




Research Paper

A Critical Analysis of the Doubt Concerning the Non-Abrogation of the Shari'ah of Mūsā (peace be upon him), With Reference to the Principle of Istishāb, the Meanings of the Term nabī, and the Debate Between Imam Riḍā (peace be upon him) and JathaliqSaeed Ahmadi Fard^{*1} , Seyyed Mojtaba Hossainezhad² , Somayeh Mahdieh³ ,¹ Assistant Professor, Department of Jurisprudence and Foundations of Law, Faculty of Theology and Islamic Studies, University of Mazandaran. s.ahmadi@umz.ac.ir² Associate Professor, Department of Jurisprudence and Foundations of Law, Faculty of Theology and Islamic Studies, University of Mazandaran. m.hossainezhad@umz.ac.ir³ Level 4 Graduate in Comparative Qur'anic Interpretation. somayehmahdieh@gmail.com[10.22080/jepr.2026.30165.1299](https://doi.org/10.22080/jepr.2026.30165.1299)**Received:**

September 28, 2025

Accepted:

May 13, 2026

Available online:

May 29, 2026

Keywords:

abrogation of Shari'ah; principle of istishāb; nabūwah; knowledge in doctrinal matters; the debate between Imam Riḍā (peace be upon him) and Jathaliq

Abstract

This study examines the doubt concerning the non-abrogation of the Shari'ah of Mūsā (peace be upon him) through reference to the uṣūlī principle of istishāb, the meanings of the term nabī, and the historical debate between Imam Riḍā (peace be upon him) and Jathaliq (a Jewish scholar). The research adopts a descriptive-analytical method with a critical approach. The central question is: How can the claim of the persistence of a previous Shari'ah be analyzed in contrast to the doctrine of abrogation? The importance of this issue lies in the necessity of abrogating previous divine laws in order to respond to social transformations and the interests of different times, whereas istishāb seeks to preserve prior certainty. An examination of the uṣūlī principle of istishāb demonstrates that it is not operative in matters of belief (umūr i'tiqādī), since such matters require definitive knowledge, and istishāb—whether grounded in transmitted reports or in conjecture—cannot yield such certainty. Furthermore, an analysis of the multiple meanings of the term nabī leads to the conclusion that only the meaning of a “divinely appointed office” (mansab maj'ūl) is subject to istishāb. Through the debate of Imam Riḍā (peace be upon him), it is further concluded that acceptance of the prophethood of the earlier prophets was conditional and contingent upon their giving glad tidings of the coming of the later nabī (the Prophet of Islam). With the realization of this ultimate purpose, the previous Shari'ah was lifted, and presuming its continuation through istishāb becomes meaningless. The conclusion, therefore, is that acceptance of the prophethood and the Shari'ah of the earlier prophets was qualified and teleological in nature; that is, each nabī had a mission within the framework of giving glad tidings of the later nabī, and with the realization of the prophethood of Khātam (peace be upon him), the purpose of that acceptance was fulfilled and, consequently, the earlier Shari'ah was abrogated. Thus, invoking istishāb to assert the continuity of a previous prophethood or Shari'ah has no substantive basis, because with the realization of the final cause, the effect (the previous Shari'ah) has ceased to exist.

***Corresponding Author:** Corresponding Author**Address:** Click or tap here to enter text.**Email:** s.ahmadi@umz.ac.ir



Extended Abstract

1. Research Problem:

This article analyzes and critiques a doubt raised based on the jurisprudential principle of "Istishab" (presumption of continuity). Drawing on the historical debate between Imam Reza (AS) and Jathliq (a Jewish scholar), this doubt argues for the continuation of Prophet Moses' Sharia after the advent of Islam. The central question is whether Istishab can be applied in matters of belief (I'tiqadi), particularly concerning prophethood and the abrogation of previous religions, and if not, what is the basis for its invalidation?

2. Significance of the Subject

The abrogation of previous religions is a fundamental issue in Islamic theology (Kalam), connected to social evolution, the requirements of the time, and the finality of the Prophethood of Muhammad (PBUH). The doubt concerning the continuation of Moses' Sharia not only challenges the validity of the new prophethood but also questions the very necessity of inviting people to Islam.

3. Literature Review and Innovation

Previous research has addressed the application of Istishab in doctrinal matters. However, this article's innovation lies in integrating three main dimensions:

1. Analysis of the multiple meanings of the word "Nabi" (Prophet).
2. A comparative examination of the relationship between knowledge ('ilm) and belief (I'tiqad).
3. Utilizing the debate of Imam Reza (AS) with Jathliq to demonstrate the non-applicability of Istishab to previous prophethood and Sharia.

4. Research Method

This research employs a descriptive-analytical method with a critical approach. It begins by exploring the concepts of key terms (Naskh, Istishab, Nabi). It then analyzes the arguments for and against the application of Istishab from both Usuli (principles of jurisprudence) and theological perspectives, ultimately elucidating the preferred viewpoint by referencing the historical debate.

5. Research Findings

1. Non-Applicability of Istishab in Doctrinal Matters:

Istishab does not apply to intuitive (Wijdani) and doctrinal matters that require certain knowledge (yaqin).

Heartfelt belief is not an involuntary or semi-voluntary matter that can be ritualistically (Ta'abbudi) preserved through Istishab.

A distinction between "belief itself," "the obligation to believe," and "the object of belief" shows that Istishab is only applicable in limited scenarios, and even then, it faces serious objections.

2. The Polysemy of "Nabi" and its Impact on Istishab:

The word "Nabi" was examined in four senses:

Innate quality (holy disposition/Malakah Qudsiyyah): Istishab does not apply, as it is a matter of existential reality (Takwini).

Actual authority of the Prophet: This ends definitively with the Prophet's death.

A Divinely appointed position (Mansab Maj'ul): Istishab is potentially applicable, but only if there is doubt about the Prophet's life.



Obligation to obey the Sharia: Applying Istishab here depends on the continuity of the Sharia itself, which is the very point of contention.

3. The Teleological Nature of Previous Prophethoods:

Based on Imam Reza's (AS) debate with Jathliq, the prophethood of previous prophets was not absolute and unconditional (Tanjizi) but was conditional

upon giving glad tidings of the coming later prophet (Muqayyad bi tawassut al-mubashshir).

With the advent of the Final Prophet (PBUH), the purpose of previous prophethoods was fulfilled, thereby eliminating the subject for applying Istishab to the continuity of the earlier Sharia.