javzi (d. 597 AH) wrote their books included hadits that claimed to be abrogated and based them on chapters of fiqh. When we analyse these books we realise that scholars have different views about the total number of abrogated hadīths and verses.

After the first century jurists began claiming many new cases of “abrogation of rulings” merely to invalidate opinions or narrations that disagree with their respective schools of thought. As one contemporary scholar puts it: “The fundamental ruling is that every verse that is different from the opinion

³² John Burton, *The sources of Islamic law: Islamic theories of abrogation*, p. 22.

³³ Al-Khatib al-Baghdadi (d. 463/1071), *Nasihatu Ahl al-Hadīth*, Az-Zarga: Maktaba al-Manar p. 43.

³⁴ Muḥammad ibn al-Ḥasan al-Shaybānī (d. 169), *al-Hucca*, Beirut: Alem al-Kutub h. 1403, p. I, 257; II, 757, 768.

³⁵ Mohammad ibn al-Hasan al-Shaybānī (d. 169), *as-Siyar as-Saghir*, Beirut: Ad-Dar al-Muddahida 1975, p. 101.

³⁶ Imam Malik Ibn Anas (179/795), *al-Mudawwana*, Beirut: Dar al-Kutub al-Ilmiyya 1414/1994, III. 223.

of the scholars of our school is abrogated.” Therefore, it is not unusual in the jurisprudence literature to find a ruling “abrogating” something according to one school and “abrogated” according to another. This way use of abrogation contributed to a sense of inflexibility in the Islamic Jurisprudence and thought, which is unnatural and unhealthy for the following reasons: First, the difference of opinion among jurists is natural and expected due to natural human uncertainties about interpreting the script and the degree of literalism in the application of rulings. However, when one scholar claims that another scholar's evidence is abrogated, i.e., null and void, the tolerance to “the other's” opinion decreases and healthy diversity becomes unhealthy dispute. Second, the abrogated, i.e., cancelled or omitted verse or hadith might very well be a valid ruling people or in a specific context, as illustrated in some of the examples cited in different books³⁷.

Al-Zurqani advances an argument in favour of abrogation in the Qur'an saying that there do exist in the Qur'an certain verses that can never be practiced is this an argument? Who said that this verse or that verse was abrogated? Did Allah clearly indicate to the abrogated revelation in the Qur'an? Certainly, there is no statement in the Qur'an referring to the abrogated rulings. Did, then, the Prophet identify the practically invalid commands in the Qur'an? There is no such tradition in the Hadith literature. It, then, simply means that al-Zurqani and others from the community of Muslim scholars made supposition on their own that some verses of the Qur'an were practically invalid forever³⁸.

As Burton pointed out no single verse in the Kur'an which unequivocally points to the naskh of any other verse, nor any irreproachable hadith from the Prophet which identifies any one verse as having either undergone or effected naskh, we are left with only what is here called 'unavoidable intellectual compulsion' (darura), i.e. inference. In brief, naskh was the outcome of exegesis applied to the sources by those concerned to extract from the texts (the practice) regulations making up the fiqh³⁹.

If the abrogating had been understood as a better one or same alternative for abrogated as it is mentioned in Qur'an there would be no so much problems. Because the problem came out as a result of cancelation of a divine message or Saying of Prophet by another one. If all have been accepted valid

³⁷ Gasser Auda, “Abrogation of Rulings” Methodology: A Critique”, *Intellectual Discourse*, 2004, Vol: 12, No: 2, 195-203, p. 200.

³⁸ Israr Ahmad Khan, “Arguments for Abrogation in the Qur'an: A Critical Evaluation”, p. 12.

³⁹ Israr Ahmad Khan, “Arguments for Abrogation in the Qur'an: A Critical Evaluation”, p. 19.

but the later seen as a better one or alternative⁴⁰ there would be more choices for people and it would be more democratic charge. Here stays the question what happens if the same circumstances come back will the abrogated verse become functional again or not? If the answer is no it would mean that some things that were divine before becoming evil or invalid? No doubt that abrogation aims to fulfil needs of people according to the change of circumstances. So what considered good in time can become bad in time not because of changing of its nature but change of circumstances. So as the circumstances change reconciliation of new circumstances needed. If such timely factors were over-looked/ignored while legislation, then that could mean that the legislator lacks wisdom. From this perspective naskh is divine involvement in life shows mercy of Allah upon humankind and quite them to right way, the way of those whom has bestowed⁴¹. So we have to put all things in right place and time with a good intention and aim to protect mercy of Allah on all beings. It is clear that the Prophet Mohammad did not teach his companions all abrogated and abrogator verses or hadiths. For that reason claimed that to believe that one part of the Qur'an abrogates the other turns religion into a game in the hands of the jurists and have left the religion to the mercy of those jurists in order to avoid a chaos⁴². But rejecting abrogation at all and validating all abrogated verses and hadiths may lead to a new chaos as well. Only things that are have evil nature can be abrogated forever as it is mentioned in Qur'an: *'And We did not send before you any apostle or prophet, but when he desired, the Shaitan (Evil) made a suggestion respecting his desire; but Allah annuls that which the Shaitan casts, then does Allah establish His communications, and Allah is Knowing, Wise'*⁴³. No doubt that all abrogated verses hadiths that were evil in their nature abrogated forever and all Qur'anic verses and hadiths that are good in their nature were valid for a certain time and may become valid if the same circumstances reoccurs.

As it is clarified in the Hanafi school the mainstream definition a form of abrogation in which the first ruling was issued for a specific reason (illah) but was cancelled when the cause was no longer valid. Extending the same argument it can be proposed that, as long as the reason behind the old ruling is known, the old ruling should very well remain valid if the reason ever reoccurs⁴⁴. As it is mentioned contradiction between the divine sources is

⁴⁰ Patrick Sookhdeo, "Issues of Interpreting the Koran and Hadith." *Connections*, 5.3 (2006), p. 63, 64.

⁴¹ Mohammed b. Idres as-Safii, *ar-Risâla*, Beirut: al-Makatabetu'l-ilmiiyya Lebenon, p. 106.

⁴² Caner Taslaman, "The Rhetoric Of "Terror"and The Rhetoric Of "Jihad": A Philosophical And Theological Evaluation" 81-93.

⁴³ Holy Qur'an, 22: 52.

⁴⁴ Auda Gasser, "Abrogation of Rulings" *Methodology: A Critique*, p. 201, 202; Süleyman Ateş, *Yüce Kuran'ın Çağdaş Tefsiri*, I, 214.

impossible, since this would mean divine fallibility; in actuality the contradiction is created by our human inability to estimate correctly way reconciliation and find out the cause (illah) of the divine message. If we take care of Qur'an, Sunna and applications of Islamic scholars it is not possible to deny existence of abrogation in Qur'an and Sunna. However, there is no permanent abrogation in Qur'an after death of Prophet Mohammad. All icthads about naskh are equal so no one has higher rank other than evidences that support it.

This theory states that many verses or hadiths that some think are abrogated are not but have certain criteria, and once these criteria are met, they rule and if one of these criteria was lost, we would delay its rule until to the a new suitable time for it.

al-Zurqani mentioned that it is not possible to abrogate the main common ethical and theological beliefs of different religions⁴⁵. Therefore, abrogation permitted only for hukms that related with benefits of human beings for that reason the very basic five fundamental rights cannot be abandoned or abrogated are:

1. Protection of Life
2. Protection of Intellect (includes freedom of expression)
3. Protection of Wealth
4. Protection of Honor and right of existence
5. Protection of faith

Therefore, any icthad that surpasses one of these fundamental rights is not valuable so no one can claim abrogation of any of these rights. We can say that icthad can not abandon or ignore any basic universal human rights. Surveying the subject of abrogation (naskh) in the Qur'an, Hadith and Islamic literature, it is clear that most abrogation cases were introduced after the Prophetic era in order to interpret certain Qur'anic verses and Prophetic narrations (hadiths) that some scholars perceived as conflicting. The Qur'anic verses and hadiths, which were misperceived as conflicting, should be contextually situated and applied according to the purposes (maqasid) behind them. This allows scholars to retain flexibility within changing circumstances and respecting mental and spiritual conditions of others⁴⁶. From this perspective we can define naskh as: *Abrogation of a divine rule for a legal reason to realise purposes of divine will and protection of human and all other beings rights* = رفع حكم شرعي لعدة الشرعية لتحقيق المقاصد الشرعية وحفظ مصالح العباد وخلقه .

⁴⁵ Muhammad 'Abd 'Adhim Az-Zarqani, *Manahil al-Irfan fi Ulum al-Qur'an*, Cairo: Matbaa Isa al-Babi 1988, II, 213.

⁴⁶ Auda Gasser, "Abrogation of Rulings" Methodology: A Critique", p. 201.

Abrogation classified by scholars who accept it according to their sources into the different varieties. an-Nahhas seems to be the first who classified naskh and pointed out five types of naskh but mentioned only four: Abrogation of Qur'ān by Qur'ān and Sunna, supported by scholars of Kufa, abrogation of Qur'ān by Qur'ān only, supported by Shafii, abrogation of Sunna by Qur'ān and Sunna, abrogation of Sunna by Sunna only⁴⁷. Ibn Barizi mentioned only four modes: Abrogation of Qur'ān by Qur'ān, Abrogation of Sunna by Qur'ān, Abrogation of Qur'ān by Sunna, abrogation of Sunna by Sunna⁴⁸. It is interesting that those who wrote in *mostalah al-hadīth* (hadīth methodology) mentioned only one mode of naskh 'abrogation of Sunna by Sunna' and did not deal with the other modes⁴⁹. But As-Suyuti in his book on methodology of Qur'ān mentioned other modes of naskh⁵⁰ but there is no agreement among scholars on modes of naskh as well. Here I am going to mention all modes of naskh mentioned by scholars and give brief information about each one.

Abrogation is applicable to both sources of Islamic law: The Qur'ān and the Prophetic Sunna. Scholars mostly agree on that the Qur'ān can abrogate Qur'ān and the Sunna can abrogate Sunna.

1. Abrogation of a Qur'ānic verse by another

Three different modes of naskh are discussed in literature. The first one is the abrogation of an earlier ruling without, however the abrogation of the earlier wording. The second one is the abrogation of both a Qur'ān wording and the ruling it conveyed. The last one is the abrogation of a Qur'ān wording, but not of the ruling it conveyed⁵¹.

The second and last mode of naskh neither al-Qatade and az-Zuhri, nor Shafii emphasised it. This modes of naskh mentioned later by Abu al-Qasim (d. ٤١٠)⁵², al-Baghdadi (d. 463)⁵³, al-Maqri⁵⁴ and others⁵⁵. But the scholars of

⁴⁷ Abū Cafer Ahmed b. Muhammed b. İsmail el-Muradi Nehhas, 338/950, *en-Nasikh ve'l-mensukh*, Kuveyt: Mektebetü'l-Felah 1988/1408, p. 53.

⁴⁸ Abu al-Kāsim Sharefuddin Hibatullah İbn al-Barizi (d. 738/1338), *Nasih al-Qur'ān al-Aziz wa Mansukhi*, Beirut: Muassasa ar-Risāle 1988, p. 20.

⁴⁹ Al-Hakim al-Nishaburi (d. 405 AH), *Ma'rifat 'Ulūm al-Hadīth*, Beirut: Dar al-Kutub al-İlmiyye 1977, p. 85, 86, Ibn as-Salah, *Ulum al-hadīth*, Dimaskh: Dar al-Fekr 1984, p. 467-470, Jalal al-Din al-Suyuti, *Tadrib al-Rawi*, II, 189-192.

⁵⁰ Jalal al-Din al-Suyuti (d. 911 AH), *Al-Itqan fi 'Ulum al-Qur'ān*, Beirut: Al-Maktaba al-Ashriyya 1408/1988, III, 59, 77.

⁵¹ Abu'l-Kasim Hibetullah al-Makri, *an-Nasikh and Mansukh*, Beirut: al-Maktabu'l-Islami 1404, p. 20. John Burton, *The sources of Islamic law: Islamic theories of abrogation*, p. 41.

⁵² Abu al-Kasim Hibetullah al-Makri, *an-Nasikh and Mansukh*, Beirut: al-Maktabu'l-Islami 1404, p. 20.

⁵³ Al-Hatib al-Baghdadi, *al-Faqih wal-Mutafaqqih*, I, 80.

⁵⁴ Abu'l-Kasim Hibetullah al-Makri, *an-Nasikh and Mansukh*, p. 20.

⁵⁵ John Burton, *The sources of Islamic law: Islamic theories of abrogation*, p. 41.

Hadīth had not mentioned this classification in famous hadīth methodology books (Mostalah al-hadīth).

The first mode of naskh is common among who accept abrogation but they disagreed on last two and disagreed about the number of abrogated verses. It is pointed out that this *was* the 'classic' mode of naskh of the three modes discussed in the theory, it alone is common to both Qur'ān and Sunna, which reinforces the suspicion that this mode was undoubtedly the starting-point for all the naskh theorising⁵⁶.

It is claimed that only the verse 9:5 (verse of the sword) was said to have abrogated one hundred and thirteen Qur'ānic verses which contain teachings to have patience and perseverance, forgiveness and tolerance in adversity and hardships. Ibn Hazm (d. 320 AH) argues as 214 verses as abrogated, Abu Ja'far al-Nahhas (d.377 AH) as 134, Ibn Salamah (d. 410 AH) as 213, Al-Baghdadi (d.429 AH) as 134, Ibn Barakat (d. 520 AH) as 210, Ibn 'Arabi (d. 543 AH) as 21, Ibn al-Jawzi (d. 597 AH) as 246 and Al-Suyuti (d. 911 AH) as 21, According to Shah Waliullah (d.1763 C.E) the number of abrogated verse is only five. He seems to have reached this conclusion after harmonizing the passages which were deemed contradictory⁵⁷. This prove that the mater of abrogation based on ictihad so no one can force others to accept their ictihads. Therefore, labelling Qur'ānic verses or hadits as "cancelled" jeopardizes the ability of Islamic jurisprudence to deal appropriately with various circumstances. The "verse of the sword" and "the verse of the barrier" are obvious examples⁵⁸. Therefore, it is essential to examine the concept and understand the verses and ruling by placing it within the context in which these were revealed⁵⁹.

The second mode is abrogation of both ruling and wording and this view is supported by some hadiths⁶⁰. The second of the three 'modes' of naskh, the suppression of both a Qur'ān wording and the ruling indicates that some part of the revelation, have been irrecoverably left out of Qur'ān, neither the wording nor the ruling surviving. Abu `Ubayd refers to this category as those abrogated verses that were lifted up after their revelation and omitted from people's memory and writing⁶¹. There would presumably be no reliable

⁵⁶ John Burton, *The sources of Islamic law: Islamic theories of abrogation*, p. 56.

⁵⁷ Ushama, Thameem. "The Phenomenon of Al-Naskh: A Brief Overview of the Key Issues", p. 116.

⁵⁸ Gasser Auda, "Abrogation of Rulings" Methodology: A Critique," p. 200.

⁵⁹ Gasser Auda, "Abrogation of Rulings" Methodology: A Critique", p. 202.

⁶⁰ Cemal ad-Din Abdurrahman Ibn al-Cevzi (d. 597), *Nevasih al-Qur'ān*, Beirut: Sharikai Abnai Sharif 2001, p. ۲۷.

⁶¹ Abu `Ubayd al-Qasim ibn Sallam, *Al-Nasikh wa al-Mans'kh fi al-Qur'ān al-'Aziz* (Riyadh: Maktabah al-Rushd, 1990), 14; Israr Ahmad Khan, "Classification of Abrogation in the Qur'ān: A Critical Analysis", p. 3.

means of our knowing that they had been left out, or indeed, that they had ever existed. But, had both the words and the ruling of a hadīth been suppressed, the hadīth would quite simply have been non-existent. Hadīths either exist or not; they are either accepted or not. Where a hadīth text survives, yet the Sunna it embodies is not accorded general recognition, this is usually rationalised as indicating some dissatisfaction with the isnād⁶². I am going to mention some examples in brief⁶³.

Hadīth No. 1:

عن عائشة، زوج النبي صلى الله عليه وسلم، أنها قالت: كان فيما أنزل من القرآن - عشر رضعات معلومات يحرمن. ثم نسخن بخمس معلومات. فتوفي رسول الله صلى الله عليه وسلم، وهو مما يقرأ في القرآن. قال يحيى: قال مالك: وليس العمل على هذا.

A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Amongst what was sent down of the Qur'an was 'ten known sucklings make haram' - then it was abrogated by 'five known sucklings'. When the Messenger of Allah, may Allah bless him and grant him peace, died, it was what is now recited of the Qur'an." Yahya said that Malik said, "One does not act on this."⁶⁴

It is obvious that the verse on ten suckling is neither recited nor found in the mushaf of 'Uthman⁶⁵. This hadīth is not authentic because the narrators did not agree on number of suckling and probably traced back to the Prophet later mistakenly⁶⁶. Two revelations concerning foster relatives came down, the first one comprising ten relations and the second one, comprising only five relations that replaced the first verse. Therefore, the second verse should be present in the Qur'an as we know it today, since this Qur'an is the same Qur'an that was used by the Prophet (saw) and his pious political successors. But it contains no such verse. As such, despite its strong chain of transmission, the hadīth is unacceptable because it contradicts the Qur'an and places its integrity in doubt⁶⁷. Some narrators did not mention that it was in Qur'an and reported that the narrator of this hadīth Urva b. az-Zubayr

⁶² John Burton, *The sources of Islamic law: Islamic theories of abrogation*, p. 43.

⁶³ Israr Ahmad Khan, "Classification of Abrogation in the Qur'an: A Critical Analysis", p. 2-9. Israr Ahmad Khan claimed that seven hadīths used to demonstrate this view by scholars but mentioned eight hadīths. And there are more examples mentioned by others but ignored by Khan.

⁶⁴ Malik Ibn Anas, *Al-Muvatta*, Book 30, Number 30.3.17.

⁶⁵ Thameem Ushama, "The Phenomenon of Al-Naskh: A Brief Overview of the Key Issues", p. 108.

⁶⁶ Yusuf Suiçmez, Updating Traditions and Transformation of Comment into the Traditions, *Journal of Hadīth Studies*, VII/2, (2009), p. 72, 73.

⁶⁷ Israr Ahmad Khan, "Classification of Abrogation in the Qur'an: A Critical Analysis", p. 3.

himself opposed this hadīth. This prove that it had been attributed to him by others later⁶⁸.

Hadīth No. 2:

أن رجلا كانت معه سورة فقام يقرؤها من الليل فلم يقدر عليها، وقام آخر يقرؤها فلم يقدر عليها، وقام آخر يقرؤها فلم يقدر عليها، فقال بعضهم: يا رسول الله قمت البارحة لأقرأ سورة كذا وكذا، فلم أقدر عليها، وقال الآخر: يا رسول الله ما جئت إلا لذلك، وقال الآخر: وأنا يا رسول الله، فقال رسول الله صلى الله عليه وسلم إنها، أو قال نسخت البارحة.

One man wanted to recite a certain surah during the night prayer, but he could not remember it, another and another wanted to recite but could not too. When they mentioned this to the Prophet (saw), he said: It was abrogated last night⁶⁹.

But this hadīth is not authentic as well. Because Abu Umamah ibn Sahl ibn Hunayf (أبو أمامة بن سهل بن حنيف) (d. 100 AH), who narrated this hadīth from the Prophet was born two years before death of the Prophet's so he never heard any hadīths from the Prophet⁷⁰ for that reason the isnad is unreliable.

Hadīth no 3:

”عَنْ أَنَسٍ، قَالَ: «كَانَ فِيهَا أَنْزَلَ مِنَ الْوَحْيِ: لَوْ كَانَ لِإِبْنِ آدَمَ وَاثِنَانِ مِنْ مَالٍ، تَمَتَّى إِلَيْهِمَا وَاثِنَانِ، وَلَا يَمَلَأُ جَوْفَ ابْنِ آدَمَ إِلَّا التُّرَابُ، ثُمَّ يَثُوبُ اللَّهُ عَلَى مَنْ تَابَ.»

Anas ibn Malik reported that the Prophet said: “Even if the man had two valleys full of gold he would have desired for the third besides, and if he had the third he would have desired for the fourth, and nothing but earth can fill the stomach of man. And God forgave him who repents⁷¹.”

Anas the companion of Prophet and narrator of the hadīth said that: “I was not sure if it was a revelation or just saying of Prophet.”⁷² This indicate that the text of hadīth is not protected so the narration's authenticity is doubtful.

Hadīth No. 4:

عن مجاهد قال: إن الأحزاب كانت مثل البقرة أو أطول

⁶⁸ Yusuf Suicmez, “Updating Traditions and Transformation of Comments into Traditions”, p. 72, 73.

⁶⁹ Abu `Ubayd al-Qasim as-Sallam (d. 224), *an-Nasikh wa al-Mansukh*, Riyad: Maktabatu ar-Rusd, 1997, p. 14-15; Cemal ad-Din Abdurrahman İbnu al-Cevzi (d. 597), *Nevasihu al-Qur`ān*, p. ۲۸.

⁷⁰ Israr Ahmad Khan, “Classification of Abrogation in the Qur`ān: A Critical Analysis”, p. 3.

⁷¹ Mamar Ibn Rashid, *al-Cami*, Pakistan: al-Maqlis al-Ilmiy 1403, X, ۴۳۶, num: 19624.

⁷² Ebu Davud at-Tayalisi, *al-Musnad*, Egypt: Dar Heer 1999, III, 482, num: 2095.

Mujahid ibn Jabr (d. 104 AH) reported that Surat al-Ahzab was like Surat al-Baqarah or longer.”

This is not an authentic hadīth because narrated by Mucahid and he never met Prophet. But there are another versions of this hadīth from a companion of Prophet Ubayy ibn Ka`b⁷³ and wife of Prophet Aisha⁷⁴ which supports hadīth of Mujahid but their isnads has some problems as well⁷⁵.

Hadīth No 5:

عن ابن مسعود، رضي الله عنه، أنه قال: أنزلت على رسول الله صلى الله عليه وسلم آية فكتبتها في مصحفي فأصبحت ليلة فإذا الورقة بيضاء، فأخبرت رسول الله صلى الله عليه وسلم، فقال: «أما علمت أن تلك رفعت البارحة

Abd Allah ibn Mas`ud says: “A verse was revealed to the Prophet (saw), and I wrote it down in my copy of the Qur`ān (mushaf). One morning, I found the space where I had written it down wiped clean. When I told the Prophet (saw) about it, he asked: ‘Did you not know that it was lifted up the previous day?’⁷⁶.”

This hadīth’s chain is technically suspended (mu`allaq), for only the final narrator’s name mentioned therefore it is unreliable⁷⁷.

Hadīth No 6:

عن أبي بن كعب، قال: صلى بنا النبي صلى الله عليه وسلم الفجر وترك آية، فجاء أبي وقد فاته بعض الصلاة، فلما انصرف قال: يا رسول الله، نسخت هذه الآية أو أنسيها؟ قال: لا، بل أنسيها“

Once the Prophet (saw) led the morning prayer and omitted a verse from his recitation. Afterward, Ubayy ibn Ka`b asked him: “O Prophet of Allah. Was that particular verse abrogated, or you were caused to forget it?” The Prophet answered: “I was caused to forget it.”⁷⁸

Abu `Ubayd has used this hadīth to prove the total abrogation of a revealed verse. But The Prophet’s answer is obvious: He had forgotten to recite it. In other words, leaving it out was not due to its abrogation, but rather to a slip of the mind. Therefore, that verse was still part of the Qur`ān⁷⁹.

There are other examples like these but we do not need to mention it here. All these narrations we mentioned with the problems in their isnads prove that some parts of revelation left out of Qur`ān and this is justified by

⁷³ Ibn al-Cevzi, *Nevasihū al-Qur`ān*, p. 29.

⁷⁴ as-Suyuti, *Al-Itqan fi `Ulum al-Qur`ān*, III, ٨٢.

⁷⁵ Israr Ahmad Khan, “Classification of Abrogation in the Qur`ān: A Critical Analysis”, p. 5-7.

⁷⁶ Ibn al-Cevzi, *Nevasihū al-Qur`ān*, p. 30,

⁷⁷ Israr Ahmad Khan, “Classification of Abrogation in the Qur`ān: A Critical Analysis”, p. 8.

⁷⁸ Ahmad ibn Hanbal, *al-Musnad*, Beirut: Dar Ihya al-Turath al-`Arabi 1994, VI, 145, hadīth no. 20637.

⁷⁹ Israr Ahmad Khan, “Classification of Abrogation in the Qur`ān: A Critical Analysis”, p. 8.

Qur'an itself. Consequently, no one can delete an ayah from the Qur'an because its abrogation after time of Prophet Mohammad.

The last mode of naskh is abrogation of word but validating its hukm (order/judgment). This mode of naskh supported by majority of Muslim scholars. According to this mode of naskh, the wording of a particular verse does not exist in the present mushaf while the ruling remains valid⁸⁰.

The advocates of this view also argue that the abrogation of words of Qur'anic verse and the continuity of its verdict is a controversial point. Three famous hadiths used to demonstrate this mode of naskh and I am going to mention it.

Hadith No 1:

عن أبي أمامة بن سهل بن حنيف، أن خالته، أخبرتته قالت: لقد أقرنا رسول الله صلى الله عليه وسلم آية الرجم: «الشيخ والشيخة إذا زنيا فارجموهما البتة بما قضيا من اللذة»

Abu Umaamah ibn Sahl ibn Hanif, his aunt, she told him that the Prophet thought them the stoning verse: The old man and woman who commits adultery must be stoned to death if found guilty⁸¹.

It is claimed that this verse was lifted up from the Qur'an and its recitation was not made permanent. Its practical applicability remained in place, and its words were not forgotten. Even though the hadith has not a mutawatir isnad, accepted and used by the vast majority of jurists such that, according to the Hanafis, it is a well-known (Mashur) hadith therefore it is reliable.

The advocates of this view also argue that the abrogation of words of Qur'anic verse and the continuity of its hukm (order/verdict/judgment) is a controversial point. Hence, it cannot be of any help to claim that the Qur'an prescribed stoning as a punishment. It is also possible that this punishment was prescribed by the Qur'an, as related, but that it was abrogated afterwards. This is based on the facts that the reported instances of rajm actually took place prior to the revelation of the Qur'anic provision which prescribes the punishment of flogging. This means that the Qur'anic provision on flogging hadd (punishment) in fact abrogated rajm. Shafii claimed that the Prophet's sunna could be abrogated only by another sunna of the Prophet, has clearly shown his awareness that if he accepted the sunna's abrogation by the Qur'an, it would mean that every sunna would be argued away and he argued that the same might be held true about the stoning of adulterers - that

⁸⁰ Mohammad Akram, "Classification of Abrogation in the Qur'an: A Critical Analysis", p. 139.

⁸¹ el-Hakim, *el-Mustedrek 'ale's-Sahihayn*, I-IV, thk. Mustafâ 'Abdulqâdir 'Atâ, Beirut: Dâru'l-Kutubî'l-'İlmiyye 1411/1990, IV, 4000, rak: 8070.

this was abrogated⁸³ by the verse of Qur'an: "The fornicatress and the fornicator, scourge each of them with a hundred stripes^{82c}". He saw this as an example of abrogation of Sunna by Qur'an and others as a proof of abrogation of Qur'an by Sunna. So the dispute among as-Shafii and others seems to be verbal not real because from his viewpoint this is beyan (clarification) and from viewpoint of others it is naskh (abrogation).

Shafii maintain that punishment of stoning for sins authorized by the Prophet would be deemed abrogated by the variant ruling of one hundred lashes in sura al-Nur. As-Shafii uses this as an evident to reject abrogation of Qur'an by Sunna⁸³. But this statement requires to accept that the punishment of committing adultery have been changed three times. As it is known stoning for adultery has its roots in Old Testament and ancient Greek society⁸⁴.

As to how doubt was initiated, this can be argued with the execution of the woman of Ghamidiyyah who confessed of committing zina and asked the Prophet to execute the punishment in this world to purify herself, and the execution of the similar stoning punishment for Ma'iz were witnessed. All one finds in this tradition is that Ibn Abi 'Awfa did not know if the Prophet's imposition of the punishment in question was before or after the revelation of the verse in Surah al-Nur⁸⁵. Abu Thawr has a quite remarkable view on the verse. It is stated that if the ruling of rajm came after this verse, it still means that the punishment of a slave must be less than that of a free woman. Therefore, the rajm is impossible for her since it can never be halved⁸⁶. No doubt that the Qur'anic verses came down later and The Prophet Mohammed followed this rule before regulations of Qur'an. The new regulation came with one hundred lashes which was a better one. But as an influence of old tradition some companions of Prophet Mohammed narrated this old tradition and later narrators confused and supposed that the new regulation have been abrogated by a verse revealed and left out of Qur'an⁸⁷.

⁸² Holy Qur'an, 24: 2.

⁸³ As-Shafii, *ar-Risāla*, p. 123-127.

⁸⁴ Yusuf Suiçmez, *Updating Traditions and Transformation of Comment into the Traditions*, p. 75.

⁸⁵ Azman Mohd Noor, and Mohd Al-Ikhsan Ghazali, "Interpreting and Understanding the Command of God: Authority of the Sunnah as a Source of Law in the Case of Stoning to Death of a Convicted Adulterer." *Jurnal Syariah*, 16. Keluaran Khas (2008): 429-442, p. 434.

⁸⁶ Azman Mohd Noor, and Mohd Al-Ikhsan Ghazali. "Interpreting and Understanding the Command of God: Authority of the Sunnah as a Source of Law in the Case of Stoning to Death of a Convicted Adulterer," p. 433.

⁸⁷ Yusuf Suiçmez, *Updating Traditions and Transformation of Comment into the Traditions*, p. 75-77.

Hadīth no: 2

Another example have been given for this type of abrogation is that Allah said: `It is prescribed for you, when death approaches any of you, if he leaves any wealth that he make a bequest to parents and next of kin...^{88` And according to the majority this has been abrogated by the saying of The Prophet: “There is no bequest for an inheritor” and Shafii agreed with them. Even though the hadīth is not narrated by reliable isnad transmission nor authenticable, it was accepted and used by the vast majority of jurists such that, according to the Hanafis, it is deemed well-known (mashur) and hence akin to multiple-chain transmission.}

Al-Shafii said: `We have concluded that the Prophet's ruling: “No bequest for a successor [is valid] as I have stated, [means] that [the legislation on] inheritance has abrogated that on bequests for the parents and the wife, on the strength of the information related by those learned in matters concerning the [Prophet's] campaigns, interrupted traditions from the Prophet, and the agreement of the public.` This hadīth is not mutawatir nor authentic as al-Shafii mentioned it but used it as an evidence for abrogating the verse of bequest in Qur'an⁸⁹. However from viewpoint of al-Shafii this is bayan (clarification) not abrogation and this prove that the dispute between al-Shafii and others is verbal not real. Al-Shafii saw Sunna as explanation of Qur'an for that reason it is claimed that there was a contradiction between the two rulings that could not be resolved except through the one of them abrogated the other. However, some scholars have pointed out that the two rulings are not at odds and could both be applied simultaneously. This would happen if one makes a will for a “reasonable portion” of his/her wealth while applying the rulings of inheritance to the rest of the assets⁹⁰. This is a reasonable reconciliation.

As it is mentioned some western scholars have furthered the discussion on abrogation from various perspectives, but none of them have looked at the hadīths concerned or the classification of abrogation in an attempt to determine whether they are authentic or not. Supporters of abrogation claim that certain verses were revealed, written in the Qur'an, recited by the ummah and then, sometime later, were removed from the Qur'an. However, their practical application remains in place. Israr Ahmad Khan have checked and tried to determine whether they are authentic or not and pointed out that

⁸⁸ Holy Qur'an, 2: 180.

⁸⁹ Abū Abdullah Mohammed b. İdris b. Abbas Şafii, 204/820, *Kitābu'l-Umm*, Beirut: Dāru'l-Marife, IV, 112, 113.

⁹⁰ Gasser Auda, “Abrogation of Rulings” *Methodology: A Critique*, 12.2 (2004), p. 199.

these hadīths are weak either from the angle of their chains or from that of their texts, or seem to have been fabricated by people with vested interests⁹¹.

2. Abrogation of the Qur'ān by Sunna and vice versa

However, there is no agreement on whether the Qu'ran can abrogate Sunna and whether the Sunna can abrogate Qur'an. Shafii⁹² and his supporters set their face decidedly against any acceptance of the idea that the Qur'an had abrogated the Sunna or the Sunna the Qur'an. There was some disagreement, however, among al-Shafii scholars as to whether the Imam meant that it is not possible or simply that it never occurred. However two views from al-Shafii transmitted: The first regarding the permissibility of the abrogation of the Sunna by the Qur'an and the second regarding the impossibility of the opposite⁹³.

Shafi'i, arguing determinedly that any verbal discrepancies between the Qur'an and the Sunna of the Prophet were merely illusory and could always be removed on the basis of a satisfactory understanding of the system of revelation and the role of the prophet Mohammed. Al-Shafii said: 'God have declared that He abrogated of the Book only by means of other communications in it. The sunna cannot abrogate the Book but that it should only follow what it laid down in. the Book, and that the sunna is intended to explain the meaning of communications of general [nature] set forth [in the Book]. For God said:

'When our signs are recited to them as Evidences, those who do not look forward to meeting us, say: Bring a Scripture other than this or change it. (You O Muhammad] say: It is not for me to change it of my own accord; I only follow what is revealed to me; verily (ear, if I go against my Lord, the punishment of a mighty day⁹⁴.

Thus God informed that he had commanded his prophet to obey what was revealed to him, but that He did not empower him to alter of his revelation. For there is in his saying: "It is not for me to alter it of my own accord", an evidence for what I stated, that nothing can abrogate the Book of God save His Book. Since [God is the originator of His commands. He alone can repeal or confirm whatever of it He wills -glorious be his praise-but no one of his creatures may do so. For He also said: "God repeals what he wills, or confirms; with him is the mother of the book⁹⁵". His first and most basic methodological axiom was that real conflict between any two statements emanating from God is inconceivable. Such differences as may appear cannot

⁹¹ Israr Ahmad Khan, "Classification of Abrogation in the Qur'an: A Critical Analysis", p. 2.

⁹² Sahafii, *al-Risāla fi usul al-fiqh*, p. 106-117.

⁹³ Abu al-Hasan Sayf al-Dīn al-Amidī, *al-Ihkām fi usūl al-Ahkām*, Beirut: al-Maktaba al-Islami 1402, III, 153.

⁹⁴ Holy Qur'an, 10: 15.

⁹⁵ Holy Qur'an, 13: 39.

be satisfactorily resolved except on the basis of a clear understanding of the processes of divine revelation. Understanding depends upon a number of principles which can be summarised in two words: takhsis and bayan⁹⁶.

Those who objected to Shafii maintained that abrogation of a Qur'anic verse by the Sunna does not entail abrogation of the verse the Prophet from his own accord, but rather merely his conveying Allah's abrogation of his own verse, which is not very different from the normal Prophetic conveying of Divine rulings on behalf of Allah. That is, just as the Prophet Mohammad would normally convey Allah's initial command, he can also convey Allah's replacement of one command with another, both commands being issued from Allah Himself alone. This is further reinforced by Allah's statement regarding Prophetic speech in general, "And he does not speak of his own desire; it is not except inspiration sent down to him"⁹⁷. This verse, then, serves as explanation of the verse cited above that states, "Say: 'It is not for me to change it of my accord: I follow not but what is revealed unto me'"⁹⁸. That is, abrogation of the Qur'an by the Prophet would never be from his own human desire, but rather based solely on Divine inspiration, with which the Prophet is then entrusted to convey to humanity in his own expression. The new ruling that abrogates the previous Qur'anic ruling is from Allah alone, merely conveyed to us by the word choice of the Prophet. The opinion that the Sunna can abrogate the Qur'an entails an honouring of the Messenger.

Abrogation of the Qur'an by Sunna is further classified into two kinds and the first one is abrogation of the Qur'an by an ahad (single) hadith. The majority of the scholars is not in favor of it, for the Qur'an was transmitted by tawatur (consecutive) whereas ahad report of a Sunna is suspicious. Hence, it is not permissible and not lawful to lift the strong by the suspicious. The other is abrogation of the Qur'an by Sunna mutawatir. This has been permitted by famous jurists such as Imam Malik, Abu Hanifah, Ahmad Ibn Hanbal, and Mu'tazilites and some other theologians, claiming that both the Qur'an and Sunna are wahy (revelation) from God and They quote the verses 53:3-4 and 16:44 to substantiate their arguments. It has been argued that eating, drinking and sexual intercourse were prohibited by Sunna during the nights of Ramadan for those who observed fast and later was abrogated by the verse 2:187⁹⁹. As-Shafii calls this bayan and others as naskh.

The dispute between al-Shafii and others does not has any impact on fiqh but has impact on nature of Qur'an and Sunna. The examples prove that the dispute between al-Shafii and others about abrogation of Sunna by Qur'an

⁹⁶ Sahafii, *al-Risala*, p. 106, 107.

⁹⁷ Holy Qur'an, 53: 3-4.

⁹⁸ Holy Qur'an, 10: 15.

⁹⁹ Thameem Ushama, "The Phenomenon of Al-Naskh: A Brief Overview of the Key Issues", p. 111.

and vice versa is verbal from the perspective of jurists. Ad-Darimi mentioned that maskh became the rule before the ablution verse was revealed, subsequently, the verse abrogated it¹⁰⁰. As-Shafii calls this bayan and others as naskh.

3. Abrogation of the Sunna by the Sunna

Sunna may be derived from an ahad, mashur or mutawatir hadīth. The issue of the many hadīths that seem to contradict one another became a debate in very early time and hadīth scholars tried to reconcile it. We see many examples in early and late different hadīth collections. According to the general rule a mutawatir hadīth cannot be abrogated by a less reliable hadīth, because of unequal authority. But an ahad hadīth may be abrogated by the mutawatir (consecutive), mashhur (well known), or another ahad, which is dearer in meaning or which is supported by a stronger chain of narration (isnad). But there are no examples for abrogation of one mutawatir by another and abrogation of mutawatir by ahad¹⁰¹ or ahad by mutawatir so the dispute is theoretical.

According to the preferred view, which is also held by al-shāfi'i, the ahad, however, can abrogate the mutawatir. Al-Shafī'i refers to the incident when the congregation of worshippers at the mosque of Quba' were informed by a single person to change the direction of the qiblah from Jerusalem to the Ka'bah; they acted upon it¹⁰². But this is not a good example because in that time the Prophet was alive so it was possible to check the reliability of that information.

And those who see Sunna as unique source supports abrogation of Qur'an by Sunna and vice versa. When we accept Sunna as explanation of Qur'an abrogation of one Sunna will mean abrogation of explanation of Qur'an and all hadīths must refer to a Qur'ānic verse at least.

Firstly, there can be no conflict whatsoever between the sayings or actions of the Prophet, except in cases of abrogation. The Messenger said: '... إني كنت عن نهيكم عن زيارة القبور فزورها = I used to prohibit you from visiting the graveyards, now go and visit them...' ¹⁰³ In this Hadīth the Prophet used to prohibit Muslims from visiting the graveyards, however it is claimed that this rule abrogated by the last phrase of the hadīth¹⁰⁴. But this is not a permanent hukm (judge) because the cause of prohibition is clear and if the same circumstances found the old hukm becomes valid. For that reason we see that the number of abrogated hadīths increased and decreased time by time.

¹⁰⁰ Ad-Darimi, *as-Sunan*, I, 558, num. 742.

¹⁰¹ Sahawi, *Fathu'l-Mugis*, III, 62.

¹⁰² As-Shafii, *ar-Risāla*, p. 126.

¹⁰³ Abdurrazzak, *al-Mosannaf*, III, 569, num: 60708.

¹⁰⁴ Ibn al-Salāh, *Ulum al-hadīth*, p. 277.

Another example used in hadith methodology book is: “The water (of the Ghusl) is due to the water (of sexual emission).” It is claimed that this hadith abrogated by the hadith: “If one of you sits between her legs (of a woman) and penetrates her, Ghusl (bath) is obligatory¹⁰⁵.” But as it is clarified the permission was in some special cases¹⁰⁶ and it is possible to validate the first if the same cases arise.

There are cases in which the new rulings were introduced gradually through a number of steps declared that the later steps cancelled the earlier steps. However, the surveyed collections of hadiths show that The Prophet used the same gradual process on individuals and groups who converted to Islam and needed some time to adopt the Islamic way of life. As it is pointed out the obligatory prayers started with a few occasional prayers, then two prayers on a daily basis, and finally five daily prayers. However, after the ruling of the five prayers was established, The Prophet allowed individual and group converts to Islam to pray twice a day until they got used to the regular five prayers¹⁰⁷. The gradual introduction of the rulings of annual wealthtax (zakah), the prohibition of riba (usury), and the prohibition of liquor are other famous examples for the system of gradual implementation of rulings. Therefore, although the final rulings remain to be the default, all the stages of rulings that the Prophet used are valid. The application, however, depends on how ready the individual (or the community) is to accept the more advanced stages¹⁰⁸. So we do not found anything that coming from The Prophet that we feel contradicts, we can find a way to reconcile it by the way of finding out the cause of hadith that validated it or invalidated it.

4. Abrogation of The Qur’ān or Sunna by consensus, reason or qiyas

Only a few scholars permitted abrogation of one decision of Qur’ān by the analogy (qiyas) and the consensus (ijma). The Imam Maturidī (d. 333/944), in *Te’vilatu Ehli’s-Sunna*, mentioned abrogation by ijtihad. He evaluated that Omar was not giving alms to muallafatu’l-kulub mentioned in Qur’ān, as abrogation by reason¹⁰⁹. This prove that abrogated verses were not repealed permanently because scholars have not accepted the decision made by Omar valid forever.

The Mutazili scholars and also the Hanafi scholar Isa Ibn Aban, have, on the other hand, held that consensus may abrogate the nass (text) and gave as

¹⁰⁵ Al-Bukhari, *al-Sahih*, Cairo: al-Matbaa al-Salafiyya 1400, I, 111, Num. 291.

¹⁰⁶ Ali Osman Koçkuzu, *Hadiste Nasih Mensuh Meselesi*, Marmara Üniversitesi İlahiyat Fakültesi Vakfı (İFAV), İstanbul, 1985, s. 184, 185.

¹⁰⁷ Gasser Auda, “Abrogation of Rulings” *Methodology: A Critique*, p. 201.

¹⁰⁸ Ibid.

¹⁰⁹ Abu Mansur Al-Maturidi (d. 333 AH), *Ta’wilat Ahl Al-Sunna*, Beirut: Dar al-Kutub al-Ilmiyya 2005, V, 406, 407.

an example the Qur'anic text on the share of muallafah al-qulub (those whose hearts are to be reconciled). The majority of scholars have replied that this was a case not of abrogation not termination of a hukm because of the termination of its illah (cause). However, a later ijma may abrogate an existing ijma in consideration of public interest (المصالح المرسله) or custom (العرف). Since the principal function of qiyas is to extend the rulings of the Qur'an and the Sunna to similar cases, it can never work in the opposite direction, namely, to invalidate a text of the Qur'an or Sunna.

It is clear that the modes and types of abrogation is a matter of disagreement among scholars. This article demonstrated that abrogation that means termination of a verse of Qur'an or hadith permanently is valid for things that are evil in their nature not for divine messages or commands. These different meanings of this word were confused in the later ages and no distinction was drawn between them. Therefore, deductions of abrogation that not considered protection of divine message and basic universal ethics and main principles of sharia must be reconsidered from this perspective. In addition, it is clear that most abrogation cases were introduced after the Prophetic era in order to interpret certain Qur'anic verses and Prophetic hadiths that some scholars perceived as conflicting. The Qur'anic verses and hadiths, which were misperceived as conflicting, should be contextually situated and applied according to the purposes (maqasid) of sharia behind them. This allows scholars to retain flexibility within changing circumstances and respecting mental and spiritual conditions of society and individuals. Each deduction of abrogation has two main dynamics. The first dynamic is the main universal ethics and principles that represent divine law of life that protects common sense of humanity and the second one is social and political circumstances motivate scholars to judge according to that divine law. There is no abrogation for universal ethics and main purposes of sharia that originated from divine law in any case. Therefore, as the social and political circumstances change the ijtihad about abrogated things change but any ijtihad that surpluses universal ethics or main principles of sharia is not valid because of contradicting the divine law at all.

“Abrogation on Hadith”

Abstract: Naskh (abrogation) is one of the main subjects of Qur'an and Sunna studies for its importance to understand and interpret Qur'an and Sunna in right way. For that reason given high importance by scholars of hadith and scholars of other sciences. However, interpreting of naskh as cancelation of one Qur'anic verse or hadith permanently contributed to a sense of inflexibility and misunderstanding in the Islamic thought which is unnatural and unhealthy. Naskh of a Qur'anic verse or hadith permanently is valid for things that are bad in their nature with some exceptions. If the abrogating had been understood as a better one or same alternative for abrogated as it is mentioned in Qur'an there would be no so much problems. Because the problem came out as a result of termination of a divine message or Saying of Prophet by another one. In this article, from this perspective we tried to introduce the different aspects of the naskh with taking care of approach that based on illah

(cause), protecting the common sense of the humanity and basic human rights that represent basic religious purposes which cannot be abrogated instead of approaches to naskh which may cause termination of these fundamental rights and religious purposes.

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