self singly, doubly, or triply. The second, associated with ʿUmar and Ibn Masʿūd, is that the statement is analogous to *takhyīr* and that that can result only in a single, revocable divorce. The third, associated with a nameless Companion, is that the statement means whatever the husband intended it to. This last opinion is the one Ibn Rāhwayh himself supports in the second paragraph, where he states that the husband's intention should be established by means of an oath administered by a *qāḍī*.

In the third paragraph, he first assimilates Ibn ʿUmar's opinion (and by extension ʿUthmān's) to his own on the grounds that Ibn ʿUmar said that it meant what the wife decided it meant only if her decision did not go against the husband's original intention and then he validates his opinion by saying, "This doctrine most resembles the past *sunnah* (*wahādha al-qawl ashbahu bi al-sunnah al-māḍiyah*)", referring to the practice of the community.

In the fourth paragraph, having established that ʿUmar did not regard a statement of *takhyīr* as an innovation, Ibn Rāhwayh goes on to say that ʿUmar held that *takhyīr* thereby fell within the framework of the *sunnah* that was in fact established for it. This in turn is based on an understanding of the Prophet's offering his wives the choice of divorcing him or remaining with him. The point most often taken up in the traditions about this event is that ʿĀ'ishah immediately chose to remain with the Prophet. In one set of these traditions, she reports that she (and the other wives of the Prophet who also chose to remain with him) did not consider the choice and their rejection of it a divorce: "We chose the messenger of Allah and we did not consider that a divorce".[44] However, in another set of traditions, ʿĀ'ishah is reported to have said, instead, "The messenger of Allah gave us the choice, and then we chose him, and that was a divorce". One of these is in Ibn Rāhwayh's own *Musnad*.[45]

In the fifth paragraph, Ibn Rāhwayh, without saying so directly, indicates that he does not think the material he has just gone over specially relevant to the question at hand. Indeed, he returns to his own opinion—that a statement of *tamlīk* means whatever the husband meant it to—by drawing a parallel with *ṭalāq al-battah*. *Ṭalāq*

[44] See *Chapters*, 48–49 for references to some of these traditions. See also Ibn Abī Shaybah, *Muṣannaf*, 4:46–7.

[45] Ibn Rāhwayh, *Musnad*, #833. No tradition about *takhyīr* mentions more than a single divorce.

al-battah refers to divorce pronouncements a husband can make that include the word *battah*, such as *anti ṭāliq al-battah* (or *bi'l-battati*, or, *anā minki bāttun*). Early *fiqh* discussions of the meaning of this term often centered around the Companion Rukānah b. ʿAbd Yazīd. He is said to have divorced his wife by means of a statement that included the word *battah*, to have assumed that the divorce was final and then to have regretted this fact. He appealed to the Prophet who informed him that he had not divorced his wife finally and could return to her. In some of the stories about Rukānah, a divorce statement that includes *battah* produces a triple divorce in one session, which actually counts as a single definite divorce. In others, the Prophet made divorce with *battah* a single divorce. In still others—those supported by Ibn Rāhwayh—the Prophet asked Rukānah what he meant by his statement.[46] To give even more support to the way the Prophet handled Rukānah's divorce, Ibn Rāhwayh says that in cases where a man pronounced a divorce statement with *battah*, ʿUmar too asked such a man what he meant by his statement.

In the sixth paragraph, Ibn Rāhwayh returns to the original question of how many divorces the statement, "Your matter is in your hands", can effect and reiterates his view that the husband's intention must be established by means of his oath. Certainly in his discussion of this question, Ibn Rāhwayh eventually associates his own opinion—that a statement of *tamlīk* means what the husband intended it to—with the Prophet, but tangentially: he applies the Prophet's ruling on *talāq al-battah* to *tamlīk* and then says that it strengthens his own position. The Prophet's offer of the choice to his wives establishes the *sunnah* for *takhyīr*, but the practice of the community establishes it for *tamlīk*, backed up by a nameless Companion and a harmonizing adjustment in Ibn ʿUmar's view. This is a complicated problem, and in this particular response Ibn Rāhwayh does not directly say that in his view *tamlīk* and *takhyīr* are not intrinsically the same since *takhyīr* can result only in a single divorce and *tamlīk* can result in one, two or three, depending on the husband's intentions.

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[46] Shāfiʿī shares Ibn Rāhwayh's view, *Kitāb al-umm*, 5:261. See Abū Dāwūd, *Sunan*, nos. 1886 and 1887 for two traditions about Rukānah. In some traditions about him, triple divorce in one session is said to count only as a single divorce; in others, the Prophet made divorce with *battah* a single divorce. See *Muwaṭṭaʾ*, 3:166 for Mālik's opinion that divorce with *battah* is triple and definite. For divorce with *battah*, see Schacht, *Origins*, 195–96.

Earlier texts on these kinds of divorces approach them from slightly different angles although many of the same details were addressed. In Yaḥyā b. Yaḥyā's *Muwaṭṭa'*, Mālik said the best that he has heard and what he finds most preferable regarding the number of divorces that a statement of *tamlīk* can effect is that the number be determined by the wife, unless it is established through his oath that the husband had a different number in mind.[47] In *Muwaṭṭa' Shaybānī*, Shaybānī reported that Abū Ḥanīfa "and most of our *fuqahā'*" say that a statement of *tamlīk* can result in however many divorces the husband intended it to, but that 'Uthmān and 'Alī (rather than Ibn 'Umar as in Ibn Rāhwayh's first paragraph above) said the number of divorces that resulted was up to the wife.[48] Shāfi'ī reported that Ibn Abī Lailā held that if a husband said to his wife, "*Amruki biyadiki*", and she divorced herself from him triply, she was triply divorced, and the husband was not asked about what he had intended by his statement.[49] Shāfi'ī himself discussed a statement of *tamlīk* by including it with a number of other statements a husband can make to his wife that result only in the number of divorces the husband had in mind when he uttered one of them.[50] Ibn Abī Shaybah's *Muṣannaf* provides traditions to support each of these positions, including two traditions that say *takhyīr* and *tamlīk* are the same. A similar set of traditions can be found in 'Abd al-Razzāq.[51]

In V and VI, the *sunnah* of the Companions provides the main support for Ibn Rāhwayh's doctrines, and their authority is only reinforced by mention of an action of the Prophet's. In V, Ibn Rāhwayh refers to an actual text indicating the *sunnah* of the two 'Umars, the continuous practice of the caliphs, and merely adds something "mentioned" on the authority of the Prophet. In VI, Ibn Rāhwayh again gives the Prophet an auxiliary role by basing his own doctrine on a tradition from a nameless Companion, but supporting it by assuming that Ibn 'Umar's statement (paragraph 3) "most resembles the past *sunnah*". The Prophet's question to Rukānah only "strengthens" the doctrine.

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[47] Mālik, *Muwaṭṭa'*, 3:170–171.

[48] *Muwaṭṭa'* 3:170–71; *Muwaṭṭa' Shaybānī* (Lucknow, 1909), 231–2.

[49] Shāfi'ī, *Kitāb al-umm*, 7:157.

[50] See *Kitāb al-umm*, 5:261. Shāfi'ī treats *takhyīr* separately as an event in the lives of the Prophet's wives. See *Kitāb al-umm*, 5:140 and 7:172.

[51] Ibn Abī Shaybah, 4:45–50; 'Abd al-Razzāq, 6:524–26 and 7:6–13.

***Sunnah* of the Prophet Established by a Legal Maxim.** In a legal maxim that establishes the *sunnah* of the Prophet—"No divorce before marriage" (*lā ṭalāq qabla al-nikāḥ*)—Ibn Rāhwayh describes the maxim as a *ḥadīth mujmal*, that is, a *ḥadīth* that has a general meaning which he then applies to a particular instance, in this case to an oath a man might take to divorce a hypothetical woman he might marry. Al-Kawsaj reports:

> VII. Isḥāq was asked [about divorce pronounced before marriage, and he replied], "As for the man who swears that every woman he marries is divorced, or [that] a woman whom he has named [is divorced if he marries her], the *sunnah* has been established (*al-sunnah qad maḍat*) that there is no divorce before marriage (*lā ṭalāq qabla al-nikāḥ*). Thus whenever a man [swears that every woman he marries is divorced but] does not name a particular woman, nothing will happen (i.e., no divorce will occur if he marries). Further, if he names a woman's tribe, or her city, or if he says, 'If I marry a certain woman (*fulānah*) in addition to my wife,' or something resembling that [statement]—for example, [mentioning] definite time limits—then divorce [still] will not occur.
>
> "We do not know of an established *sunnah* (*sunnah maḍat*) on this matter corroborating [what we have just said]. Rather, we came [to a decision] about a specifically designated woman (*al-manṣūbah*), after the Prophet's *ḥadīth* came requiring further explanation (*mujmalan*). Thus if the Prophet meant [only] a woman who was not specifically designated (*ghayr al-manṣūbah*), we have made valid (*ʿajaznā*) [marriage with] one specifically designated; but if he meant [marriage would be valid both with] a woman specifically designated, as well as with one not specifically designated, then we have exactly followed (*ittabaʿnā*) [the Prophet's *sunnah*]".[52]

Ibn Rāhwayh explains that there are two ways to understand the Prophet's general dictum. If the Prophet meant to refer only to a woman not specifically mentioned, then he (Ibn Rāhwayh) has extended the Prophet's statement to include a woman who *is* specifically designated. If the Prophet meant to refer to potential wives in both categories, then, Ibn Rāhwayh says, he has exactly followed the Prophet's *sunnah*. Ibn Rāhwayh's choice is that "every woman" includes a woman who might be identified by name, location or time. His reasoning parallels Shaybani's who said in his *Kitāb al-ḥujjah* that if a man makes such a statement, regardless of whether he designates

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[52] For this response, see *Chapters*, 239–40. See 32–6 and references there for oaths in divorce. See Schacht, *Origins*, 56 for a *ḥadīth mujmal*.

a particular kind of woman or makes only a general statement, the two are treated the same; that is, divorce occurs in both cases, or it does not.[53] Ibn Abī Lailā's opinion was that divorce occurs only if a particular kind of woman is mentioned; Abū Ḥanīfa's was that, in accordance with the man's statement, a single divorce occurs.[54] In the *Muwaṭṭa'*, Mālik has heard that a number of Companions said that if a man swore to divorce a woman before marrying her and then got married, divorce was incumbent upon him. However, Mālik himself said the best he has heard is that Ibn Mas'ūd used to say that divorce occurred only if the man's statement included reference to a particular kind of woman.[55] Shāfi'ī said that a valid divorce requires that a valid marriage precede it. However, he also said that if a man names a specific woman, she is divorced.[56] Ibn Ḥanbal agrees with Ibn Rāhwayh.[57]

In VII then, the *sunnah* in the past is established by a legal maxim. However, the way Ibn Rāhwayh chooses to handle this question is of some interest, given both the wealth of material on it and another response of his on the same issue in which al-Kawsaj asks Ibn Rāhwayh what he thinks of a time limit in such a statement. There Ibn Rāhwayh replies by simply saying that neither a time limit nor naming a specific woman makes divorce incumbent upon the man who utters the statement. That is, he gives the same answer without the maxim.[58] In addition to the opinions of the other jurists summarized above, a number of traditions in 'Abd al-Razzāq's *Musnad* support Ibn Rāhwayh's view, but they have longer *matn*s, such as "No divorce before marriage and no manumission before possession". Several of them also refer to the consequences (or not) of specifying a particular type of woman.[59]

Legal maxims usually date from the first half of the second century; they were rhyming slogans which gradually took on the form

[53] Shaybānī, *Kitāb al-hujjah*, 2:277–89.
[54] See Shāfi'ī, *Kitāb al-umm*, 7:159–69 (*Ikhtilāf al-'Irāqiyīn*).
[55] Mālik, *Muwaṭṭa'*, 3:214–15.
[56] Shāfi'ī, *Kitāb al-umm*, 5:251–2 and 159–60.
[57] See *Chapters*, §107, 123 and §255, 222–23.
[58] *Chapters*, §255, 222–23.
[59] 'Abd al-Razzāq, *Muṣannaf*, 6:415–421 and also Ibn Abī Shaybah, *Muṣannaf*, 4:14–18. See also A. J. Wensinck, *Concordance et indices de la tradition musulmane* (Leiden: Brill, 1936–88), s.v. "ṭalāq" for this divorce statement in the Six Books where the phrase "and no sale before ownership" is frequently added.

of traditions.[60] Although this process was well along in Ibn Rāhwayh's lifetime and, in the case of this maxim, was obviously fully developed, rather than cite a tradition to support his doctrine, he presents it as a position arrived at through reasoning, on the basis of a general statement of the Prophet's.

These seven examples are not exhaustive, but they suffice to show that Ibn Rāhwayh uses *sunnah* in the different ways Schacht described for the ancient schools of law. At this point we might ask whether his fellow scholars and students had any trouble understanding Ibn Rāhwayh, and the answer clearly would be that they did not. Therefore, what did they all bring to their understanding of *sunnah*? Schacht concludes that the term came to be associated exclusively with the *sunnah* of the Prophet only after Shāfiʿī pressed home the methodological problems inherent in using *sunnah* in a wider sense as well. In his "*sunnah* and Related Concepts",[61] Bravmann disagrees with Schacht's conclusion that *sunnah* is a term that referred initially to the evolved practice of the community—including the *sunnah* of the Prophet, and then gradually narrowed, under Shāfiʿī's influence, to refer only to the *sunnah* of the Prophet. Using a variety of sources—early poetry, the Qurʾān, Qurʾān commentary, early historical works, biographies and many of the same legal texts Schacht used—Bravmann translated and in some cases retranslated salient passages to show that *sunnah* in a pre-Islamic Arabian context referred to the practice that was instituted by an authoritative figure of the past, and thereby became the practice of the community. This meaning was carried forward into the Islamic period when the most authoritative figure of the past rapidly became the Prophet. "Indeed, 'the practice of the community' (the customary law, the *consuetudo*), which of course exists, is in the Arab conception based on the practices and usages created and established by certain individuals, who acted in such and such a specific way, and hereby—intentionally—instituted a specific practice".[62] Clearly the Prophet's example was always para-

[60] Schacht, *Origins*, ch. 6 of Part II, 180–189.

[61] In M. M. Bravmann, *The Spiritual Background of Early Islam* (Leiden: Brill, 1972), 123–198.

[62] Bravmann, *Spiritual Background*, 167. Moreover, Bravmann says, "[t]he *sunnah* characterized as 'well-preserved in memory' [above, p. 55, "well-known and recognized"] was automatically identified as 'the *sunnah* of the Prophet' even with the name of the Prophet not being mentioned". *Spiritual Background*, 131.

mount, but Bravmann also points to the importance of the actions and statements of the early Caliphs. "Although the *sunnah* . . . of Abū Bakr and 'Umar was basically no less admissible than the *sunnahh* of the Prophet, a predilection for the Prophet's *sunnah* existed of course from the beginning. . . ."[63]

In his article, "Some new ideas on the development of *sunnah* as a technical term",[64] Juynboll agrees both with Bravmann and with Schacht. He takes note of Bravmann's study by saying, "Ever since Bravmann's important study, it seems generally accepted that, already during the Prophet's lifetime, the ancient pre-Islamic concept *sunnah*, i.e. the (normative) behavior or practice of (a) revered ancestor(s), was applied also to Muḥammad's activities and rulings as well as to the standards set by his closest associates".[65] Here then, he would agree with Bravmann. However, more in agreement with Schacht, Juynboll points to the association of a large number of *sunnah*s with the names of other people—both during and after the Prophet's lifetime.[66] Further along, agreeing with Schacht's assessment of Shāfi'ī's contribution to the narrowing of the term, he says that once Shāfi'ī had identified *sunnah* with the *sunnah* of the Prophet, "in the vast majority of subsequent texts that is what it means". However, he also says, "The *sunnah* of persons other than Muḥammad still crops up occasionally also in later sources".[67]

Ibn Rāhwayh is one of these "later sources", and the way he uses *sunnah* seems to support Bravmann's assessment of the early association of the term with the Prophet's authority. To put it negatively, no one ever wished to follow a *sunnah* which was *not* the *sunnah* of the Prophet. Thus when Ibn Rāhwayh refers to the *sunnah* of persons

[63] Bravmann, *Spiritual Background*, 131.

[64] *Jerusalem Studies in Arabic and Islam*, 10:97–118.

[65] Bravmann, *Spiritual Background*, 98.

[66] Bravmann, *Spiritual Background*, 101.

[67] Bravmann, *Spiritual Background*, 109. See also Juynboll's discussion of *sunnah* in his *EI* article, "*Sunna*", especially #1. "In classical Islam". John Burton, in *An Introduction to the Hadith* (Edinburgh: Edinburgh University Press, 1994), followed Schacht in assuming the development of *sunnah* from a general (community) meaning to the more specific one of *sunnah* of the Prophet. In an earlier article, Ansari seems to agree with Juynboll's outline of the close connection between the restricted meaning of *sunnah* and the development of *ḥadīth* although he insists (with Bravmann) on the existence of the *sunnah* of the Prophet from the beginning of Islam. See Zafar Ishaq Ansari, "Islamic Juristic Terminology before Shāfi'ī: A Semantic Analysis with Special Reference to Kūfa", *Arabica* 19 (1972): 259–82.

other than the Prophet, he does not do so because he attributes to them independent or greater authority than the Prophet, but because their authority is associated with his. However, the problem remains of how to ascertain the *sunnah*, and Ibn Rāhwayh does so in all the ways the jurists of the second century did. Therefore, he does not use traditions in his jurisprudence either the way his immediate predecessor Shāfiʿī did or the way his contemporary colleague Ibn Ḥanbal does.

In his *Kitāb al-umm*, Shāfiʿī applied the principles of *uṣūl al-fiqh* he elucidated in his *risālah*. This does not mean that he supports every doctrine he deems correct with a tradition. If he did, *Kitāb al-umm* would be a *ḥadīth* collection.[68] In fact large portions of *Kitāb al-umm* are very like large portions of other *fiqh* texts. Doctrines are stated and incidents in the life of the Prophet or the early community are referred to with little or no explanation. But on issues where there is *ikhtilāf*, Shāfiʿī marshalls his evidence systematically, and when he refers to the *sunnah* of the Prophet, in the majority of cases, he cites an *isnād*. Thus, for example, in his discussion of the *istibrā'* of an *umm al-walad* (see II above), he begins with a tradition on the authority of ʿUmar b. al-Khaṭṭāb. And, in his discussion of the dower of the bride (see III above), when he says a dower should not exceed 500 dirhams, he gives an *isnād* on the authority of ʿĀ'ishah who said that the Prophet's dower to his wives was 500 dirhams.[69] As we saw, Ibn Rāhwayh chooses 480 dirhams, but offers no proof of his claim that that amount was "what the Prophet established as his *sunnah* for his daughters and wives".

Indeed, Ibn Rāhwayh's *fiqh* provides an example that reinforces Hallaq's conclusion that Shāfiʿī's systematization was not adopted by the jurists of the first generations after him.[70] The *sunnah* he uses to vote in favor of one doctrine over another may be based on tradi-

[68] Goldziher, in *Muslim Studies* II, trans. C. F. Barber and S. M. Stern (London: George Allen and Unwin, 1971) makes a useful point about Mālik's *Muwaṭṭa'* which should also be made about *Kitāb al-umm*. Of the *Muwaṭṭa'*, he says that it ". . . is in fact not in the proper sense a collection of traditions, forming a counterpart to the *ṣaḥīḥ*s of the next century, nor one which could, from the point of view of the literary historian, be mentioned as a member of the same literary group". 198.

[69] Shāfiʿī, *Kitāb al-umm*, 5:218 and 5:58.

[70] Wael Hallaq, "Was al-Shāfiʿī the Master Architect of Islamic Jurisprudence?" *IJMES* 25 (1993): 587–605. For another example, see the description of al-Muzanī's *mukhtaṣar* by Jonathan E. Brockopp, "Early Islamic Jurisprudence in Egypt: Two Scholars and Their *Mukhtaṣars*", (see n. 11 above), 167–82.

tions, but not necessarily on the soundness of their *isnāds* and not necessarily on giving primacy to those on the authority of the Prophet. In this regard, Ibn Rāhwayh is guilty of accusations Shāfiʿī made against earlier scholars. For example, Shāfiʿī accused the Medinese of citing traditions from Companions, or later authorities, for a particular doctrine, and then adding, on the same level, the authority of the Prophet. Ibn Rāhwayh does this in his response about the custody of a child with a Magian mother and a recently converted Muslim father (V above), and again in his discussion of the effects of a husband's saying to his wife, "*Amrukī biyadikī*" (VI above). Instead of basing his response on the authority of Companions, in Shāfiʿī's view, the statement from the Prophet, as such, is the decisive argument, and any information from Companions, not to mention Successors (such as ʿUmar b. ʿAbd al-ʿAzīz), is secondary.[71] Further, Schacht pointed out that Shāfiʿī accused Awzāʿī of considering "an anonymous legal maxim sufficient to show the existence of a valid *sunnah* going back to the Prophet",[72] and in VII above, Ibn Rāhwayh refers to the expression "No divorce before marriage" as the *sunnah* of the Prophet.

Although Ibn Rāhwayh's responses are joined with those of Ibn Ḥanbal, and Ibn Ḥanbal is reported to have thought highly of him,[73] Ibn Rāhwayh does not show Ibn Ḥanbal's careful reliance on the framework of traditions and his avoidance of *qiyās*.[74] For Ibn Ḥanbal, *qiyās* is associated with flawed human reasoning, whereas studying traditions is an effort to discover the *sunnah* of the Prophet. This does not mean that he never uses reason, but that he does so through choosing appropriate traditions. For example, on the question of whether there can be divorce before marriage (see VII above), Ibn Ḥanbal is unwilling to discuss the details of whether a specific woman or a time limit is mentioned. He is either reported as saying directly that there are no exceptions, or he is reported as providing a flood of traditions with a number of different *isnāds* to prove that there are none.[75] Ibn Rāhwayh knows these traditions too, but is willing not to use them.

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[71] See Schacht, *Origins*, 12–20. See also *Origins*, 24 for a reference to ʿUmar and ʿUmar b. ʿAbd al-ʿĀzīz (technically a Successor). See also n. 40 above.

[72] Schacht, *Origins*, 70.

[73] See for example Ibn Ḥanbal's laudatory remarks about Ibn Rāhwayh in al-Shīrāzī, *Ṭabaqāt*, 94.

[74] See Susan Spectorsky, "Aḥmad b. Ḥanbal's *fiqh*", *JAOS* 102 (1982): 461–65.

[75] For example, see *Chapters*, §109, 124–25 and §95, 173.

Shāfi'ī and Ibn Ḥanbal can both be characterized as traditionist-jurists in the sense that they both integrated traditions into their jurisprudence. To be sure, they did so in very different ways, but nonetheless they both used traditions consistently. Ibn Rāhwayh used them, but inconsistently, so he is a jurist who knows a great many traditions.

In his use of *sunnah*, as in his choice of doctrine, Ibn Rāhwayh shows no regional or parochial tendencies, so we can say that in this respect he does not resemble the Madinese whose final authority was their local practice. Otherwise, until more contemporary texts are available, we cannot know whether the way Ibn Rāhwayh combined traditions, practice and scholarly opinion was typical of his time or specially characteristic of his teaching. But he was not simply one more jurist who happened to know a great many traditions. He figures as a scholar of some authority and as an important teacher of five of the compilers of the Six Books.[76] In the introduction to his commentary on Bukhārī's *Ṣaḥīḥ*, Ibn Ḥajar al-'Asqalānī (d. 852/1449) tells a story of Bukhārī reporting Ibn Rāhwayh's influence on him. Bukhārī says, "We were with Ibn Rāhwayh and he said, 'If (only) you (pl.) would gather a brief book of the valid *sunnah* of the Messenger (S) of God?' That [statement] fell into my heart, so I began to gather *al-Jāmi' al-ṣaḥīḥ*".[77] Ibn Rāhwayh is reported to have boasted that he knew 70,000 *ḥadīth* by heart and that he could discuss another 100,000.[78] Perhaps in view of the *ikhtilāf* material discussed above, this story can be interpreted as an exhortation to authenticity as well as brevity.

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[76] He is not listed among the teachers of Ibn Mājah.

[77] Translated by Mohammad Fadel in "Ibn Ḥajar's *Hady al-Sārī*: A Medieval Interpretation of the Structure of al-Bukhārī's *Al-Jāmi' Al-Ṣaḥīḥ*: Introduction and Translation", *Journal of Near Eastern Studies* 54 (1995): 171.

[78] Shīrāzī, *Ṭabaqāt*, 94.

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QUR'ĀNIC ABROGATION ACROSS THE NINTH CENTURY: SHĀFI'Ī, ABŪ 'UBAYD, MUḤĀSIBĪ, AND IBN QUTAYBAH

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As far back as the sources will take us, Muslim jurisprudents discerned abrogation (*naskh*) in the Qur'ān; that is, some verses were said to have been revealed, then their memory, their inclusion in the recited text, or at least their operation was suppressed. The term *naskh* and perhaps the concept are themselves Qur'ānic (Q.2.106). John Burton has published a fine study of the phenomenon in both Qur'ān and ḥadīth.[1] Unfortunately, he is little concerned to establish the chronology of the doctrine, rarely identifying his sources by date. He does not pay special attention to at least one of our earliest extended discussions of Qur'ānic abrogation, *al-Nāsikh wa-al-mansūkh fī al-qur'ān* by Abū 'Ubayd (d. 224/839?), although he has prepared an edition of it for the new Gibb Memorial Series.[2] It also happens that he has overlooked one of the few other extant sources for the ninth century, *Kitāb Fahm al-qur'ān* of al-Ḥārith ibn Asad al-Muḥāsibī.[3] I propose here to review the doctrine of abrogation as it is presented by four writers of the ninth century C.E.: al-Shāfi'ī, Abū 'Ubayd, Muḥāsibī, and Ibn Qutaybah. My object is to notice changes over time with hopes of shedding light by the way on the question of whether the *Risālah* is more plausibly attributed to Shāfi'ī himself or to some follower almost a century later.

[1] John Burton, *The Sources of Islamic Law: Islamic Theories of Abrogation* (Edinburgh: Univ. Press, 1990).

[2] *Abū 'Ubaid al-Qāsim b. Sallām's "K. al-nāsikh wa 'l-mansūkh" (MS. Istanbul, Topkap, Ahmet III A 143)*, ed. with commentary by John Burton (Cambridge: Trustees of the "E. J. W. Gibb Memorial", 1987). References to Burton's edition will be preceded by B; those preceded by M are rather to Abū 'Ubayd, *al-Nāsikh wa-al-mansūkh*, ed. Muḥammad ibn Ṣāliḥ al-Mudayfir (Riyadh: Maktabat al-Rushd, 1411/1990, repr. Maktabat al-Rushd and Sharikat al-Riyāḍ, 1418/1997).

[3] Muḥāsibī, *al-'Aql wa-fahm al-qur'ān*, ed. with introd'n by Ḥusayn al-Qūwatlī (Beirut: Dār al-Fikr, 1391/1971; repr. Dār al-Fikr and Dār al-Kindī, 1402/1982). The text of *K. Fahm al-qur'ān* is found on pp. 263–502.