Abū ʿUbaid al-Qāsim b. Sallām's
K. al-nāsikh wa-l-mansūkh

Edited with a Commentary by John Burton.
University of St Andrews
E. J. W. GIBB MEMORIAL

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NEW SERIES, XXX
Abū ‘Ubaid al-Qāsim b. Sallām’s
K. al-nāsikh wa-l-mansūkh

(MS. Istanbul, Topkapı, Ahmet III A 143)

Edited with a Commentary by John Burton,
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ELIAS JOHN WILKINSON GIBB

...and to promote those researches into the History, Literature, Philosophy and Religion of the Turks, Persians and Arabs, to which, from his Youth upwards, until his premature and deeply lamented Death in his forty-fifth year, on December 5, 1901, his life was devoted.

ّكَآَسَارَّنَا نَعْلَمُ عَلَيْهِمَا، فَانظُرُوا بَعْدًا إِلَىِّ الاَيَامُ

“These are our works, these works our souls display; Behold our works when we have passed away.”

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## Abbreviations

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Introductory essay: ‘The meaning of naskh’

The term naskh has in Muslim Arabic usage, three meanings of which, however, only two can be traced in the Qur’an:

1. suppression:
   Q 2,106: mà nansakh min āyah aw nunsı hā . . .
   Q 22,52: fa yansakh allāh mā yulong al-sha’ārān . . .
   I have shown elsewhere that a one-sided interpretation of this second verse lay behind the invention of the celebrated exegetical fable of ‘the satanic verses’.

2. transcription:
   Q 45,29: kunnā nastansīkh mā kuntum ta’mallūna . . .
   We shall see that this verse and this meaning played only a minor rôle in the attempts to define naskh.

A third use of the term naskh is as a technical term used by the Islamic scholars to designate a variety of ‘phenomena’ discussed in the tertiary science of usūl al-fiqh. The ‘phenomena’ had a common basis in the concept of ‘replacement’, introduced to resolve the problems of conflict of sources. Thus, the third meaning of naskh is

3. supersession. It is this third sense of the term that forms the subject matter of the science of al-nāsīkh wa-l-mansūkh, to which a large number of works has been devoted.

The Islamic sources: Qur’an and Sunna.

The primary written source of the Fiqh was the Qur’an, or rather, the exegesis of the Qur’an, the tafsīr. The Qur’an is the Book of God taught to the Prophet Muhammad. It obviously had had to be acknowledged as the primary source before all, in a sub-science devoted to identifying the bases of the Fiqh.

In addition to the Qur’an, the Muslims claimed to possess what they regarded as the personal detailed instruction of the Prophet as given to his contemporaries. These teachings had reached them either as verbatim reports of the Prophet’s utterances, and eyewitness accounts of his actions, as transmitted by individual members of Muhammad’s entourage; or as reports emanating from leading members of the Prophet’s circle, regarded individually and collec-
The theories of naskh

The Sunna literature (whether oral or written) soon achieved immense proportions and in the patient analyses of these accumulated source materials, undertaken to help determine acceptable Islamic practice, the Muslims detected many apparent inconsistencies. Frequently in the subsequent literature (including the present work) these contradictions are simply noted. In other cases, however, contradiction was resolved by the application of a simple harmonising device for which the name naskh especially commended itself on the grounds of the occurrence of the term in Q 2.106—although we have seen that Qur’anic usage provides no warrant for the meaning thereby assigned to the term, sc. ‘replacement’ or ‘supersession’, the third of the above meanings we noted.

The term naskh does not denote a single theory concerned with immediate problems of Qur’anic exegesis alone. Rather, it refers to a number of hypotheses that had greatly facilitated the understanding by a generation of scholars, the usūlis, of decisions taken by earlier scholars, the fuqahā’, in the course of the first attempts to extract and codify the rules laid down in the twin sources of Qur’ān and Sunna.

In ancient discussions centred upon the application of those rules, every instance of conflict between: one Qur’ān verse and another, or between a Qur’ān verse and a hadith, or between one hadith and another, it was urged, had been noted, analysed and already solved by the fuqahā’, as they set out, chapter by chapter, the Islamic rulings enshrined in the Fiqh. Re-tracing the thinking of the fuqahā’, the usūlis thought that they could note that any instance of conflict of sources that had not been solved by the application of the numerous harmonising techniques available to the fuqahā’, had been resolved by the rejection of one of the conflicting documents, be it verse or hadith, in favour of the other which alone showed the ruling that had been decided upon by the fuqahā’. That is, the usūlis assumed appeal by the fuqahā’ to a principle of repeal, or abrogation. Having ascertained the relative dates of both Qur’ān verses, or of both hadiths, or of hadith and verse, the fuqahā’ had selected the later and rejected the earlier of any two conflicting statements. The selected, later, document is the nāśik; the rejected, earlier statement is the mansūkh, while the process of repeal or abrogation is known as naskh. This theory of naskh, or supersession was thus applied indifferently to Qur’ān and Sunna, being by no means restricted solely to the field of Qur’ānic exegesis alone. There are therefore no grounds for the hasty assumption that the technique had originated in the exegesis of the Qur’ān. Linguistic considerations and close examination of the Qur’ānic contexts in which functions of the root n’skh occur, make it extremely improbable that the basic, primary meaning of the term is indeed, ‘replacement’. As we saw earlier, in the Qur’ān naskh means: suppression, obliteration, which meaning accords with the use of the term in the cognate languages. But sanction was claimed by the theorists for the meaning they gave to the term to reside in the wording of Q 2.106 which reads: mā nansākh min āyah aw nansī hā’ na’īt bi khairin minhā aw mithlāhā: “Whatever āyah We naskh or cause to be forgotten, We shall bring one better than it, or (at least) similar to it.” Whatever naskh may mean in this context, it is by no means convincing to argue that it can mean ‘to replace’ for that is the sense conveyed by the final clause: na’īt bi khairin minhā . . . which speaks of the consequence of mā nansākh min āyah . . .

The technical name given in their jargon by the scholars to the outline theory of repeal set out above was: naskh al-hukm dinatul ilāwah: the earlier of two rulings has been set aside without any effect upon the earlier wording, which has continued to be transmitted alongside the wording of the later statement, and is still to be found in the texts of either the Qur’ān or the Sunna— but as a dead letter.

Thus the definition of naskh focused upon the suppression of the earlier of two rulings, while conceding the non-suppression of the earlier of the two relevant texts. This is thus a definition which fails to disguise conflation of two irreconcilable because competing definitions of naskh.
Further scholarly discussions centre exclusively upon the implications for the Qur'ān texts of the operation of the alleged phenomena of *naskh*. Here are two additional theories evolved.

1. *naskh al-ḥukm wa-l-ṭilāwāh*: the *naskh* had affected both the ruling and the wording of the ‘earlier’ of a pair of revealed verses. But not one single instance of this mode of *naskh* has been propounded in the literature. That is because in this formula, the term *naskh* means only ‘suppression’ as opposed to ‘supersession’. Both wording and ruling of a Qur’ān verse have been suppressed, both have disappeared, having been withdrawn from the texts of the revelation later collected into the *mushaf*. Verses had been revealed to the Prophet who subsequently forgot, or rather, was caused to forget them. It being impossible to point to the verses which had ‘replaced’ them, scholars have contented themselves with merely claiming that what the *mushaf* now contains compensates for the loss of what it no longer contains.

*Ex hypothesi*, the formula *naskh al-ḥukm wa-l-ṭilāwāh* can refer only to the Qur’ān. It had certainly originated in the taṣfir of the Qur’ān, in verses which seem to hint at the possibility of Muhammad’s forgetting portions of the text. The legend of ‘the satanic verses’ has already been mentioned, stemming from: fa yansakh allaḥ mā yulqi al-shaiḥān [Q 22:52] in which the stem *naskh* can mean nothing but ‘suppress’. But reference should also be made to the exegeses of Q 87, 6–7 sa maqū‘a fa lā tansā illā mā šā’ a allāh: “We shall teach you the Qur’ān and you will forget none of it – save only what God wills.” Addressed to Muhammad whose forgetting appears to be envisaged, the verse recalls Q 2,106 which uses two stems: mā nansakh min aya aw nunsīhā: *naskh* and *nisān* employed in close association. Taken together, Q 2,106 and Q 87,6–7 could be made to appear to refer to two phenomena which were envisaged as acting upon the revealed texts:

supersession: *naskh al-ḥukm dā‘āna al-ṭilāwāh* [Q 2,106.]

suppression: *naskh al-ḥukm wa-l-ṭilāwāh* [Q 2,106; Q 87.]

2. The second theory to evolve solely in the Qur’ān sphere: *naskh al-ṭilāwāh dā‘āna al-ḥukm* alleges the removal of a Qur‘ān wording without any effect upon the validity of the ruling conveyed in a ‘once-revealed’ Qur‘ān verse. The wording does not now appear in our texts collected in the *mushaf*. This theory was contributed to the discussion on *naskh* by one group of usūlīs, following a dispute on a particular ruling of the Fiqh. Only two instances of this mode of *naskh* have ever been alleged, and since its first appearance – which can be dated – it has never been universally acknowledged.  

Abī ‘Ubaid makes not a single reference to it in his work.

The Qur‘ān, like the Sunna, had originally relied for its dissemination upon oral transmission, and Muhammad, it has been hinted above, is pictured in some of the exegeses of Q 87 as failing to retain in his memory all the materials revealed to him by Gabriel. Portions of the Qur‘ān are thus conceived to have been irrecoverably lost before the Prophet had communicated them to his followers. In the case of the revelations which Muhammad had successfully communicated, the quality of his memory is irrelevant. The Companions assumed the responsibility for their memorisation and preservation.  

Subsequently, certain of the texts, intended by their divine author not to appear in the version of the Qur‘ān to be transmitted to posterity, were withdrawn from the memories of Muhammad and his associates.  

What may be termed ‘total omission from the *mushaf*’ has been stoutly defended by some in the lengthy discussions on the implications of the exegeses of Q 87, regarded as a divine reference to God’s intended intervention in the processes of Muhammad’s memory. Similarly, Q 2,106 which associated *naskh* with forgetting (or causing forgetting) has been alleged to convey a parallel reference to intended divine intervention in the processes of both Muhammad’s and the Companions’ memories. The exegeses of both verses are thus reflected in the classical theory of *naskh* as: *naskh al-ḥukm wa-l-ṭilāwāh*. Both the ruling and the wording of certain once-revealed Qur‘ān verses have been suppressed. They had been forgotten.

But alleged omission from the *mushaf* may be only partial. In *naskh al-ṭilāwāh dā‘āna al-ḥukm*, only the wording [!] not the ruling of a once-revealed Qur‘ān verse has been suppressed. This partial omission from the text has been suggested by some of the usūlīs to explain cases in which the *faqūhā* appear to have identified an ‘original’ Qur‘ān ruling as the source of the Fiqh ruling – but where no Qur‘ān wording corresponding to that ruling is to be found in the texts collected into the *mushaf*. The ‘wording’, it is assumed, had already ‘disappeared’ before the Qur‘ān texts had been collected into the *mushaf*.

In the tertiary science of *usūl al-fiqh*, the term Qur‘ān thus represents two designations: the ‘totality’ of the divine revelations historically granted to Muhammad; and that percentage of those divine revelations now preserved in writing in the texts transmitted to posterity, the *mushaf*. Of the two, only the latter, *mushaf*, denotes a physical object. Qur‘ān, on the contrary, can refer to an abstract
idea, whose contents can, however, be re-constituted when we compare the present contents of the mushaf with those of the Fiqh. That re-establishes the 'totality of the revelations' brought by Gabriel.

Of the three, only one mode of naskh has relevance for the Sunna: naskh al-hukm daina al-tilawah, a mode that is shared with the Qur'an. Occurrences of this mode are appealed to only in cases of conflict of sources, when hadith clashes with hadith or Qur'an verse, and where Qur'an verse clashes with Qur'an verse, or with hadith. The concept of 'omission' would be meaningless in relation to the Sunna. The final collection of the Sunna did not get fully underway until the 3rd/9th century, following the work of the fuqaha and the usulis. Only then was it enclosed in a special literature, and so one will not expect to encounter references to the 'omission', total or partial, or to the suppression of the wording alone, or of both wording and ruling of a hadith. That would be a contradiction in terms, since the hadith or narrative, to be a topic of discussion, must first exist.

Abū 'Ubaid makes it abundantly clear in his Introduction, as also, incidentally, in the text of his book, (and this is confirmed by the shape assumed by our theories of naskh) that, alongside the masses of accumulated contradictory hadith reports which they must patiently sift through, the Muslim scholars all worked from a single common Qur'an text. There can therefore be no mistake on this question of 'omission' from the Qur'an. What is 'missing' from one scholar's mushaf is 'missing' from everybody's text. The question of the so-called 'variant readings' refers, as we shall see, precisely to the alleged presence in one man's mushaf of something that is absent from everybody else's mushaf. For that reason, it will not figure in the discussions on naskh. This phenomenon, which might be referred to as 'particular omission' rather than the universally admitted 'omission', is encountered in Abū 'Ubaid's study, but under the heading of exegesis rather than of naskh.

The wording of the three naskh formulae, as given above, is late, although the first, naskh al-hukm daina al-tilawah, represents an attitude already present in Mālik's Muwatta. The wording of the three-fold formulation fails to hide the confusions arising from the usulis' regular understanding of naskh as 'replacement' which had, somehow, to be reconciled with the Qur'an's use of the term to mean: 'suppression'.

1. naskh al-hukm daina al-tilawah: both ruling and wording of an 'earlier' document had allegedly been replaced because the 'earlier' ruling had actually been suppressed. That means there had been observed an apparent conflict between two of the sources: a Qur'an verse had allegedly repealed a Qur'an verse or a hadith; or a hadith had repealed another hadith or a Qur'an verse. Only this theory of the three applies equally to both sources. Qur'an abrogates Qur'an and Sunna. Sunna abrogates Qur'an and Sunna.

2. naskh al-hukm wa-l-tilawah: both ruling and wording of an 'earlier' document had allegedly been suppressed. They were never replaced. Neither ruling nor wording is, however, of the least relevance for the Fiqh, since neither now exists. This is a mode of naskh of interest solely to the exegetes.

3. naskh al-tilawah daina al-hukum: A Qur'anic wording had allegedly been 'suppressed'. It had never been replaced and it is absent from the mushaf. The 'ruling' derived from that 'wording' was, nevertheless, never replaced either. It was 'known' to the fuqaha who had derived from its 'wording' its particular ruling.

We have seen that it was the usulis' function to account for the conclusions reached by the fuqaha'. If the fuqaha' - who, as we have seen, all had precisely the same Qur'an text in front of them - reached different answers, that might be explicable if imām A had seized upon verse A, while imām B had fastened upon verse B, which addressed the same legal question but provided a different answer from the other verse. Both competing conclusions might be equally 'correct' in terms of logic, but only one - that handed down from the imām of one's own school - was 'legally' correct, having been derived from the later of the two verses to have been delivered to the Prophet. The later revelation had improved, modified or even replaced the earlier. The 'error' of the other imām had lain in his seeking to deduce rulings from earlier, repealed sources. In this way, naskh may be seen as an instrument of inter-school competition, and it is certainly so used. But the schools are not in conflict on every question. They share many views and on these, may still be seen to make a common, shared appeal to naskh. Noting that the relevant statements transmitted in the relevant source, Qur'an or Sunna, contradicted each other, the scholars solved this problem also, in the way just outlined, incidentally justifying their procedure by appealing to the Qur'anic source: Qur'an verse.

But this appeal to the Qur'an for verification of the procedure occurs whether the conflicting documents chance to be both Qur'anic verses, or hadiths. Where, however, one document is a verse and the other a hadith, it is in the highest degree significant that only a majority of the scholars appeal to
naskh. The claim that the theory of naskh and its application by the fuqaha' could be justified by the Qur'an was itself only one aspect of the scholars' general habit of appealing for evidence to one of the two sources, the Qur'an or the Sunna, and in the case of naskh, one scholarly procedure has reached back to the Qur'an for an unassailable 'proof-text' in favour of its own legitimacy. It thus remains the responsibility of the reader interested in these discussions to ensure for himself that, in the case of naskh, this appeal to this Qur'an verse, (or any other verse) is in fact justified and the claim to find Qur'anic support for the theory fully sustained. We earlier expressed doubts as to whether ma nansakh min ayah aw wansi hā na'a bi khairin minhā aw mithlīhā – which undoubtedly refers to naskh – refers to this theory of naskh, as we have thus far outlined it. If, as we have stated, the reference to 'replacement' is conveyed by the words na'a bi khairin minhā aw mithlīhā, it becomes clear that the verse's term naskh refers to something preceding that replacement, making replacement necessary.

For the moment, let us merely note that the term naskh to designate the theories we have outlined, was advisedly chosen. If the instances of naskh which the theorising was designed to solve were not confined to Qur'an–Qur'an conflict, but extended to cover also Sunna–Sunna conflict, the reading of the sense 'replacement' into the Qur'an's term naskh need not of necessity have first struck the scholars only in relation to one type of source-conflict. It could as well have occurred in connection with the clash of two hadîths as in connection with the clash of two verses. At all events, the term naskh does not occur exclusively in the case of school–school conflict, but crops up also in cases of school–school accord on Fiqh conclusions themselves in conflict with one of the sources. In such instances, the theory of naskh transcends the inter-school conflict, which points to one of two conclusions: either that the appeal to naskh had not originated in inter-school squabbles; or, as we shall hope to establish, that in these instances where general accord prevails over the ordinary discord, and the schools are united on a particular Fiqh conclusion, but disunited on the details of its verification, they remain united in their appeal to naskh, differing merely as to precise identification of the naskh while agreeing on the mansâkh.

In the most significant such instance, the mansâkh source was the Qur'an, and the scholarly procedure adopted unanimously by the schools all of whom appealed to naskh, suggests that included in the instances in which appeal is had to naskh was a situation in which a universally agreed element of the Fiqh collided head-on with the contents of the mushaf. The fuqaha' had had (at least) two sources to contend with: Qur'an and Sunna. It would appear that the isâlis had, however, three sources to contend with: Qur'an, Sunna and the Fiqh itself.

One question discussed, and already alluded to above, was whether the Qur'an may be held to have ever naskhed the Sunna, and whether the Sunna had ever been seen to have naskhed the Qur'an. Here, the answers given demarcate the attitudes adopted by the majority and the minority referred to on a previous page.10 That is a question which we propose, however, to leave for the moment, in order first to concentrate upon the occurrences in the Qur'an of the root n s kh which was thought admirably adapted to serve as the general designation of the theories here outlined. We need merely repeat that in the three formulae set out above, the term naskh, representing the concept of 'suppression', has been temporarily (although unsatisfactorily) reconciled with the quite unrelated concept of 'supersession', by means of the judicious use of the negative particle dînā.

A related use of the term naskh is found in the Hebrew of the Bible with, on each occasion, the sense of 'eradication', and, according to Jeffery, comparison with the cognate languages indicates that 'the original sense of the root is clearly: 'to remove', 'tear away' (eveliere) which original meaning is found in Q 2,100/106; Q 22,51–52, where the word is used, as Hirschfeld [Beiträge, 36] points out, precisely as in: Deut. XXVIII 63; Ezr. VI 11.11

More than once already we have drawn attention to the use of the root n s kh in Q 22,52, where God speaks of the 'suppression of that which the Devil insinuates' – a reference expanded by e.g. Tabari into a narrative about God's removing from the Qur'an what had never been intended to be part of the Qur'an. Tabari exploits the tale to 'verify' his contention that one [?] of the possible meanings of the term naskh is 'suppression'. The motivation behind the invention of the tale of 'the satanic verses' had been the need of one of two parties of exegetes engaged in a furious dispute about the meaning of the exeptive clause of Q 87,6–7 (noted above) to furnish from the Qur'an source itself irresistible 'evidence' that not all that Muhammad had given out as being Qur'an revelation was now present in the mushaf. That was a clear instance of exegesis being used to entirely technical ends. Tabari himself was among those exegetes who insisted that Q 87 'proved' that it was indeed possible that Muhammad had forgotten parts of the 'original' Qur'an revelations. He interprets Q 87,6–7: "You [Muhammad] will not forget, unless We desire to
cause you to forget parts of the Qurʾān by suppressing or withdrawing them.

Curiously, Abū ‘Ubayd makes not a single reference to Q 22. He nonetheless establishes that, in addition to ‘replacement’, the word naskh does, in fact, include a reference to certain ‘omissions’ from the ‘original’ Qurʾān revelation. It is interesting, therefore, to note that here, he relies exclusively upon hadīth-narratives which he deploys in confirmation of his exegesis of Q 87 as a reference to Muhammad’s forgetting – an idea which he thinks of as nothing particularly out of the way. For him, ‘forgetting’ is one of the modes of naskh, although he refers to it as rafʿ – (withdrawal). This is the very word used by Tabārī which we have just rendered ‘withdrawal’.12 For ‘suppression’, the mode of naskh allegedly mentioned in Q 22, Tabārī selected, instead, the term ibtāl, ‘to nullify’.13

Abū ‘Ubayd establishes the equivalence naskh = niṣyān merely on the grounds of the juxtaposition of both roots in Q 2,106, whose meaning is ‘indicated’ by both Q 87 and certain hadīths showing Muhammad ‘forgetting’ this or that element of the revelations. Forgetting is reported also from the Companions. Thus, in Abū ‘Ubayd’s day, naskh had already achieved twin definitions: ‘replacement’ [supercession] and ‘omission’ [suppression].

The exegesis of Q 2,106 had occasioned the keenest disagreements, now reflected in the multiplicity of reported ‘variant readings’ and the range of the varying interpretations advanced in the names of several Companions and Successors. Abū ‘Ubayd exhibits familiarity with a number of ‘readings’ and exegeses, as discussed by an earlier generation of scholars. He reports ibn ‘Abbās as having said: mā nansakh min āyah: ‘Whatsoever verse We replace,’ [nubaddil]; aw nansahā: ‘We leave it as it is, [nātruk hā] We do not replace it.’ The taʾfīr amounts only to an allegation that ‘proof’ for the formula: naskh al-ḥukm dāna al-tilāwah can be discovered in this very verse.

Q 13,39: yamīḥu allāh mā yasīḥ wa yuḥbīt allegedly meant: ‘God will replace [yubaddil] whatever part of the Qurʾān He pleases; He will then suppress it [fa yansakhuha]. Similarly, He will endorse [yuḥbīt] whatever part of the Qurʾān He pleases – He will not replace it. The entirety of the Qurʾān, its nāṣikh and its manskākh, exists in the divine presence in its Heavenly original – wa “indahu umm al-kitāb.”

A Muḥājir report ‘clarifies’ the ibn ‘Abbās statement: Q 2,106 is a reference to the divine endorsement of a Qurʾān wording, even if its ruling has been replaced: naskh al-ḥukm dāna al-tilāwah. Both taʾfīrs are secondary to the formulae which they purport, on the basis of Qurʾān citation, to vindicate. There may possibly also lurk in the ibn ‘Abbās report an echo of Q 22: fa yansakhuha: fa yansakh allāh mā yuṣāgh al-shaitān. Q 13’s yamīḥu undoubtedly means ‘to expunge’, although what God says of expunging has not been known. Equally, there is in the ibn ‘Abbās use of the term yubaddil, an undisguised resonance from Q 16,101: wa tāḥa baddāl āyah makānā āyah . . .

The interpretation of Q 2,106 which Abū ‘Ubayd favours is that the verse refers to the ‘well-known phenomenon’ familiar to everyone: the nāṣikh and the manskākh of the Qurʾān. He rejects the ibn ‘Abbās taʾfīr to the extent of arguing that the expression: aw nansahā derives, not from n s y meaning: ‘to leave something where it is’. It comes from n s y meaning ‘to forget’. Hence, it is a Qurʾānic reference to the omission of Qurʾān material from the mushaf. That was the ‘reading’ of the senior Companions Ubayy b. Kaʿb, ʿAbdullāh b. Masʿūd and Saʿd b. abi Waqqās. Besides, the reports on the ibn ‘Abbās ‘reading’ and interpretation, as they are known to the author, are conflicting. He therefore proposes to ignore them. To these major Companions, he adds the Successors: Saʿd b. al-Musaiyab; al-Dhāhīk b. Muzāḥim. In addition, he refers to the Medinese and Kūfī scholars. Ubayy read: mā nansakh min āyah aw nansika; ibn ‘Abbās read: mā nansika min āyah aw nansakh hā. Both agreed in inflecting the n s y root in a causal form, a reading likewise traced from al-Dhāhīk: aw nansika hā. That the reading and interpretation of Q 2,106 had both been influenced by the exegesis of Q 87, is shown by Abū ‘Ubayd’s account of a dispute on the reading of the Q 2 verse, the substance of which can be reconstructed, despite the absence of diacritics. ‘Saʿd b. abi Waqqās recited: mā nansakh min āyah aw tansa hā, and it was pointed out to him that Saʿd b. al-Musaiyab recited it: aw nansika hā [aw nansika hā] perhaps: [aw tansa hā]. Saʿd replied, with some heat: ‘The Qurʾān was not revealed to the Musaiyab family. Elsewhere in the Qurʾān, evidence can be found for the tansa reading: wa uṣāhār rabbaka tāḥa nastū [Q 18,24] while, in Q 87, we find: sa naqrī uṣāha fa la tansu illā mā shā allāh.’

The latter verse left no doubt as to the possibility that the Prophet might forget some part of the Qurʾān text.14 The exegetical point of the quarrel is perfectly clear: is there or is there not Qurʾānic evidence to suggest that Muhammad had been capable of forgetting parts of the Qurʾān? Is the exeptive clause of Q 87 effective, or merely rhetorical? What we have here is the
conundrum: Can a man acknowledged to be a Prophet forget the divine communications? Can a book of divine authorship survive in an incomplete form? Q 87 speaks of God’s will, while Q 2,106 speaks of: causing to forget [aw nunsî hâ]. God’s will is omnipotent. God can choose to cause His Prophet to forget whatever He likes.

The association of ‘causing to forget’ with the root naskh in a single verse enabled the scholars to incorporate what looks like the dangerous notion of their Prophet’s forgetting into extended naskh formulae, simultaneously ‘confirming’ the latter while substantially minimising the former. The concept of naskh is a good deal less uncomfortable than just forgetting.

The exegesis of Q 87 conformed with that of Q 13, Q 22. It was ‘confirmed’ by and, in turn, ‘confirmed’ the exegesis of Q 2, and for Abu ‘Ubaid, the meaning of Q 2,106 was of considerably greater moment than its precise ‘reading’. Its reference to the Prophet’s forgetting is, he suggests, quite unmistakable, whether one reads tansa, as directly addressed to Muhammad, or nunsi [even tansa] as ascribed to God’s intervention, since, as Prophet, Muhammad functioned solely as God determined. The omission of verses from the Qur’ân has therefore, he concludes, indeed occurred. His strong conviction is next reinforced by reference to hadîths.

The author’s close scrutiny of the alleged ‘variant’ readings and his analysis of the hadîth-stories shows the extremely detailed nature of the discussions conducted in an earlier period. The exegeses he reviews indicate that Q 2,106 had long since been placed alongside other verses of the Qur’ân and been made to furnish the Qur’ânic justification for the equation of naskh with ‘replacement’. Especially if read in tandem with and in the light of Q 13,39 and Q 16,101, Q 2,106 can be said to indicate: naskh al-’ilkm dâna al-tilâwâh; the wording that conveyed the now abrogated ruling is left where it is [nunsi; yathhibî] in the mushaf while the new ruling is introduced in a new verse [nubaddîl].

In presenting the materials available to him in the Tradition, for the ‘readings’ and interpretation of Q 2,106, Abu ‘Ubaid permits us, in addition, to sense the influence of certain scholars who shrank from any attribution of forgetting to God. They had re-interpreted all Qur’ân verses in which occurred the root n s y to derive a less obnoxious meaning. atâka ayûnâ ûâa nassahâ wa kadhâlikka al-yauuma tsusî: nassûallah wa nasîyahum: both Q 20,126 and Q 9,67 together with Q 2,106 [aw nunsâhâ] refer, not to ‘forgetting’ – God neither errs nor forgets – but to ‘ignoring’, ‘leaving alone’.

By degrees, the effect of the root n s y in Q 2,106 was minimised, as

the semantic freight of the root n s kh was simultaneously extended. The two roots imperceptibly merged: naskh al-’ilkm dâna al-tilâwâh. God suppresses the earlier ruling, but leaves the earlier wording where it is, in the mijâhif. No early scholar suggested that the root âyah might refer to anything other than to a verse of the Qur’ân. Thus, gradually, Q 2,106 was rendered the seeming equivalent of Q 16,101: idhâ baddalânâ ayahu makâna ayah – a much more ‘satisfactory’ proof (which the Qur’ân might more often have been called upon to furnish) that naskh means ‘replacement’. The appeal to Q 16,101 was, we have noted, indirect. There are, after all, theological difficulties attaching to the admission that the Divinity can change His mind. The appeal to Q 16 was nevertheless there, and it incidentally enabled the scholars to sidestep the fact that the Qur’ân’s use of the stem n s kh (like the Bible’s) implies suppression – i.e. outright and total removal. The wording of verses whose rulings have allegedly been abandoned, has not been removed from our texts of the revelation. Repugnance for the notion that the Divine Legislator might change His view on some matters dictated a scrupulous avoidance of the Q 16 term tabdîl, and a preference for a more neutral term, naskh. Tabdîl is a word best not spoken aloud, or too often.

Even fewer scholars have suggested that aw nunshâhânunshâhâ aw tunsâhâ/tunsâhâ might be a mere gloss on mâ nansâhâ.

To this point, we have witnessed how further Qur’ânic usage might be summoned to support the assertions as to the ‘reading’ and the interpretation of specific expressions. The Muslims were, however, prepared to go even further, not hesitating to tamper with the Qur’ân text itself, in the interest of interpretation, especially if they could contrive to avoid interfering with the agreed consonantal matrix. We already saw something of the sort in the variant vowel ‘readings’ proposed, and in the variation of the diacritics. The transmitted collected texts had been handed on without either symbols representing the short vowels, or any system of distinguishing several consonant-phonemes which shared a similar written outline. Some scholars were prepared to experiment with symbols additional to, but outside the outline. The alternative technique for avoiding the repugnant ‘forgetting’ is reflected in the further variant proposed for the phrase: aw nunsâhâ / aw tunshâhâ / aw tunshâhâ / aw nansâhâ. The reading: aw nunsâhâ enjoyed a certain vogue. The root n s ‘refers to tarîkh, ‘to defer’, ‘postpone’, ‘put off’ which may have either temporal or physical, i.e. spatial connotations. Taken in this latter sense, ‘driving off’, ‘pushing off to arm’s length’, i.e. driving verses
away from the Qur’ān texts, or from the breasts of the Muslims, as
the shepherd drives off the wolves from his flock, using his minṣa’ or
staff, the root n s h amounts to exactly the same notion as ‘suppres-
sion’ but escapes the theological penalty attaching to ‘forgetting’.
Both tafsīr can be claimed to be synonymous. 16
If, however, taken in the temporal sense of ‘postponing’, the verse
can be explained as meaning that, at certain points in the Prophet’s
mission, God had ‘put off’, ‘deferred’ the revelation of certain
regulations until a later moment. This interpretation can have, in
turn, the effect of imposing upon the stem n s kh its secondary
meaning ‘transcribing’ i.e. from the Heavenly Tablet, therefore –
‘revealing’. The meaning of the key verse, Q 2,106, radically alters in
consequence: mā nansākh min āyāh aw nansā ’hā na’ti bi khairīn
minhā aw miḥliḥā: “Whatsoever verse We reveal, or postpone
revealing, We shall reveal in the meantime, one better than it, or at
least as good.” As usual, this interpretation could appeal for the
support of further Qur’ānic usage: Q 9,37 states that naṣi’u, or the
postponing of one of the sacred months to a later season for human
convenience is a particular example of contumely towards the divine
laws.
It could be objected that the entire Qur’ān has self-evidently not
been replaced 17 as this interpretation appears to imply: are verses
which have been revealed and verses which have been ‘held back’ in
the divine presence for a determined period of time, equally to be
thought to have been replaced? 18 Possibly on account of the lesser
degree of utility which this interpretation offered, it failed to wrest
the primacy from its rival interpretation. Abū ʿUbayd here attributes
it to ʿAtāʾ, Mujāhid, ʿUbayd b. ʿUmair and ‘many of the Readers’,
among them Abū ʿAmr and other Baṣrans. The interpretation was
not, however, lost. It became, not the principal, but certainly a
subordinate reserve explanation of the verse, of use in the solution of
several problems of source-conflict, chief among them the ‘history’ of
Q 4,15. Thus, other scholars of the calibre of Shāfiʿis, Zaydibrahm
and Baiḍawī accepted the ‘postponement’ interpretation of the stem
naṣkh, in addition to the ‘replacement’ interpretation of which it now
offered further confirmation. In their hands, the ‘postponement’
certainty led to subtle refinement in the application of the theory of
naṣkh, and extended its definition. 19
We merely observe here, that Abū ʿUbayd comments that the
interpretation, which would attribute naṣkh to the whole of the
Qur’ān is not the interpretation which he favours.
Differing from both ibn ʿAbbas and ʿAtāʾ, in that he personally
finds no difficulty in attributing forgetting to the Prophet, Abū
ʿUbayd finds in Q 2,106, in which both the roots n s kh and n s y occur
side by side, divine evidence for the occurrence of two discrete,
unrelated phenomena:
1. ‘the well-known’ phenomenon of repeal, abrogation [tabdīl];
2. the omission – rather, the divinely controlled removal – of verses,
both from the written records of the revelation and from the
memories of the Prophet and those around him.
1. ‘The well-known phenomenon’
From the ibn ʿAbbas tafsīr of Q 3,7: huwa alladhi anzala ʿalaika
al-kītab minhū āyāt muḥkamät huwwaumm al-kītab wa ukhār
mutashabbiḥā . . . scholars had derived a quasi-technical term for
verses in which no form of naṣkh is involved. These are the muḥkam
verses [cf. Q 22,52] which are to be accepted and acted on. They are
accepted as divine regulations still in force: yaʿman bīhā wa yuʿmal
bīhā. Contrasted with them were the mutashabbiḥā: a further divine
allusion to al-nāṣīkh wa-l-mansūkh. The mutashabbiḥā include verses
which, although to be accepted as divine regulations, are not still in
force: yaʿman bīhā wa là yuʿmal bīhā. They are no longer practised.
These paraphrases highlight from the outset the chief characteristic
of Abū ʿUbayd’s book on the nāṣīkh and the mansūkh of the Qur’ān
[and the Sunna]. The work was not designed as a mere theoretical
study of an abstract theory. It seems, rather, that its author planned it
as a helpful handbook to guide the practising qādi by supplying the
evidence that would enable him to distinguish between [still] valid
and [no longer] valid statements in the revelation. A retired qādi,
Abū ʿUbayd seeks to explain the provenance of current ‘practice’ and
the practical aspect of the Fiqh is several times stressed in the course
of the present work. We leave to the Commentary remarks as to the
‘actuality’ of what Abū ʿUbayd seems to regard as the ‘practice’.
His discussions enlighten our understanding of the evolution of the
academic theories of naṣkh by, for example, showing that the ibn
ʿAbbas tafsīr of Q 2,106 was already a secondary development based
on unstated, but implicit reference to the exegesis of Q 16,101: idāhā
baddahā āyāh . . . the sole Qur’ānic source of the equivalence naṣkh:
tabdīl, Q 13,39 was then pressed into service to confirm this
identification and to support the allegation that, in certain instances
of naṣkh – i.e. in all instances of ‘replacement’, the wording of both
supposedly conflicting verses has remained part of the collected
texts of the Qur’ān.
One appreciates that these identifications with Q 16 and Q 13 were made the more plausible, given the continuation of Q 2.106: na'î bi kha'îrîn minâh aw mîthîlîhâ. With perfect justice, this part of the verse – but only this part of the verse – can legitimately be appealed to in Qur'anic support of any theory of replacement (although that raises in acute form the question of the meaning of the verse’s term: âyah). The definition of Q 2.106’s protasis: mâ nansakh as meaning “Whatever We replace” is undoubtedly erroneous, it being an unavoidable tautology to promise to replace what one has replaced.

Here, it is worth mentioning that the same verse’s âyah has not universally been taken to mean: a verse of the Qur’an.\(^{21}\) Insistence that that is what the word does mean carries the penalty of implying that certain Qur’ân verses are ‘superior’ to other Qur’ân verses. Moreover, naskh is not confined to the texts of the Qur’ân, but is said also to affect the hadîths, there being the parallel phenomenon of the naskh of the Sunna. Where the Sunna is said to have replaced the Qur’ân’s ruling, how far may one suppose that the hadîth involved is ‘superior’ to the divine âyah? or even ‘similar’ to it?

Mujâhid’s gloss on the ibn ‘Abbâs ṣafîr was thus a theoretical advance of sorts, taking the ‘replacement’ notion away from Q 2.106’s use of clatives, although Q 16 which uses the term tabîlî, also still uses the term âyah. Mujâhid’s wording simultaneously, in its use of Q 13 vocabulary, accommodated the exegesis more neatly to the usûl theory: nisa’î hâfîzah wa nebâdîh hâkîmah is a precise reflection of: naskh al-ḥukm dâna al-ṭilwâh. The formula may now as easily be applied to the texts of the Hadîth as to the verses of the Qur’ân. According to another theological doctrine, the Qur’ân is mu’jaz. The inimitable wording of one divinely-composed âyah may not be held to be, in the literary sense, ‘superior’ to the inimitable wording of a second divinely-composed âyah. Nor could the humanly-composed wording of a hadîth ever be thought to be ‘similar’ – let alone ‘superior’ – to the divinely-worded text of a single Qur’ân verse. But the ruling of any âyah, even the ruling of any hadîth may be either similar to, or even superior to the ruling of another âyah. It may be just as easy to perform, or easier, or, if more difficult to perform, presumably productive of a richer reward hereafter in consideration of the greater effort expended.\(^{22}\)

Such thinking processes demonstrate how an Arabic root meaning ‘to suppress’ had gradually assumed in the scholars’ shorthand the preferred technical sense of ‘supersession’. That the same scholars had, nonetheless, not lost sight of the fact that the Qur’ân does use the root naskh in the sense of ‘suppress’ is the only construction that one may put upon the wording of their three formulae in which clumsy concessions to the basic meaning of the term naskh have had to be made:

1. naskh al-ḥukm dâna al-ṭilwâh: the suppression of the ruling, but NOT of the wording;

2. naskh al-ḥukm wa-l-ṭilwâh: the suppression of BOTH wording and ruling.

While it may just be possible to attempt to make the case – (and the attempt is frequently encountered in the literature) – that in the two foregoing formulae, the term naskh might be translated ‘replacement’, the attempt is doomed to failure in respect of the third of the three formulae, where the term naskh can mean nothing but ‘suppression’.

3. naskh al-ṭilwâh dâna al-ḥukm, the only examples of which are both instances in which the Fiqh recognises a ruling (said to have been once-revealed), notwithstanding the suppression of the wording – the wording does not appear in the mushaf.

The first of the three formulae Abû ‘Ubdâb expresses: inna al-âyah al-nâsîkâh wa [al-âyah] al-mansûkâh thâbâtâtâ fî al-ṭilwâh wa fî kha’îr al-mushaf illâ anna al-mansûkâh minhumâh ilâh mur mîlî bihâ wa-l-nâsîkâh hiyya illallâ ahâ ‘azz wa fâl‘ âlá al-nâs isâbîl‘âhâ wa-l-âlkîdîh bihâ, i.e. naskh means ‘supersession’ of the ruling.

The second mode of naskh discussed by the author is that which he terms raj, or withdrawal: a verse, once-revealed, is subsequently removed from the memories of the Muslims and from all written records of the revelation. But this is an exegesis which he bases on and sustains by reference to hadîths.

Some man learned a part of the Qur’ân by heart. Seeking to recite it at prayer by night, he found that he could not recall a syllable. A similar adventure befell two others and all three reported this to the Prophet next morning. Muḥammad told them that that section rajat [alt. nasakh] that very night. naskh = raj = withdrawal = suppression.

Here, the connection with Q 2.106 is quite broken, since nothing in the story corresponds with: “We shall bring another, superior to it, or at least similar to it.” The hadîth embodies a tafsîr not of mâ nansakh, but of âw munsîhâ – or of Q 87: fa lâ tansîh illâ mâ shâ‘a allâh: “and you will forget nothing of it – except only what God wishes [you to
K. al-nasikh wa-l-mansikh

Under the aegis of discussions on *nasikh*, the exegesis of Q 2,106 had merged with that of Q 87.

Absent from the body of the text as preserved in the MS., but recorded in the margin, is the celebrated story of the *mushaf* of ibn Mas‘ūd. ‘Abdullāh reports that the Prophet had instructed him in the recitation of a *ṣūrah*. ‘Abdullāh got it by heart, and wrote it out in his personal *mushaf*. Wishing to introduce the new *ṣūrah* into his devotions, he finds that he cannot recall a word of it. He checks his *mushaf*, only to find the page blank! In the morning ‘Abdul-lāh reported these disquieting facts to the Prophet who informs him that that very *ṣūrah* had been withdrawn that very night. 23

Equally celebrated is the story of Muhammad’s praying in the mosque by night and, hearing some man reciting the Qur’an, exclaiming: ‘May God have mercy on that man! He has just reminded me of such-and-such a portion of the Qur’an that I had quite forgotten.’ 24

This well-known *hadith* may have been intended to occur at this point in our MS. Unhappily, however, an entire passage, consisting of at least 8b and 9a has been lost. Side 8a ends: *ṣallā rasūl, which affords a strong presumption, but admittedly, only a presumption that the above *hadith* might be expected. We have, in any case, Abū ‘Ubaid’s earlier assurance that he finds no difficulty in the admission that the Prophet could have forgotten (or been caused to forget) parts of the Qur’an. Moreover, he knew the *hadith*, for he comments upon it in the *Gharib*. 25

Unhappily, Nöldeke-Schwally missed the point. Treating the story as an ‘historical’ document, they failed to note that it had emerged from the exegetical tradition. They thus arrived at a quite incorrect view of the implications of the *hadith* for the Muslim account of the history of the collection of the Qur’an texts into the *mushaf*.

Apart from the difficulties encountered by the *usul* in their self-imposed task of reconciling the findings [*ahkām*] of the *fuqahā* with the present condition of the Qur’an texts; and apart from the inherited exegeses of the key verse on the question of forgetting Qur’an, Q 87,6–7 – (a definite divine affirmation, it was thought, that Muhammad would forget, or be caused to forget parts of the Qur’an text) – there remained the ineluctable fact that Q 2,106 appeared to speak of forgetting in the same breath as *nasikh*. Provision had, in the event, to be made for forgetting – that is, for ‘omission’ – in the *tafsir* formulae. Hence, *nasikh al-lukm wa-l-tilāwah.*

Such ‘omission’, as we have just seen embodied in the above *tafsir-hadiths*, had not, of course, occurred accidentally nor haphazardly. It had not occurred by reason of Muhammad’s carelessness, nor yet through any human failing on his part nor on the part of the Companions. Omission from the Qur’an was part of the divine redactional plan. It had been divinely pre-determined, and occurred under strict divine control. Given the Qur’an’s supposed association of *raf* [withdrawal] with *nasikh* [replacement] it was therefore natural that the Muslims should associate the one ‘phenomenon’ with the other. But only one of the two was the technical *nasikh*, the ‘well-known phenomenon’ of Qur’ānic *nasikh* and *mansikh*. The other represented the alleged removal during the Prophet’s lifetime of certain once-revealed Qur’ān passages. Once removed, forgotten, withdrawn or suppressed, such passages could not be collected together with the other revelations now present in our *mushaf*. They had been withdrawn by their divine author for His own unfathomable reasons. The rulings (if any) had also been suppressed, and had therefore never been of the least interest to the *fuqahā*. Where the actual wording of these withdrawn passages is discussed – (for, in some instances, ‘examples’ of this class of *nasikh* are presented in *hadiths* by individuals who claim to have preserved the wording in their proverbial memories) – the interest shown in it by the Muslims is more than merely antiquarian. The *hadiths* serve the very useful exegetical role of ‘confirming’ from an extra-Qur’ānic ‘source’ the *tafsirs* of Q 87 and of Q 2, held to ‘indicate’ this very brand of *nasikh*. 27 The mere existence of these *hadiths* placed the exegetes for our author, and for Tābirī and for the host of the exegetes, beyond any doubt. Here is an instance in which the *tafsir* inspires the *hadith* which are then used to secure its own ‘verification’. The second class of ‘omissions’ from the Qur’an is very different. In *nasikh al-lukm wa-l-tilāwah dīnā al-lukm*, only the revealed wording has supposedly been suppressed. Its ruling has always allegedly been regarded as retaining its force. As in the above case, *hadiths* have kept alive the ‘memory’ of the wording, but the consensus of the Prophet’s surviving Companions as to what should and what should not be included in the *mushaf*, now that the revelation is ‘completed’ with the Prophet’s death and can at last be collected together from the written fragments scattered among the population of Medina, in addition to their memories, guarantees their having been aware of the divine author’s intent to exclude those ‘verses’ from the texts.

Abū ‘Ubaid’s theory of *nasikh*

Of the three, Abū ‘Ubaid acknowledges only two modes of *nasikh*:
replacement and forgetting [withdrawal of wording and ruling]. The third mode: the withdrawal of the wording alone, with the retention of the ‘revealed’ ruling in the Fiqh: naskh al-nilawah dana al-hukm, he does not recognise, nor even mention. We must enquire into this circumstance.

Following the exegetical section of his Introduction, in which he set down the basic ‘facts’ pertaining to naskh, the author never again shows any interest in the supposed withdrawal of once-revealed Qur’anic matter, i.e. in ‘omission’ from the maslah. Throughout the remainder of his study, he is concerned solely to identify individual regulations of the Fiqh which, although reported to have been in vigour in the Prophet’s day, have, since that time, fallen into disuse. In other words, his work concentrates upon conflicting reports as to the ‘practice’ in the time of the Prophet and since. The regulations which he examines had been either commands or prohibitions and had been enunciated in either the Qur’ān or the Sunna. Quite simply, what this means is that scholars had had to take account of the problems created for them by the transmission of inconsistent accounts of the ‘practice’ of the Prophet, of his Companions or the Successors.

The instances of naskh which he examines, therefore, include examples drawn from both the Qur’ān and the Sunna and had been chosen to illustrate both the naskh of the Qur’ān by the Qur’ān and the naskh of the Sunna by the Sunna. There are, in addition, a few instances in which a Qur’ān ruling was thought to have superseded a Sunna ruling – but very much more significant is one instance of a Qur’ān ruling which had allegedly been replaced by a Sunna ruling. This arises in the course of the author’s treatment of the Islamic penalties for sexual misconduct. It was on this precise question that the views of the usulis were so profoundly differentiated as to produce a sharply defined line dividing two diametrically opposed trends in usul al-fiqh. On one side of the line stood our author; on the other side stood the imām Shāfī’ī, whose views we ought now to consider, in order to appreciate why it is that one of the three naskh formulae is absent from the vocabulary of Abū ʿUbayd.

**Shāfī’ī and naskh**

Credit is generally given to Shāfī’ī for the first attempt to lay down precise formal rules governing the usul al-fiqh, the science of the recognised sources drawn upon by the makers of the Fiqh and above all, to determine the mutual status of those sources. As the Fiqh had existed before Shāfī’ī, his work is retrospective and his rules descriptive, except insofar as he criticises scholars who had, in his view, gone wrong. In this case, Shāfī’ī’s work may be described as prescriptive, as it certainly is as far as concerns the theory of naskh.

Shāfī’ī was probably the greatest polemicist of his day and in numerous works he covered most aspects of the Fiqh, showing conspicuous originality in usul, or source-theory. Many are the tributes that have been paid to his pioneering work on theoretical questions, not least, on naskh. In his Ikhtilāf al-Hadith, he sets out his methods for determining the choice to be made between conflicting hadīths, while in the Risālah, he patiently and lucidly confronted the problem of the occasional for him, merely apparent conflict between Qur’ān statements and hadith-reports.

For Shāfī’ī, the revelations in the Qur’ān and the correctly ascertained ‘practice’ of the Prophet could never conceivably conflict. Such instances as had troubled the Muslims he tirelessly repeats are merely apparent, having arisen from an inadequate appreciation of the true historical relationship between Qur’ān and Sunna. In the Qur’ān, God insisted in numerous verses that the believer must unhesitatingly accede to the Prophet’s every command and unquestioningly obey his every instruction. This thesis is easily established on the basis of massive citation of Qur’ān verses. Shāfī’ī further draws attention to the equally numerous verses in which God equates obedience to His Envoy with obedience to Himself, or disobedience to Muhammad with disobedience to Himself. In the shahīdah, or basic confession of faith in Islam, God has linked Muḥammad’s name with His own. For Shāfī’ī all such verses are divinely stated evidence that Muḥammad had been granted in matters pertaining to religion a status conferred on no other human being, however eminent. The Muslim’s loyalty to God’s Prophet must, therefore, be quite unconditional.

The rôle of Muḥammad as Prophet, Shāfī’ī states, was two-fold: to mediate to Man in the Qur’ān God’s revealed commands; and to explain to Man on God’s behalf (or, perhaps, under divine inspiration: ‘an allāh) the precise meaning of God’s message and the precise manner in which He intended His commands to be carried out. Not merely had God sent down His Qur’ān in Arabic, the mother-tongue of His Prophet; God had granted Muḥammad – alone among humans – a comprehensive and perfect command and understanding of the language. That thus rules out any claim to the right to exercise private interpretation of the holy texts, however brilliant a man’s
K. al-nāsikh wa-l-manṣūkḥ

linguistic attainments. Among the many problems which confront the ordinary believer in his endeavour to comprehend God's Holy Book is one presented by the Qur'ān's style. Part of the genius of the Arabic language is that frequently it does not distinguish verbally statements intended to have a universal import ['āmīn] from statements intended to have only specific application [khāṣṣ]. In many instances, a second Qur'ān statement suffices to show that the apparently general import of a verse was, in fact, all along intended to carry a specific meaning. Shāfi'i calls this type of clarification takhīṣ. It goes without saying, following the above preamble on the function of the Prophet within the economy of the divine revelation, that just as frequently, the badly-needed clarification is provided not in and by the Qur'ān, but by the reported behaviour of the Prophet in relevant situations – in and by the Sunna, as recorded in the appropriate hadith-reports. The verbal explanations and the behavioural glosses supplied by the Prophet were quite indispensable to an accurate understanding of much of the Qur'ān text.

For instance, the Qur'ān lays down only a general command to pray, to fast, to make the pilgrimage and to pay zakāt. Nowhere does the Qur'ān provide any details as to the number or the manner of performing the ritual prayers, their frequency, or the hours at which they should be performed. The rites of the pilgrimage have neither been enumerated nor described. The articles on which zakāt is payable have not been specified, nor the rates listed. For the communication of these practical details, God has relied upon the personal example and verbal instruction to be provided by the Prophet. God has thus made men totally dependent upon the Prophet for the knowledge of the greater part of their religion.

The Muslims have been obliged to rely upon Muhammad for guidance on all matters to which the Qur'ān referred only in general terms. How much more dependent are they upon the Prophet's instruction in matters to which there is no reference in the Qur'ān. But here also they have followed his lead, faithfully submitting to God's command that they obey His Prophet in all things.

There is doubtless much force in these arguments of Shāfi'i's. Insofar as they might be taken to refer to the contemporaries of the Prophet, we can have little quarrel with him. Where, however, we cannot follow him is in his categorical determination to identify with what he calls Muhammad's 'verbal and practical instructions' the contents of one single branch of Islamic literature – the Hadith. Shāfi'i states that he is reluctant to believe that any Muslim believing in the reality of an afterlife, would consciously tamper with, let alone fabricate a report purporting to represent information on Muḥammad's words and actions. He thus requires our assent to the proposition that the hadith reports, so long as they are said to emanate from the Prophet or his circle, and so long as they have been transmitted by individuals recognised in Shāfi'i's circle as trustworthy, are authentically the sole absolutely reliable record of the instructions of the historical Muḥammad. Information supplied as from Muḥammad, the Prophet of God, can, Shāfi'i insists, in no sense be conceived to conflict with information communicated in the Qur'ān, the Book of God. Where Muḥammad's teaching differs from the Qur'ān, it may not be described as opposing the Qur'ān. On the contrary, if more fully worded, it fills out, complements, even supplements, the Qur'ān revelation. The Qur'ān source alone is certainly not sufficient. The two sources, Qur'ān and Sunna, jointly present the revelation of God's will. So long as it is reliably reported to come from the Prophet, the Sunna can never be set aside in favour of the statements of any source – not even those of the Qur'ān. No statement occurring in the Qur'ān may be used as grounds for suggesting that perhaps the Prophet did not say what he is reported as saying, merely because it does not happen to agree with the Qur'ān. The Sunna must be accepted without question. It is the Qur'ān which so commands. Accepting the Sunna, therefore, by divine command, the Muslim makes use of every sound hadith to complete his understanding of the content and the intent of the divine revelation.

The Sunna and Qur'ān interpretation

Certain sunnas confirm and reinforce the Qur'ān statements. Others clarify the Qur'ān's meanings, especially where differing constructions might be placed upon the Qur'ān wording. In such cases, one does not choose between men's competing interpretations; it is the Sunna which indicates the 'correct' interpretation, sc. the Prophet's interpretation. In no one single instance has the Qur'ān superseded a ruling of the Sunna. If the Prophet had established a sunna on some matter on which God subsequently indicated naskh by revealing a verse at variance with that sunna, the Prophet would immediately introduce a second sunna in conformity with the latest Qur'ān statement, expressly to demonstrate the abandonment of his first sunna. In every such instance, Shāfi'i insists, the later, the nāsikh sunna, has invariably survived, having been handed down with scrupulous care from generation to generation in its appropriate
An alleged instance of the naskh of the Qur’an by the Sunna

The fuqahā’ were unanimous that the Islamic penalty for adultery was death by stoning. The task of the usūlī was to trace the individual hukm of the Fiqh to its ultimate source.

In Abū ‘Ubayd’s day, the usūlīs traced this penalty to the Sunna, as he is content to report approvingly [IFT. 89a-90b].

Comparing the Fiqh penalty with the Qur’ān, which lays down a flogging penalty for sexual misconduct [Q 24,2] Abū ‘Ubayd’s informants, reporting from ihn ‘Abbās and especially from ‘Ubaydah b. al-Sāmit, [both considered to be Companions] asserted that, as opposed to the Qur’ān, the Sunna had made a distinction between fornication and adultery, applying appropriate penalties in each case. The author accepts the reports with no discussion whatever, and without the least hint of any dissent or disagreement among earlier or contemporary usūlīs on the question. He accepts without demur that this is one ascertainable instance of the naskh of the Qur’an by the Sunna. In this, his attitude is the same as that of the older imāms, Mālik [d. 179/795] and Abū Hanīfah [d. 141/758].

The sharpest possible contrast is provided by the attitude of his contemporary Shāfi’ī [d. 204/819]. Shāfi’ī has devoted to this question a lengthy and painstaking analysis and an understanding of his position is of importance. Although he was a near-contemporary of Shāfi’ī, dying 224/838, Abū ‘Ubayd does not know Shāfi’ī’s ideas — indeed, not once throughout his lengthy study shall we find the name of Shāfi’ī so much as mentioned. Accepting, like the other imāms, that the Islamic penalty for adultery is indeed death by stoning, Shāfi’ī seeks to demonstrate that here we have an exact illustration of the interdependent relationship between Sunna and Qur’ān that he had laboured long and skilfully to develop in the Risālah. From the outset, it should be noted that this discussion does not lie wholly within Shāfi’ī’s exposition on naskh. Rather, it is conducted in the light of his theory of takhliṣ, which, as we shall see, is a theory of exclusion.

The Qur’ān’s flogging penalty does not carry the general application it might seem to. Indeed, the Qur’ān itself, Q 4,25, informs us that flogging was not intended as a universal ruling. Slave-women it is said [Q 4] shall be subject to one-half of the penalty appointed for [free] females. Slave-women are thus already excluded from Q 24,2’s apparently general ruling which imposed 100 lashes for sexual misconduct. The 100 lashes must refer to free offenders only. The penalty for the slave will be, in that event, 50 lashes.

Similarly, the Prophet distinguished the penalty for fornication from that for adultery. ‘Ubādah reports that the Prophet said, ‘for the unmarried, 100 lashes and twelve months’ banishment; for the married, 100 lashes and death by stoning’. Q 4,25 has spoken of the slave-woman’s penalty as one-half of that appointed for the free. As it would be absurd to speak of one-half of death by stoning, it is the Qur’ān once more which indicates that the slave-women are excluded from the stoning penalty, wherefore their penalty must be 50 lashes and six months’ banishment. The penalty for free offenders is thus two-fold: according to the Qur’ān, flogging;
accroding to the Sunna, flogging and banishment or flogging and stoning. Having access to the Sunna, we can confidently apportion the penalties to each of these three categories of offenders. In all three instances, the Sunna has ‘endorsed’ the Qur’ān’s flogging element of the penalty, while, appropriately to each category, amplifying the rule established by Q 24.2. Shāfi’i refers to this amplification of the Qur’ān’s intent as bayān or tafsīr. As stated, it lies outside his theory of naskh.

The Sunna reported from the latter stages of the Prophet’s career clearly shows an alleviation of the Sunna penalty previously introduced by Muḥammad. Certain late hadith reports to the effect that, although he endorsed his earlier Sunna on the penalty for fornication, the Prophet had modified his penalty for adultery by dispensing altogether with the flogging element of the two-fold penalty, show the operation of naskh.

What we actually witness here, is a conflict of sunnas. Shāfi’i chooses, rather, to treat it as a matter of dating: the later reports abrogate the earlier. His conclusion is that stoning alone abrogated the earlier stoning-with-flogging. Throughout the long history of the penalty, the Sunna had provided, on God’s behalf, the perfect elucidation of His intent. Q 4.25 modified Q 24.2; that is an instance of takḥiṣ. The stoning sunna modified the stoning-with-flogging sunna; that is an instance of naskh, the Sunna had naskhed the Sunna. Both Qur’ān and Sunna had supplied the bayān of Q 24.2. Qur’ān and Sunna therefore jointly served in this instance to make clear the divine intent.

From the foregoing, it is clear the Shāfi’i has obeyed his own injunction that the study of the naskh of the Qur’ān is to be kept severely separate from the study of the naskh of the Sunna. In his hands, the two never intersect.

Both before and since Shāfi’i’s times, intelligent men have failed to grasp that one can properly speak of stoning as the ‘elucidation’ of flogging. They (and with them, Abū ‘Ubaid) could but conclude that, on this question, the ruling of the Fiqh unmistakably pointed to the naskh of a ruling of the Qur’ān by a ruling of the Sunna. Yet other scholars, especially the later adherents of the school of Fiqh set up in memory of Shāfi’i, long accustomed to their imām’s theories of naskh, and heirs to his detailed and closely-argued analysis of this problem of the penalty for adultery and its ultimate source, arrived at a (historically) interesting conclusion. Shāfi’i’s exposition had been, for once, marred by some carelessness in the use of language quite uncharacteristic of his normal style, and pondering his argument that

‘Ubādah had conveyed ‘the first penalty to have been revealed’ following the revelation of Q 4.15; that reports on Muhammad’s later ‘practice’ showed that stoning was the nāṣikh of stoning-plus-flogging; that flogging was mansūkh in the case of those whom the Prophet merely stoned (thus alleviating the earlier penalty); that only the Qur’ān may naskh the Qur’ān and the Sunna may never be held to have done so – his pupils perceived that this must be an instance of the naskh of the Qur’ān by the Qur’ān. A Qur’ānic stoning penalty must have abrogated a Qur’ānic flogging penalty. They further perceived that, since its first institution, the stoning penalty had been applied consistently in cases of adultery by the Prophet, and after him, by the caliphs, and after them, by the Muslims. It had unanimously and consistently been upheld by the fuqaha down to their own day. Without a doubt, stoning was the Islamic penalty for adultery.

But in this particular instance of the naskh of the Qur’ān by the Qur’ān, they further observed that the relevant wording is now absent from our texts of the Qur’ān, the mushaf. From further hadiths that had come into circulation, they were familiar with the ‘wording’ of the stoning-verses. Naturally they concluded that this must now be accepted as an instance of a third mode of naskh: naskh al-tilāwah dhāna al-ḥukm.

In this, they went beyond the somewhat equivocal conclusions of Shāfi’i himself on the question of stoning.

It was on quite a different topic – raḍa’ al-kabīr (unmentioned by Abū ‘Ubaid) that Shāfi’i himself, in deference to a hadith from the Prophet’s widow, ‘A’ishah, committed himself to basing his Fiqh conclusion (on which he separated himself from his teacher, Mālik) upon an alleged Qur’ān ‘verse’ which, however, he acknowledged, is no longer to be found in the mushaf.

Combining this argument with their imām’s known views on the relation of Sunna to Qur’ān in respect of naskh, later Shāfi’ites habitually speak of the stoning penalty and of raḍa’ al-kabīr as the two ascertainment and documented instances of naskh al-tilāwah dhāna al-ḥukm. This third mode of naskh is thence taken over into the naskh works as the third type of verse represented in the third of the now familiar formulae.

Here is the evidence of the split in the ranks of the usūlis we spoke of earlier. We can distinguish and identify those who insist upon three modes of naskh and those who accept that there are only two. Among the latter, we can count our author, Abū ‘Ubaid.

The preceding discussion has made it clear that the third of the
classical modes of naskh: the suppression of the wording without, however, the suppression of the ruling, was introduced into the theory by scholars who agreed with their opponents on the Fiqh ruling whose source they were seeking to identify. Usul-al-fiqh thus comprises two activities:

1. tracing the agreed Fiqh to its putative source;
2. in the event of a clash of Fiqh ideas, tracing one’s own Fiqh conclusion to a source in either Qur’ān or Sunna.

But, should the attempts to trace an agreed Fiqh conclusion lead to varying statements as to the source of that ruling, the disagreement carries over into modifications of the source-theories of the disputants as, in the present instance of the penalty for adultery, the result has been modification of the theory of naskh. That has arisen for the Shāfī’is owing to their inability to accept that the Sunna might, on even one occasion, be admitted to have abrogated the Qur’ān.

By pursuing such differences in theoretical approach back to their origins, we can successfully dismantle the elegant three-fold articulation of the mature naskh theory. The Muslim writers on naskh were well aware of all the factors that had contributed to these developments and, as we shall see in the Commentary, expressed them openly. It is from them that we learn that the third mode of naskh had been the work of scholars unable to concede that the Sunna had, even in one instance, ever abrogated the Qur’ān. Those, on the contrary, and Abū ʿUbayd is found to be among their number, who saw no difficulty in drawing from the evidence of the Fiqh the conclusion that the Sunna, in this matter of stoning, had clearly abrogated the ruling of Q 24.2, dispensed entirely with this third mode.

Not merely does the Sunna abrogate rulings of the Qur’ān. Equally, on occasion, Abū ʿUbayd argues, the Qur’ān abrogates rulings of the Sunna. One instance he adduces concerns the discipline of the ritual prayer. A most interesting series of hadiths occurs at ff. 13a–b. Abdullah b. Masʿūd alleges that before he emigrated to Ethiopia, he had been in the habit of saluting the Prophet who would return his greeting, even if engaged in the prayer. On his return to Mecca, Abdullah greeted the Prophet as usual, but Muhammad remained silent. Completing the prayer, the Prophet explained, “God introduces what new regulations He pleases, and He has now ruled that we must not speak during the ritual prayer.”

Their earlier sunna had therefore been abandoned. The second report, also from Abdullah, merely rationalises the change: “During the prayer one is pre-occupied.”

It is the third report which is the most intriguing. The Muslims had been in the habit of chatting during the ritual prayer until God revealed: “wa qāmū lillāh qaʾītūb”.

The first report leads only to the conclusion that wāḥya supersedes wāḥy. The second implies that the Prophet, as his spirituality developed, changed some of his earlier, easy-going ways. The third report, however, brings together several of the features characteristic of the materials assembled by our author. Here, we see a type of report which shows exegesis operating on the basis of appeal to asbāb – that is, the claim to be able to derive a clearer understanding of the meaning of a given verse, given information as to the circumstances in which its revelation had been provoked. We can apply no control, other than linguistic test to the content of such reports, or comparison with the total Qur’ān context in which the given verse occurs. This report invites one to concede that the root q not refers to ‘silence’. It simultaneously asserts that here is unequivocal evidence of the Qur’ān’s abrogating the Sunna. We must be constantly alert to the question of whether the sunna would even exist, but for the Muslim’s problems with this verse.

ʿAbdullah is prominent in a further hadith-series on the institution of the Ramadān fast. The celebrated Islamic observance was asserted by many to have replaced an earlier fast which Muhammad had allegedly adopted, in honour of the Day of ʿAshūra. There is not one single direct reference in the Qur’ān to any such fast. On the other hand, it is known that many Muslims, reading the passage in which the Ramadān fast is imposed, “Enjoined upon you is the obligation to fast, as fasting was imposed upon those before you,” understood the reference to be to the timing of the fast, rather than merely to the fact of imposition. In their eagerness to run down every single allusion in the Sacred Book, – since exegesis abhors a vacuum – they sought to identify the fast that had been imposed on “those before”. Some decided that it had been the ʿAshūra fast, observed by the Jews before the coming of Islam. Thinking that the fast of those before them had been imposed upon them by the Qur’ān, and knowing that the Ramadān fast had also been imposed upon them by the Qur’ān, and was still being observed universally throughout Islam, they naturally supposed that ʿAshūra was either still an obligation for the Muslim, or that its obligatory observance had been overtaken, dislodged and replaced by the Ramadān fast, and so suppressed. Hadiths in circulation support each of these two propositions. In one report, Abdullah remarks that ʿAshūra had merely been a day which Muhammad had marked with a voluntary fast
before the imposition of Ramadân. When Ramadân was instituted, ‘Ashūrā’ was abandoned.49 The report is a counter-hadīth designed to deny that this was an instance of naskh. ‘Ashūrā’ had never been obligatory. A second counter-hadīth from ‘A’ishah makes both time-scale and exegetical influence somewhat clearer: ‘Ashūrā’ was a pre-Islamic custom which Muhammad had observed in the Jāhiliyyah. He continued to observe it and commend it to his followers until the imposition of Ramadân, since which time, ‘Ashūrā’ has continued to be optional for the Muslim. Since ‘Ashūrā’ is not now and never was obligatory, there is no need to assume naskh. But, if ‘Ashūrā’ had never been mentioned, there would have been no need to assume naskh. ‘A’ishah’s view of the history of ‘Ashūrā’ does not break the link between alleged pre-Islamic custom and the Qur’ān’s reference to fasting, “as fasting was imposed upon those before you”. By substituting pre-Islamic Arabs for Jews in its alternative exegesis of “those before you”, the report was calculated to break the alleged connection between Muḥammad’s supposed ‘practice’ and Jewish practice, just as reports alleging that, while still at Mecca, Muḥammad had prayed towards Jerusalem before the revelation of the Meccan qiblah, taking care to place the Ka’bah between him and his line of sight towards the Temple, had been calculated to counter the claim that Muḥammad had borrowed the first qiblah from the Jews of Medina.50

References to pre-Islamic custom are, as we shall see, a commonplace in the hadīths, and if not as here, visibly triggered by the Qur’ān’s wording, are not to be taken as more than exegetical efforts to ‘get behind’ the Qur’ān wording. Alleged links with the Jāhiliyyah were also intended to include by extension reference to custom in ‘the early days of Islam’.51 This betrays the rôle of such reports within a sub-science crucially dependent on information on dating which determines its ability to distinguish ‘the earlier’ from ‘the later’.

Reports about ibn ‘Umar’s determined refusal ever to acknowledge ‘Ashūrā’ as an Islamic practice show us an aspect of the later contention among the Muslims, while the foregoing discussion shows the general point at issue. The ibn ‘Umar evidence aimed to counter the evidence of those who now argued that although ‘abrogated’, ‘Ashūrā’ remains a commendable act of Muslim piety.

One may thus tease out from this material, a minutely detailed exegetical squabble over the function of the word “as” in Q 2,183: “as fasting was imposed upon those before you”. Had the word been read as a mere conjunction (rather than as a relative) and seen to address the mere fact of imposition, rather than the manner of fasting, the exegetical, hadīth and naskh literature on the subject would have been considerably thinner. The mere allegation that the Prophet had observed the fast of ‘Ashūrā’ sufficed to add this fast to the Sunna. When their exegesis of the verse was challenged, the proponents of this view could now urge the Sunna in its support. Of particular interest to us must be the procedure adopted throughout by the opponents of this ‘Ashūrā’ exegesis’. Some were prepared to concede, for the sake of argument, that Muhammad and his followers had, indeed, observed the ‘Ashūrā’ fast in ‘the early days of Islam’. They thus quietly deferred to the hadīths to this effect. They nevertheless ‘neutralised’ the hadīths by assigning to them an early date. Some could even accept that the hadīths referred to ‘the early Medina days’ and rationalised the Prophet’s conduct as having been motivated by expediency when he still entertained hopes of conciliating the Jews and of winning them for Islam. The manoeuvre failed, Ramadân was revealed and ‘Ashūrā’ ‘reverted’ to its voluntary status. Other reports spoke of ‘Ashūrā’ being abandoned. Shafî‘i, however, would wholly re-interpret these reports: ‘Ashūrā’ had at no time been obligatory for Muslims; the Prophet had never declared it so, and thus Qur’ān’s imposition of the Ramadân fast cannot be held out as one instance of the naskh of the Sunna by the Qur’ān. It is not even an instance of the naskh of the Sunna by the Sunna.52

The third view, that it represented an instance of the naskh of the Qur’ān by the Qur’ān, had been the outcome of the comparison of Qur’ān verse with Qur’ān verse. The Qur’ān’s fasting periscope, Q 2, 183-7, had been subjected to a hypermetrical exegetical analysis. Q 2,183 was alleged to refer to the imposition of a fast – the fast of those “before the Muslims” – prior to the imposition of Ramadân in Q 2, 185.

The hadīths on this subject appear in Abû ‘Ubaid’s study of the ‘abandonment’ of the ‘Ashūrā fast, and, indeed, he states that, on its revelation, Ramadân was considered to have replaced this ‘earlier fast’. The whole discussion affords a valuable illustration of the minute attention to Qur’ānic detail in the earlier exegetical debates. That had resulted in the ‘atomisation’ of the Qur’ān texts, as individual words, [“as”] came to be separated from their contextual position. We have seen this in the case of “those before you” and it occurred also in the case of “a matière ma’dūdāti”.53 This fragmentation of the Qur’ān texts led to the creation of multiple intra-Qur’ān sub-contexts each discussed in isolation from the passage in which it occurs in the texts. Naturally, that led to the multiplication of ‘early sunnas’. Several fasts could be discussed as
having been imposed upon Muslims before the imposition of Ramadan. The references in the Qur’an to these other fasts occur on the page before the first mention of Ramadan by name. The exegetical procedures, in turn, created opportunities for re-multiplying the number of cases to which the principle of naskh required to be applied.

From these, and numerous similar instances, to which attention will be drawn in the Commentary, we now perceive that the reports we have to deal with in the hadiths purporting to describe the Sunna, had been directly exegetical in origin. The reports [sunnas] sprang from the words and the lay-out of the Qur’an, although they had been inspired not by the actual words of the Qur’an, but rather, by the words of an intervening exegesis. That becomes apparent if we refuse superficially to accept the resultant hadiths as ‘historically true’ documents for the Prophetic age, preferring to subject them to the same meticulous analysis and dissection to which the Muslims had subjected the Qur’anic texts.

Enabled to re-trace the steps of the Muslim exegetes, we would do well to guard against the natural tendency of their successors to treat Qur’an and Sunna as distinct and unrelated streams of Islamic Tradition. That attitude had resulted in the formation of the concept of naskh. Finding countless instances in which his ‘two’ supposed sources were in conflict, the Muslim scholar’s first instinct was to seek a means of bringing his two conflicting statements into harmony. Subtle hermeneutics can often, by appeal to semantic or syntactic considerations, remove an apparent gulf between sources and show their incompatibility to be more superficial than substantial. On the question, for example, of fasting when on a journey in Ramadan, two opposing attitudes were equally ‘soundly’ reported as from the Prophet. Muhammad, we are told, fasted when travelling; Muhammad, we are told, broke his fast when travelling. He is reported to have declared: ‘Piety does not consist in fasting while travelling.’ But according to the Ramadan regulations, as detailed in the Qur’an, the traveller would appear to be granted the concession of postponing the fast until he had completed his journey. Some Muslims, however, shrank – so great was their veneration for the sacred month – from breaking the fast, even in conditions when they might, with clear conscience, do so. They were of the opinion that the Qur’an’s “but to fast is khar,” meant: “but to fast [when travelling] is nevertheless, the more meritorious course.” In support of their own scruples, they pointed at the Prophet’s supposed conduct. Abu ‘Ubaid takes the opposing view and, following exhaustive comparison of numerous versions of the relevant reports, finally concludes that it is reliably reported that the Prophet had done both: he had both fasted on some journeys, and broken the fast on others. Interpreting one set of hadiths in the light of the other [tawil] and deciding that either course is equally legitimate, he suggests that the Prophetic dictum: ‘Piety does not consist in fasting when travelling,’ is to be construed in the spirit of ‘Piety does not consist [solely] in fasting when travelling.’ Not fasting when travelling may thus equally be described as Muslim piety, if one does not perversely decline the gracious concession granted by God to the traveller, nor aim to show disdain for the Sunna of the Prophet. “God desires for the Muslims ease; He does not desire for them that they be over-burdened.” The scrupulous view, the result of a much stricter exegesis, had failed to convince him. Abu ‘Ubaid then rationalises his choice: fasting when travelling may render a man incapable of the proper performance of his other religious obligations, such as the ritual prayers.

On the parallel question of abbreviating the ritual prayer when travelling, he addresses himself to the contradictions in the reported ‘practice’ of both ‘A’ishah and Uthman. To the former is attributed the helpful information that the prayer had ‘originally’ been revealed [and hence, ‘practised’] as consisting of two rak’ahs only, later increased to four rak’ahs for all except the traveller. There circulated, however, a counter-hadith to the effect that, notwithstanding this utterance, ‘A’ishah herself invariably completed the four rak’ahs when she was travelling. Similar parallel sets of reports on Uthman’s ‘practice’ were likewise available. The contradictions were, in Abu ‘Ubaid’s view, susceptible of tilawil, and he proceeds to rationalise each set of hadiths.

In this instance, his enthusiasm for harmonising the conflicting reports leads to his failure, either to quote the relevant Qur’anic verse, or to note that ‘A’ishah’s supposed statement on the first imposition of the ritual prayers is in stark contradiction to the Qur’an’s wording [Q 4,101.] “You will incur no guilt in that you shorten the prayer [when on a journey, you fear that you may be attacked when you pray].”

In this instance, Abu ‘Ubaid’s work enables us to participate in discussions conducted, not indeed, without any reference to the Qur’an, although certainly conducted without direct reference to the Qur’an text. The material of these discussions had been the exegetically originated hadiths.

Frequently we shall note that the exegetical discussions had developed their own inner momentum and proceeded along lines
dictated by the nature of the materials on which they focused. That was especially clearly brought out by the above type of discussion which fastened upon a single phrase, “those before you”, or even upon a single word, “as”, torn from its original Qur’anic context.

In theory, although accounts from the Prophet’s Companions are all equally reliable, some are more reliable than others, for example, the caliphs, spoken of by our author as not only ‘rightly-guided’ [nāṣīḥidīn] but even as ‘inspired’ [maḥdīyīn]. Numbers count too, and Abu ‘Ubaid expressly states that he prefers to follow the greater number of reports.

Further, there are considerations other than verbal reliability, veracity and good memory to be taken into account. The relative dating of the hadith reports is crucial. The primitive (but adequate) rationalisation of the application of the naskh principle, as transmitted by Mālik from Zuhri, is known to our author: “They used to adhere only to the latest-known of the Prophet’s words and acts.”

The technical requirement that the dates of both conflicting reports be known gave rise to the science of biography [rijāl] whose twin, in the Qur’ān sphere is the asbāb al-nazā’il hadith. The presumption was that the data made available in this type of hadith enabled scholars to distinguish the later āyah from the earlier āyah as the basis on which to speak of naskh.

Naskh is thus merely one among several harmonising techniques called into being by the all-too-frequent occurrence (or claim) of conflict between the sources.

Not the least merit of Abu ‘Ubaid’s book is that it enables us today to see more clearly, and in a work dating from the formative period of the Islamic sciences, coming from the pen of one of the founders of those sciences, the various techniques of which the scholar of that time might avail himself and, particularly, this being the oldest systematic treatment of the theories of naskh yet discovered, we learn how those theories had found increasing favour as harmonising devices, admirably adapted to resolve the problems raised by the frequent clash of hadith with hadith and of exegesis with exegesis.

Whether there is any actual Qur’ān–Qur’ān clash, and if so, whether God, in His Book, has made any reference to any such eventuality, remains to be decided by the reader on the basis of his perusal of the work itself. The work’s special significance lies in its being the oldest known systematic analysis and illustration of the application of the theories of naskh to both the Qur’ān and the Sunna sources.

The discovery of the Topkapı MS. carries the theoretical literature on al-nāṣīkh wa-l-mansūkh at one stroke, back one whole century. Hitherto, the oldest known available work was one somewhat dubiously attributed to Abū ‘Abdullāh Muḥammad b. Ḥazm [d. ca. 320/932].

Slightly earlier is the K. al-nāṣīkh wa-l-mansūkh of the Zaidi author, Abū ‘Abdullāh b. al-Husain [d. 300/912] MS. Berl. 10226, Istanbul, Bagdadī Vehbi 189. The work attributed to the same man’s grandfather, Al-Qāsim b. Ibrāhīm [d. 246/860] Berl. 4876, is not, in fact, a study of naskh and can here be disregarded as a case of careless cataloguing.

Perusal of the work by Abū ‘Abdullāh leads to the strong impression that its similarity to Abū ‘Ubaid’s work is unlikely to be accidental. The detailed lay-out of the individual sections is set out in an appendix for ease of comparison with the section headings of Abū ‘Ubaid’s book. From this it will be noted that the arrangement of the first eleven sections of both works is identical; sections 12 and 13 are interchanged, resulting in the separation of the discussion of the wasiyyah from that of the mīrāṭ in Abū ‘Abdullāh’s work; sections 18 and 19 are also placed relative to the Abū ‘Ubaid order, coming between Abū ‘Ubaid’s 15 and 16, although it is noteworthy that the two sections still come together. The order of the remaining sections coincides with that in Abū ‘Ubaid’s arrangement. Most striking, however, is the repetition of the discussion on the application of the hadid to the dhimmis [Abū ‘Ubaid’s 15, ‘Abdullāh’s 16]. Common to both texts, this repetition is not easily explained. As to Abū ‘Abdullāh’s discussions, many arguments, familiar from Abū ‘Ubaid, re-appear. This is particularly noticeable in the lengthy discussions on the Fas. Here, Abū ‘Ubaid’s classification of the Muslims in terms of their responsibility vis-à-vis fasting in various circumstances [referred to by Abū ‘Ubaid as four firaq] appears as Abū ‘Abdullāh’s classification of four schools of opinion, also firaq. A like degree of similarity is to be found in the long passages on the Prophet’s treatment of war captives, and to a less degree, although still remarkable, in most other sections. Once only does Abū ‘Abdullāh refer to a topic unmentioned by Abū ‘Ubaid, in touching briefly on the topic of the ṭikāf.

Both works may well have drawn upon a common original. Much more probable is the likelihood that Abū ‘Abdullāh drew upon the work of earlier writers on the subject and that the book by Abū ‘Ubaid provided him with the bulk of the materials he needed set out in the most convenient form. There is serious ground therefore for questioning the originality of this Zaidi work, while its usefulness to scholars is much reduced by the almost total lack of tirdads.
The early date of the Topkapı MS. alone suffices to imbue the present work with a particular historical value for our study of the development of Islamic thinking on naskh. Indeed, we have already seen something of its utility in the light it shed on the internal development within the theory insofar as it has enabled the historian of naskh to appreciate the factors which fostered the differentiation of the naskh concept leading to the emergence of the youngest of the three modes listed in the naskh works. That had been added to the theory in direct consequence of the contribution made to naskh thinking by Shāfi‘i, who died only twenty years before Abū ‘Ubaid himself, and who, although a younger contemporary of our author (whose work, indeed, appears to be still unknown to our author), had already debated many of the topics treated of by Abū ‘Ubaid, enabling a convenient comparison to be made between their two very different approaches, especially at the theoretical level.

The attitudes and assumptions represented by Abū ‘Ubaid exhibited an outlook not merely independent of what was to become the overpowering influence of Shāfi‘i on technical questions of the usul, but, it may be suggested, typical of an older less formalised, and much less sophisticated pre-Shāfi‘i style of scholarship on these technical questions. Abū ‘Ubaid had accomplished his learned contribution to the discussion of naskh before Shāfi‘i’s reputation was established and before the significance of his methods became apparent. In his comparative studies of the views of the Hijażis, the ‘Iraqis and the Syrians, he has in mind the views of Mālik, Sufyān and Awzā‘ī. He thus fills in the gaps in our knowledge of the techniques employed in the usul and the arguments deployed especially in the area of naskh in the generation between Mālik and the appearance of Shāfi‘i’s influence on the discussion of these questions. The opportunity the present work provides for the study of those ‘pre-Shāfi‘i’ techniques will emphasise, in turn, the magnitude of Shāfi‘i’s contribution which, more than that of any comparable figure of his time, would determine the direction and spirit of the next stage in the development of the religious sciences of Islam.

Shāfi‘i’s Risālah, drafted to provide the answer of ahl-al-Sunnah to the current anti-Hadith tendencies, succeeded all too brilliantly. We perceived that it was aimed primarily at two targets. Aḥl-al-ra‘y advocated the right of the properly equipped scholar to private interpretation of the revealed texts. They did not mean by this to assert the right to draw their own conclusions by the exercise of mere unaided human speculation. For they are seen to rely upon hadith statements from the Prophet, the Companions and the Successors and a host of lower ‘authorities’. This term ra‘y may, perhaps, relate to their attitude to Qur’ān interpretation, particularly to their views on the relative weight to be attached to linguistic criteria, in contradiction to the emerging tendency to rely primarily upon the Sunna as the key to tafsīr. They thought it legitimate to apply the canons of logic and of the ‘Arabiyah equally to the texts of the Qur’ān and the Sunna, comparing verse with verse and hadith with hadith, as they strove to fashion for their scholarly needs improved methods of analogical reasoning. Shāfi‘i deprecated their approach as the path to individualism, thus to inconsistency in the Fiqh, to disunity, fragmentation and a weakening of Islam’s stance vis-à-vis internal and external critics. For critics were to be found not only among the unbelievers.

There was a second group of Muslims who might tentatively be called ahl al-qur‘ān. They opposed ahl al-hadith by declaring themselves content with the Qur’ān, God’s Word, as a sufficient source for the knowledge of the divine will – and for the construction of an Islamic Fiqh. They were inclined, in consequence, to minimise the need for the intervention between the Qur’ān and the Muslim of the Hadith. Some were inclined to reject all hadiths; the more moderate were inclined to reject hadiths which did not have at least a basis in the Qur’ān – i.e. they accepted only tafsīr-hadiths.57 They pertinently asked what control could be applied to other classes of hadith. They advanced two main arguments: ahl-al-hadith harboured in their ranks some simple-minded souls who offered uncried and indiscriminatory reception to countless reports purporting to come down from the Prophet but although equipped with tajadduds, inspiring little confidence in thoughtful men. In far too many instances, the reports were mutually incompatible; many reports were repugnant to Reason, but worse than that, many flatly contradicted statements in the revealed Book of God.58 Reports of that kind were a standing affront to the intelligent believer, and an insurmountable stumbling-block to the intelligent unbeliever. The activities of ahl-al-hadith could be said to be, bringing the faith into disrepute, and exposing it to ridicule both within and without the community of the believers.

Secondly, they were uneasy about the efficacy of that control which ahl-al-hadith claimed to have over their material. As to the divine origin of the Qur’ān and the integrity of its texts there could be no possibility of doubt or hesitation. The revelations had been divulged by the Prophet in public to an entire generation, to whose transmission the Muslims are forever indebted both for the preservation of the texts and for the guarantee of their authenticity. Compared with
that, the hadîths had, in many instances, been handed on by two or three, in some cases, by only one man whose veracity and accuracy (let alone trustworthiness) could never be demonstrated. Hadîths were too much taken on trust. Further, the men of the isnâds were human and, unlike the Qur’ân, carried no divine guarantee of inerrancy. The texts of the hadîths ought to be exposed to comparison with the texts of the Book. What agreed with the Qur’ân could with confidence be accepted; what disagreed with it ought summarily to be dismissed. 59

Shâfi’î was familiar with this argument, ironically, cast in the form of a hadîth! — underlining, it might be thought, the force of the criticism. The Prophet himself had allegedly warned the Muslims to beware: ‘Compare any utterance purporting to come from me with the Book of God. Whatever agrees with it, I have actually said; whatever disagrees with it, I have not said.’ 60 Shâfi’î refused to acknowledge this as an authentic Prophetic dictum — the isnâd was unsatisfactory! He refers to a counter-statement: ‘Let me find none of you comfortably ensconced in his couch saying when a command or a prohibition issued by me reaches him: “I don’t know about this. We shall follow what we find in the Book of God.”’ 61

Here, Shâfi’î insists, we learn from the lips of the Prophet himself that God has left no loophole through which men can escape the obligation to accept and humbly accede to the Sunna of His Prophet. 62 Tirelessly, Shâfi’î reiterates this doctrine on the divine imposition of the obligation to adhere to the Sunna and, since the opposition to the Sunna place their entire emphasis upon the Qur’ân, it is from the Qur’ân that he produces the evidence against them. We have already considered how many citations from the Qur’ân it was possible for Shâfi’î to marshal. For him, as we saw, Islam stood on the twin foundations of Qur’ân and Sunna, always parallel, always in perfect accord, complementary and acting in unison to make known the plenitude of God’s Will. 63

In the interest of strict consistency and uniformity, Shâfi’î equally tirelessly insists upon the uniqueness of the Sunna of the Prophet. If it cannot be set aside on account of a statement of the Qur’ân, it certainly cannot be set aside in favour of the reported views or actions of the Companions, the Successors or even lower authorities. In the presence of the Sunna of the Prophet, no other statement is of any account. Where a statement of the Prophet is available, the Muslim has no option but to adhere to it. 64 As the Muslims of Shâfi’î’s generation have no access to the Prophet’s views and actions, save through the hadîths, it follows that the Muslims are bound by the divine command to accede to the contents of the reports reaching them from the Prophet. That is the very core of Shâfi’î’s doctrine on the Sunna, provoked by the methods of those Muslims who, although aware of reports from the Prophet on many questions, were to be seen regularly setting their Prophetic hadîths aside, in favour of reports from Companions on the allegation that the Companions knew the Prophet’s mind best, or from Successors, or later figures. Reports from the Prophet were being ignored by those who preferred to take their knowledge from lower, even quite recent personalities. Worse still, statements from the Prophet were frequently abandoned arbitrarily, not even in favour of hadîths from other authorities, but simply because they proved inconvenient to some local view, based perhaps, on nothing higher than a man’s own, or his teacher’s opinion.

Shâfi’î’s arguments had been provoked and determined by the prevailing contemporary situation in the Islamic sciences, and mainly by criticism of the hadîth reports currently in circulation. He was primarily motivated by the necessity to place the reports from the Prophet in a special category out of reach of any allegation that the utterances and actions of the Companions could safely be taken as the most reliable indicator of the validity of this regulation or the invalidity of that. Shâfi’î had discovered a method of navigation which promised safe passage through the shoals of confusion and currents of complexity which bewildered every scholar launching on to the ocean of the Hadîth. A formally acceptable report from the Prophet rendered the multiple contrary indications from the countless Successors and Companions irrelevant, because redundant. Knowledge of the Sunna is provided only in reports from the Prophet. Sunna is to be compared with Sunna and with nothing else. But his comparing the Sunna with the Qur’ân in terms of the wording of Q 2,106, while it solved, for the moment, an immediate problem, would fall apart as soon as the immediate problem receded. His producing from Q 2,106’s: na’î bi kharin minhâ ak mithlihâ, the argument that nothing is like the sunna of the Prophet, save only another sunna of the Prophet, and thus nothing could naskh a sunna save only a second, later sunna, had been aimed at his contemporaries who were arguing that the sunna of the Companions, or even of the Successors ‘indicated’ the naskh of the relevant sunna of the Prophet. 65 Other usûlîs could claim, with like justification, that whereas nothing may be thought to be ‘superior’ to the verses of the revelation, the verses are presumably ‘superior’ to the dicta of Muhammed.
Shafi'i's advocacy of the Sunna pushed him in the direction of regarding the Sunna of the Prophet as, in some sense, inspired. He certainly knew the expressions: wāhy mailī and wāhy ghair mailī and the impact of his doctrine on the Sunna of the Prophet revolutionised the Muslim attitude to the sources. Thus, although Shafi'i himself forbore from ever alleging the naskh of the Qur'an by the Sunna, a matter that for him had been settled once and for all by Q 2:106's: ma' naskh min āyah and by Q 2:106's: idḥā baddabna āyah makāna āyah, or by Q 10:15's: ma yakun li an ubaddilahu min tilqā'ī nafsi, it does not come as a great shock to discover that later in the century the Prophetic dictum in circulation: 'I have been granted the Book, and with it, its like,' 'ātītu al-kitāb wa nūbhahū ma'dūha, was being interpreted in the sense that Gabriel who brought the Prophet the Qur'an also brought him the Sunna, from which could be drawn the inference that, being "alike" the Qur'an could abrogate the Sunna, and the Sunna could abrogate the Qur'an.77

A Fiqh specialist, Shafi'i had no interest in the purely exegesis-originated mode of the naskh al-tilāwah wa-l-hukm. Legal regulations that 'might once have been' did not interest him. He recognised, therefore, only two modes of naskh. Both Qur'an and Sunna, but each separately in its own sphere, indicated occurrence of naskh al-hukm dāna al-tilāwah. In the field of Qur'an regulation alone, the hadith of A'isha on ra'dā' led him to a single instance of the mode: naskh al-tilāwah dāna al-hukm. A second instance was to be added, as we have seen, by the waslī of the Shafi'i school who speak of the Qur'an's alleged stoning-verse.

By contrast, Abū 'Ubayd, as we have also seen, had accepted the Fiqh's stoning penalty as an instance in which the Sunna ruling had abrogated the Qur'an's flogging ruling. His interest in exegesis, displayed, not only in the Introduction to the present work, but also in his composition of a separate work devoted to Qur'an commentary, explains his acknowledgment of two modes of naskh: the ra'f 'phenomenon', derived from the notion of Muḥammad's forgetting parts of the Qur'an — itself the result of the 'explanation' of Q 87:6-7. This is the classical theory's naskh al-hukm wa-l-tilāwah. It had been ignored by Shafi'i, and is referred to by the author only in the general introductory discussion for which he had assembled the necessary exegetical materials to 'prove' from the Qur'an and the Hadith the 'reality' of the various phenomena known collectively as naskh.

Then, as with Shafi'i, his legal training and professional interests explain the preponderant emphasis he places upon: naskh al-hukm dāna al-tilāwah — or 'repeal' proper. This is the mode, he states more than once, that is known to all the Muslims. This naskh concerns changes in the 'practice' and everyone knows that, in this instance, both the superseded and the superseding verses, the mansūk and the nāskh may still be recited in the prayers, and are still recorded in writing in the masūf, as are the mansūk and the nāskh still to be found in the records of the Hadith [Sunna].

Thus, during the lifetime of Shafi'i, the three-fold structure of the classical naskh theories had already come into being. Of the three, one had been the produce of pure exegesis, whilst Shafi'i himself had invented the second. The third, alone of the three, operates in both Qur'an and Sunna spheres. It had behind it a long history and by far represented the major interest of the usūlī. It concerned everyday 'practice' and had evolved from the Muslims' rationalisations of the conflicts apparent both within and between their two sources: conflict between two exegeses of the one Qur'an verse, or the exegesis of two or more verses on a related topic; conflict between one hadith and another; conflict between a hadith and a Qur'an verse.

As both the Qur'an and the Hadith served the scholars as their primary literary sources, one may, with confidence follow Abū 'Ubayd in speaking, not so much of conflict of sources, but rather, of conflict of interpretation [usūl] and of the resultant conflict between regionally-organised schools of usūlī. That, of course, may be to speak of conflict of regionally-organised Fiqh with regionally-organised Fiqh. But also involved was conflict of unanomously accepted Fiqh with the contents of the masūf, i.e. the contrast between the unanimity of all the Fiqh-schools on the stoning penalty and the ruling found in the unanimously agreed texts of Q 24.

Even to this instance of conflict, the majority of the schools would have applied the mode: naskh al-hukm dāna al-tilāwah. That mode is thus the key to the analysis of the Islamic theories of naskh. It is the central, unchanging element in the theory, acknowledged and regularly deployed by all the regional schools of usūlī. It was undoubtedly the seed from which developed the tripartite formulation of the classical theory of naskh. Originating in the field of usūlī, it served, we have seen, the dual function of: explaining both the conflicts between the regional views of the Fiqh and its sources, and the conflict between the universally agreed Fiqh conclusions and the contents of the Qur'an. That explains why, alone of the three modes of naskh, it applies equally to both Qur'an source and Sunna source. It did not arise from the Qur'an, then later extend its utility to the Sunna. Qur'an vocabulary and usage do not, in fact, support the meaning attached to naskh in the usūlī.
It did not arise from the Sunna, then later extend its utility back into the Qur'an. It arose in both Qur'an and Sunna simultaneously. This is not intended as a paradox. This mode of naskh, whether applied to Qur'an text, or to the hadiths of the Sunna, is, as Abu 'Ubaid recognizes, but a single technique, for the good and simple reason that, in either of its applications, it is exercised upon one and the same object – the tafsir of the Qur'an. For, what Abu 'Ubaid helps one to realise is that much that is known as "sumna" is, in actual fact, mere exegesis (as we have seen above, in the case of fasting and the traveller's prayer). Indeed, so frequently do clashing exegeses form the actual topic of its individual studies, that Abu 'Ubaid might, with perfect justice, have entitled his work: Ikhilāf al-'ulamā' fis al-ta'wil, the phrase is so seldom lacking from its pages.

Notes to the introductory essay

3. cf. e.g., Tabārī, Taṣfīr, (ed. Shākir) v.2, p.480. "God tells us [Q 87] that He will cause Muhammad to forget what He pleases of the Qur'an. What God has 'made away with' is what is referred to here in the Exegetical clause."
5. Tab., loc. cit., p.479.
6. ibid., pp.479-80.
7. cf. text, f. 27b.
8. cf. text, f. 42b.
12. Taṣfīr, ad Q 87,6-7.
13. Taṣfīr, ad Q 22,52.
14. cf. J. Goldziher, Richtungen, pp.24-5; Tab., v.2, p.475. Given the references to Q 18,24, Q 87,6-7, it seems more probable that both Sa'id and Sa'id would have used the 2nd. pers., Mas., sing., Sa'id reading in the Active, Sa'id in the Passive. Abu 'Ubaid [f. 6a] was uncertain as to the reading, which possibly affected the vowel, rather than the consonants [tussa/tussa].
15. text, f. 6b.
18. cf. Zamakhshari, ad Q 2,106; Tab., v.2, p.479.
19. Here is one instance of the scholars becoming confused by their own terminology: 'Aṭā' did not, of course, think that the entire Qur'an had been replaced; but he did believe that the entire Qur'an had been revealed. This objection to 'Aṭā'-'s 'reading' and 'interpretation' points up that the true source of the 'replacement' etymology for naskh lay in: na'lū bi khairin minha wa miḥdīhā.
20. Shāhī, Risālah, (ed. Shākir) p.108; Zamakhshari, ad Q 2,106; Baidawi, do.
21. For the views, e.g. of Abu Muslim al-Isfahānī, vide, Rāzī, Taṣfīr, ad Q 2,106.
22. Tab., v.2, pp.482-3.
23. Hibatullāh, pp.5-6; the exegetical origin of this and all other, similar hadiths, is betrayed by their shared use of the term aqrā'ān - derived from Q 87,6-7 [cf. Suyūṭī, Itqān, naw' 47 (v.2, p.253)].
24. Bukhārī, K. Faḍā'il al-Qurān, bāb: nisāyān al-Qurān. Note that Bu., in this tarjama, quotes Q 87,6-7?
26. GdQ 2, v.1, p.54; (cf. ibid., pp.47-8).
27. Tab., v.2, pp.479-80.
29. ibid., p.42.
30. ibid., p.52.
31. ibid., pp.32-3.
32. ibid., p.109.
33. ibid., pp.394 ff.
34. Umm, v.7, pp.250 ff.
35. Ris., p.113.
36. ibid., p.112.
37. ibid., p.108.
38. ibid., p.109.
39. ibid., p.108.
40. ibid., p.109.
41. ibid., p.133.
42. ibid., pp.129 ff.
43. ibid., pp.133-4.
44. ibid., p.131.
45. ibid., p.132.
46. ibidem: wawal ma' nazala fa naskhā bīh al-bāb wa-l-adhā. [Q 4, 15-16.]
K. al-nâsikh wa-l-mansûkh

49. text, f. 45a.
52. Khatîl al-Hadîth, [Umm, v.7,] pp.102 ff.
53. cf. Tab., v.2, p.482 – curiously, in his comment upon Q 2.106, not in his comment on Q 2.183-4!
54. text, ff. 33b-34a.
55. text, f. 30c.
56. pr. on marg. of Tafsîr al-Jâlalain, ’Isâ al-Bâbî al-Halabî, Cairo, 1342/1924. There occur certain verbal similarities between statements in this work and statements in the Fîbûr of Hamdânî, (otherwise known as ibn Hâzîm). cf. Abû ’Abdulhârîm, p.149 with Fîbûr, pp.5-6.
57. Ris., p.92.
58. ibn Qutaibah, Ta’wil, passim.
60. Ris., p.224.
61. ibid., p.226.
62. ibid., p.89.
63. ibid., pp.221-2.
64. ibid., p.330.
67. ibn Qutaibah, op. cit., p.166.

Appendix to the introductory essay

‘Abdulhârîm b. al-Husain, K. al-nâsîkh wa-l-mansûkh

Section headings:

1. Definitions of naskh [Q 2.106; Q 13.39; Q 16.101]
2. The ritual prayer
3. The zakât
4. The Fasts
5. Marriage
6. Dissolution of marriage
   i. khut
   ii. ’iddâh

7. Corporal penalties
   i. stoning of adulterers
   ii. judging dhimmîs
8. The talon
   the apostate’s punishment
9. Legal testimony
   i. transactions
   ii. sexual misconduct
   iii. testimony of dhimmîs
10. The pilgrimage: jârâd / qirân / fasâkh / mut’ah
11. The jâhâd
   i. obligatory / optional
   ii. treatment of captives
12. Inheritances
   i. Muhâjîr – A’râbî
   ii. halîf – muhâjîf
   iii. adoption
13. Domestic etiquette
14. The wasâfâyah
15. Management of the property of orphans
16. Judging cases involving dhimmîs
17. Private audiences with the Prophet
18. The Night Prayer
19. Food and entertaining
20. Fermented beverages
21. Taqâwâ
22. Homicide and repentance
23. A man’s innermost thoughts
24. Conversion must be voluntary
25. Praying for the soul of the unbeliever
26. al-amr bi-la-ma’rîf wa-l-nâhy ‘an al-munkar
The author: Abū `Ubaid al-Qāsim b. Sallām

Regrettably, we cannot claim to know Abū `Ubaid except superficially and externally. Of the personality of the man we know nothing and the many questions which arise must remain for the present unanswered. Little is known of his movements during important periods of his life. We have no information on his education and are thus unable to assign any judgment on the formation and development of his views on any of the wide variety of topics which formed the training curriculum of the young scholar of his generation. As will be seen from the list of his writings, the range of his intellectual activities was broad, embracing (as was the case with so many of his contemporaries) the principal Islamic sciences of: Grammar, lexicography and syntax; Qur'ān text and tafsīr; Ḥadīth, isnād and Fiqh studies, poetry, ġarāb and dialectal studies. To certain of these fields he contributed pioneer studies of major significance, and in all of them he displayed a degree of erudition and reached a level of achievement which won the acclaim of contemporary scholars of the stature of Aḥmad b. Ḥanbil, and the patronage of great men of State, including that of the caliph.

Professor Madelung has provided an admirable analysis of Abū `Ubaid's view on the meaning of the term faith (imān)⁴ but, as to the stance he adopted on the most critical question tormenting the Muslims of his day, that of the createdness or uncreatedness of the Qur'ān and his demeanour throughout the period of terror inaugurated by Ma'mūn to whose inquisition the leading scholars and office-holders of the Empire were subjected, we remain totally ignorant.

The greater part of the work embodying his scholarly achievements is unknown to us, while those of his writings which have survived, cannot with certainty be related to each other in terms of content or chronological order.

The barest outlines of Abū `Ubaid's career have been painstakingly pieced together by Dr. Gottschalk, upon whose labours the following brief sketch is chiefly dependent.²

Abū `Ubaid al-Qāsim b. Sallām [b. Miskin b. Zaid] was born at Herāt between 150 and 157 A.H./ 767–773 A.D. The colourful anecdote in which his father (allegedly a slave of Byzantine origin) addresses in execrable Arabic the schoolmaster to whose instruction the boy was first entrusted, is more legendary than real. It was probably designed to emphasise the brilliance of the achievements of the renowned philologist-to-be, drawn, like so many of the creators of Islamic culture, from the ranks of the mawāli of the eastern provinces. At all events, the detail is unmentioned in the earliest biographical study which reaches us from one of Abū `Ubaid's immediate pupils, the rāwī of several of his works, including the present one, ⁵Ali b. ⁵Abdul Azīz. ⁶ The name of the author's father (as given in the Fihrist) would also tend to indicate that the adherence of the family to Islam dated from at least the time of the author's paternal great-grandfather. The arabisation of the family was probably as old. His family's client relationship with the tribe of Azd would explain the close connection Abū `Ubaid early formed with the scholars of Baṣrah and, in addition, probably also accounts for his later relationship both with Thābit b. Naṣr and with the princely house of Tāhir.

That Abū `Ubaid visited Kūfah in the course of his studies is likely, yet not known with certainty. The Kūfān authorities whom he cites are known to have been active at Baḥdād. That he visited Baṣrah does, however, seem likely since, quite apart from his family's affiliation, he records his regret at never having met the great Baṣran Ḥadīth expert, Ḥammād b. Zait, who was already dead when Abū `Ubaid arrived. This would place his Baṣrān visit after the year 179/794. Similarly, his arrival in Baḥdād would fall before the year 176/792 in which al-Farāj b. Fuḍailah, one of his immediate informants, reportedly died. Thus, precisely when Abū `Ubaid came to Irāq, and how long he stayed, is unknown, but, as can be seen in the list of his informants, he was in touch with some of the greatest figures in the history of Islamic scholarship, among them the founders of several branches of learning, as well as with their immediate pupils. The range of the death-dates of these men is 176–206/792–821. It would appear that Abū `Ubaid had come to Irāq in his twenties. As to when he left Baḥdād, and where he spent the years immediately prior to 192/807, we have no information. On the strength of the Fihrist report that he had served as tutor in the household of the Harthamids, and in view of his later dependence upon the generosity and protection of the Tāhirids, Dr. Gottschalk assumes an early return to his native Khurāsān, although admitting that this is far from certain.

The greatness of his literary success, the extent of his acquaintance with the views of scores of his contemporaries, and the evident
K. al-nāsikh wa-l-mansūkh

insatiability of his intellectual curiosity, his alleged connection with the Court, and the possibility of his making the acquaintance of his patrons at the great houses they maintained in the capital, all make it equally likely that his residence in 'Irāq was more prolonged. In any case, Dr. Gottschalk recognises the many difficulties presented by the incompleteness of our sources.

The period 192-210/807-825, it seems reasonably certain, he spent in Syria. Thābit b. Nusr b. Mālik, having been invested by Ḥārūn with the Governorship of the thughār, made his seat at Tarsus and appointed Abū 'Ubaiḍ as his qādi. Thābit was a Khurāṣiʾi, and thus of a branch of the great tribe of Ḍaz to whom Abū 'Ubaiḍ's other patrons, the Tāharihids, like his own family, were clients. Thābit died in 208/823 and Abū 'Ubaiḍ is reported to have demitted office some two years later.

It was to his personal experience of the military, political and fiscal problems faced by the administrators of a frontier province that Dr. Gottschalk attributed the genesis of our author's most famous work in Fiqh, his K. al-Anwāl, which shares with the present work (although doubtless to a greater degree) evidence of concern with the practical aspects of the Law and exhibits an intimate knowledge of the views and opinions of the jurists of a wide variety of centres throughout the Islamic world. Where Abū 'Ubaiḍ went on leaving Tarsus in 210/825 is unknown. The year 213/828 finds him, according to Ibn Ḥajar, in Egypt, in the company of the great Baghdādī Ḥadith expert, Yahyā b. Muʿāzin. Nor do we know whether he then turned from Egypt to 'Irāq, or whether (the miṣbāh now raging) he had already sought the comparative peace and seclusion of Mecca to resume his literary activity. Certain it is that the most prominent of his rāwīs, 'Ali b. 'Abdul 'Azīz, to whom we are indebted for the transmission of several of Abū 'Ubaiḍ's works, including the present work, and of whose presence at Baghdad there is no mention in the sources, had settled there.

We can be equally certain, in view of the frequency of references to Syrian and Egyptian informants, several of whom long out-lived the author, that his nāsikh wa-l-mansūkh was compiled in the latest stage of Abū 'Ubaiḍ's life. He died at Mecca in 224/838.

On the basis of a remark of Ibn Durustawāi's quoted in Tāʾrīkh Baghdād, to the effect that Abū 'Ubaiḍ had adopted the Fiqh views of Mālik and Shāfīʾ, Dr. Gottschalk describes the author's legal attitudes as poised mid-way between those of the two Ḥijāzī masters. This, Gottschalk thinks, fits in with the 'eclectic character' of Abū 'Ubaiḍ's scholarship. It is true, as Gottschalk points out, that he was to be claimed by later Shāfīʾites as a member of their school. It is equally true that he was to be similarly claimed by the Ḥanbalītes. This perhaps tells us more about the thinking of later generations of scholars than about the character of Abū 'Ubaiḍ's personal contribution to the legal sciences.

The impression left by the perusal of his work is rather that it had been compiled by a scholar who felt himself both at liberty and qualified on the basis of his lengthy training in the sciences of Arabic linguistic studies, Ḥadīth, qiraʿāt, taṣḥīḥaʾ wil Fiqh, to review the current condition of Islamic scholarship nation-wide. In a detailed study of numerous chapters of the Fiqh, he has examined a series of legal and ritual questions, considered the various views that had been expressed by the leaders of Islamic opinion in the various regions. He submits them to a comparative analysis, taking account of the several traditions of Qurʾān 'reading' and interpretation, Ḥadīth evidence, the linguistic, logical and systematic arguments that had been variously urged on the different topics by the 'Iraqis, Hijāzīs, Egyptians, Syrians, asḥāb al-raʾy, asḥāb al-adhār and 'others', until, in each instance, he arrives at his own personal ikhtiyār, both stating which of the sundry views he considers preferable and explaining why. In other words, he acts as a muṣtaḥād.

One perceives an understandable loyalty to the 'Iraqi centre in which he had been nurtured. One also, on occasion, sees the completeness of his sense of intellectual freedom when the more convincing arguments propounded by the Hijāzīs lead him to abandon Sufyān's view in favour of that of Medina.

The value of the present work lies, therefore, in the opportunity it affords the reader to witness the operation of the mind of an outstanding Muslim scholar as he achieves his independent results. In the lone confrontation of the accumulated and dauntingly complex masses of traditional documentation and argumentation, he provokes a high degree of admiration for the confident and skilful control he maintains [in Islamic terms] over the voluminous materials which his perception and insight enable him to unravel with minimum confusion to the reader. Patiently he sifts, expounds and weighs the opposing arguments in simple, yet elegant language.

Apart from Mālik and the Hijāzīs, Awzāʾi and the Syrians, Sufyān and the 'Iraqis, perhaps also, to a less defined degree, asḥāb al-raʾy and asḥāb al-adhār, none of the groupings known to us as the Islamic madhāḥih appears as yet to have emerged. There is, for example, throughout this work no reference by name to Abū Ḥanafīh and his celebrated associates — unlike the Anwāl, in which we find frequent
references to them, derived from the author’s personal contact with Sha'bi. Nor, despite the author’s sojourns in Baghdad, Egypt, and the Hijaz, and the familiarity he displays with the views of the leading scholars of those parts, is there one single mention of Shafi'i. This may perhaps be accounted for on the supposition that the fame of Shafi'i, Abu ‘Ubaid’s near contemporary, was not yet established in the wider world of Islamic learning. Like the creation of the Shafi’i school, the creation of the Shafi’i reputation we must presume to have been the work of the following generation. It is also incidentally true that, despite the occurrence of some celebrated names in his isnads, the author never once uses the term Shi‘ah either. Possibly the same holds true in this case also.

Notes

2. Der Islam, 23, 1936, pp. 264–83 (see also the relevant articles in EI¹ and EI²) and see: R. Sellheim, Die Klassisch Arabischen Sprichwörter Sammlungen, Mouton, s-Gravenhage, 1954.
3. Tarikh Baghdad, v.12, p.403.
6. As ravi of the present work, he is, however, referred to as ‘al-Baghdadi thumma al-Baghwati’ ff. 1b, 2a, 210a.
8. See, e.g., Amwai, pp. 29, 52, 72, 90, 369, 419, p. 519 (reference to Abū Yusuf).

Description of the MS: Istanbul, Topkapi, Ahmet III, A 143

The existence of this work was unknown to Brockelmann. Szeggin, although referring to the title, does not mention the survival of the work, nor its present whereabouts. The work is first recorded, therefore, by Karatay who describes it as: “written on treated cream paper; 198mm. long by 135mm. wide. 209ff., script: naskhi. Text occupies 90mm., with 16 lines per folio. The copyist was Abu al-Hasan ‘Abdul Baki b. Firas b. Ahmed al-Homsili, in 392 A.H. (1001–2 A.D.). Headings are in red ink and the volume is bound in brown leather and paper. K. al Nasih va‘l Munsih, Abu ‘Ubaid al-Qasim b. Sallam al-Haravi, (d. 223/4 – 827/8) on nasih and munsih.”

The MS is an unicum. Although a number of references to at least one other copy occur from f. 116b of the Topkapi MS., no other copy has as yet come to light.

1. C. Brockelmann, Geschichte der Arabischen Literatur, v.1, pp.106–7; S1, pp.106–7; p.166.
4. By ‘copyist’, Karatay refers to the technical term kitabatun, found on f. 210a, or to the term bikhajjihi, found on f. 2a – in each case, in the isnad of the work.
5. The work was still available for Suyuti to draw upon freely in both his Iqan and Du‘ur. As he died in 1505, it presumably made its way to Istanbul following the Ottoman occupation of Egypt in 1517.
The transmission of the text

1. "Ali b. ʿAbd al-Azīz b. al-Marzūbān b. Sābūr al-Baghawī, paternal uncle of ʿAbī al-Qāsim ʿAbdullāh b. ʿAbdul-ʿAzīz al-Baghawī, (author of a Musnad). "Ali settled in Mecca and is a well-known associate of ʿAbī ʿUbaid, several of whose works he transmitted, including: Gharīb al-Ḥadīth; K. al-Ḥaḍd; K. al-Ṭāhār [Tāhārah (?)]; K. al-Amthāl; K. al-Amwāl, in addition to K. al-nāṣkh wa-l-mansūkh. He was further responsible for the transmission of K. Fāḍāʾil al-Qurʾān.1 According to Yāqūt, "Ali was himself the author of a Musnad.2 Although regarded by Dārāqūṭī and ibn ʿAbī Hātim as reliable, and mentioned by ibn Ḥajar among the lesser informants of Nasāʾī,3 "Ali was criticised for his materialistic and commercial attitude. It is said that he would read the works of ʿAbī ʿUbaid to pilgrims during the season, only if he received a fee. He was nevertheless regarded by no less a personage than al-Dānî as the greatest and most trustworthy of ʿAbī ʿUbaid’s associates. "Ali died in Mecca in 287/900, sixty-three years after the death of ʿAbī ʿUbaid. When "Ali was born, when he came to Mecca, and when he first met ʿAbū ʿUbaid is unknown. Dīḥahibī states that he was over ninety years of age at his death.4

1. al-Fāṣī, K. al-ʿIqd, v.6, p.185.
2. Irshād, v.6,5, p.247.

2. ʿAbū Bakr Ṭḥmām b. Muḥammad b. Ṭḥmām b. Ṭḥmām b. Ṭḥmām.1 Fāṣī gives the death-date 351/962, on the authority of Dīḥahibī who adds that at his death, he was ninety years old. That would give a birth-date circa 260/873.2 Ṭḥmām reports hearing "Ali b. ʿAbd al-ʿAzīz in Mecca in 284/897.

3. ʿAbū ʿAbdullāh Muḥammad b. Ṭḥmām b. Muḥammad b. Ṭḥmām b. Ṭḥmām. UNTRACED. In 392/1001, he related to...
Abū ʿUbaid’s literary output

1. Gharib al-Hadīth
2. Gharib al-Muṣannaf
3. K. al-Amthūl
4. Fadāʾil al-Qurʿān wa-ṣiddīhi
5. K. al-ʾidāḥ
6. K. khalq al-insān wa-nuʿūṭiḥ
7. K. al-aqṭād wa-l-ʾiddād fi al-lughāt
8. K. al-maʿṣūm wa-l-baḥāʿīm wa-l-wathīq
   wa-l-ṣīḥa wa-l-tair wa-l-hawwām
   wa-ḥasharāt al-arḍ
9. K. al-imān wa-maʿālimihi wa-sunnahī wa-
   ʿistikmālihi wa-darajātihi
10. K. al-khuṭab wa-l-mawāʾiḏ
11. K. faʿala wa-afʿala
12. K. al-ʾAmwāl
13. Firmā isḥābah al-lajz wa-kitabafa al-
   maʿnā
14. K. al-aṣmaʾ min kalām al-ʾArab wa-maʿa
   isḥābah
15. K. mākhafat fisli al-ʾaṣmaʾah lughat
   al-ʾArab
16. K. Fadāʾil al-faras [al-Furs (?)]
17. K. māʿānī al-shīr
18. Māqaṣīl al-qurṣān
19. K. Gharib al-Qurʿān
20. K. al-nāṣīkh wa-l-ʾaṣmaʾah
21. K. adab al-qāṭiʿ
22. K. al-qurʿān
23. K. al-aqṭād
24. K. al-aqṭād wa-l-nudhūr
25. K. al-bāʿāda
26. K. al-nudhakkar wa-l-muʿammat
27. K. al-muṣṣābīr wa-l-mamduḥ
28. K. al-Musnad
29. K. maʿānī al-Qurʿān
30. K. al-ṣuʿūrīl
31. K. al-maṣāhīb
32. K. ʿabād ʿayl al-Qurʿān
33. K. al-ḥijr wa-l-taflīs
34. K. al-taḥārah
35. K. adab al-ʾAṣmaʾ

The author’s chapter headings

1. The merit of the knowledge of al-nāṣīkh wa-l-
   mansūkh 2b–9a
2. The ritual prayer 9a–14a
3. The zakāt 14b–20b
4. The Fast 20b–46b
5. Marriage 46b–74b
6. Dissolution of marriage:
   i. khulʿ 74b–87a
   ii. ʿiddah 87a–89a
7. Corporal penalties:
   i. the stoning of adulterers 89a–92b
   ii. the talion 92b–94b
   iii. the apostate 94b–97b
8. Legal testimony
   i. transactions 97b–99b
   ii. sexual misconduct 99b–105b
9. The testimony of aḥl al-kitāb 105b–116a
10. The pilgrimage rites
    i. ṣafāh 116a–123b
    ii. mutʿah 123b–126a
11. The ḥajj
    i. obligatory or optional?
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12. Domestic etiquette
    i. slaves 150b–157a
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    i. muḥādāra 161a–162a
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    iv. the wasūyāba 165b–170b
14. Management of the property of orphans 170b–173a
15. Jurisdiction of Muslim magistrates in cases
    involving dhimmīs 173a–175a
16. Entertaining
17. Fermented beverages:
    i. khāmr 175b–180a
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18. The Night Prayer 183a–185a
19. The Employment of the property of orphans 185a–186a

K. al-nāṣikh wa-l-mansūkh

19. The fee payable in advance of a private audience with the Prophet 186a–187b
20. Taqwā 188a–188b
21. Death-bed repentance 189a–190b
22. The repentance of the homicide 190b–197a
23. God’s holding one to account for one’s innermost thoughts 197a–200b
24. Conversion must be voluntary 200b–201b
25. Praying for the soul of the unbeliever 201b–203b
26. al-anr bi-t-md rīf we-l-nahy’an al-munkar 203b–209a

Editor’s commentary on the text

Abū ‘Ubayd’s introductory section provides ample illustration of the complex and confused state of the Muslim discussions on naskh [alt. al-nāṣikh wa-l-mansūkh]. Fullest profit from his Introduction and to place it in perspective, it will be worthwhile first to consider the main definitions traditionally offered of the term naskh. These have broadly been three: 1. ibal / izdah, that is, suppression. 2. naql / ibdāl, that is, transfer, removal, that is, supersession. 3. naql / istansākh / ikhwāb, that is, making a copy of some written matter, duplication.

The evidentiary citations adduced to support these varying definitions are taken alternately from the use of the term in the sacred texts and from profane speech. For example, Hamadhání [Fībār, p.8] declares: naskh in Arabic conveys two meanings:

a. removal, in the sense of ceasing to exist: [in’idām]
b. removal, in the sense of change of position: [inīqāl]

The first meaning has also two aspects: ceasing to exist, in the sense of yielding place to another:

Old age replaced youth; sunlight replaced shadow.

nasakha al-shaib al-shabāb nasakhat al-shams al-zill

or, ceasing to exist and being replaced by nothing else; i.e. total suppression: The wind obliterated the traces.

nasakhat al-rāḥ al-āthār.

The second meaning of removal, in the sense of change of position [naql]: nasakha al-Kiāb – he transferred the matter of the book from one exemplar into a second, without causing the first exemplar to cease to exist. cf. Q 45,29: inna kunna nastansikh mā kuntum ta’malūna.

Similarly Naṭḥās, [p.8.] traces a dual etymology:

1. nasakhat al-shams al-zill. This usage is exemplified in Q 22,52: fa yansakh allāh mā yulaq al-shaṭān.

2. nasakha al-kīāb; i.e. ‘transfer’ – al-nāṣikh wa-l-mansūkh derives from this usage. Some activity will be lawful for a period, then it is transferred into the unlawful category, or vice-versa. [cf. Tabari, 2,
The greater part of the *naskh* of the Qur’ān is of this kind. The (original) ruling ceases to exist, the faithful having been redirected to a second ruling on the same topic. In this case, the *mansūkh* verse continues to form part of the recited Qur’ān, whereas in the Q 22,52 type of *naskh*, God removes the first verse entirely. It ceases to be recited, and it is not recorded in the *musḥaf*.

Suyūṭī lists, as the meanings of *naskh*, the following:
1. *ibtal* i.e. *išālah*, obliteration, as in Q 22,52.
2. *ibdāl*, substitution, as in Q 16,101: wa idhā baddālnā āyāh makānā āyāh . . .
3. *naqil* i.e. *uṣūwil*, transfer from place to place.

In *nasakh aš-ṣīāb*, ‘he copied the book’, he transferred what was in the original, duplicating the wording. This type of *naskh* cannot properly be said to occur in the Qur’ān, and the scholars have taken Nahjūlās to task for saying that it does, since, in the Qur’ān, the *naskh* does not reproduce the exact wording of the *mansūkh* verse. The *nasakh*, indeed, brings a wording different from that of the *mansūkh*. Sa'idī rose in Nahjūlās’ defence declaring that what he had said is borne out by Q 45,29 and by Q 43,4: . . . it is in *nusm al-kiāb*, in Our divine Presence . . . ‘It is known that what was sent down to Muhammad is like all that is in the *Umm*, or the Preserved Tablet. [Iṣqān, nawf, p.47.]

Makki (f.3) argued that the meaning of *nasakhtu aš-ṣīāb* is: ‘I reproduced in another book an exact copy of the original,’ which has nothing to do with the *naskh* which means the suppression of a ruling whose wording has been retained, nor with the *nasakh* meaning the suppression of both the wording and the ruling of a revelation. *Nasakhtu aš-ṣīāb* is like the usage of Q 45,29 and is unconnected with the idea of the *nasakh* of one thing by another. Linking the [technical] *nusakh* with Q 45,29 and its synonym in every-day parlance: *nasakhtu al-kiāb* is an error. There is a second use of *nasakh* derived from the Arabs’ usage: *nasakhu aš-ṣams al-zill* – sunlight replaced shadow, dislodging it and taking its place. The majority of instances of *nasakh* in the Qur’ān are of this type which has two aspects: 1. The ruling of one verse is dislodged by that of another, or of a widespread [mutawātar] *hadīth*. The wording of the superseded verse may be retained in the *musḥaf*, although no longer representing the ruling which is the basis of the practice. 2. Both wording and ruling may be dislodged by a second ruling and wording. [cf. Tābārī, 2, p.472.]

(f.6a) Some have sought to base the occurrence of *nasakh* in relation to the Qur’ān on Q 22,52: fa yusakh kullāh mā yulqī al-shaiṭān – but that verse merely shows the divine *nasakh* of matter insinuated by Satan, not the divine *nasakh* of matter that God Himself revealed and commanded.

(f.7a) The third use of *nasakh* is from the Arab’s usage: *nasakhatu aš-ṣīāb*; the wind obliterated the traces. That means: obliterated without any replacement. Our knowledge of this type of *nasakh* is wholly derived from *hadīth* reports. The evidence that *nasakh* actually affects the Qur’ān lies in Q 16,101: wa idhā baddālna āyāh makānā āyāh – i.e. the ruling of one verse is replaced by that of another. Another Qur’ānic indication of this type is Q 2,106 which clearly points to the *nasakh* of the Qur’ān by the Qur’ān: Mā nasakh muh āyāh wa nunna ha na’is bi khūrin min ha aww mithliha.

The ‘classic type of *nasakh*’ with regard to both Qur’ān and Sunna, is, for Hamdānī (p.8) the suppression [ibtal] of the earlier ruling with retention of the earlier wording.

Suyūṭī, like Hībatullāh before him [p.5] was content that, in relation to the Qur’ān, *nasakh* fell into three types:
1. *naskh* al-ilāwah dāna al-ḥukm;
2. *naskh* al-ilāwah wa-l-ḥukm;
3. *nasakh* al-ḥukm dāna al-ilāwah – and it was on this third type that the scholarly works on *nasakh* had concentrated.

The contradictions between the above attempts by the scholars to justify from the Qur’ān source the fact of *nasakh* in all its three-fold modality are undeniable. They are to be traced to the perceptible tension between the Qur’ān’s uses of the term *nasakh*. Q 45,29, Q 22,52, and Q 2,106 use the word in a range of meanings varying from the *kiāb* of the first verse and the *ibtal* of the second and third. This second meaning, *ibtal* equates with our term suppression. Only Q 16,101 employs the term *tabāl* [suppression] but it does not use the term *nasakh*, although it does share with Q 2,106 use of the term āyāh. From the earlier definitions we can see that it was observable conflict of rulings that governed the search for a global definition of *nasakh*. We note that, for one of the modes of *nasakh*, Makki states that our knowledge that it had even occurred is dependent upon *hadīth* reports. The disavowal of the evidence from Q 22,52 is disingenuous, as are the ‘instances’ of Arab usage supplied from profane speech. For the latter, no less than the scholarly definitions are clearly no more than attempts to fit a theory to Qur’ānic usage.

Abū ‘Ubayd’s Introduction: f. 2b. the ‘Ali *hadīth*. Suyūṭī [loc. cit.]: 
Countless scholars have devoted monographs to this subject, among them: Abū ʿUbayd al-Qāsim b. Sallām; Abū Daʿūd al-Sijistānī; Abū Jaʿfar al-Naḥṣīs, Makkī, ibn al-ʿAraḍī and others. The imāms have stated that it is not permitted to anyone to engage in the exegesis of the Qurʾān until he has familiarised himself with the nāṣīkh and the maṣūṣīk. ᾶAli asked a qāḍī: Do you know the nāṣīkh from the maṣūṣīk? The man replying that he did not, ᾶAli declared: You have endangered your own soul and the souls of others.

Naḥṣīs [p.6] with an ʾinsād which agrees with that of our author from Sufyān Thawrī upwards, has: rajul yuḥiw al-nasr; other ʾinsāds [p.5–6] have: rajul yaḥwaw wif al-nasr; yuḥākki al-nasr; qāṣa yaqṣṣ; rajul maḥṣaddih.

Hibatullāh even knows the man’s name [p.4]. He was Abū Yaḥyā ᾶAbdul Raḥmān b. Daʿīb, an associate of Abū Mūsā. A circle had formed around him in the main mosque at Kufa, but in his replies, he confused commands with prohibitions, and what is permitted with what is forbidden. [cf. Taḥār, 2, p.471–2.] On that account, ᾶAli expelled him from the mosque, warning him never to return in the rôle of qāṣa. The story thus featured either a qāḍī or a qāṣa, or popular preacher. In Arabic, the difference amounts to only a single dot, and the uncertainty gave rise to a second family of ḥadīth on the gravity of delivering fatwās, or legal opinions. Hibatullāh [loc. cit.]: Hudhaiha said, ‘Let no man address [q ʿs] the people except only one of three: an ʾamīr, one deputed by an ʾamīr, or a man who knows the nāṣīkh and the maṣūṣīk. Anyone else is a self-appointed fool!’

Naḥṣīs (p.6) knows the story: Only one of three men may deliver fatwās: he who knows which parts of the Qurʾān have been abrogated – and that is ᾶUmar [cf. Bu. 6, Q 2,106.] a qāḍī who has no option but to give a decision, and a self-appointed meddler.

Multiple attribution of stories to different Companions is a common feature of this type of literature and Hibatullāh has heard that what ᾶAli said to this man, ᾶAbdullāh b. ᾶUmar and ᾶAbdullāh b. ᾶAbbas said to another man. Presumably underlying this was the semi-anonymous attribution to an ᾶAbdullāh – literally, any believer, a title which could as well refer to ᾶAli.

Abū ʿUbayd’s title: the merit of knowing the nāṣīkh and the maṣūṣīk of the Qurʾān and the interpretation of nāṣkh in the Qurʾān and the Tradition. Knowledge of nāṣkh is a prerequisite for addressing the faithful on the range of their obligations. ᾶAli (and ibn ᾶ Abbas) are represented as insisting that such knowledge is indispensable for salvation. The ibn ᾶ Abbas ḥadīth: Naḥṣīs (p.6) has the story as here, from Salamah b. Nabiṣ, from al-Dahhwāk b. Musāhām; while from Baqr b. Sahl, he also reproduces, as here, from Abū ʿ Sahlī, only the first part of the ibn ᾶ Abbas ʾafṣār of Q 2,269. The verse is interpreted by ibn ᾶ Abbas as referring to knowledge of the awjūḥ of the Qurʾān: nāṣīkh; maṣūṣīk; muḥkām; muṭtaṣābīh; inversion; imposition; prohibition; parable. [cf. Bq. 43 (v.2, p.2ff.)] The awjūḥ have been variously numbered and identified. This ibn ᾶ Abbas list contains rhetorical as well as interpretive awjūḥ: Only the latter interest our author, and mention of two of them triggers his reference to Q 3,7. The muḥkām verses consist of: the nāṣīkh verses, declarations as to what is required of the Muslim and what is forbidden, what is still accepted and acted upon – i.e. all Qurʾān verses whose rulings are considered by the Muslims to be still valid and relevant for the cult.

We find here, at the very outset of the work, an emphasis upon the practical needs of the Fiqh. This it is that sets the tone of the work – as, indeed (in theory) of the entire science of al-nāṣīkh wa-l-maṣūṣīk.

In addition to the rhetorical-literary features of the Qurʾān style, muṭtaṣābīh includes the maṣūṣīk, or what is accepted as being the word of God, yet not acted upon – i.e. Qurʾān verses which are not regarded as forming the basis of contemporary Muslim action.

The definition of nāṣkh: the ibn ᾶ Abbas ʾafṣār [f. 3b]. Two Qurʾān contexts are considered in association: Q 2,106: mā nāṣakha mīn ʾayāh: whatever verse We replace, [muḥbaddīl]; aw nansa hā: We leave it, We do not replace it. Q 13,39: yamḥā ʾallah mā yashāʾ wa yuḥībīn: God alters, [yuḥbaddīl] What He pleases of the Qurʾān then naskhā it. He endorses [yuḥbīt] what He pleases. He does not alter it.

From the practical point of view then, the Qurʾān consists of verses whose rulings [?] have been replaced, and of verses whose rulings have not been replaced. The juxtaposition of two Qurʾān verses illustrates a technique frequently resorted to by the exegetes – the use of one verse to explain – that is, to confirm the exegesis of – another verse. The usual interpretation of the Q 2,106 terms ʾayāh as ‘a verse of the Qurʾān’ and the apparently scribal references of Q 13’s terms yamḥa [expunges] and yuḥībī [records] facilitated the restriction of nāṣkh in the present discussion, to its supposed operation upon the texts of the Qurʾān. Naskh would appear to consist in: the suppression of a Qurʾān ruling followed by either: suppression of the (original) wording as well, or by the endorsement of the (original) wording for inclusion in the mushaf text. The text of the entire revelation made to