



**RESOLVING CONTRADICTIONS (*AL-TA'ĀRUḌ WA AL-TARJĪH*) BETWEEN
SCRIPTURAL EVIDENCES: AN ANALYSIS OF THE JURISPRUDENTIAL
PRINCIPLES**

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Abstract

*The selective manipulation of scriptural evidence by individuals with malicious intentions has become a widespread issue, fueling extremism, terrorism, and violence globally. This perhaps is as a result of contradictions which often stems from human interpretation rather than the provisions themselves. Through a doctrinal methodology, this article examine the established jurisprudential principles on contradictions of texts and ways of resolving them (*Al-Ta'āruḍ Wa Al-Tarjīh*) to safeguard the integrity of these provisions. The article found among others that robust principles have been developed by the jurists to resolve any such contradictions. Ultimately, the article concludes by pointing and emphasizing the importance for a deeper understanding of Islamic jurisprudence and its methodologies thereby underscoring the need for a context-sensitive approach to interpreting scriptural evidences. To prevent the misinterpretation and misuse of these text in the teaching and development of Islamic law therefore, the article recommends that only qualified individuals should be allowed to interpret Islamic law through the force of authority. Also, stakeholders, including Islamic scholars, educational institutions, Muslim communities, researchers, and governments, should collectively promote, develop, and apply *al-ta'āruḍ wa al-tarjīh* principles to enhance understanding, resolve contradictions, and inform policy-making in Islamic contexts.*

Keyword: *Ta'āruḍ, Jam', naskh, tarjīh, ta'āduḥ*

1.1 INTRODUCTION

Generally, selective manipulation of scriptural evidence by individuals with malicious intentions leads to misunderstanding and misapplication of the legal provisions which fuelled extremism and terrorism in the name of Islam. This article examine the concept of *ta'āruḍ* (apparent contradictions in texts) highlighting generally on some conceptual and legal clarifications; its legal implications, its causes and the jurisprudential principles of resolving *ta'āruḍ*.

2.1 CONCEPTUAL AND LEGAL CLARIFICATIONS

The term *ta'āruḍ* exhibits a multifaceted lexical landscape, with four prominent connotations warranting examination due to their intrinsic connection to its technical denotation. Initially, *ta'āruḍ* denotes the act of rendering something conspicuous (*zuhūr*) and readily apparent.¹ Furthermore, *ta'āruḍ* possesses a secondary connotation, denoting the employment of double entendre or pun (*al-tawriyah*), which inherently implies a departure from straightforward and unambiguous expression.² This understanding finds exemplification in the Quran where it states: “There is no blame upon you for that to which you (indirectly) allude ‘*arraḍtum*’ concerning a proposal to women...”³ In this context, *ta'āruḍ* also implies an allusive or oblique reference, exemplified by the practice of hinting at a marriage proposal to a woman who is still observing her *'iddah* (mandatory waiting period). The third and fourth denotations of *ta'āruḍ* pertain to constraint (*al-man'*) and opposition or juxtaposition (*al-muqābalah*).⁴ The connection to the technical meaning of *ta'āruḍ* thus implies that a requisite condition for resolution discourse is the presence of a contradictory relationship (*taqābul*) that imposes a constraint (*man'*), rendering it impossible to simultaneously apply both conflicting arguments.

Muslim jurists have on the other hand posited various technical connotations of *ta'āruḍ*. For the purposes of this research, three key technical definitions will be retained. Firstly, according to a subset of Muslim jurists, as outlined by Āmidī, *ta'āruḍ* specifically denotes the phenomenon wherein two conflicting pieces of evidence or propositions (*dalīlayn*) clash (*taqābul*), thereby

¹ Ibn Manzūr, *Lisān al-Arab*, (Dār Sādir, Beirut) 755

² Fayrūz Ābādī, *al-Qāmūs al-Muhīt*, (Dār al-Fikr) 1208

³ **Qur'ān 2 verse 235** to be cited subsequently as **Q2:235**; Translation Source: Al-Qur'ān (Tafsīr & By Word) v 1.29.3 (App. website; <https://gtaf.org/apps/quran>)

⁴ Ibn Manzūr (n 1)

precluding their simultaneous application (*mumāna‘ah*).⁵ This definition, as posited by Āmidī, encompasses a broad interpretation of *ta‘āruḍ*, wherein a clash can occur between various types of evidence, regardless of whether they are transmitted (*naqlī*) or non-transmitted (*‘aqlī*) in nature. However, this definition does not account for disparities in the hierarchical status of the conflicting evidence. Notably, the preclusion of simultaneous application due to contradictory evidence is contingent upon the evidence sharing equivalent status (*musāwāt*) rather than disparate status. For instance, a contradiction between a Quranic verse and a ruling derived through *qiyās* would not be considered an instance of *ta‘āruḍ*, given the inherent disparity in their epistemological status. Secondly, an alternative definition was posited by scholars such as al-Ghazālī, that *ta‘āruḍ* is more broadly conceived as a state of incompatibility (*tanāquḍ*) between propositions, wherein two or more propositions cannot be simultaneously affirmed without resulting in logical contradiction.⁶ Al-Ghazālī’s definition of *ta‘āruḍ* as incompatibility (*tanāquḍ*) between propositions is notably narrow, as it does not fully capture the complexity of the concept. Furthermore, certain jurists, including Wahbah, have cautioned against equating *ta‘āruḍ* with *tanāquḍ*, despite their semantic proximity. According to these scholars, *tanāquḍ* specifically denotes a conflict between two propositions that necessitates the rejection of one, whereas *ta‘āruḍ* merely precludes the implementation of a legal ruling without invalidating the underlying argument.⁷ In essence, the scholars’ understanding of *ta‘āruḍ* implies that it is a resolvable phenomenon, as it arises not from an inherent inconsistency within the law itself, but rather from the subjective human element or the legal reasoning employed in the interpretation of the law.⁸

⁵ Sayf al-Dīn Āmidī, *Muntaha al-Sūl fī Ilm al-Uṣūl*, (Dār al-Kutub al-‘Ilmiyyah) 353

⁶ Al-Ghazālī Abu Hāmid, *al-Mustasfah* (Dār al-Kutub al-‘Ilmiyyah, Beirut, 1413) 166; Ibn Qudāmah, *Rawḍah al-Nāzir, wa Jannatul Manāzir fī Uṣūl al-Fiqh*, (Mu’assasah al-Rayyān, Beirut) 390

⁷ Abdul Wahhāb Khallāf, *Qā’idah Hukum al-Islām* (Jakarta: Rajawali Press, 1993) 383. Furthermore, certain scholars have posited that the concept of *ta‘āruḍ* possesses a broader scope, encompassing various methods of reconciling conflicting propositions. These methods include *al-jam‘* (combining or harmonization), *al-naskh* (abrogation), *al-tasāquṭ* (suspension or neutralization), and *al-tarjih* (preference or prioritisation). In contrast, the concept of *tanāquḍ* is limited in its reconciliatory scope, primarily accommodating *al-tasāquṭ* as a means of resolving contradictions See; Abdullāh Azīz al-Baraznajī, *al-Ta‘āruḍ wa al-Tarjih Bain al-Adillah al-Shar‘iyyah*, (Dār al-Kutub al-‘Ilmiyyah, Beirut) 37-38

⁸ Numerous scriptural provisions affirm the absence of discrepancies and contradictions within divine law. This attribute stems from the inherently divine nature and sanctity of such law. Consequently, it is posited that genuine contradictions cannot exist within divine law, as it is immune to the errors and inconsistencies that may beset humanly crafted legislation. The Quran says: “Then they do not reflect upon the Quran? If it had been from (any) other than Allah, they would have found within it much contradiction. Similarly, “Amr b. Shu’aib quoted the authority of his father from his grandfather who said that the Prophet heard some people disagreeing about the

Lastly, *Ta'āruḍ* is defined as the contradiction (*taqābul*) between two equally weighted arguments (*hujjatain mutasāwiyatain*), wherein each argument necessitates the opposite of what the other argument requires, thereby creating a state of mutual exclusivity.⁹ This definition is notable for its clarity and comprehensiveness, as it incorporates the essential elements of *ta'āruḍ*. These elements include the observance of conflict (*taqābul*) between two arguments; the condition of equal weight or shared quality (*musāwāt*) between the conflicting arguments; and the mutual exclusivity or prevention of simultaneous application (*mumāna'ah*) of the conflicting arguments. The identification of conflict (*taqābul*) serves as the initial step towards achieving reconciliation.

Furthermore, this definition delineates the scope of contradiction, restricting it to conflicts arising from various types of evidence, as categorized by Muslim jurists within the framework of Islamic jurisprudence (*uṣūl al-fiqh*).¹⁰ Furthermore, the definition restricts conflicting evidence to contradictions that possess equal substance or quality (*musāwāt*). This limitation is grounded in the logical distinction between contradictions arising from sources of unequal epistemological status. While it is conceivable to identify contradictions between primary sources (e.g., Quran and Sunnah) and secondary sources (e.g., *qiyās* and *ijma'*) of Islamic law, Islamic jurisprudence does not consider such contradictions as legally comparable due to the inherent hierarchical disparity between primary and secondary sources.¹¹ The definition further stipulates that a constraint preventing the simultaneous application (*mumāna'ah*) of the arguments must be present. However, it would have been more precise for the definition to specify that this constraint is contingent upon the arguments sharing the same situational and temporal context (*wahdat al-hall wa al-waqt*). This clarification is necessary because a constraint can arise between two arguments applicable to different situations or times without necessarily entailing a contradiction. In reality, a genuine contradiction can only occur when two arguments are

Qur'an and said, "It was just on this account that your predecessors perished: they set parts of God's Book against others, whereas God's Book was sent down to only to be consistent; so do not use parts to falsify others..." see: *Mishkāt al-Masābīh* 237; In-book Reference: Book 2, Hadith 34 www.sunnah.com

⁹ Abū Bakr Al-Sarakhsī, *Usūl al-Sarakhsī*, (Dār al-Ma'ārif, Riyādh) 12

¹⁰ Within the primary sources of Islamic law, namely the Quran, Sunnah, *Qiyās*, and *Ijma'*, three categories of conflicting evidence can be identified: a) Intra-definitive contradictions (Quran/Quran) – b) Definitive/speculative contradictions (Quran/Sunnah) – c) Intra-speculative contradictions including (Sunnah/Sunnah, Sunnah/*Ijma'*, Sunnah/*Qiyās*). See Al-Zarakshī, *al-Bahr al-Muhīt fī Usūl al-Fiqh*, (Wazārah al-Awqāf wa al-Shu'ūn al-Islāmiyyah, Kuwait) 111

¹¹ Al-Samarqandī, *Mīzān al-Usūl fī Natā'ij al-Uqūl*, (Wazārah al-Awqāf wa al-Shu'ūn al-Islāmiyyah, Qatar) 688

mutually exclusive within the same situational and temporal context.¹² It can be safely concluded that the essence of *ta'āruḍ* lies in the contradiction between two Sharia propositions that possess equal rank or degree, addressing the same issue. *Ta'āruḍ* occurs at the level of apparent interpretation, rather than at the level of underlying reality. This is because *ta'āruḍ* arises from the varying perspectives of mujtahids (jurists) in interpreting the primary texts, rather than from any inherent contradictions within the texts themselves.

2.2 Elements of *Ta'āruḍ*

Ta'āruḍ comprises two fundamental elements:

First is the validity and multiplicity of evidences: A necessary condition for *ta'āruḍ* is the presence of multiple, valid, and credible evidences (*ta'addud al-adillah*) related to a single subject matter. *Ta'āruḍ* cannot be claimed when there is only one evidence or when the evidences are invalid or lacking in credibility. Furthermore, a contradiction cannot arise between a valid evidence and an invalid evidence, as the latter is deemed inadmissible from the outset. Similarly, a solitary evidence, by definition, cannot give rise to a contradiction.¹³

Secondly, essential element of *ta'āruḍ* is the contradiction between evidences, wherein each evidence necessitates the opposite of what the other evidence requires. This contradiction can manifest in various forms, such as; contradiction between permissibility (*al-ḥill*) and prohibition (*al-ḥirmah*) regarding a single issue and contradiction between negation (*nafy*) and affirmation (*ithbāt*) of a particular proposition. A paradigmatic example of two valid yet seemingly contradictory propositions can be observed in the intra-hadith contradiction concerning a witness volunteering themselves for deposition in a matter. For instance: The first hadith states: (“Zaid b. Khalid reported God’s Messenger as saying, “Shall I not tell you of the best witness? He is the one who produces his deposition before he is asked for it”).¹⁴ While the second hadith states: (“Narrated ‘Imran bin Hussain said, “The Prophet said, ‘the best of you (i.e. Muslims) are my

¹² Occurrences of prescription (*amr*) or proscription (*nahy*) in distinct situations or times should not be categorized as *ta'āruḍ*. For instance, the permissibility of marrying a wife and the prohibition of marrying her mother do not constitute a contradiction, as they pertain to different subjects and contexts. Similarly, temporal distinctions also preclude *ta'āruḍ*. For example, the prohibition of bay' (commercial transactions) during the Friday congregational prayer (*ṣalāt al-jumu'ah*) does not contradict the permissibility of transactions during other lawful times. In both cases, the differences in situation and time render the prescriptions and proscriptions compatible, rather than contradictory. See Al-Sarakhsī (n 9)

¹³ Ibid.

¹⁴ *Mishkāt al-Masābīh* 3766: In-book Reference: Book 18, Hadith 102) www.sunnah.com

generation...’ ...after them there will be people who will give testimony without being asked (to testify)...’).¹⁵ These two hadiths appear to contradict each other, necessitating a reconciliation or resolution of the apparent contradiction. Muslim jurists, including Imam Mālik and some Shāfi‘ī scholars, reconciled them through the principle of *al-jam’* (reconciliation of conflicting arguments). They interpreted the first hadith as encouraging witnesses to voluntarily provide crucial testimony that aids justice and prevents harm, as emphasized in Qur’an 2:283. In contrast, the second hadith was understood to discourage individuals from stepping forward to provide false or misleading testimony.¹⁶

2.3 Conditions of *Ta’arūḍ*

Ta’arūḍ is contingent upon three conditions, the first of which pertains to the equivalence in evidential value (*al-tasāwī fi al-thubūt*) between the propositions in question. Islamic jurists have expressed divergent opinions regarding the criteria for determining equivalency in strength and quality between propositions. A group of scholars posits that in cases of apparent contradiction between the Quran and Sunnah, the Quranic text takes precedence due to its inherent superiority in terms of epistemological certainty and textual clarity. Specifically, the Quranic text is considered definitive (*qat’ī*) in its wording and sentence structure, whereas the Sunnah is often regarded as speculative (*zannī*) in nature.¹⁷ The second argument, conversely, asserts that in the event of a conflict between the Quran and Sunnah, the latter takes precedence. Proponents of this view rely on a specific verse,¹⁸ maintaining that the hadith serves as a clarifying agent, providing specificity to general impressions, qualifying unqualified expressions, and offering elucidation in instances of Quranic ambiguity.¹⁹ The third perspective posits that in the event of a conflict between the Quran and Sunnah, one should revert to the established principles of reconciliation within Islamic jurisprudence, such as combining (*jam’*), abrogation (*naskh*), and preference (*tarjīh*). This approach is considered superior, as it relies on rational rules within *uṣūl al-fiqh* to navigate apparent contradictions, which arise primarily due to the limitations of human

¹⁵ Bulūgh al-Marām 1415 In-book Reference: Book 14, Hadith 19. English Reference: book 14, Hadith 1415). www.sunnah.com

¹⁶ Abū Zakariyyah Al-Nawawī, *Sahīh Muslim bi Sharh al-Nawawī*, (Pt.12, Dār al-Fikr) 17

¹⁷ Al-Zarakshī (n 10) 109

¹⁸ ...”And We revealed to you the message (i.e., the Qur’an) that you may make clear to the people what was sent down to them and that they might give thought” Q16:44

¹⁹ Al-Shawkanī, *Irshād al-Fuhūl Ila Tahqīq al-Haqq min Ilm al-Usūl*, (Pt. 2, Dār al-Fadīlah) 1115

intellectual capacity. An example of such a Quran-Sunnah conflict is the following: the Quran provides (“Say I do not find within that which was revealed to me (anything) forbidden to one who would eat it unless it be a dead animal or blood spilled out or the flesh of swine...”).²⁰ The hadith, on the other hand, states: (“Narrated Abu Hurairah: Allah’s Messenger (saw) said regarding the sea, “Its water is purifying and its dead (animals) are lawful (to eat)...”).²¹ The apparent conflict arises from the fact that the Quranic verse broadly prohibits the consumption of swine, whereas the Sunnatic provision permits the consumption of a specific type of sea swine. However, this contradiction can be readily reconciled through the application of the reconciliatory rule (*qa’idah al-jam’*), which reveals that the Sunnatic provision serves as an exception (*takhsīs al-’ām*) to the general rule established by the Quranic verse.²²

Another conditions that must be met for *ta’arūḍ* to occur is equivalence in strength (*al-tasāwī fī al-quwwah*) between the propositions: In cases of conflict between a widely transmitted (*mutawātir*) and solitary (*āḥād*) hadith, the majority of Muslim jurists hold that the former takes precedence over the latter. This is due to the fact that *mutawātir* hadiths possess greater definitiveness in terms of strength, resulting from their characteristic of preponderant reportage.²³

Furthermore, it is a condition that the propositions must be contradictory in the same situation and at the same time: As discussed earlier, the contradiction must occur within the same contextual framework, both situationally and temporally, in order to fulfill the conditions of *ta’arūḍ*.²⁴

2.4 Types of *Ta’arūḍ*

Ta’arūḍ (apparent contradiction) can manifest in various forms, necessitating a nuanced understanding of what constitutes a genuine contradiction. This research will elucidate some of the primary types of conflicting evidence, including:

1. Intra-definitive (*dalīl qat’ī*) contradictions

²⁰ Q6:145

²¹ *Bulūgh al-Marām* 1, In-book Reference: Book 1, Hadith 1, English Translation, Book 1, Hadith 1 www.sunnah.com

²² Al-Shawkānī (n 19)

²³ Ibid

²⁴ Ibid; also discussed on page 4 and further elaborated in footnote 12

Muslim jurists are divided into two camps regarding the discussion of intra-definitive evidence.²⁵ The first group of jurists, comprising the Ḥanafī school, Ṣarakḥsī, and Khudrī, posits that contradictions can indeed occur within definitive evidences (*dalīl qat'ī*), just as they do within speculative evidences (*dalīl ḥannī*). They argue that since the source of contradiction lies in human interpretation and understanding, it can inevitably impact the definitive evidences, unless resolved through mechanisms such as abrogation (*naskh*), reconciliation (*jam' bayna al-āyāt*), or suspension (*tasaqut*).²⁶ The second group of jurists, comprising the Shāfī'ī school, as well as prominent scholars such as Fakhr al-Dīn al-Rāzī, Bayḍāwī, and Amīdī, posit that contradictions can only arise within speculative evidences (*dalīl ḥannī*) and never within definitive evidences (*dalīl qat'ī*). They argue that inconsistencies within definitive evidences are impossible for two reasons: Firstly, acknowledging contradictions within definitive evidences would imply preferential treatment (*tarjīh*) between ostensibly equal evidences, which is methodologically unsound. Secondly, synthesizing between definitive evidences that appear to contradict one another would, in effect, involve reconciling impossibilities (*muḥāl*) from the perspective of Islamic law.²⁷

For those who acknowledge the possibility of inconsistencies occurring within definitive evidences, solutions are proposed: If the chronology of the evidences is certain, the later evidence abrogates the earlier one (*naskh*), regardless of its authenticity status. Alternatively, both evidences are suspended, pending the availability of a weaker evidence that can help resolve the apparent contradiction.²⁸ Other methods employed by the scholars include reconciliation (*al-*

²⁵ Contradiction within definitive evidences are often referred to as intra-scriptural (intra-Quranic) or intra-traditional (intra-Hadith) contradictions.

²⁶ Al-Sarakḥsī (n 9)

²⁷ Sayf al-Dīn Amīdī, *al-Ihkām fī Usūl al-Ahkām*, (Dār al-Hadīth, al-Qāhirah) 323; Muhammad al-Khudrī, *Usūl al-Fiqh*, (Dār al-hadīth al-Qāhirah) 351

²⁸ The weaker evidence alluded to by the scholars refers to sunnatic evidences, which can serve as a subsidiary means to either reconcile the apparent contradiction between the unresolved verses or suspend one in favor of the other, due to corroboration found in the Sunnah. Although this scenario is rare, scholars have cited the following example: "...so recite what is easy (for you) of the Qur'an..." Q73:20 and the other verse "So when the Qur'an is recited, then listen to it and pay attention..." Q7:204. The apparent contradiction is found between two verses, one of which obligates the followers (*ma'mūm*) to recite during prayer behind the Imam, while the other verse instructs them to remain silent, thereby creating a seeming contradiction. However, a ḥadīth, although considered weak (*da'īf*), corroborates the second verse, leading scholars to prefer it over the first verse due to the subsidiary evidence provided by the ḥadīth. (See: Fakhrudīn Al-Rāzī, *al-Mahsūl fī Ilm Usūl al-Fiqh*, (Mu'assasah al-Risālah) 409-410). The hadith says "Whoever has an Imam, the recitation of the Imam is his recitation" narrated by Jabir (Sunan Ibn Mājah 850; In-book reference: Book 5, Hadith 48: English Translation: Vol. 1, Book 5, Hadith 850 www.sunnah.com). In cases where two authentic hadiths (*ḥadīth ṣaḥīḥ*) contradict each other, and resolution remains uncertain, scholars

jam'), selection (*takhyīr*), and suspension (*tasāquṭ*). Consequently, if both evidence are contextually linked, an attempt is made to reconcile them. If reconciliation is impossible, one of the two evidence is chosen. If neither reconciliation nor selection is feasible, both evidence are suspended.²⁹

2. Contradiction between a definitive (*qat'ī*) and speculative evidence (*ẓannī*)

In cases of conflict between definitive (*qat'ī*) and speculative (*ẓannī*) evidence, Muslim jurists universally agree that definitive evidence takes precedence over speculative evidence. This is due to the inherent strength and potency of definitive evidence, which renders it more reliable and authoritative than speculative evidence.³⁰

Scholars acknowledge that contradictions can also arise between speculative (*ẓannī*) evidences, which necessitate resolution. In addressing these intra-speculative contradictions, scholars employ various methods to reconcile or prioritize the conflicting evidences, which will be discussed later.³¹

3.1 CAUSES OF TA'ĀRUD

It is noteworthy that the Prophet Muhammad (saw) emerged from an Arab context, where his tone, demeanor, and intentions were readily understandable to his community. In cases of apparent contradictions or ambiguities within Islamic provisions, the Prophet's contemporaries could seek clarification directly from him. However, with the passing of the Prophet and his companions, who had shared intimate experiences with him, this opportunity for immediate clarification was lost. The challenge of resolving contradictions in scriptural provisions intensified as Islam expanded beyond the Arabian Peninsula, incorporating non-Arabic speakers and diverse cultural contexts. This expansion introduced new complexities, as the nuances of the

recommend resorting to weaker evidences, such as: *Qiyās* (analogical reasoning) or *Qawl al-sāḥābī* (statements of the Companions of the Prophet) to corroborate one of the conflicting hadiths and facilitate a resolution. See: al-Saraksi (n 9)

²⁹ Al-Rāzī (n 28)

³⁰ Examples of contradictions between definitive and speculative evidence include: Conflicts between explicit Quranic verses and hadiths of varying authenticity. However, as noted by some scholars, contradictions can also arise between: Quranic verses with speculative indications (*ẓannīy al-dalālah*) and hadiths with speculative indications. Furthermore, contradictions can be found within the utterances (*aqwāl*) of the Prophet (saw), and His actions (*af'āl*), as recorded in different hadiths. (See: Ibn Qudāmah (n 6)

³¹ Muhammad Ibn al-Najjār, *Sharh al-Kawkab al-Munūr*, (Maktabah al-'Abīkān al-Riyādh) 608

Arabic language and the Prophet's original context became increasingly distant from the experiences of subsequent Muslim communities.³² Against this backdrop, four primary causes of *ta'āruḍ* in Islamic scripture have been identified:

1. Variation in recitations (*ikhṭilāf al-qirā'āt*):

Apparent contradictions arise due to the existence of multiple, authentically transmitted recitations (*qirā'āt*) of certain Quranic verses. These variations, which are reliably attributed to the Prophet Muhammad (saw), can sometimes lead to seeming inconsistencies. For instance, the recitation of a portion of the verse (“...And do not approach them until they are pure ‘*yathurna*’...”)³³ varies, resulting in apparent contradictions. A notable example is the variation in the recitation of the word “*yathurna*” in a specific Quranic verse. The recitation of this word differs among prominent Quranic readers, with Nāfi', Ibn Kathīr, and Abu 'Amir reciting the popular version “*yathurna*”, whereas Hamza, Al-Kisāī, and Āsim recite “*yattaharna*”.³⁴ The variant recitation “*yattaharna*” conveys the meaning of lavation or ritual cleansing (*ghusl*). Consequently, the majority of Muslim jurists, including al-Tabarī, preferred this recitation over the former, as it implies that a woman must perform ritual cleansing with water or dust (*tayammum*) before her husband can lawfully touch her. In contrast, Imam Abū Ḥanīfa opted for the interpretation that merely requires the cessation of menstrual bleeding, without necessitating ritual cleansing (*ghusl*).³⁵

2. Temporal uncertainty regarding the emergence of evidences:

Uncertainty surrounding the chronology of events and their relationship to the emergence of evidence has led to disagreements among jurists regarding the authenticity and validity of apparent contradictions. This temporal ambiguity has raised questions about the propriety of

³² M. T. Yahya, An Appraisal of Deviant Tafsir: A Call for an Effective Use of Arabic Language and its Rhetoric Mechanism for Interpretation, <https://unimaidjicol.org.ng/ebooks/an-appraisal-of-deviant-tafsir> accessed 20/12/2024

³³ Q2:222

³⁴ AbdulFattāh al-Qāḍī, *al-Wāfi fī Sharh al-Shātibīyyah*, (Dār al-Salām al-Qāhirah)15: Ibn Kathīr, *Tafsīr al-Qur'ān al-'Azīm* (Maktabah al-Turāth al-Islāmī) 260

³⁵ Ibid

establishing or abrogating evidences, as historical discrepancies and flaws have cast doubt on the accuracy of the narrative.³⁶

3. Linguistic overlap (*al-ishtirāk al-lafzī*):

The existence of linguistic overlap between the Quran and Sunnah has contributed to inconsistencies among scholars regarding certain Islamic rulings (*aḥkām*). This phenomenon occurs when a single term or phrase is employed in both the Quran and Sunnah, but with differing connotations or implications. The following examples illustrate this point:

Allah (swt) prescribes a waiting period (*'iddah*) for a divorcee (*mutallaqah*), stipulating a duration of three menstrual cycles (*qurū'*). This is based on the Quranic verse: ('Divorced women remain in waiting (i.e., do not remarry) for three periods').³⁷ The term "*qurū'*" in this verse is linguistically ambiguous, as it can denote both purity (*tuhr*) and menstruation (*hayḍ*). Consequently, Muslim jurists have differed in their interpretation of this verse. One group, comprising Companions such as Ibn 'Umar, Zayd Ibn Thābit, and Sayyida 'Ā'isha, as well as the prominent jurists al-Shāfi'i, Mālik, and Aḥmad Ibn Ḥanbal, have opted for the interpretation of "*qurū'*" as denoting purity (*tuhr*).³⁸ An alternative interpretation, adopted by other Companions, including the Four Rightly Guided Caliphs (Abū Bakr, 'Umar, 'Uthmān, and 'Alī), as well as the Ḥanafī school, understands "*qurū'*" to denote menstruation (*hayḍ*).³⁹ The linguistic overlap in "*qurū'*" makes both interpretations (purity and menstruation) plausible. However, most jurists prefer the latter, based on the principle of *tarjīḥ* (preponderance) – to be discussed in more detail later.

4. Divergence in accounts due to disparate contexts and settings:

A notable example of this phenomenon is the discrepancy between the following Quranic verses and hadīth: ("...then marry those that please you of (other) women..."),⁴⁰ ("Ma'qil b. Yasar reported God's Messenger as saying, "Marry women who are loving and very prolific, for I shall

³⁶ Al-Sarakhsī (n 9)

³⁷ Q2:228

³⁸ Ibn Rushd, *Bidāyah al-Mujtahid wa al-Nihāyah al-Muqtasid*, Dār al-Kutub al-Hadīthah al-Qāhirah) 507

³⁹ Ibid

⁴⁰ Q4:3

outnumber the peoples by you.”).⁴¹ The point of reference lies in the fact that both verses employ an obligatory command (*sīghat al-amr*) to articulate the law. However, due to the divergence in accounts resulting from disparate contexts and settings, scholars have reconciled the apparent discrepancy by situating both provisions within the five legal degrees of apportioning responsibility in Islamic jurisprudence (*ahkām al-taklīfiyyah*). Specifically, this means that the permissibility of marriage can be categorized as obligatory (*wājib*), recommended (*mandūb*), and prohibited (*ḥarām*), reprehensible (*makrūh*), or permissible (*mubāḥ*), contingent upon a careful examination of the individual circumstances involved.⁴²

4.1 RESOLUTION TECHNIQUES

According to *Usūlī* scholars, contradictions in Islamic law must be resolved to maintain the coherence and integrity of the legal framework. Although unresolved contradictions may not necessarily invalidate the evidence itself, they can impact the surrounding legal reasoning. To address this, scholars have developed four primary methods for resolving contradictions:⁴³

Abrogation (*al-Naskh*)

Abrogation (*al-naskh*) is the primary technique employed by *Usūlī* scholars to resolve contradictions between propositions. Etymologically, *naskh* connotes *azāla*, *gayyara*, or *abṭala*, meaning ‘to extinguish,’ ‘amend,’ or ‘abrogate.’⁴⁴ This concept is underscored by the Quranic verse: “We do not abrogate a verse or cause it to be forgotten except that We bring forth one better than it.” (Q2:106). Technically, *naskh* (abrogation) refers to the process of lifting a legal ruling (*raf’ al-ḥukm*) by a subsequent legal discourse (*mutarākhin*).⁴⁵ In other words, *naskh* occurs when a later revelation or authoritative statement supersedes and nullifies an earlier legal ruling.

⁴¹ Mishkāt al-Masābīh 3091; In-book Reference: Book 13, Hadith 12 www.sunnah.com

⁴² Ibn Rushd (n 38)

⁴³ The hierarchical ranking of these resolution techniques differs among scholars. According to the majority, excluding the Hanafi School, the hierarchical standard is: (*jam’ – naskh – tarjīh – tasāqut*). In contrast, the Hanafi School has varying opinions. The majority of Hanafi scholars rank them as follows: (*naskh – tarjīh – jam’ – tasāqut*). A minority of Hanafi scholars propose a slightly different order: (*naskh – jam’ – tarjīh – tasāqut*). See: Al-Sarakhsī (n 9)

⁴⁴ Ibn Zakariyyah, *Mu’jam Maqāyīs al-Lughah* 1026

⁴⁵ Ibn Qudāmah (n 6)

A notable illustration of *naskh* in the Quran can be found in the verse stipulating a mourning period of one year (*iddah*) for a widow, as stated in Surah Al-Baqarah.⁴⁶ However, this ruling was later abrogated by a subsequent revelation which reduced the mourning period to four months and ten days,⁴⁷(with an exception for pregnant women, whose mourning period concludes upon giving birth.

For *naskh* (abrogation) to occur, certain conditions must be fulfilled:

- a) Removal of a ruling: *Naskh* requires the removal of an existing ruling, without which the original ruling would remain in effect.
- b) Legal rules (*hukm shar'ī*): *Naskh* only applies to legal rules, excluding non-legal rules and contemplations.
- c) Abrogation by a legal discourse (*bi-khitāb al-shar'ī*): Only a subsequent legal rule can abrogate a previous one, not events like the Prophet's or companions' demise.
- d) Equal status and evidentiary strength: The abrogating rule must have equal or greater evidentiary strength than the abrogated rule.
- e) Chronological order: The abrogated rule (*mansūkh*) must precede the abrogating rule (*nāsikh*). If they are contemporaneous, the provisions fall under *takhsīs* (specification) discourse.
- f) Non-time-specific rulings: The abrogated ruling must not be time-specific, as it would cease to be an abrogated ruling after the specified time elapses.
- g) Scope of *naskh*: *Naskh* is limited to prescriptive (*awāmir*) and proscriptive (*nawāhī*) provisions. It does not apply to issues of Islamic theology (*tawhīd*) or Quranic historical facts and events.⁴⁸

Reconciliation (*al-Jam'*)

⁴⁶ “And those who are taken in death among you and leave wives behind – for their wives is a bequest: maintenance for one year without turning (them) out...” Q2:240

⁴⁷ “And those who are taken in death among you and leave wives behind – they, (the wives, shall) wait for four months and ten (days)...” Q2:234

⁴⁸ Al-Shawakanī (n 19) 792

Al-Jam' (Reconciliation) is the second technique employed by Muslim jurists to resolve inconsistencies between propositions and arguments. Etymologically, *al-jam'* signifies *al-'azm*⁴⁹, meaning 'to be resolute' or 'decisive.' This literal meaning is illustrated in a Prophetic hadith narrated by Hafsa: ⁵⁰“Whoever did not decide (*yajma'*) to fast before Fajr then there is no fast for him”⁵¹ In addition to its literal meaning, *al-jam'* also connotes 'combining,' 'gathering,' or 'uniting the scattered.' This usage is also evident in the Quran, where the term *al-jam'* appears in the following verse: “Those to whom people (i.e. hypocrites) said “Indeed, the people have gathered against (*jama'ū*) you, so fear them...” (Q3:173)

Technically, *al-jam'* aligns with its literal meaning by combining conflicting evidence to facilitate reconciliation. This process involves reconciling the conflicting evidence in a manner that accommodates both or some of the conflicting elements, thereby resolving the apparent contradiction.⁵² In the process of *al-jam'* (reconciliation), neither of the conflicting evidences is discarded. Instead, they are reconciled and applied in different contexts or circumstances. This can involve working with both evidences in reconciliation or combining parts of the conflicting evidence, applying them partly or in degrees. Again, a successful reconciliation requires a clear consistency between evidences of equal substance and evidential strength. Additionally, the timing of the emergence of the conflicting evidence must be unknown; otherwise, the succeeding evidence would abrogate the preceding one through *naskh*, as argued by the Hanafites. Notably, the Shāfi'ī and Hanbalī schools prioritize the application of *al-jam'* over *naskh*.⁵³ When employing *al-jam'*, the reconciliation exercise or interpretation must meet two conditions:

- a. It must be sound and valid according to Sharia principles, without invalidating other provisions.
- b. It must align with the linguistic or metaphorical usages of the Arabic language.⁵⁴

The *al-jam'* (reconciliation) technique takes various forms. One form involves resolving contradictions between general (*āmm*) and specific (*khāṣṣ*) evidences, where the specific

⁴⁹ Ibn Zakariyyah (n 44) 224

⁵⁰ Ibid. 155

⁵¹ *Mishkāt al-Masābīh* 1978: In-book Reference: Book 7, Hadith 31 www.sunnah.com

⁵² Jamāluddīn Al-Isnawī, *Nihāyah al-Sūl Sharh Minhāj al-Wusūl fī Ilm al-Usūl*, Dār al-Kutub al-‘Ilmiyyah 214 - 215

⁵³ Al-Barzanajī (n 7) 235

⁵⁴ Ibid

evidence takes precedence.⁵⁵ Secondly, in cases of contradiction between *mutlaq* (unrestricted) and *muqayyad* (restricted) evidences, the precedence of *muqayyad* depends on the specific context. Therefore, when the underlying cause and ruling of the *mutlaq* and *muqayyad* evidences are equivalent, the *muqayyad* evidence takes precedence over the *mutlaq*.⁵⁶ However, when the underlying causes share equality but the rulings differ, juristic opinions diverge. The Shāfi'ī School maintains that *muqayyad* still takes precedence, whereas the Hanbalī School argues that *muqayyad* does not prevail over *mutlaq*. Furthermore, when the underlying causes differ but the rulings are identical, the Hanafites, Hanbalīs, and a minority within the Shāfi'ī School hold that *muqayyad* does not prevail unless supported by additional evidence. In contrast, the Mālikī school and the majority of the Shāfi'ī school contend that *muqayyad* prevails in such cases. If both the causes and the rulings are different, the *muqayyad* shall not prevail over the *mutlaq* according to the unanimous view. Thirdly, in cases of contradiction between *amr* (command) and *nahy* (prohibition) evidences, the latter prevails when accompanied by an inference discharging the imposition (*qarīnah sārifah*). Fourthly, in cases of contradiction between *nahy* (prohibition) and *karāha* (dislike) evidences, the latter prevails when supported by an inference discharging the prohibition in the evidences.⁵⁷

The *al-jam'* technique can be applied in a staged approach. Initially, when there is an overlap (*ishtirāk*) or variation (*tanwī'*) between the conflicting evidences, the technique involves partitioning the rulings in the conflicting propositions and applying them partially.⁵⁸ For instance, in a dispute over ownership of a house between two individuals with insufficient evidence, the judge may opt to partition the house and divide it between the parties. However, this approach does not apply to cases involving criminal liability, such as murder or libel. In these scenarios,

⁵⁵ A Quranic example of *al-jam'* technique is found in Surah An-Nisa', where two verses seem to contradict: Q4:23 prohibits marrying two sisters simultaneously. Q4:24, a more general verse, permits marrying sisters if they are slaves.

Since Q4:23 is specific (*khāṣṣ*), it takes precedence over the more general verse (*āmm*), Q4:24, according to the *al-jam'* technique. See Al-Rāzī (n 28) 410

⁵⁶ An example is the prophetic sayings "There is no marriage without a guardian" and "No marriage is valid except with a mature *Waliy* and two witnesses" are reconciled through *al-jam'*. The second hadith takes precedence, qualifying the guardian with maturity, as both evidences share equal underlying causes and rulings. See Ibn Qudāmah (n 6) 103

⁵⁷ Ibid.

⁵⁸ Al-Isnawī (n 52)

where multiple individuals are equally culpable, the ruling (*hukm*) is applied individually to each party, without partitioning or sharing the liability.

Two, in situations where conflicting evidences pertain to the same case and comprise multiple rulings, the *al-jam'* technique necessitates the combination and graded application of these rulings.⁵⁹ For instance, certain *ahādīth* obligate congregational prayer (*solāt al-jamā'ah*), while others permit praying individually (*solāt al-fazz*).⁶⁰ Upon closer examination, the obligatory *ahādīth* imply two rulings: the non-acceptance of praying individually and the encouragement of congregational prayer with meritorious rewards. Conversely, the *ahādīth* permitting praying individually imply two rulings: permission for individual prayer, albeit with a significant loss of reward. By combining these evidences and applying them in degrees, Muslim jurists have concluded that congregational prayer is not obligatory (*wājib*) due to indirect evidence permitting prayer individually. Nevertheless, congregational prayer is emphatically recommended (*Sunnah mu'akkadah*) due to its repeated emphasis in the evidences.

Lastly, when contradictory evidence establishing a ruling (*hukm*) exists, but pertains to different contexts or locations, the *al-jam'* technique dictates that the evidence be applied in a spatially differentiated manner. Specifically, each evidence is applied in the respective location or context to which it pertains, thereby resolving the apparent contradiction.⁶¹

Preference (al-Tarjīh)

Etymologically, *tarjīh* originates from the Arabic term '*rajjah*', conveying the notion of preference or prioritization (*faḍḍala*), as well as consolidation or corroboration (*qawwā*).⁶² From a technical perspective, *tarjīh* entails strengthening (*taqwiya*) one evidentiary sign over another due to a reason or proof (*li dalīlin*).⁶³ This definition inherently suggests that *tarjīh* is exclusively applicable to speculative evidences (*dalālah zanniyyah*), which are susceptible to strengthening,

⁵⁹ Ibid.

⁶⁰ An Example of the obligatory imposition is where the prophet says: "There is no prayer for someone living beside the mosque except in the mosque" (see: Al-Baihaqī, *al-Sunan al-Kubra*, Kitāb al-Salāt, (Dār al-Fikr) 57. On the other hand, an example of a hadith that indirectly permits praying solitarily says on the report of Ibn Umar: the messenger of Allah said, "Salāt in congregation is twenty-seven times more meritorious than a Salāt performed individually" (see: *Riyāḍh al-Sālihīn* 1064; In-book reference: Book 8, Hadith 74 www.sunnah.com)

⁶¹ The illustrative examples of testimony provided in footnotes 14 and 15 (p. 5) offer valuable insight

⁶² Ibn Zakariyyah (n 44) 442

⁶³ Ibn Najjār, (n 31) 616

in contrast to definitive evidence. In instances of conflicting propositions, *tarjīh* is employed as a subsidiary approach, following the unsuccessful application of earlier techniques, namely *naskh* (abrogation) and *jam'* (reconciliation). The utilization of *tarjīh* is contingent upon fulfilling specific conditions, including the actual occurrence of conflict, attempts at abrogation, and reconciliation, prior to proceeding with the strengthening or corroboration of one evidence over another. A successful application of *tarjīh* also necessitates the presence of an evidence-based reason, rather than prejudice, to justify prioritizing one evidence over the other. Furthermore, it is essential to understand the implications of employing *tarjīh* specifically that the predominant evidence (*rājih*) supersedes and takes precedence over the subdominant evidence (*marjūh*).⁶⁴

According to scholarly consensus, *tarjīh* can be effected between conflicting evidences through a critical evaluation of four key factors:

- a) The chain of narrators (*isnād*):

Muslim jurists employ *tarjīh* through a critical examination of the chain of narrators (*isnād*), considering two primary aspects: the narrators' personalities and the methodology of their narration.

Regarding the narrators' personalities, *tarjīh* is applied by:⁶⁵

- i. Preferring multiple narrators over a single narrator.
- ii. Evaluating specific characteristics of a narrator.
- iii. Prioritizing the original narrator of a hadīth.
- iv. Favoring narrators who are direct parties to the narration.
- v. Giving precedence to narrators closer to the Prophet (saw).
- vi. Preferring narrations from senior Companions of the Prophet.
- vii. Distinguishing between narrations heard with or without physical separation.

⁶⁴ A notable illustration of *tarjīh* can be observed in the prioritization of 'Ā'isha's report over that of Sa'īd al-Khudrī by the Companions, specifically regarding the issue of ritual purity after sexual intercourse: 'Ā'isha narrated that, the Prophet said: When the two circumcised parts meets then bath is obligatory. The Messenger of Allah and I did that, and we bathed" (Sunan Ibn Mājah 608, In-book reference: Book 1. Hadith 342: English translation: Vol. 1, Book 1, Hadith 608). In the other hadith, Abu Sa'īd al-Khudrī reported: The Apostle of Allah (PBUH) observed: Bathing is obligatory in case of seminal emission." (Sahih Muslim 343b; In-book reference: Book 3, Hadith 98, USC-MSA web 'English reference': Book 3, Hadith 679)

⁶⁵ For detailed discussion: Āmidī, (n 27)

- viii. Prioritizing narrations received directly from the Prophet (saw) over those conveyed through written correspondence.
- ix. Evaluating the reputation and credibility of narrators, with some being more highly esteemed than others.

In terms of the methodology of narration, *tarjīh* involves:

- i. Prioritizing *mutawātir* (widespread and corroborated) narrations over *āhād* (isolated) ones.
- ii. Preferring *musnad* (supported) narrations over *mursal* (unsupported) ones.
- iii. Favoring narrations with established authenticity (*mawthūq*) over those with questionable authenticity.
- iv. Prioritizing narrations with stronger chains of transmission (higher chains) over those with weaker chains (lower chains).
- v. Evaluating the use of precise and technical terminology in narrations, with jealously guarded expressions being given precedence.

b) Main body of the text (*matn*):

Muslim jurists employ *tarjīh* through a critical examination of the main body of the text (*matn*), utilizing two primary methods:⁶⁶

- i. Additional explanation or information: When confronted with two conflicting evidences, jurists prioritize the one providing supplementary details or clarifications in the main text.
- ii. Degrees of legal responsibility (*ahkām al-taklīfiyyah*): *Tarjīh* is also applied by considering the varying degrees of legal obligations established in the main text, thereby determining the precedence of one evidence over another.⁶⁷

c) The implications or signification (*dalālah*):

⁶⁶ For detailed discussion: Al-Shanqīṭī, *Muzakkirah fī Usūl al-Fiqh*, (Maktabah Ibn Taymiyyah, al-Qāhirah) 381

⁶⁷ *Harām* over *wājib*, *nudb* or *karāha* – *harām* over *ibāhah* (*jamhur*'s view), or *ibāhah* over *harām* – *wājib* over *nudb*, *ibāhah* or *karāhah* – *karāha* over *nudb* or *ibāhah*. See Āmidī, (n 27) 137

Scholars employ *tarjīh* in four distinct ways when analyzing textual implications:

- i. Scope of textual expressions: They prioritise the nuances of linguistic expressions, including: Specific (*khāss*) over general (*āmm*) terms, interpreted (*mu'awwal*) over ambiguous (*mushtarak*) meanings and qualified (*muqayyad*) over absolute (*mutlaq*) expressions
 - ii. Literal and non-literal meanings: They prioritise: Literal (*al-ḥaqīqah*) over figurative (*al-majāz*) interpretations (unless it leads to an absurdity)
 - iii. Patent and latent meanings: Scholars examine patent and latent meanings, prioritizing:
Nass (clear textual evidence) over *zāhir* (apparent meaning); *mufassar* (interpreted meaning) over *zāhir*; *muhkam* (clear and unequivocal meaning) over *zāhir*, *nas*, and *mufassar*
 - iv. Implications of the texts: Scholars consider textual implications, prioritizing: *ibārah* (explicit indication) over others (Shāfi'iyyah, Hanafiyyah); *isharah* (implicit suggestion) and *mafhum muwāfaqah* (inferential understanding) over *iqtida* (implicatory meaning) (Hanafiyyah); other specific priorities vary between Shafi'iyyah and Hanafiyyah schools.⁶⁸
- d. The broader external context (*umūr khārijīyyah*):

When considering the wider external context, Muslim jurists apply the following principles to evaluate conflicting hadith: (i) Qur'anic consistency: A hadith consistent with the Quran takes precedence; (ii) Intra-hadith consistency: The hadith consistent with other ahādīth is preferred; (iii) Consistency with *Ijma'* and *Qiyās*: A hadith aligned with scholarly consensus (*ijma'*) and analogical reasoning (*qiyās*) is given priority; (iv) Consistency with *Salaf*: A hadith consistent with the understanding and practices of the early Muslim community (*salaf*) is preferred.⁶⁹

Suspension (*al-Ta'ādul*)

Ta'ādul (also known as *tasāqut*) is a technique employed by jurists as a last resort, when other methods (*naskh*, *jam'*, and *tarjīh*) prove inconclusive. Literally, *ta'ādul* means “equality” or

⁶⁸ Ibid.

⁶⁹ Al-Sarakhsī, (n 9)

“similarity” (*al-tasāwī*).⁷⁰ Technically, it refers to the equilibrium of two conflicting evidences, where neither has a discernible advantage (*maziyyah*) over the other.⁷¹ In such cases, Muslim jurists have debated the occurrence of *ta'ādul*, distinguishing between: i) actual *ta'ādul*: where the evidences are genuinely equal in strength; ii) perceived *ta'ādul*: where the mujtahid (jurist) subjectively views the evidences as equal, although this may not be the objective reality. Muslim jurists concur that *ta'ādul* may appear to occur due to the mujtahid's fallibility, but they diverge on whether *ta'ādul* can occur in reality. One group, comprising Shāfi'ī, Imam Ahmad, some Hanafīs, Rāzī, and Sabkī, contend that real *ta'ādul* is impossible. They argue that it is logically inconceivable to have two conflicting evidences of equal strength, rendering it impossible to discount both due to *ta'ādul*. In contrast, the majority, including Juwaynī, Baydāwī, Āmidī, Ibn Hajib, and Ibn Hishām, maintain that real *ta'ādul* is possible. They cite examples where *ta'ādul* occurs independently of human fallibility, demonstrating that equal evidential strength can indeed exist in reality.⁷²

Although the majority (*jamhūr*) acknowledge the possibility of real *ta'ādul*, they differ on its implications. Two views emerge: i) Permissive view: Some scholars, including Juwaynī and Qādī Abu Bakr, hold that the mujtahid is allowed to choose between the commensurate conflicting evidences; ii) Suspensive view: Other scholars argue that both conflicting evidences should be suspended, reverting to the original state of *barā'ah asliyyah* (presumption of innocence), until a Sharia provision provides further guidance. *Ta'ādul* has two types: 1) Intra-ruling: Conflicting evidences with different underlying actions, same ruling; ii) Inter-ruling: Conflicting evidences with same underlying action, different rulings. Similarly, if a mujtahid's opinions conflict: i) Followers adopt the preferred opinion, if identifiable; ii) Otherwise, followers may choose either conflicting evidence.⁷³

5.1 CONCLUSION/RECOMMENDATION

It is seen from the discussion above that *Usūlī* scholars resolve contradictions in Islamic law using various mechanism such as abrogation (*naskh*) (i.e. later evidence supersedes earlier one),

⁷⁰ Ibn Manzūr (n 1)

⁷¹ Āmidī, (n 5) 353

⁷² Al-Isnawī, (n 52) 207

⁷³ Ibid

reconciliation (*al-jam'*) i.e. linking contextually related evidence, and choosing one evidence over the other (*tarjīh*) or suspending both evidence (*tasāqut*) when reconciliation/selection is impossible. Through that, proper understanding of the text is arrived at and its integrity is maintained. This paper therefore that only qualified individuals should be authorized to interpret Islamic law, and a formal, institutionalized body backed by governmental agencies should be established in Nigeria to regulate and enforce Islamic law. To achieve this, it is specifically recommended that;

1. Islamic scholars and jurists should be encouraged to utilize, develop, and refine *al-ta'arud wa al-tarjīh* principles through interdisciplinary research and methodology development to enhance their application in contemporary Islamic jurisprudence.
2. Islamic educational institutions should integrate *al-ta'arud wa al-tarjīh* principles into their curricula, provide educator training, and foster critical thinking skills in students to effectively apply these principles.
3. Muslim communities and leaders should promote awareness and understanding of *al-ta'arud wa al-tarjīh* principles, seek scholarly guidance, and foster a culture of critical thinking and open discussion to resolve contradictions.
4. Researchers and academics should conduct in-depth research, explore interdisciplinary implications, and develop innovative methodologies to advance the understanding and application of *al-ta'arud wa al-tarjīh* principles in contemporary scholarship.
5. Governments and policymakers should recognize the significance of *al-ta'arud wa al-tarjīh* principles, engage with Islamic scholars, and consider incorporating Islamic values into policy-making processes to promote informed and effective governance.

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