

AL-MĀTURĪDĪ ON ABROGATION OF THE *SHARĪ‘A* IN THE QUR’AN AND PREVIOUS SCRIPTURES

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INTRODUCTION

The technique of *naskh al-qur’ān* is an important part of the juristic and exegetical repertoire of classical Islam. Used to reconcile apparently conflicting scriptural commands, a later text would typically be judged to abrogate, or supersede, an earlier one. By the fourth/tenth century, the theological problem of *naskh* had already developed significantly through polemical engagement with certain Jewish scholars who argued that it would amount to *badā’*, a ‘change in God’s mind’; anathema to the emerging Sunnī conception of an atemporal Divine. Meanwhile, on the legal front, a rich inter-*madhhab* polemic had sought to delineate the type of text that could abrogate a verse of the Qur’an and qualify its epistemic strength.

Abū Maṣṣūr al-Māturīdī (d. 333/944) as a significant Transoxianan Ḥanafī theologian, legal theorist, and exegete was at the centre of these different aspects of the theory of *naskh al-qur’ān* while it was still in its formative phase. Though his views on the subject cannot be found in a single place, they may be reconstructed from substantial discussions within his *Ta’wīlāt al-Qur’ān* with confirmation drawn from a significant successor within his school tradition, A‘lā al-Dīn al-Samarqandī (d. 539/1144), author of *Mīzān al-uṣūl fī natā’ij al-‘uqūl*, a text of *uṣūl al-fiqh* that extensively records al-Māturīdī’s positions, and author of the most well-known commentary on al-Māturīdī’s *tafsīr*.

In this article, I comment on the contextual background of al-Māturīdī’s theoretical contribution to the subject of *naskh*, before outlining his main ideas in terms of the theology of abrogation, both between *sharī‘as* and within the Qur’an, as well as the legal principles of the *mansūkh* (abrogated) and the *nāsikh* (abrogator). I argue that al-Māturīdī presents a distinctive and generally consistent account of *naskh* according to his theological emphasis on God’s wisdom while defending and advancing Ḥanafī legal theoretic discourse on this topic including his use of the concept of practice (‘*amal*’) as a criterion for its application.

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I should also note at the outset that reliance on al-Māturīdī's *tafsīr*, in which he tends to provide a wide range of possible albeit non-definitive interpretations, means that it is not always certain that he favours a given view on a verse. However, the fact that he mentions information at all is significant. I propose that by organising his scattered comments according to the various aspects of the problem of *naskh*, it is possible to reliably present the main contours of his stance.

1. DISCOURSES OF *NASKH* UNTIL THE FOURTH/TENTH CENTURY

By the beginning of the fourth/tenth century of Islam, the concept of *naskh* had become subject to a diverse legal, exegetical and theological debate. Long a tool used by Muslim exegetes and jurists to reconcile between apparently conflicting verses and rulings, abrogation was also discussed in dedicated handbooks which compiled the main Qur'anic verses associated with the topic, such as the notable *Kitāb al-nāsikh wa-l-mansūkh* of al-Naḥḥās (d. 338/949), as well as theological works. Any assessment of al-Māturīdī's understanding of *naskh* must take into account at least three intellectual contexts: exegetical opinion on the abrogation of verses; jurisprudential polemics, in which his main target as a Ḥanafī was the legal theory espoused by al-Shāfi'ī; and a very lively theological environment with debate raging within the body of Muslims and with non-Muslim theologians, especially Jews.

The early Muslim exegetical tradition was arguably one of the first places that an Islamic concept of *naskh* was developed. Grappling with a scripture that was revealed over time, and a number of verses that appeared to conflict in meaning, the idea of *naskh* as intra-Qur'anic abrogation was developed.¹ The theory of *naskh* drew not only on the practical exigencies of Qur'anic interpretation but also on verses that could be read as supporting the idea. The most important was Q. 2:106: 'Any revelation We cause to be superseded or forgotten, We replace with something better or similar. Do you [Prophet] not know that God has power over everything?' If the treatises on *naskh* ascribed to al-Zuhrī (d. 124/741-2) and Qatāda b. Di'āma (d. 118/735) are genuine, it seems that focused specialised texts on *naskh* are among the earliest written productions in Islam, developing alongside the first works of *tafsīr*, which also dealt with this material.²

Al-Māturīdī, in a large work known as *Ta'wīlāt al-Qur'ān* or *Ta'wīlāt ahl al-sunna*, compiled by students from his lectures,³ was thus able to draw on a well-

1 Burton, *The Sources of Islamic Law*, pp. 1-3.

2 Rippin, 'Al-Zuhrī, *Naskh al-Qur'ān* and the Problem of Early *Tafsīr* Texts', p. 43; Qatāda b. Di'āma, *Kitāb al-nāsikh wa-l-mansūkh*. See also Versteegh, *Arabic Grammar and Qur'anic Exegesis in Early Islam*, pp. 71-4.

3 This is mentioned in the unpublished commentary on the *Ta'wīlāt* by 'Alā' al-Dīn al-Samarqandī. See Götz, 'Māturīdī and his *Kitāb Ta'wīlāt al-Qur'ān*', p. 285.

known body of exegetical opinions on the subject of *naskh*. As with other aspects of his *tafsīr*, he builds upon a substantial Transoxianan tradition of commentary which assumed the authority of the exegete and did not always require the citation of precedents from earlier figures.⁴ This is exemplified by his introduction in which he distinguishes between *tafsīr* as the authoritative understanding of Companions who witnessed its revelation and *ta'wīl*, which refers to the potential meanings and implications understood by subsequent generations.⁵

In the legal sphere, by the early fourth/tenth century the discussion of *naskh* followed well-established patterns between the different schools of thought. While the earliest generations of jurists had discussed particular verses, within the previous hundred years, there had been an increasing effort to formulate general principles by which to theoretically articulate their position. Al-Shāfi'ī (d. 204/820), an influential figure near the beginning of the *uṣūl al-fiqh* movement, had claimed that the Qur'an and Sunna are only able to abrogate their own type, but not each other. His reasoning is grounded in his emphasis on the complimentary nature of the two sources; while the Sunna by its nature expands, explains and even restricts the general statements of the Qur'an, it cannot be in genuine conflict with it as the common theory of *naskh* seems to require.⁶ Moreover, al-Shāfi'ī's ideas form a major intellectual context for the legal aspect of al-Māturīdī's *tafsīr* in general,⁷ and, within the subject of *naskh*, al-Māturīdī repeatedly argues for the efficacy of the Sunna and other legal evidences in the role of abrogator.

Al-Māturīdī was the author of an *uṣūl al-fiqh* treatise titled *Ma'ākhidh al-sharā'i'*, of which only fragmentary quotations survive in texts such as al-Samarqandī's *Mīzān al-uṣūl*. This material, and the jurisprudential comments in his *tafsīr*, are enough to reveal al-Māturīdī as an important Ḥanafī legal theorist. The theological context to al-Māturīdī's discussion of *naskh* encompasses debates raging both within and without the body of the Muslim community. On an internal level, the most important issue was not the principle of the abrogation of individual verses, which was overwhelmingly accepted, but the possibility of God changing His mind, *badā'*, a position with an origin in early intra-Shī'ī polemics. Imāmīs used this concept to justify the succession of Mūsā al-Kāẓim (d. 184/800) to the imamate ahead of his deceased brother Ismā'īl (d. 145/762), despite their father Ja'far al-Ṣādiq (d. 148/765) having already declared Ismā'īl to be the next imam shortly before he died.⁸ This belief was

4 Saleh, 'Rereading al-Ṭabarī through al-Māturīdī', p. 186.

5 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 3; See also the discussion and translation of the commentary of al-Samarqandī in Götz, 'Māturīdī and his *Kitāb Ta'wīlāt al-Qur'ān*', pp. 286-91.

6 See Burton, *The Sources of Islamic Law*, pp. 33-5.

7 See the introduction in al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. xlii.

8 Haider, *Shī'ī Islam: An Introduction*, pp. 91-3.

rejected outside of the Imāmīs and the Jārūdī branch of the Zaydīs, but became a key polemical accusation flung around in the following centuries.

Even more important was the external debate between Muslims and Jews on the possibility of abrogation of revealed dispensations. In this arena, *badā'*, which typically both sides rejected, became a critique directed against the Muslim position.⁹ On the other side, Jewish theologians were not of a unified opinion on the question of *naskh*. Samuel ben Hofni (d. 403/1013) explained the divisions as follows: Karaites rejected abrogation on rational grounds, due to a belief that all commands are pre-existent; Rabbanites rejected it scriptural grounds; and an unnamed third group held it to be possible.¹⁰ Al-Baqillānī (d. 403/1013) parallels this discussion in his *Al-Tamhīd*, adding that the followers of Abū 'Isā al-Isfahānī accepted Jesus and Muhammad as sent to their people, but without abrogating the Torah.¹¹

The sources point to intense activity in Iraq on this topic, with mention of Ibrāhīm al-Nazzām (d. 220-230/835-845) involved in a debate with a Jewish figure named Yassā (or: Manassā') b. Šālīh.¹² Later generations picked up the baton, and by the time of Jewish figures such as Samuel ben Hofni and Yūsuf al-Bašīr (d. ca 431/1040), who were themselves associated with Basran Mu'tazilism, there was a well-defined set of arguments against Muslim claims of abrogation of the Torah.¹³ Al-Māturīdī's own emphasis on God's wisdom (*ḥikma*) in abrogating His rulings has a terminological link with earlier Mu'tazilī thinking, though his overarching theological system is distinct in a number of respects.¹⁴

2. THEOLOGICAL PRINCIPLES FOR THE ABROGATION OF SHARĪ'AS

Al-Māturīdī embeds his theology of abrogation within his vision of the prophetic history latent in the Qur'an, in which a succession of dispensations of the *sharī'a* are superseded. According to al-Māturīdī, prophets (*anbiyā'*) do not bring miracles, or abrogate the previous Law, which is the job of a special class of messengers (*rusul*). The role of prophets is to invite people to adhere to the existing

9 Sklare, *Samuel ben Hofni Gaon and His Cultural World*, p. 146.

10 Sklare, *Samuel ben Hofni Gaon and His Cultural World*, pp. 146-7.

11 Sklare, *Samuel ben Hofni Gaon and His Cultural World*, pp. 146-7. Cf. Al-Samarqandī, *Mizān al-usūl fī natā'ij al-'uqūl*, vol. 2, p. 1055.

12 Despite a footnote reference to the name Manassā in one place, Yassā has been adopted in Cheikho, *Vingt Traités Théologiques*, pp. 68-70. The Arabic text of A. S. Tritton adopts Manassā' throughout. Tritton, "'Debate' Between a Muslim and a Jew", pp. 63-4.

13 Lazarus-Yafeh, *Intertwined Worlds*, p. 37.

14 For a comparison of classical Mu'tazilī and Ash'arī theories, see Abrahamov, 'Some Notes on the Notion of *Naskh* in the *Kalām*'.

sharī'a, as well as preserving their revealed scriptures from change.¹⁵ Al-Māturīdī provides an interpretation of Q. 3:179, 'But God chooses whom He wants from among his messengers (*wa-lākinna allāha yajtabī min rusulihī man yashā'*)',¹⁶ in which he reads it as meaning it is God's choice to leave *sharī'as* and their rulings without abrogation by a messenger, such as He did in the period between Moses and Jesus, and between Jesus and Muḥammad.¹⁷ Likewise, he provides one reading of Q. 13:38, 'There was a scripture for every age (*li-kulli ajalīn kitāb*)' as referring to scriptures revealed to messengers that are practised for a period of time and then are either abrogated or abandoned.¹⁸

A theological justification for the non-abrogation of the *sharī'a* of the Prophet Muḥammad is provided under commentary of Q. 33:53: 'It is not right for you to offend God's Messenger, just as you should never marry his wives after him: that would be grievous in God's eyes.' Al-Māturīdī states that the reason for the prohibition of marriage to the Prophet's wives is that it is as if he is alive, just as his wealth and possessions are not inherited. In the same way, his message, prophecy and *sharī'a* are not abrogated and remain until the Day of Judgement, as if he is still living.¹⁹

A famous example of abrogation in the Qur'an is the change of *qibla* from Jerusalem to Mecca in the early Medinan period. Al-Māturīdī uses this to outline some of the technical theological aspects of his doctrine of *naskh*, as well as to polemically engage the Jewish position. Q. 2:142 reads, 'The foolish people will say, "What has turned them away from the prayer direction they used to face?" Say, "East and West belong to God. He guides whoever He will to the right way."' He argues that the Jews, in thinking that the abrogation of *sharī'as* and rulings implies that God changes His mind (*badā'*), or retracts His earlier position (*rujū'*), show they do not understand the concept. Al-Māturīdī defines it as follows:

It is an explanation of the duration of the ruling's time without changing His mind or violation of what has passed. Rather after the first has completely remained for its time, the ruling is renewed (*fa-huwa bayān muntahā al-ḥukmī ilā waqtī laysa fīhī badā' wa-lā naqda li-mā māda bal tajdīdu ḥukmīn fī waqtīn ba'da inqida' i ḥukmīn 'alā baqa' i al-awwali li-waqtī kawnihi*).²⁰

15 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 145.

16 Translations of the Qur'an in this article closely follow Abdel Haleem (trans.), *The Qur'an: English Translation and Parallel Arabic Text*.

17 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 2, p. 542.

18 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 7, p. 444.

19 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 11, p. 377.

20 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, pp. 257-8. See al-Samarqandī's direct quote of al-Māturīdī's *Ma'kadh al-sharā'i* on this point. Al-Samarqandī, *Mizān al-uṣūl fī natā'ij al-uqūl*, vol. 2, p. 1049.

Furthermore, each and every abrogation is theologically explained as a divine promise always known to God, not a temporally bound decision:

And there is not a verse or practice that has God's ruling of abrogation, except it has a promise for abrogation, even if it is never mentioned, because God, Mighty and Majestic, does not make the ruling in the thing forever, then abrogate it, as it would be changing His mind and that is the act of the creation, not the act of Lordship.²¹

Al-Māturīdī holds that the relationship between *sharī'as* is fundamentally one of agreement and not conflict or contradiction based on Q. 2:41, which is addressed to the Children of Israel, 'Believe in the message I have sent down confirming what you already possess'. There is no lack of wisdom in God's commands and prohibitions differing according to time and situation, whether this is between His revealed dispensations, or even within the various verses of the Qur'an.²² This is because ultimately abrogation is only in the rulings to be followed and not in the faith underlying the religion.

He also emphasises this in commentary on Q. 2:143:

We only made the direction the one you used to face [Prophet] in order to distinguish those who follow the Messenger from those who turn on their heels: that test was hard, except for those God has guided. God would never let your faith go to waste [believers], for God is most compassionate and most merciful towards people.

Al-Māturīdī suggests that this mercy could be taken as directed towards those who thought that the impossibility of abrogation, or difference, within religion meant that it could not happen within rulings.²³ Though incorrect, such a viewpoint is forgivable for members of the Prophet Muḥammad's community because it arises from attachment to the singular nature of the primordial religion renewed by him. The position of Jews who argue in the opposite direction –from the presumed finality of the Mosaic revelation to the rejection of the Prophet Muḥammad– would not be acceptable. Moreover, to follow abrogated rulings once new ones have been revealed amounts to the pursuit of desires at the expense of devotion to God, as al-Māturīdī suggests about Q. 5:48, 'Do not follow their whims, which deviate from the truth that has come to you. We have assigned a law and a path to each of you.'²⁴

The point returns in commentary on Q. 3:72, 'Some of the People of the Book say, "At the beginning of the day, believe in what has been revealed to these beli-

21 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 3, p. 77.

22 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, pp. 111-12.

23 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 264.

24 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 4, p. 244-5.

evers [the Muslims], then at the end of the day reject it, so that they too may turn back”'. In one of several possible interpretations that he provides, al-Māturīdī reads this to be about the change in *qibla*. He argues that certain people, presumably the Medinan Jews, would adopt the new direction at one time of the day and reject it at another, thereby misleading the weak in faith to turn back and forth between the two, and to think that those with the earlier dispensation have the authority to only partially adopt the new rule. Their rejection of *naskh* is folly, however, as they fail to understand that the succession between dispensations is not predicated on the mere passing of time, but on the beneficial purposes (*maṣlaḥa*) that the Lawgiver legislates at each time.²⁵

The loss of al-Māturīdī's own texts in *uṣūl al-fiqh* limits our ability to directly compare these exegetical statements with his presumably more technical hermeneutic account. From the work of al-Samarqandī who wrote his own commentary on al-Māturīdī's *tafsīr* and was familiar with his writings in legal theory, a sketch of al-Māturīdī's thinking can be obtained. Al-Samarqandī contrasts the Ḥanafī-Māturīdī position with what he calls that of Ahl al-Ḥadīth who make *naskh* a change in the essence, or substance (*'ayn*) of what is commanded, such that a thing in itself changes from being right to wrong.²⁶ For Māturīdīs, the human mind is capable of correctly cognising good (*taḥsīn*) and bad (*taqbiḥ*), so that the ruling of right or wrong attaches to an underlying cause (*ma'nā*) and changes with its presence or absence.²⁷ Al-Māturīdī's emphasis on *maṣlaḥa* can also be compared in some respects with Mu'tazilī approaches, such as that of 'Abd al-Jabbār (d. 415/1025-6) and certain Ash'arīs, including al-Ghazālī (d. 505/1111).²⁸ However, he is more open than these figures to the possibility that abrogation can be determined without explicit revealed indications.

3. LEGAL PRINCIPLES FOR THE ABROGATED (*MANSŪKH*)

The best way of approaching the question of the abrogated in al-Māturīdī's thought is to explore the basic framework that he adopted and the lines he set bounding off those things that cannot be abrogated at all. He does this in exegesis of Q. 9:115, 'God would not condemn for going astray those He has already guided before making entirely clear to them what they should avoid'. He states that this refers to the class of rulings (*aḥkām*) that can be abrogated, as opposed to those that cannot.

25 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 2, pp. 335-6.

26 Al-Samarqandī, *Mizān al-uṣūl fī natā'ij al-'uqūl*, vol. 2, p. 1058. This also reflects the views of a certain class of Ash'arī legal theorists, such as al-Juwaynī and al-Shahrastānī. Abrahamov, 'Some Notes on the Notion of *Naskh* in the *Kalām*', p. 15.

27 Al-Samarqandī, *Mizān al-uṣūl fī natā'ij al-'uqūl*, vol. 2, p. 1059.

28 See Abrahamov, 'Some Notes on the Notion of *Naskh* in the *Kalām*', pp. 7, 14.

The broader principle that he outlines is *naskh* is only possible for those things that are not rationally restricted (*mā kāna fī al-'aqlī lā imtinā 'a 'alā naskhihi*).²⁹ Al-Samarqandī again provides an elaboration of the content of the rational rulings (*al-ahkām al-'aqliyya*) according to the Māturīdīs: the obligation of faith, prohibition of disbelief, and everything known purely by the mind without a revealed proof.³⁰

It seems that apart from the subset of rulings that are rationally permissible to abrogate, other types of Qur'anic discourse are restricted from abrogation, as al-Māturīdī discusses in various places. God's promise cannot be abrogated, as shown by Q. 2:276, '[God] blesses charitable deeds with multiple increase', about which he comments, 'it is said it is abrogated by the obligatory inheritance (*al-farā'id*), but that is not possible because it is the abrogation of a promise (*wa'd*) in the Hereafter and promises are not abrogated.'³¹ A second example is Q. 2:109: 'Forgive and forbear until God gives his command (*amr*): He has power over all things'. Al-Māturīdī mentions that the command to forgive and forbear is not abrogated when *amr* is interpreted as God's punishment in the Hereafter, but is if understood as the command to fight, as found in Q. 9:29.³² Likewise, statements taken as non-legal reports (*akhbār*) are not subject to abrogation. Al-Māturīdī quotes an interpretation that Companions of the Prophet understood Q. 56:13-14: 'many from the past and a few from later generations' as meaning that only a few of them would enter Paradise, but this was later abrogated by Q. 56:39-40: 'many from the past and many from later generations.' He says that this is impossible, as abrogation is not considered for reports.³³ Al-Māturīdī also gives an exegesis of Q. 5:97: 'God has made the Ka'ba – the Sacred House – established for humanity (*qiyāman li-l-nās*)' as an allusion to God's permanent establishment of worship there such as the hajj and prayer. If these practices of worship are indeed to be performed in perpetuity, that implies that they will never be substituted or abrogated.³⁴ Thus, he sees this verse as informing that the Ka'ba's ritual function since its founding would not be abrogated.

A different aspect of abrogated text mentioned by al-Māturīdī is a general text that is specified by an exception. He quotes the opinion of some on Q. 2:221: 'Do not marry idolatresses until they believe' that it prohibited marriage to both the People of the Book and pagans until it was abrogated by Q. 5:5: '[Lawful for you are]

29 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 6, p. 465.

30 Al-Samarqandī, *Mizān al-uṣūl fī natā'ij al-'uqūl*, vol. 2, p. 1062.

31 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 2, p. 175.

32 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 206.

33 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 14, p. 297. Al-Samarqandī says that the generality of Ahl al-Uṣūl reject abrogation for both reports and promises, while some allowed it for threats (*wa'id*), because the substitute for a threat was generosity. Al-Samarqandī, *Mizān al-uṣūl fī natā'ij al-'uqūl*, vol. 2, pp. 1065-6.

34 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 4, pp. 350-1.

chaste, believing, women as well as chaste women of the people who were given the Scripture before you'. Under this interpretation, the restriction remained for slave Scripturaries, but not their (chaste) freewomen.³⁵ Conceptualising *takhṣīṣ* with the language of *naskh* continued in the early Transoxianan Ḥanafī *uṣūl* tradition as seen in the *Taqwīm al-adilla* of al-Dabūsī (d. 430/1038).³⁶

In terms of the abrogation of rules from before Islam, al-Māturīdī mentions fighting within a so-called sacred month (*shahr ḥarām*), which was considered prohibited by the pagan Arabians. This was abrogated by Q. 2:217: 'They ask you [Prophet] about fighting in the prohibited month. Say, "Fighting in that month is a great offence, but to bar others from God's path, to disbelieve in Him, prevent access to the Sacred Mosque, and expel its people, are still greater offences in God's eyes: persecution is worse than killing."³⁷

Various examples of abrogated laws from prior scriptural dispensations are provided by al-Māturīdī in the course of his comprehensive exegesis of the Qur'an. An instructive one is found in his commentary on Q. 2:237, in which half the dower of an unconsummated marriage is to be kept by the wife, unless it is given up either by her or 'the one holding the marriage tie (*bi-yadihi uqdatu al-nikāḥ*)'. Al-Māturīdī suggests that this could have meant the wife's guardian originally received the dower, as found in the *sharī'a* followed by Moses in his marriage to the daughter of Shu'ayb in Q. 28:27. However, this was abrogated by Q. 2:229, Q. 4:4 and Q. 4:20, which make the wife's ownership clear.³⁸

At this juncture, it should be noted that the relevant precedent from the previous *sharī'a* is itself to be drawn from the Qur'an or Sunna and not from direct perusal of prior sources. This is consistent with al-Samarqandī, who remarks, 'Our scholars, the head of whom is al-Māturīdī, say, "what is known to remain from the previous *sharī'as* from our Book or the sayings of our Prophet and it is not established as abrogated, it is from the *sharī'a* of our Prophet."³⁹

4. LEGAL PRINCIPLES FOR THE ABROGATOR (*NĀSIKH*)

In his conceptualisation of the *nāsikh*, al-Māturīdī allows intra-Qur'anic abrogation, even if the abrogating text appears earlier in the sura.⁴⁰ He thus accepts the

35 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 2, pp. 28-9. See also his discussion of *naskh* in the context of *takhṣīṣ* in al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 13, pp. 163-4.

36 Al-Dabūsī, *Taqwīm al-adilla*, p. 107.

37 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 378.

38 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 2, pp. 117-18.

39 Al-Samarqandī, *Mīzān al-uṣūl fī natā'ij al-'uqūl*, vol. 2, pp. 693-4.

40 It appears that some early Muslim exegetes held that a *nāsikh* verse had to follow its *mansūkh* partner within the composition of the sura. See Powers, 'The Exegetical Genre *nāsikh al-Qur'ān wa mansūkhuhu*', pp. 133-5.

standard view that Q. 2:234, which limits the *'idda* of the widow to four months and ten days abrogates Q. 2:240, which put it at one year.⁴¹ He is critical of the opinion ascribed to al-Shāfi'ī that the Qur'an and Sunna do not abrogate each other and provides counterexamples to this in a number of places. For instance in Q. 65:6, which discusses the lodging to be given to the divorced wife, he adduces 'Umar's statement, 'We do not give up the Book of our Lord and practice of our Prophet for the saying of a woman whom we do not know whether she was truthful or lied', as showing that, in principle, the Sunna was able to abrogate the Qur'an, even if it should not in this particular case.⁴²

Another example is the familiar discussion on the changing of the *qibla*, discussed under Q. 2:142, which despite reflecting Jewish practice, was the Prophet's Sunna in the early Medinan period before its abrogation by the Qur'an. He puts forward a potential response on behalf of al-Shāfi'ī that the abrogation only took effect after the Prophet's implementation of it, but dismisses this opinion as foul and disgusting (*qabīh fāhīsh*). It would not only represent a turning away from the direct guidance of the Qur'an, but misunderstands the nature of *naskh*, which is the 'explanation of the duration of the ruling's time' and can sometimes be delivered via the Book and sometimes through the words of the Prophet.⁴³

Al-Māturīdī explores the possibility of treating a Companion report as an abrogator to the Qur'an in his commentary on Q. 2:196 though he stops short of endorsing it in this instance. Q. 2:196 reads:

Complete the pilgrimages, major and minor, for the sake of God. If you are prevented [from doing so], then [send] whatever offering for sacrifice you can afford, and do not shave your heads until the offering has reached the place of sacrifice. If any of you is ill, or has an ailment of the scalp, he should compensate by fasting, or feeding the poor, or offering sacrifice.

Al-Māturīdī is critical of the stance, ascribed to al-Shāfi'ī, that the only prevention (*ḥaṣr*) to be considered is that of enemies, and not illness. He raises the possibility of using the report of Ibn 'Abbās and Ibn 'Umar to that effect, but argues 'in this is abrogation of the Book with their statement, if it is established, and he does not think the Book is abrogated by the Sunna let alone by the statement of one of the Companions'.⁴⁴ The basis for this potential argument seems to be that al-Shāfi'ī's interpretation would conflict with the mention of the ill person in the verse, though I think that is not necessarily the case as this is more naturally understood as relating

41 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 2, pp. 91-2.

42 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 15, pp. 232-3.

43 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 259.

44 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 384.

to someone unable to shave their head. More important for the present discussion is that al-Māturīdī is critical of the authenticity of the report and the legal ruling it affirms, but not necessarily the idea of abrogation by a Companion report.

The question that exercised Ḥanafī *uṣūlīs* such as al-Māturīdī was not therefore the viability of the Sunna, or even other sources, as a *nāsikh* to the Qur'an, but the epistemic conditions under which a given ruling could be known to have expired. These considerations are clear in al-Māturīdī's view on the single-unit report (*khābar al-wāḥid*, or *al-āḥād*), which he thinks cannot abrogate the Qur'an. This is demonstrated by his exegesis of Q. 6:145: '[Prophet], say, "In all that has been revealed to me, I find nothing forbidden for people to eat, except for carrion, flowing blood, pig's meat –it is loathsome– or a sinful offering over which any name other than God's has been invoked."' Al-Māturīdī cites the report that the Prophet 'prohibited [consumption of] every fanged predator and clawed bird' and two views are given by him in its interpretation. The first is that it is a single-unit report and cannot abrogate the general Qur'anic permission, as mentioned in the verse. The second is that it must be mass transmitted (*mutawātir*), because it has been acted on to the extent that one cannot find these meats sold in the markets of the Muslims.⁴⁵

The idea that a single-unit report could be supplemented by continuous mass practice as the condition for a jurist to treat a Qur'anic text as abrogated is supported by his commentary on Q. 2:180: 'When death approaches one of you who leaves wealth, it is prescribed that he should make a proper bequest to parents and close relatives – a duty incumbent on those who are mindful of God.' This obligation for a bequest is widely held to be abrogated, but Muslim scholarship differs on the identity of the abrogating source. One view, cited by al-Māturīdī, is that it is abrogated by another Qur'anic verse, such as Q. 4:7: 'Men shall have a share in what their parents and closest relatives leave, and women shall have a share in what their parents and closest relatives leave, whether the legacy be small or large: this is ordained by God', or Q. 4:11, which outlines the obligatory inheritance due to parents and close relatives.⁴⁶ Al-Māturīdī argues that, according to the Ḥanafīs, even if it is not abrogated by these verses, it is abrogated by the Prophet's words, 'God has given everyone their right, so there is no bequest for the inheritor.'⁴⁷ If someone argues that it is a single-unit report, the response is that this is with respect to its transmission (*riwāya*). It is mass transmitted (*mutawātir*) in terms of the knowledge of its practice.⁴⁸ He summarises the methodology employed as follows:

45 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 5, pp. 240-1.

46 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, pp. 331-2.

47 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 332.

48 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 333.

According to our principles, the most elevated report to be practised upon is the one that is mass transmitted by practice. This is because it is mutually known generation after generation by the people practising it, which they would not do except for it being evident. Its evidence dispenses the people from narrating it, as they know it is devoid of obscurity.⁴⁹

Furthermore, even if there is no explicit report, al-Māturīdī holds that agreed practice can be enough to abrogate a Qur'anic text. This can be seen in his remarks on rules in Q. 60:10 for women with pagan husbands who migrate to Medina as believers: 'Give the disbelievers whatever bride-gifts they have paid' and 'ask for repayment of the bride-gifts you have paid, and let the disbelievers do the same'. Al-Māturīdī states that this is a case in which abrogation occurs based on the agreement (*ijmā'*) of the people, even though there is no text to that effect in the Qur'an or the Sunna. The theoretical basis for this is that it is a ruling that is known to be established according to a cause (*ma'nā*). Once this cause lapses, then the rule is abandoned. He affirms that in alternative cases in which the causes for rulings are not rationally known, then this *ijmā'* is not valid and the practice of people is irrelevant.⁵⁰ It should be noted that in this view he differs markedly from the subsequent Transoxianan Ḥanafī tradition. Al-Samarqandī, on this point, makes clear that there is to be no abrogation after the time of the Prophet Muḥammad and no ending of a ruling without textual evidence.⁵¹

A final case in which the same principle is invoked relates to 'Umar discontinuing the *zakāt* recipient category of 'those whose hearts are to be won over (*al-mu'allafāt qulūbuhum*)' in Q. 9:60, as he famously saw it as no longer relevant to the strengthened condition that the community found itself in. Al-Māturīdī comments: 'In this verse is an inference to the permissibility of abrogation by exhaustive legal enquiry on account of its ontological cause no longer being present (*wa-ḥi al-āyati dalālatu jawāzi al-naskhi bi-l-ijtihādi li-irtifā'i al-ma'nā alladhī bihi kāna*).⁵² 'Umar's *ijtihād* allows a rational judgement of the absence of the ruling's underlying *ma'nā*, which can be associated with its *ḥikma* or *maṣlaḥa* within particular socio-historical circumstances. From an epistemic angle it is obvious why *mutawātir* practice demonstrates that a Qur'anic ruling may be abrogated given the change in social circumstances, but it is less obvious why that should be the case for a Companion statement when *āḥād* hadiths are not enough. Al-Māturīdī's openness to considering Companion statements as abrogators has been noted above. However, perhaps a more likely possibility is that 'Umar is understood as representing the practice of the community in recognising that the ruling's *ma'nā* is no longer present.

49 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 1, p. 333.

50 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 15, p. 125.

51 Al-Samarqandī, *Mizān al-uṣūl fī natā'ij al-uqūl*, vol. 2, p. 1077.

52 Al-Māturīdī, *Ta'wīlāt al-Qur'ān*, vol. 6, p. 392.

CONCLUSION

Al-Māturīdī's conception of *naskh* fits within his wider theological system in ensuring that God's wisdom meets human need at each point in time. While His timeless intent and speech does not alter, *naskh* is required so that each rule in every dispensation of *sharī'a* benefits humanity according to its circumstances. The mechanism for this is that a given divine rule is understood to have a duration attached to it from the outset and will lapse when the time of expiry is reached according to its assigned cause, which is its beneficial wisdom in human history. The wisdoms represent transhistorical values that the outward forms of rulings must realise. Under this conception, the different *sharī'as* are not entirely discrete, but as expressions of a singular religion brought by messengers for the benefit of their times have a significant degree of continuity within their rules.

With respect to the polemics between Muslim and Jewish theologians, al-Māturīdī is able to acknowledge the validity of the prior scriptural rules of the Torah and incorporate them within his theological vision of a series of dispensations of *sharī'a* characterising a single revealed religion. As rulings given by God they remain valid until their divinely decreed expiry date. However, based on his practice in *Ta'wīlāt al-Qur'ān* and the opinions ascribed to him in the following *uṣūl* tradition, such previous scriptural statements must be known via the Qur'an or traditions of the Prophet Muḥammad and not conflict with other injunctions sent directly to the Muslim community.

Considering the intra-community legal polemic in which al-Māturīdī was engaged, his criticism of al-Shāfi'ī's view of *naskh* is on the surface a rejection of separate abrogation regimes for the Qur'an and the Sunna. His theological commitment to a conception of divine wisdom that is humanly appreciable means the particular source of abrogation becomes less important than fulfilling the epistemic requirement to detect the presence or absence of the *ma'nā* occasioning each ruling. While an *āḥād* hadith about a given rule is not able to meet the standard to abrogate the Qur'an, its widespread practice is, a development that parallels Ḥanafī discussions of the *mashhūr* hadith.⁵³ Likewise, within the category of rationally understandable rulings, the widespread leaving of a certain practice by the community can be an indication that its *ma'nā* has ceased. Thus al-Māturīdī's vision of Qur'anic abrogation does not just take into account the years of revelation, but both extends before it to all previous *sharī'as* and afterwards to the evolving needs of a dispensation that is to continue until the Day of Judgement.

53 See Hanif, 'Al-Ḥadīth al-Mashhūr', pp. 94-5.

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