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Chapter VI



[ON THE ABROGATION OF DIVINE LEGISLATION]

The Abrogating and Abrogated [Communications]

100. Shāfi'ī said: God indeed created mankind for whatever His established knowledge desired in creating it and for whatever [its destiny] should be. There is no reversal at all of His judgment, He being swift of reckoning.¹ And he revealed to them the Book that explains everything, as a guide and a mercy.² In it He laid down some duties which He confirmed, and others which He abrogated, as a mercy to His people so as to lighten their burden and to comfort them in addition to the favors which He had begun to bestow upon them. For the fulfilment [of the duties] He confirmed, He rewarded them with Paradise and with salvation from His punishment. His mercy has included all of them in what He confirmed and what He abrogated. Praise be to Him for His favors.

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101. Shāfi'ī said:³ God has declared that He abrogated [communications] of the Book only by means of other communications in it; that the sunna cannot abrogate [a text in] the Book

¹ This is a citation from Q. XIV, 51.

² Cf. Q. XVI, 89.

³ Būlāq ed., p. 17.

but that it should only follow what is laid down in the Book, and that the sunna is intended to explain the meaning of communications of general [nature] set forth [in the Book]. For God said:

S106 When Our signs are recited to them as Evidences, those who do not look forward to meeting us, say: Bring a Scripture other than this or change it. [You O Muḥammad] say: It is not for me to change it of my own accord; I only follow what is revealed to me; verily I fear, if I go against my Lord, the punishment of a mighty day [Q. X, 15].

Thus God informed [men] that He had commanded His Prophet to obey what was communicated to him, but that He did not empower him to alter [the Book] of his own accord. For there is in His saying: “It is not for me to alter it of my own accord” [Q. X, 15], an evidence for what I stated, that nothing can abrogate the Book of God save His Book. Since [God] is the originator of His [own] commands, He [alone] can repeal or confirm whatever of it He wills—glorious be His praise—but no one of His creatures may do so. For He also said: “God repeals what He wills, or confirms; with Him is the Mother of the Book” [Q. XIII, 39].⁴

Some scholars have maintained (but God knows best) that there is in this communication an evidence that God has empowered His Apostle to set forth rules by [God-given] aid [for matters] on which He provided no communications in the Book. But God knows best.⁵

It is held that [God’s] saying: “God will repeal what He wills,” means that He repeals and confirms the duties which He

⁴The Mother of the Book is the original copy of the Qur’an which exists or co-exists with God in Heaven (See Bayḍāwī, p. 334). “The original of the Qur’an,” says Bell, “is thought of as a book preserved in (the seventh) heaven in the presence of God. This is assumed to be what is meant by the preserved tablet, *lawḥ maḥfūz*, spoken of in Q. LXXXV, 22. Sometimes it is thought of as having been sent down to the nearest heaven on the night of power, *lailat al-qadr*, described in Q. XCVII, so as to be available for revelation to the Prophet by the angel Gabriel” (Richard Bell, *Introduction to the Qur’an* [Edinburgh, 1953], p. 37). See also ‘Abd al-Qāhir al-Baghdādī, *Kitāb Uṣūl al-Dīn* (Istanbul, 1928), Vol. I, pp. 106, 108; and Abū al-Ḥasan al-Ash‘arī, *al-Ibāna ‘An Uṣūl al-Diyāna* (Hyderabad, 2nd ed., 1367/1947), pp. 19-35.

⁵ Cf. Bayḍāwī, p. 334.

wills. This resembles [the meaning in] the foregoing [statement]; but God knows best. However, the evidence against it is in the Book of God, in which He said:

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For whatever We abrogate or cast into oblivion to forget, We bring a better or the like of it. Knowest thou not that God is powerful over everything? [Q. II. 106].

Thus God has informed men that the abrogation or the deferment of any communication cannot be made valid save by another [Quranic] communication. For He said:

When we substitute one communication for another—God knoweth best what He sendeth down—they say: ‘Thou [Muḥammad] art only a forger’ [Q. XVI, 101].⁶

In like manner the sunna of the Apostle of God states: Nothing can abrogate it except [another] sunna of the Apostle. If God were to address to His Apostle [a communication] on a matter on which he [Muḥammad] had provided a sunna different from what God had addressed to him, he [Muḥammad] would provide a sunna in conformity with whatever God had communicated to him, so that he would make clear to men that he had provided a sunna that abrogated one earlier or contrary to it. This is [well] stated in the sunna [of the Prophet], God’s blessing and peace be upon him.⁷

102. Someone may ask: The evidence that a Quranic [communication] can abrogate another [of equal status], may be found in the Qur’ān itself, because there is nothing at all to match the Qur’ān; however, can you find such [an evidence] in the sunna [concerning its abrogation by another sunna]?

103. Shāfi’ī replied: The evidence lies in my [earlier] statement concerning God’s commands ordering men to obey the

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⁶For the significance of this communication as an evidence that God permitted the repeal of His commands by others, see Abū Ja‘far al-Naḥḥās, *Kitāb al-Nāsikh wa al-Mansūkh* (Cairo, 1323/1906), pp. 2-3; Ibn Ḥazm, *Kitāb al-Iḥkām fī Uṣūl al-Aḥkām* (Cairo, 1345/1927), Vol. IV, p. 65.

⁷For a discussion on the doctrine that the Prophet’s sunna can only be abrogated by another sunna, see al-Ḥāzimi, *al-I‘tibār fī al-Nāsikh wa al-Mansūkh Min al-Āthār* (Cairo, 1346/1927), p. 16.

order of the Apostle that the sunna was accepted [as emanating] from God and that he who obeys it does so by [an order in] the Book of God.⁸ For there is no other textual order which God has made obligatory upon mankind save that which is in His Book and in the sunna of His Prophet. If the sunna is taken as such, that nothing else by a human being is equal to it, nothing can [therefore] abrogate it save another of equal status. Nothing is equal [to the sunna] save the sunna of the Apostle, since God has never given to any other human being [the power] He gave [to the Prophet]. He commanded men to obey him and made his orders binding upon them. Thus all men are his followers: He who follows shall never disobey what he was ordered to obey, and he who is under obligation to obey the sunna of the Apostle shall not refuse to obey it, for he is not empowered to abrogate any part of it.

104. Someone may ask: Is it possible to assume that there was a transmitted sunna which was abrogated while the abrogating sunna was not transmitted?

105. [Shāfi'ī replied]: That is impossible. For how could the transmitted sunna be possibly abrogated while the one which is binding was abandoned? Were this permissible the whole sunna might be abandoned by men, for they would [then] say: "Perhaps it was abrogated." No duty has ever been abrogated unless it was replaced by another. The abrogation of the *qibla* [i. e., prayer in the direction] of Jerusalem by another [in the direction] of the Ka'ba is a case in point. For whatever has been abrogated in the Book or in the sunna must have been [replaced by] something else.

106. Someone may ask: Can the sunna be abrogated by the Qur'ān?

107. [Shāfi'ī] replied: If a sunna were abrogated by the Qur'ān, another sunna must have been laid down by the Prophet making clear that his earlier sunna was abrogated so as to demonstrate to men that an act can be abrogated only by something of equal status.

⁸ See Chap. V, above.

108. He may ask: Where does the evidence lie for your opinion?

109. [Shāfi'ī replied]: [The evidence lies] in what I have discussed in this book in its [proper] place, where it was made clear that the duties imposed by God—[both] the general and the particular—implied that [the Prophet] makes no pronouncement unless it is based on God's command. If God abrogates any of His commands, the Apostle would also have to abrogate his sunna by another [in conformity with God's new command].

Were it permissible to hold that what the Apostle has laid down in the sunna was abrogated by the Qur'ān and that he has transmitted no abrogating sunna, it would be permissible to hold a similar view concerning [the tradition relating to] the prohibition of all kinds of sale [of property], by holding that [the Prophet] had prohibited them before [God] had laid down [the rule] that "God has permitted sale and forbidden usury" [Q. II, 276]. The same might be held about [the tradition concerning] the stoning of adulterers, namely, that stoning may be regarded as abrogated in accordance with God's saying: "The fornicatress and the fornicator—scourge each one of them with a hundred stripes," [Q. XXIV, 2] and that [the tradition concerning] the wiping of the shoes may also be regarded as abrogated by the communication of ablution. It would also be possible to hold that the cutting off of the hand of the thief should not be dropped even if the stolen article were kept securely or if its value was less than a quarter of a dīnār in view of God's saying: "The thief, male and female, cut off their hand" [Q. V, 42], for the term "thief" is binding upon whomever steals, regardless of the value of the stolen article or of its security. It would be possible to reject all the traditions of the Apostle by saying: "He did not say this [or that]," if they were found to be not in accordance with divine legislation. Thus it would be permissible to reject the sunna on one of two grounds: either if it were in conformity with the general principles of the Book, but its wording were different in certain respects from the wording [of the Book],

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or if its wording were phrased at greater length than that in the divine communication, although they might be different in some respects. The Book of God and the sunna of His Apostle, however, provide [ample] evidence in contradiction of this opinion and in support of the one I have stated earlier.

S112 The Book of God [contains] perspicuous declarations by virtue of which blindness⁹ will be healed. In it also will be found evidence concerning the position of the Apostle in relation to the Book of God and His religion, [the Apostle's] submission to God, and his clarification [of God's word] on behalf of Him.

The Abrogating and the Abrogated, of Which the Book [of God] Indicates Some and the Sunna Others

110. Shāfi'ī said: I have heard some scholars who related that God had imposed a certain duty for prayer before He laid down that for the five prayers. For He said:

S113 O thou enwrapped in thy robes,
Stay up the night, except a little,
Half of it, or a little less
Or a little more,
And chant the Qur'ān distinctly [Q. LXXIII, 1-4].

God abrogated this [duty] by another, which may be found in the same chapter [of the Book], and it reads as follows:

Thy Lord knows that thou remainest up nearly two-thirds of the night, or half of it, or a third of it, and a party of those with thee likewise, and God determines the night and the day. He knoweth that ye will never count it up, so He has turned towards you with mercy. So recite what may be convenient [for you] of the Qur'ān; He knoweth that some of you will be sick and others journeying about

⁹ I. e., ignorance.