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Critique of *Nash* in Contemporary Qur'ānic Hermeneutics Using the Example of Naṣr Ḥāmid Abū Zayd's Works

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Abstract: This article highlights the importance of the issue of *nash* in the context of the thought and works of the acclaimed Egyptian thinker Naṣr Ḥāmid Abū Zayd (1943–2010) who, while often perceived as a liberal intellectual, was at the same time deeply embedded in classical and modern Islamic thought and a hermeneutical approach to the Qur'ān. The practice of *nash* is usually translated as “abrogation” and seems to be one of the most important procedures conducted by Muslim jurists within the frame of the Qur'ānic sciences. It is one of the deciding features of Islamic law as subsequently created and codified following the time of the Prophet Muḥammad and the Righteous Caliphs. For Abū Zayd, *nash* was linked to a set of juridical approaches reducing the discursive aspect of the Qur'ān and turning it into a normative book of law. This article includes examples of Abū Zayd's critique and analysis of the classical cases of *nash* as contained in his most important books, *Mafhūm an-naṣṣ* and *Naqd al-ḥiṭāb ad-dīnī*, as well his English works published in the Netherlands after the so-called “Case of Abū Zayd” and his forced emigration to Europe. In the last part, the outcome of Abū Zayd's approach will be assessed and his location among past and present Egyptian and Arab thinkers discussed and problematized.



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Keywords: *nash*; abrogation; Naṣr Ḥāmid Abū Zayd; Qur'ānic hermeneutics; Islamic jurisprudence

Naṣr Ḥāmid Abū Zayd (1943–2010), an acclaimed Egyptian intellectual, was deeply embedded in classical and modern Islamic thought and hermeneutical approaches to the Qur'ān. A graduate and longstanding researcher at the University of Cairo, he was forced to leave Egypt in 1995 and later had a period of academic work in the Netherlands. After working at Leiden University, the scholar obtained the Ibn Rushd Chair of Humanism and Islam at the University of Humanistics, Utrecht. Abū Zayd's research was shaped by the “Egyptian school” of literary approach to the study of Qur'ān as well as by his openness towards different cultures and international schools of thought, which resulted in his travelling across the globe to wherever he could find common ground with researchers and academic audience, including such different places as the United States, Japan, and Indonesia. Despite the versatility of his scientific oeuvre, it could be said that modern reinterpretation of the Qur'ān was the most important topic of his output. Among his masters and inspirations were major personages and movements of Arab classical thought, from the Mu'tazila group via Aṣ-Ṣāfi'ī to Ibn 'Arabī, and modern Arabic literary studies, such as Ṭāhā Ḥusayn, Amīn al-Ḥūlī, and Muḥammad Aḥmad Ḥalaf Allāh. He made extensive study of Western thought, and assimilated into Arabic notions and theories taken from European semiotics and hermeneutics (e.g., Ferdinand de Saussure, Yuri Lotman, Roman Jakobson, Hans-Georg Gadamer, E.D. Hirsch), sometimes melding it with local Arab hermeneutical traditions, especially the tradition of *ta'wīl*. In the period of time between the years 1985 and 1990, he created two of his most important works: *Mafhūm an-naṣṣ* (“Concept of the Text”; 1st ed. 1990), presenting his hermeneutical method of reading the Qur'ān, and *Naqd al-ḥiṭāb ad-Dīnī* (“Critique of Religious Discourse”; 1st ed. 1990 or 1992), which made his views a focus of violent public debate in Egypt. Even after the so-called Case of Abu Zayd (1992–1995), when the scholar decided to leave Egypt and

go into exile in the Netherlands, he remained a prolific author and a participant of many intellectual discussions within the environment of Islamic reformist thought and the Arab liberal and democratic milieu.

This paper aims to develop a dimension that has been, as far as I am concerned, not frequently raised by researchers of Abū Zayd's heritage. The practice of *nash*, which became one of the most important sub-disciplines of Islamic jurisprudence and the Qur'ānic sciences, is an important context and point of reference in several of the Egyptian scholar's books in both Arabic and English. I would like to trace the way in which the question of abrogation is linked to the main hermeneutical issues raised by Abū Zayd. It is of special interest when we take into account that *nash*, usually translated into English in a somewhat simplified way as 'abrogation', has both legal (juridical) and hermeneutical aspects in addition to a connection with the problematic issue of Islamic revelation (*wahy*). Before presenting examples from Abū Zayd's works, an introduction regarding the notion and usage of *nash* must be provided that takes into account its ambiguous and historically changing character.

1. *Nash*: A Key Procedure in Islamic Jurisprudence Between Law and Hermeneutics

I focus on utilizing the Arabic original term *nash* because it is very rich in meanings and can be translated in differing Islamic contexts, mainly as "abrogation", though sometimes as "cancellation", "omission", or "substitution"; interestingly, the Wehr Dictionary adds the meanings of "copying" and "translation" (Wehr, 5th ed., p. 961) to it as well. However, it can be said that "abrogation" has become the main equivalent for the juridical practices of *nash*. John Burton, the author of the in-depth chapters on abrogation in both Brill's *Encyclopaedia of the Qur'ān* and *Encyclopaedia of Islam* and the more detailed monograph *The Sources of Islamic Law: Islamic Theories of Abrogation*, published in 1990, defined it as "a prominent concept in the fields of Qur'ānic commentary and Islamic law which allowed the harmonization of apparent contradictions in legal rulings" (Burton [2003] 2021, *Encyclopaedia of the Qur'ān Online*, 1st paragraph). This definition seems to be very "Western" from the Islamic or Arab point of view. It can be said that in Western Arabic and Islamic studies the entire concept of *nash* was, while obviously noticed, not researched very extensively. Burton discovers a huge discrepancy between "the voluminous literature Muslims have produced on this topic over the centuries" and the relatively slight interest of Western scholars in the details of abrogation (Burton [2003] 2021, *Encyclopaedia of the Qur'ān Online*, 1st paragraph). What is crucial is that the distinction between two dimensions of the holy book of Islam must be introduced: the Qur'ān as text and the Qur'ān as source. In the second case, it will be defined in relation to verses removed (or omitted) from the text such that while they may not be included in the written form (*Mushhaf*), they can nevertheless be treated as a substantial part of an Islamic doctrine. Of great importance is the distinction between *the nāsīh* (that which is abrogating) and *mansūh* (that which is abrogated); as Roslan Abdul-Rahim argues, "the *nāsīh* is what is regarded as the Qur'ānic imperative" (Abdul-Rahim 2017, p. 57). It is not a wonder that in the early Qur'ānic sciences one of its sub-branches which focused on *nash* was called '*ilm an-nāsīh wa-al-mansūh*'. Using the abovementioned terminology, R. Abdul-Rahim formulated one of the most interesting contemporary definitions of *nash*:

"the abrogation or suppression of a ruling that had previously been established and acted on (the *mansūh*) by a new established ruling that requires a new enactment (the *nāsīh*)". (Abdul-Rahim 2017, p. 58)

Before we briefly inform the way this concept has been developed over the course of the history of the Arab-Islamic civilisation, there is a need to refer to two passages of Qur'ān that inspired and justified the very phenomenon of *nash*. The first of these is 2:106 (cited after *The Noble Qur'ān* published in Saudi Arabia with both Arabic text and English "translation of the meanings"):

Whatever a Verse (revelation) do We abrogate or cause to be forgotten, We bring a better one or similar to it. Know you not that Allāh is able to do all things?

The first phrase in Arabic is: *Ma-nansah min āya aw-nunsihā na'ti bi-hayr minhā aw-miṭliḥā*; thus, the first verb really comes from the root *n-s-h*. In the view of most orthodox jurists, this *āyah* justifies the existence of the two main types of *nash*: (1) *nash al-ḥukm dūna at-tilāwa* (abrogation of a ruling without deleting wording, sometimes called *ibdāl*, 'supersession' or 'suspension'), (2) *nash al-ḥukm wa-at-tilāwa* (the full nullification of the old verse from the *muṣḥaf*, sometimes called *ibtāl*, 'suppression' or 'elimination'). However, there is a strong feeling, especially among some contemporary scholars, that the abovementioned *āya* is not linked to the technical meaning of *nash* developed by Muslim scholars over the course of history (compare [Fatoohi 2013](#), pp. 47–54).

The second verse is Q 16:101:

When We change a verse in place of another—and Allah knows best what He sends down—they [the disbelievers] say, “You (O Muḥammad) are but a *Muftar* [forger, liar].” Nay, but most of them do not know.

Here, the root *n-s-h* is not utilised and the original phrase is *wa-idā badalnā āyah makān āyah*; thus, the meaning of changing or replacing is expressed by the verb *badala* (*badalnā* in the first person the plural). This ambiguous verse played an important part in the subsequent development of the concept of *nash*. The importance of Q 16:101 was underlined by Abū 'Abd Allāh Muḥammad ibn Idrīs aš-Šāfi'ī (768–820), one of the four great Sunni Imams, inspirer of one of the *madāhib* (Sunni schools of Islamic jurisprudence), and without doubt a leading scholar and writer during the formative phase of *uṣūl al-fiqh*. As Aš-Šāfi'ī focused on the idea of limiting Sunna to words and actions attributed to the Prophet Muhammad alone, and tried to systematically describe the development of the prophetic mission over the course of twenty years, identifying the will of the prophet with the divine will ([Burton \[2003\] 2021](#), Encyclopaedia of the Qur'ān Online, paragraph on Aš-Šāfi'ī's theory of abrogation). Part of this process involved the replacement of some rulings by the others, with the characteristic case being the replacement of the direction of worship from Jerusalem to Mecca. In Aš-Šāfi'ī's eyes, each case of abandoning or substituting a given rule can be justified by Qur'ānic verses or *ḥadīths*, and the scholar gathered such examples in his works: *Contradictory ḥadīth (Iḥtilāf al-ḥadīth)* and *Treatise [on Jurisprudence] (Ar-Risāla)*. Thus, as Burton argues, the main understanding of *nash* by Aš-Šāfi'ī is related to “abandoning” (Arabic: *taraka*) of a given rule, or more precisely, to the “substitution”, as “no ruling is abrogated without a replacement ruling being promulgated in its stead” ([Burton \[2003\] 2021](#), Encyclopaedia of the Qur'ān Online, paragraph on Aš-Šāfi'ī's theory of abrogation).

Actually, despite of the fact that *nash* has become a part of Sunni and Shia orthodoxy, it has been constantly criticised, discussed and negotiated. It is widely assumed (e.g., by Burton) that such a critique started with Abū Muslim al-Iṣfahānī (868–934); however, the latter's oeuvre regarding this topic is not well known today and seems to be a sort of semi-legendary narration (cf. [Abdul-Rahim 2017](#), p. 60). A paper by a Malaysian scholar, Roslan Abdul-Rahim, that was published in 2017 clarifies such ambiguous aspects in the history of *nash* and provides several very interesting clues on the character of this phenomenon. Abdul-Rahim's approach is more hermeneutical than juridical; in his view, *nash* was an inherent part of revelation (*wahy*) in Islam. The sending down (*tanzīl*) of the Text, that is, the Qur'ān, is the moment when it becomes historic and begins to appeal to the condition of man in the given time. Thus, as the researcher plainly suggests, “in the historical process of Qur'ānic *tanzīl*, changes in revelation unmistakably took place” ([Abdul-Rahim 2017](#), p. 60). These changes can be deduced from the Qur'ān, and in Abdul-Rahim's terminology can be rendered as (he spells it in italics) cases of *re-revelation*, or *revelatory revision* or *realignment of wahy* ([Abdul-Rahim 2017](#), p. 60). In his view, *nash* had been something valid and “real for the first generation of Muslims”, an actual experience felt in a context of unfolding revelation; however, in the course of time it was reduced to something more “theoretical” and “interpretive”, purely juridical ([Abdul-Rahim 2017](#), p. 72). Even if *nash* can be a lively procedure, [Abdul-Rahim \(2017, p. 75\)](#) points out that today it has become a “dead

theory” utilised only for past legal challenges (Abdul-Rahim 2017, p. 75), and freezes the current reformist thinking on Islamic jurisprudence. What is a way out, to incorporate the experience of *nash* in the contemporary times? One clue is provided in the final part of his text.

“We should therefore take the hint from naskh (*nash*) and look at the law according to the more viable transformative model. This is an irony, but it is an irony that essentially prepares the Muslims intellectually and philosophically to embrace the idea of *contextualization*. In this sense, Islam notwithstanding, the law must be viewed and understood according to its context. There is always a danger and risk when someone *decontextualizes* the law. Hence, what we need is not *decontextualization*. What we need is the *demythologization* of the law, and hence, the text itself” (Abdul-Rahim 2017, p. 75; italics in original).

Even if the idea of demythologization of the law is not clarified by Abdul-Rahim with any examples, it is an important point that will be developed to some extent in the subsequent chapter of this paper. In particular, his underlining of the significance of the contextualization and rethinking of Qur’anic hermeneutics seems to be a common point with Naṣr Ḥāmid Abū Zayd’s thought.

The other complex and well-documented contemporary analysis of *nash* is provided by Louay Fatoohi in his monograph *Abrogation in the Qur’an and Islamic Law* (2013), which is very different from Abdul-Rahim. The former carried out an extensive work analysing many Arabic historical sources which defined *nash*, including the oldest Arabic lexicon *Al-ʿAyn* (ca. 173 Hijri/789) by Al-ḥalīl ibn Aḥmad al-Farāhīdī, in which one of the meanings of *nash* is “replacing a practice with another” (after: Fatoohi 2013, p. 12). Fatoohi named and defined three modes of abrogation: legal, legal–textual, and textual, underlining the fact that the first has historically been dominant. Of great importance is his assertion that *nash* “is unique in its implications for the history and transmission of the Qur’anic text as well as its meanings and objectives” (Fatoohi 2013, p. 3); thus, it becomes an intellectual process on the verge of hermeneutics, law, and historical discourse. Fatoohi exposed inconsistencies in Aṣ-Ṣāfi’ī’s interpretations of *nash*, e.g., argumentation on the change of *qibla* (cf. Q 2:142, 2:144; 2: 149–150) to the Meccan Al-Masḡid al-Ḥarām, which is one of the pivotal examples of *nash*. In Fatoohi’s opinion, the *qibla* issue is actually a case in which Sunna was abrogated by the Qur’ān, which is incompatible with the usual position of the author of *Risāla*, who suggests that a Qur’anic ruling can be abrogated only by a Qur’anic ruling and, analogously, only *sunna* can be abrogated by other *sunna* (Fatoohi 2013, pp. 19–22). These rather obvious flaws in Aṣ-Ṣāfi’ī’s argumentation did not prevent him from establishing authority over the majority of Islamic scholars. The reasoning behind the procedures of *nash* was widely criticized and problematized in the 19th Century when Muslim modernists came to the fore in Egypt and other Arab territories, which is the history that strongly shaped the critical thinking of Naṣr Abū Zayd.

2. Naṣr Ḥāmid Abū Zayd, Hermeneutics, and *Nash*

How can we locate Abū Zayd regarding the aforementioned definitions of *nash* and its usage and critique over the course of many centuries? The Egyptian scholar was strongly indebted to the rationalist current of Muḥammad ‘Abduh (1849–1905), whom Abū Zayd considered as the “father of modern Islamic thought” (Abu Zaid and Nelson 2004, p. 52). For the latter, it was ‘Abduh who initiated thinking about Qur’anic stories as allegories spoken and written in a narrative style in order to “convey spiritual and ethical truths” (Abu Zaid and Nelson 2004, p. 52). In the mature phase of his academic research Abū Zayd turned to modern literary approaches to the Qur’ān, taking Ṭāhā Ḥusayn (1889–1973), Muḥammad Aḥmad Ḥalaf Allāh (1916–1991), and Amīn al-Ḥūlī (1895–1966) as his intellectual masters. This is very significant for all of Abū Zayd’s oeuvre, as for him the tools of literary critique were more important than a strictly juridical or judicial approach to the Koran and Sunna. In the latter’s words, ‘Abduh “wrote in the staid language of a classic, religious scholar” (Abu Zaid and Nelson 2004, p. 32), which was only the point of entry to more critical research. For Abū Zayd, a literary approach enriched

by both Western and Islamic traditions of hermeneutics would provide a good basis for rethinking Islamic sources.

Returning to the initial question of this sub-chapter, the basis of the hermeneutical approach of the Egyptian scholar must be defined. His approach to revelation (*wahy*), which as a fundamental Islamic notion was mentioned in the previous chapter in the context of R. Abdul-Rahim's ideas, has to be underlined. Abū Zayd enriches his understanding of revelation using the semiotic approach of Yuri Lotman and Ferdinand de Saussure. One of the results of this approach is the definition of *wahy* in one of the passages of *Mafhūm an-naṣṣ*:

The Qur'ān describes itself as a message (*risāla*). The message represents (*tumattil*) an act of communication (*'alāqat al-ittiṣāl*) between sender (*mursil*) and the recipient (*mustaqbil*), transmitted via a code or a linguistic system (*min hilāl šifra aw nizām luḡhawī*). In the case of the Qur'ān it is not possible to treat the sender as a matter of scientific inquiry. So, it is natural that the scientific researching of the Qur'ān begins with the researching of reality and culture. (Abū Zaid 1990, p. 27; see also: Moch 2017, p. 65–66).

In this historiographic vision, Abū Zayd focuses on the revealing or sending (*tanzīl*) of the Text, that is, the Qur'ān, by the first sender (*mursil*), God, to the first recipient (*al-mustaqbil al-awwal*), who is Muḥammad (God's Messenger, *rasūl Allāh*). The message is transmitted via an intermediary, the archangel Ġibrīl. Abū Zayd describes this event as the act of communication or relation of communication (*'alāqat ittiṣāl*). Communication between God and man, as in the title of one of the most important lectures given by Abū Zayd in the Netherlands, is in the centre of his thought. Such an act is possible thanks to the role of the code or linguistic system (*šifra / nizām luḡhawī*), and takes place "in a specific reality and cultural context" (*siyāq wāqi' wa-taqāfi*). While the Qur'ān in the Egyptian's approach is divine, as God's message, it has an earthly, textual form as well, which is man-made. Thus, the message (*risāla*) or Text (*naṣṣ*), especially at the moment of codification into written form, becomes a historical cultural product (*muntaḡ taqāfi*), creating and transforming the culture of daily life. Muḥammad, from being the first recipient, evolves into the role of the sender of the Text, which itself begins to change in time and history. The sender–recipient relation in the form of *mursil–mustaqbil / muḥāṭab* communication is established and repeated in every moment when the Qur'ān is recited, read, and interpreted.

We have to remember this semiotic and hermeneutic basis in Abū Zayd's thought, because he sees *wahy* in precisely this way. In this context, we can return to the earlier idea that *tanzīl* is a process in which revelation has been constantly changed; however, as we will see later, in this regard Abū Zayd's approach is rather traditional.

Returning to the main topic of the article, one of the clearest definitions of *nash* is contained in Abū Zayd's *Reformation of Islamic Thought*, where *nash* (abrogation) is defined as a doctrine "according to which they [the jurists] considered the historically later revelation to be the final rule, while the earlier one was considered abrogated" (Abū Zayd 2006, p. 94). The Egyptian scholar sees the beginnings of the procedure in the fact that it was very difficult to discern any valid methodology of verification when the jurists became overwhelmed by "the occasional diversity and contradictoriness of the Quranic legal stipulation regarding such issues as women, marriage, divorce and custody, dietary issues, etc." (Abū Zayd 2006, p. 94). Despite that the "abrogation" doctrine was based on Quranic *āyāt* (16:101; 2:106), it was quite vague and, in Abū Zayd's opinion, "(. . .) the jurists achieved no consensus on what was abrogated, simply because the actual chronological order of the Quran had always been, and still is, disputed and debated" (Abū Zayd 2006, p. 94).

The Muslim jurists specified four categories of Qur'ānic texts in the context of *nash*; this classification is cited after Abū Zayd, who based it on both the Arabic authors and John Burton's encyclopaedic entries:

1. Verses and passages that are entirely deleted from the present Closed Corpus, i.e., while they once belonged to the Qur'ān, they now no longer belong to the Qur'ān.
2. Verses and passages containing rules and stipulations that, while no longer valid, exist in the Qur'ān to be recited; although their legal power is deleted, their divine status as God's speech remains.
3. Verses and passages whereby their rules and stipulations are valid even though they are deleted from the Qur'ān; the stoning penalty for fornication committed by married people belongs to this category.
4. Of course, the verses and passages that were not subject to abrogation. (after [Abū Zayd 2004](#), p. 16).

The second mentioned category is the most “classical”, and can be rendered in the original Arabic form as *nash al-ḥukm dūna at-tilāwa* (abrogation of the ruling without deleting wording), sometimes called *ibdāl* “supersession” or “suspension”. As the Canadian scholar Yusuf Rahman suggests, such an understanding of *nash* is probably the only one considered by Abū Zayd ([Rahman 2001](#), p. 142), thus the author of *Mafhūm an-naṣṣ* demonstrates a lack of confidence towards the broader theories of abrogation. This approach to *nash* can be identified with a “legal mode” described by, for example, L. Fatoohi. That Abū Zayd takes such a position can be deduced from the chapter of *Mafhūm an-naṣṣ* ([Abū Zaid 1990](#), pp. 131–51), where he analyses the meaning, function (*wazīfa*), and modes (*anmāt*) of *nash*, adding to it rich analyses of the relations between divine ruling (*ḥukm*) and its wording (*tilāwa*). Probably the most important fact is that Abū Zayd almost always approaches the concept of abrogation as a confirmation of “necessary connection between revelation—*waḥy* and reality—*wāqī'*” ([Abū Zaid 1990](#), p. 131). From this point of view, both *'ilm an-nāsīh wa-mansūh* and other Qur'ānic disciplines, *asbāb an-nuzūl*, can work as classical arguments proving the historicity of the Qur'ān and its functioning as a historic and linguistic text, which was postulated by Abū Zayd from the very beginning of his academic activities. Of great importance is his remark that the yet-abrogated rulings (*mansūh*) reflected in the Qur'ānic verses, can be revived when reality imposes it (*ḥukm al-mansūh yumkin an yafriḍahu al-wāqī' marratan uhrā*; [Abū Zaid 1990](#), p. 137). This is a very revealing statement, because Abū Zayd suggests that procedures of *nash* should be treated as cases of contextualization of the Qur'ān, and as such this contextualization should be done equally in contemporary times regarding the challenges of current reality, as well as that abrogated verses could be more instructive than *āyāt* that were formerly seen as abrogating ones (*nāsīh*) by the classical jurists. Thus, we have to agree with Yusuf Rahman's view that “Abū Zayd sees the main goal of *nash* as being to introduce an element of contextuality into the law” ([Rahman 2001](#), p. 142). In my opinion, this does not mean that the author of *Mafhūm an-naṣṣ* rejects the traditional Sunni concept of *nash* in its legal sense; rather, he shifts the focus to its contextual aspects, bringing it closer to his hermeneutical interests.

This is well-suited to another semiotic conception of the Egyptian thinker, that is, the meaning–significance relation. In his second magnum opus, *Naqḍ al-ḥiṭāb ad-dīnī*, Abū Zayd presented one of the most fully-developed definitions of the Islamic hermeneutical method, *ta'wīl*, understanding it as an interpretation: “an action that repeatedly moves between a starting point and endpoint, or between the meaning and significance, rather like the movement of a pendulum, and not movement in one direction” ([Abū Zayd 2018](#), p. 145, translated by Jonathan Wright). In this passage, the aforementioned translator rendered the Arabic *dalāla* as “meaning” and *mağzā* as “significance”. In other places, Abū Zayd had used the form *ma'nā* in a similar way to the aforementioned *dalāla*: a historical, established meaning, understood directly from the wording of the text. *Mağzā*, “significance”, would be of a more transient, changeable character depending on the context (*siyāq*) and reality (*wāqī'*). Abū Zayd's position here is both semiotic and hermeneutical, referring to de Saussure's theory of a linguistic sign (reinterpreted by E.D. Hirsch), and to the figure of the hermeneutical circle ([Moch 2020](#), p. 56). I think that the semiotic relation of meaning and significance in the form proposed by Abū Zayd can be utilised regarding *nash*: when it operates as established legal interpretation created in the given period of time, it works as

ma'nà or *dalāla*, the fixed meaning. When the current context is taken into account, however, such a legal interpretation could be closer to *mağzà*, that is, transient, dynamic significance. Such a distinction is not really present in most of Islamic approaches to *nash*, and this could therefore be seen as an individual contribution of Abū Zayd to the subject.

Returning to the details of *nash*, one of the most interesting examples used by Abū Zayd is the case of intermarriage, to which he refers in his book *Rethinking the Qur'an. Towards the Humanistic Hermeneutics*. The usual legal interpretation in this regard is that the *āyah* 2:221¹ is *nāsīh* in relation to the verse 5:5², which is *mansūh*. In Abū Zayd's words, the latter says that Muslims are allowed to marry non-Muslim females, while the former revokes such permission (Abū Zayd 2004, p. 25). The Egyptian scholar suggests that utilising *nash* in such a situation seems to be a purely juridical outlook "motivated by law formulation that needs a certain mode of fixation" (Abū Zayd 2004, p. 25). If we treat both *āyāt* as independent discourses, then Q 2:221 would be presenting the general, the preference to marry a Muslim female by Muslim man, while Q 5:5 would be presenting a particularization of the general rule, based on the notion of social "togetherness". Such an approach includes a more dialogical or discursive way of reading the Qur'an, which is characteristic of Abū Zayd and other Muslim reformists. The Egyptian writer refers to Ibn Rušd, who was critical of using abrogation with respect to the aforementioned verses on intermarriage, at least excluding marriage between Muslims and *kitābiyyāt* (Christian and Jewish "women of the Book") from the general prohibition on such marriages (Abū Zayd 2004, p. 25f.). Adding to this, Abū Zayd poses a question related to the contemporary contextualization of women's rights, wondering whether permission for intermarriage should be guaranteed only to male Muslims or if it should be extended to females as well (Abū Zayd 2004, p. 25). Here, as is often the case with examples of *nash*, the legal question becomes a real issue of contemporary daily life, "because the issue at stake is not so much intermarriage; it is rather the individual freedom that entails freedom of religion and belief" (Abū Zayd 2004, p. 27). The author of *Maḥfūm an-naṣṣ* clearly supports the rethinking here of judicial traditions in Islam in order to break with some patriarchal and anachronistic elements present both in pre-Islamic times and in classical *uṣūl al-fiqh* that have survived until today.

Another case of Abū Zayd's interest in abrogation is when he discusses the ideas of other reformist thinkers regarding Islamic law, including their positions on the validity and applicability of historic *'ilm an-nāsīh wa-al-mansūh*. For example, in *Reformation of Islamic Thought* he delves into the theories of the Sudanese thinkers Maḥmūd Muḥammad Ṭāhā (1909–1985) and former Ṭāhā's student, 'Abd Allāh an-Na'im (born 1946). The former coined the idea of a so-called "Second Message" of Islam which would be well suited to the challenges of contemporary situations. As Abū Zayd sums it up, "the Mecca message, which is basically spiritualistic, accommodating justice, freedom, and equality, was replaced by the Medina message emphasizing law, order and obedience" (Abū Zayd 2006, p. 87). Additionally, according to Ṭāhā and an-Na'im, "it is both possible and indeed imperative to return to the Mecca message [the Second Message] and abrogate the Medina message that was designed to fit in with the social and cultural confines experienced by the Arabs in the 7th century" (Abū Zayd 2006, p. 87). Thus, we can note that this is an idea similar to a reversed *nash*; what was formerly abrogated should now be abrogating. It seems that Abū Zayd might have been somewhat sympathetic to these ideas, as he too often pointed to the excessive prioritisation of "Medina material" in Islamic law. Despite this, the Egyptian thinker was critical of Ṭāhā and Na'im's ideas, recognising their arbitrariness in replacing one tradition with another. According to Abū Zayd, what is crucial for an-Na'im is that "the project of reforming Islamic law or reconstructing sharia, is limited to rethinking the sources and reinterpreting these in a modern context", as "he is clearly unaware that the Muslim World's modern context is simultaneously determined and constructed by an even wider, general, modern world context" (Abū Zayd 2006, p. 88). This would be true for Abū Zayd's wider assessment of Islamic jurisprudence, including the practice of abrogation, as well. For him, it is not enough to replace one ruling with another better suited to current

reality; it is more about recognizing the Qur'ān's polyphonic discourses and discussing it without the need to freeze it into particular legal requirements.

3. Conclusions

The concept of *nash* seems to be a very tricky and complicated topic. While the Arabic literature on the subject is rich it offers no possibility of reaching clear conclusions, as jurists and scholars have constantly argued over their understanding of abrogation and whether it can be of a textual character apart from its main legal meaning (e.g., discussion on the so-called “stoning verse”). L. Fatoohi even says that “abrogation represents a major crisis in Islamic scholarship” (Fatoohi 2013, p. 238). The Western literature, by contrast, is very modest (only Burton's monograph) and only in recent years has the English-language scientific discourse on *nash* been enriched with important critical texts by Fatoohi and Abdul-Rahim. For the Western non-Muslim scholar, such as the author of this paper, the whole discussion on abrogation is deeply paradoxical and often against one's initial presuppositions, according to which strict obedience to traditional judicial procedures should nowadays be on par with contemporary Islamic integralism and the concept of the return to the golden era of Arab-Islamic civilisation. Contrastingly, an intellectual from Ḥasan al-Bannā's milieu, Abd al-Muta'āl al-Ġabrī (1906–1949), was very dismissive towards the very concept of *nash* (Fatoohi 2013, p. 29).

Taking these aspects into account, the analysed material proves that Naṣr Ḥāmid Abū Zayd's views on *nash* represented a continuation of the reformist line initiated by Muḥammad 'Abduh (1849–1905), who “did not reject abrogation but proposed alternative interpretations for the verses that are seen as mentioning abrogation” (Fatoohi 2013, p. 29). However, the approach taken by Abū Zayd was different than his predecessor's in focusing on the idea of open democratic hermeneutics, which perceive the Qur'ān as inclusive in its nature and “bringing together”, not separating and dividing (Abū Zayd 2004, p. 16). Several liberal Arab and Egyptian thinkers have radicalized such an approach in the secular direction. An example of this is an Egyptian intellectual born in 1947, Sayyid al-Qimnī, who strongly opposed the category of *nash* in referring to Abū Zayd's *Mafhūm an-naṣṣ* (Abu-'Uksa 2015, p. 109). Al-Qimnī agreed with both Abū Zayd and Muḥammad Arkūn on “the complexity created as a result on the non-chronological order of the verses in in 'Uṭman's compilation of the Qur'ān” (Abu-'Uksa 2015, p. 110), which led him to a total dismissal of the existence of rationality in Islam.

In the case of Abū Zayd's thought, despite of the fact that he was totally conscious of the chronological ambiguity of the Qur'ān (for example, the unclear division of the Meccan and Medinan verses) his critique of Islam and Islamic jurisprudence is not so total and radical. In his view, the main value of *nash* is its relation to the historicity and contextuality of the Text, that is, the holy book of Islam revealed in a given period of time and in distinct cultural conditions. Thus, Abū Zayd's attitude is consistent with the point made by Roslam Abdul-Rahim that “what Muslims today could and should do is to not simply acquire the knowledge of the theory, but, and more importantly, also learn from the spirit and cues of *naskh*” (Abdul-Rahim 2017, p. 75). The spirit of *nash* in the sense of a consciousness of how Muslim revelation was made accustomed to its reality and context seems to be an important element of open democratic hermeneutics, and an aid in discovering the diversity of religious meaning. It is an antidote to what Abū Zayd called “the most exclusive and isolating type of discourse in contemporary Islamic thought”, often portrayed as an ideology of resistance towards colonialism or neocolonialism (Abū Zayd 2004, p. 63).

Actually, for Abū Zayd the hermeneutical aspect in Qur'ānic studies was almost always more important than the judicial. It let him, most likely in his own opinion, to avoid the pitfalls of inter-Islamic quarrels regarding the nature of *nash*. In my opinion, while Abū Zayd had accepted the importance of *nash* in Islamic jurisprudence he was critical of its legal usage, especially in recent times. I think he would have agreed with the more jurist and critical point of Fatoohi, who suggested that “the foundations of abrogation are

not to be found in history but in the creative imagination of Muslim scholars” (Fatoohi 2013, p. 243). If *nash* would be a sort of a juridical “invented tradition” (to borrow the term coined by Benedict Anderson), its creation would be a result of the dominating dogmatic importance of Ḥadīth narratives. This led Fatoohi to the somewhat radical conclusion that “misinterpretation of Qur’ānic verses is the real source of legal abrogation” (Fatoohi 2013, p. 239), and can blur the interrelation between divine religious law (*ṣarī’a*) and human forms of jurisprudence (*fiqh*). For Abu Zayd, *nash* would have been acceptable only when related to change and contextualisation of religious instructions, not when turned into unquestionable orthodoxy totally excluding other interpretations of the Qur’ānic *āyāt*.

To conclude, *nash* is relevant for the author of *Mafhūm an-naṣṣ* both as a legal practice and as a mirror of how the Qur’ān has become a historic text capable of dynamically changing its meaning in given era while at the same time not losing its divinity for Muslims. This research can be expanded in the future by comparing Abū Zayd’s approach with those of such other Islamic reformist thinkers as Muḥammad Ṣahrūr (1938–2019) and Abdolkarim Soroush (born 1945), who have contributed to the discussion on rational interpretation and historicity of the Qur’ān as well.

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Notes

¹ And to not marry al-Mušrikāt till they believe.

² [Lawful to you in marriage] are chaste women from the believers and chaste women from those who were given *Scriptures* (Jews and Christians) (. . .).

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