Comparative Methodology of Râvandi and Qurtubi’s Juristic Exegeses

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ABSTRACT

Among reliable juristic exegeses in Islamic religions there are two exegeses “Râvandi’s Fiqh Al-Quran” and “Qurtubi’s Al-Jâme’Le-Ahkâm Al-Quran” that both of them are significantly reliable and each of them has specific juristic tendency. Regarding to antiquity of “Râvandi's exegesis” among Shia’s juristic exegeses, and “Al-Jâme” as the vastest juristic exegesis of Sunna and also the extensive juristic knowledge of the two writers comparative study of these two exegeses considering the topics related to verses of decrees they can be useful for those who are studying these verses comparatively. In both exegeses there is paying attention to the structure, revelation, the style of expounding Quran by Quran, and consideration to tradition (hadith) and reason but the strengths and weaknesses of them are different. On the one hand the influence of exegete's religion and being loyal to the principles of religion are not the only common factor of the two exegeses but they are for all juristic exegeses and on the other hand the religious attitude occasionally leads to dogmatism. The goal of the article is to compare the highlights of each important exegesis in comparative methodology.

INTRODUCTION

Qurtubi Exegesis and Fiqh Al-Quran written by QotbuddinRâvandi are the most popular books in juristic exegesis or verses of decrees. The complete comparative study of the two works needs a lot more knowledge. In this article as much as possible we will comparatively consider the methodology of the two exegetes in deduction of decrees from verses of Quran. Since Qurtubi is aMâlekite jurist and exegete, he benefited from his own reasons to explore the meaning of verses and lesson the secondary articles just like the most Sunna exegetes. And because Râvandi is a Shiite jurist, he follows the ways of the most Shiite exegetes.

The meaning of concepts:
Methodology of comparative study:

In Arabic Language methodology is expounded as "ElmA-Menhaj" (the path of science) that means researching in common and usual methods like analysis, combination, induction, deduction, intuition and reasoning, and also researching in specific way of each science of methodological study. [20] The method of researching and comparative study has been defined as knowing an idea or something visible in the light of comparison "understanding and explaining of positions of for and against. [19]

Juristic Exegeses:

Juristic exegeses are exegeses that they just expound verses related to religious commandments (obligational or positional) for the acting of obliged people and so they are subjective exegeses and consider some parts of Quran verses. [13]

Qurtubi Exegesis:

Qurtubi exegesis or Al-Jâme’Le-AhkâmAl-Quran is one of the most important sources of understanding the Quran and achieving its subjects especially verses of decrees which are full of juristic, historical, and critical researches and even literary analyses. [10] Qurtubi in one part of introduction has mentioned his own method of

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expounding and other methods of exegetes and in another part he has brought up in detail the topics on etiquettes of Quran recitation, applying the E’rab system and teaching it, stating the reward of Quran recitation, arbitrary interpretation and its traits, miracles and non-sophistry of Quran. Also in the other part of his exegesis introduction he has pointed out some parts of missing dissertation of Abu Bakr Muhammad Ibn Qasim Anbari (D. 328)

Râvandi Exegesis:

According to his author stipulation Râvandi exegesis or Fiqh Al-Quran is the first juristic writing in the field of verses of decrees in which he has expounded the whole verses on the basis of juristic doors.

First Section: Concise Comparison:

At first it is necessary to know that Qurtubi exegesis has been published and offset in twenty volumes or even twenty one ones at times. There are explicit differences between this and the juristic exegesis of Râvandi’s Fiqh Al-Quran which is only in two volumes and some of them are as follows briefly:

1. Structure:

In Qurtubi exegesis following the Sunna’s juristic exegeses the expounding is verse by verse from the beginning to the end of Quran but in Râvandi exegesis just less than one tenth of verses which are related to jurisprudence and religious decrees has expounded.

2. Term:

Qurtubi refers to many words and terms, and also he follows various alternatives of Quran words in Arab poems and scholars’ speech, but Râvandi has just slightly translated some words and just when the disagreement in meaning among philologist causes the different decrees in jurists’ remarks he enters into lexical topics.

3. Different exegeses:

Qurtubi brings up different exegeses but Râvandi mentions just few of infamous exegeses because of no effect on his point of view juristic edict.

4. Narrations:

Qurtubi has used so many traditions (hadiis) of the Holy Prophet, his companion, and the caliphs; however, Râvandi uses traditions (hadiis) of the Holy Prophet (PBUH), he has mostly concentrated on using verses of Quran itself.

5. Consensus:

Nevertheless consensus is the powerful evidence of Sunna and Qurtubi has used them a lot, it seems Râvandi has used consensus of Companions Imam Miya a lot more than Qurtubi in order to prove the decrees and you can see the word our religion ‘Mâlekieh” in his exegesis frequently. In any case Qurtubi has considered his own consensus namely consensus of Sahaba, and Sunna scholars including Maliki, Hanafi, Hanbali, Shafi’i. And if he wants to cite Maliki consensus, he just uses the word our scholars “Olama-ena”.

6. Intellect:

Nonetheless Qurtubi is a Sunna scholar and he believes in analogy, is tisane and other rational evidence, H does not mention rational reason at all. That is whatever we know as rational evidence and we base it upon good and evil intellect, Qurtubi does not accept it. Themethodis justified according to Ash’ari theology of religion and belief in special opinions such as good and evil religious and acquisition theory about human actions. In contrast, throughout the book FiqhAl-Quran Râvandi has repeatedly used the reason of intellect and narration and referred to some expressions such as “End’al Oghala”, “intellectual impediments”, “intellectual task”, “evidence of Aghlieh,” “Aghlyat” “obligations of Aghlieh”, to indicate his reason for intellect.

7. Presumption:

Qurtubi has noticed the topics like analogy, Isithsan, revealed expedients, and means of impediments for the presumption reasons. It seems that Mâlekieh and Qurtubi who is himself a Mâleki value presumption reasons more than other sects of Sunna religion because except an analogy three other reasons “Isithsan”, “revealed expedients”, and “means of impediments” are nearly the properties of Mâlekieh. Yet Râvandi contests the analogy by the meaning of its juristic expression and believes the following of it is in the compliance with presumption which is something that does not clear any of religious facts. Certainly like other Shiite jurists he admits the intellectual analogy of Mansos Al-Elah which is like Positivism Proof. He believes intellectual analogy against religious analogy is in accordance with canon and knows that it is in the alignment of intellectual principles.
1-8. Jurists Views:

The two exegetes believe in jurists' views and the reputation among them. Qurtubi quotes the quotations attributed to them, but in many cases he has used the expression "said the tribe" and incidentally proclaimed his view in accordance with the tribe after bringing up different views. Whenever Râvandi wants to point out the disagreements of views, he sets Companions Imam Miya in one side and the quotations of the four Sunna schools of jurisprudence in the other side of course it is when that his wish is to compare Shiite views with other Muslims' sects. Otherwise he admires the jurists' quotations specifically SheikhToosi and in everywhere of argument he refers to Seyyed Murteza quotations and the former jurists. Hence having different views, he never submits to the old and former views.

1-9. Jurists Principles:

Râvandi explicitly exploits the topics of principles and using them to extract decrees from verses. A lot of topics like argumentation on the concept of verses have been significantly considered in specific, nonspecific, concise and explanatory way by FiqhAl-Quran. Even though Qurtubi uses the rules of principles, he has less consideration to the detailed subjects of them in spite of his intense attention to traditions (hadiths) and Ash'ari-like irrational thought.

1-10. Contemporary Jurisprudence:

Both exegetes have frequently mentioned the four Sunni schools of jurisprudence quotations in different juristic views. But according to the volumes of Qurtubi exegesis is ten times so the majority of contemporary views are more than Râvandi's. So that Qurtubi uses Shafi'i's name more than 900 times and beside in he brings properly other religions' views. And Râvandi inserts Shafi'i's name 101 times and the views of Abu Hanifa and his students, Ahmad Ibn Hanbal and Malik in his two-volume exegeses.

Second Section: Detailed Presentation:

Qurtubi exegesis is a word by word exegesis and it is based on the number of verses with the juristic tendency, that is to say it begins with Chapter the Opening and ends to Chapter Men. In this exegesis the decrees have been taken from Quran verses and even the decrees that somehow related to Quran verses. Also different views of jurists (the four Sunni religious jurists) are presented. Sometimes the author has proposed his view and at times he just brought up the quotations and in some cases he has controverted on the quotations. Abu Abdullahah Muhammad Ibn Ahmad Ansari Qurtubi (D. 671AH) the author of "Al-Jâmê'Le-AhkâmAl-Quran" has recorded all Quran verses in Arabic language so because of this is one of the most widespread juristic exegeses of the Holy Quran. He famous for Qurtubi was born in 578. [10] Ibn Imadsays: he was one of the leaders of knowledge and the prominent and divers in the meaning of tradition (hadith) since his beautiful writing and well-presented topics. Qurtubi was hardworking and indefatigable in writing and authoring. Therefore he has written beneficial and valuable works in different dimensions of Islamic culture. After years of studying, teaching and writing, finally he passed away in Shawwal, 9th, 671, in the North of Asyut.

FiqhAl-Quran; written by Qub (D. 573, AH) in Arabic. Fiqh al Râvandi is the first juristic exegesis in Quran decrees verses [18] and from this perspective it is a unique and suitable work. However, Râvandi is one of the jurists of the times of dominant of Sheikh Tusi's (385-460 BC) suppositions on scientific fields and some great jurists like Ibn IdirshHilli (?-598BC), he has no belief in the jurists after them and before himself but followers, [10]. Still Râvandi has spoken on the jurists of the earlier time, he pays his respects to Sheikh Al-Tayefeh'sjuristic suppositions and this respect is not an obstacle to criticize wisely and express his views, therefore, his own views amidst his book FiqhAl-Quran means breaking of Ibn Idiris'point of views. [10]

Râvandi has chosen the manner of jurists in reporting verses of decree which means he has begun from cleanliness to expiations.

In the first volume names like(cleanliness, prayer, fasting, Zaka), the Hajj, a Jihad, debts,Kefalat (acting on someone else's behalf especially an absent director), Havalat, Vekalat, (the state of having been empowered to act on someone's behalf), and testimonies) and in the second volume fourteen names of books such as (Qazaya, Makaseb, Matajer, Marriage, Divorce, Emancipation (Etq) and kinds of it, Faith, Oblations, Atonements, Hunting or Fishing and Slaughtering, Eating and Drinking, Endowments and Alms, Will and Testament, Legacies, Boundaries and Expiations) have been mentioned that are 22 books altogether. Titles like "Book", "Subject", "Chapter", "Issue", and "Al-Zyadat" have adorned the book. On the one hand the foregoing titles of course are not always in the same order but sometimes after putting the title "Book" and its topics and subjects it may come the title "Chapter". On the other hand after segmentation it is common to name the under discussion topic which shows Râvandi's organized mind and language.

Qurtubi begins the book with an introduction and he continues it with speaking on high-standing of exegetes and their methods of expounding and then he points out his own method and introductions of exegesis.

In the book introduction he has mentioned some points about Quran recitation, system of E'rab and teaching it, reward of reciting and pondering in it, the virtues of Holy book and its bearer, arbitrary
interpretation and kinds of it, the role of tradition (hadith) in explaining the verses, describing the narration "Verily this Quran has been sent in seven letters", and the miracles of Quran and its non-distortion. Then as a prelude to exegesis he has brought up the useful topic about metaphor, and finally he has extensively discussed about "Bismillah (in the name of Allah)" and explained it from juristic aspects in detail.

He at first speaks on names of Chapters and the rewarding of reciting Quran verses and then brings a verse or verses to explain the lexicons at the beginning then their literary situation and at the end he says about the meaning of verses in sentences. Toward it he analyses and criticizes many quotations and then he forms some juristic impressions according to some topics and after that he evaluates and probes jurists’ views of religions and the quotations and often he argues on his authorized theory as well. He never neglects to consider the real reason of revealing verses (Sha’nNozol (the reason of revelation) ) and its related history while expounding and explaining verses and the Holy Quran. Also he never overlooks the rightful place of tradition (hadith) in expounding the verses. He benefits a lot of knowledge to describe and explain the verses. Qurtabi’s magnanimity is to recognize and utter the decrees underneath the verses. He has written on the content of exegesis in the part of introduction:

“I have cited following each decree or decrees of each verse or verses that can be inferred from, and I have uttered Holy decrees according to the means of revelation and expounding of lexicons. If a verse has no decree, I have just expounded and explained the verse and this is my method to the end of the book". [16]

Third Section: Comparative study of some of the properties of the exegeses:

3-1. Sha’nNozol (The reason of revelation):

Qurtabi has removed the stories and biographies of Quran verses and instead of them he has abundantly expressed Quran decrees and inferences from the verses. However, he has considered the variety of interpretations, Er’ab and the names of those whoabrogates and the matters which are obsolete. [8]

Qurtabi in the introduction of his exegesis refers to this feature and writes: I have not inserted many of stories that exegetes usually use following verses unless in some extent it was necessary to define the meaning of the verse, I even did not mention the news of historians. Instead of stories and historical issues I clarify the decrees and mention the issues that reveal the real and true meaning of the verse and lead the explorer to his competent soul. Thus, if in a verse there is a decree or decrees in addition to some issues, I will refer to these points: means of revelations “Ashabi-e Al-nozol”, expounding of difficult words and expressing of the decree. But if there is no decree in the verse, I just interpret and construe. [16]

But Ravandi considers Sha’nNozol (the reason of revelation) of the verse in his best interest [18] and criticizes it if necessary, [18] If the verse has been reported to have more than a Sha’nNozol (the reason of revelation), he accepts it by using the unauthorized rule and the help of advent of the verse. [18] Even he sometimes admits the different Sha’nNozol (the reason of revelation) without mentioning any reason. [18] In fact, he expounds the verse by using the reason of revelation [18] and also for confirming his view he profits from it. [18] Ravandi represents Sha’nNozol of some verses if the intended person of the verse is famous without mentioning the narrator, say, the Chapter “the Tiding” he writes: this verse is revealed about Walid Ibn Aqaba [18] but in cases like the verse of apostasy in Chapter “the Table” he writes: from Imam Baqir and Imam Sadiq (PBUT) has been narrated that this verse has been revealed about the Basar and those who fought with Imam Ali (PBUH) [18] and in cases where it is not necessary to deduce the decree such as the verse of the Chapter “Apartments” he writes: it is said that this verse has been revealed about two tribes of the Ansar that had been involved by the war. [18]

3-2. Others’ quotations:

Qurtabi in the introduction to his exegesis points out this property and writes: my stipulation in this book and my method of writing this exegesis is to retell the quotations and opinions of scholars by ascribing to their narrators because it has been said that each scientific theory which ascribes to its scholar is due to the blessing of that science. [21] He has also pointed out in many cases the views of Mu’tazilah, Qadryeh, Sufi, Shiite, Khawaja, Kramer, Haluladeh, Zanadeqeh, Qramteh and other political and religious sects and religions, and he has contested them sarcastically. [11]

Ravandi, if it is necessary, reminds the exegetes’ views on the verse [18] and occasionally reports all opinions as well and chooses ones of them and often expresses against all jurists and exegetes’ opinions.

Say, he mentions multitudes of Sahabi and Tabeei exegetes’ view and the commoners and the nobles of exegetes and jurists with their reasons on the meaning of "Anna She ‘tom", as you wish (the Chapter "Cow", a part of verse 223), [18]. Moreover he analyses and contests their reasons one by one, then in a separate chapter he believes that the most scholars believe that the term “Anna” in "Anna She’tom" indicates the place. Although Ravandi does not deny that the cause of revelation of the verse is Jewish, he never believes in the truth of the cause of revelation because he thinks the ultimate usefulness of the cause of revelation have conformity with it not beyond it. [18] So in his point of view it is not authorized.
3-3. Equity or bigotry:
Nonetheless Qurtubi is a Mâlekite jurist; he is not prejudiced in favor of his Imam Mâlek. Meanwhile if the narration does not go with him, he will not take it. For example the Chapter "Cow" verse 43 says: "And perform the prayer, and pay the alms, and bow with those that bow" it is the evidence of under age Imamate for congregational prayer that Mâlek Ibn Anas does not agree with it but Qurtubi himself says the reasons of correctness of this verse is enough and issues a fatwa of correctness of it. [16] In comparison with Imamiea Jurists views he goes beyond the equity and in many juristic cause-difference problems he does not mention any of their names and even he introduces Shiite as the first heresies. [16] Inasmuch as he knows the opinion of Shi'a is the same as the jurists of his own religion and uses this statement "and he who said this belongs to our companions and Shiite's" to express his free view. [16] But when he sees the Shiite's view is far beyond of his own biased view in comparison with Ayesha and others like her, he considers Shiite's view as heretic falsehoods and seeks refuge to God from it; for instance Shiite believes that Ayeshawas was not permissible to perform her prayer completely in one of her trips and knows this is a void interpretation. [16] But when he sees the Shiite view on one of the issues of the second Caliph, he becomes unrestrained and calls Shiite "Rafezi" [16] As a result it is clear that Qurtubi's tone and manner of interpretation changes in dealing with any of Shiite's opinions according to his amount of prejudice.

Still Râvandi uses all views of four schools in expressing juristic opinions, before all he stipulates Shiite's view after attributing it to the Holy Prophet's household (PBUT) and it is obvious in comparison with Marwi's opinions of the Holy Prophet's household (PBUT) he has full modesty about them insofar as he calls Shiite scholars as the Holy Prophet's household scholars. [18]

3-4. Arbitrary interpretation:
After reminding the two theories on arbitrary interpretation Qurtubi does not accept the prohibition cult and in opposite he permits arbitrary interpretation and opens the ground for everyone who has presumption and conception. [16] According to Qurtubi's reasoning in the Holy book there are verses which emphasizes on comprehending, reflection and contemplation; say, about "Tadabbor" (contemplation) verse in the Chapter "Cad" he writes: this verse and verses like it indicates that God invites his servants to contemplate in Quran verses and to learn their lesson of verses and to take their advice and sermons of verses and this is not fulfilled except by comprehension and interpretation of verses. Is it logical to tell someone who cannot understand and imagine the interpretation of a statement: learn the lesson of whatever you do not have any awareness and perception. [16] Yet he has excessively accessed to Esraeilyat exegesis. [15]

After quoting some narrations which forbids the arbitrary interpretation Qurtubi starts to justify them and writes: improper arbitrary interpretation means to expound difficult Quran verses without referring to the sayings of the Companions and the followers or to interpret Quran by topics which their incorrectness are obvious. [16] He adds that a group of scholars believes that interpretation depends on hearing and narrating of the holy prophet and has cited the noble verse: "If you should quarrel on anything, refer it to God and the Messenger". (Women, 59) But he thinks it is not correct because if the interpretation of the verse is like that exegetes rely on nothing just the narration of holy prophet so it is impossible because as we know the Companions and the followers sometimes have divergence of views for they did not just rely on the narrations and they use their perception to measure verses as well. [16]

Also Râvandi does not know that the Quran interpretation is only to interpret according to narrations and he permits to go beyond the realm of narrations by lexical, verbal, intellectual and spiritual evidences or by applying other verses, consensus of jurists and exegetes and does not recognize it as arbitrary interpretation. It seems that Râvandi concurs with Qurtubi in this case, although they may have some differences with each other in the non-narrative method of reasoning and deducing. Still it is crystal-clear that both exegetes do not limit the interpretation to narrative interpreting. Moreover the difference is that Râvandi believes that such reasoning is correct on the condition that it was not against received narrations from the Holy Prophet’s Household. And he knows that contemplating and reflecting on the Quran is just the double knowledge and certainty to catch more of religious decrees otherwise he is definitely certain that Shiite jurists fatwas are the result of resorting to narrations of the Holy Prophet's household (PBUT). [18]

3-5. Different recitations:
Râvandi has not mentioned the names of reciters, but in the topic of different recitations he has spoken about possibility of two ways of reciting of a term, [18] very rare recitations, [18] some manners of Holy Quran recitations, [18] and the manner of hearkening of it [18].

3-6. Terminology:
Qurtubi attempts to explain the words of Holy Quran according to lexical rules and benefits from terminologists' discourse and their quotations. Consequently he has quoted a tradition (hadith) from the Holy
Prophet: (Express the Quran and seek its marvels) [16] Qurtubi has set aside a separate section for etymology of words, their meanings, syntax topics and various recitations; and even he has considered the etymology of words and syntax topics to speak on juristic decrees. [9]

On the usage of the word in Râvandi's Fiqh Al-Quran it should be said that no exegete does interpretation without getting help of word and its main origin and its usages with its specifications; also juristic exegetes and decrees verses are not exceptional from this rule. At the beginning of interpretation and before deducing of juristic decree Râvandi at first points out the meaning of words of each verse and then expresses God's general mean. Hence he brings up lexical topics where the differences and or lexical delicacies have an effect on decree. [18]

Unlike him Qurtubi does not ignore terminology and the differences of lexical concepts before stating the concept of the verse in the whole of his exegesis. For example in interpretation of ablution verse at first he writes about jurists' quotations; some of them believe that elbows must be included while performing ablution but there are two narrations from Mâlek that they must be excluded while doing it and it seems the first quotation is correct; referring to Jaber's narration from the Holy Prophet that he was pouring water on his blessed elbows. Then referring to some exegetes' narration he says that some takes "Ela means to" means "Ma' means with", like they say "few to few becomes many" means "few with few becomes many". The other reason is that the noun "hand" in Arab people means the fingertips to the shoulder as the leg is from the toe fingers to thigh, as suchelbow is the part of hand and it means God says "Ela" means washing hand to the end of the elbow and in this case the elbows must be washed to the nails. Then Qurtubi writes this comment is correct lexically but about the verse concept Ibn Arabi has said: nobody like QâziAboMuhammad has understood the verse because he writes "ElalMaraphegh means to the elbows" which is to define the area of not washing the hands in ablution not the area of washing them; so the elbows must be included in ablution. Finally Qurtubi writes about his opinion like this:the place of ablution is where lexically called limbs; and in order to confirm his view he narrates from AbuHarireh, after that he narrates from Ayaz that people have acted against this narration. And then he again narrates from The Holy Prophet (PBUH) that people must not exceed ablution limit and if someone does exceed it, they are aggressor and oppressor. [16] It is clear that Qurtubi's attention to the term changes the path of decree deduction, but for interpreting the aforesaid verse Râvandi at first mentions Seyyed Murteza's opinion and writes: the aim of the verse is ablution limit and according to the verse the start point of ablution is from the elbow and the end point is to the fingertips; but by quoting Seyyed Murteza jurists have given the obliged discretion to start washing their hands from the elbow or from the fingertips. Then Râvandi adds Shiite and Sunni consensus is that ablution of those who start washing the hands from the elbows is accurate. But there is difference of opinion for those who start from the elbow. Mâlek Ibn Anasn knows that it is obligatory to wash the hands to the elbow but not the elbow itself; however, Shafei writes: I do not know any difference of opinion in washing the elbows. Finally Tabari argues that the obligation of washing the elbows is not deductible from the verse but it is perceptible from the Sunna obligations. [18]

3-7. Regarding to tradition (hadith):

Although in the two exegeses (Al-Jâmê’Le-Ahkhâm Al-Quran and Râvandi’sFiqhAl-Quran)Quran verses pivot on juristic decrees, they have mentioned the traditions (hadith) in exploring subsidiary of each decree and choosing more accurate quotation among quotations; so to speak, traditions (hadith) that cite the discourse, deed, or utterance of the Holy Prophet of Islam (according to Sunni views); and since the Prophet is infallible and the interpreter of God's word, his tradition (hadith) has authenticity.

On the basis of Shiite view the Holy Prophet's Household (PBUH) like the Prophet himself are infallible and their discourse, deed and utterance like the Prophet himself have validity. Consequently Shiite jurists and exegetes benefit from the narrations of the Holy Prophet's Household (PBUH) in addition to citing the tradition (hadith) of the Holy Prophet's Household in interpretation of verses and subsidiary decrees.

Muslim scholars have always mentioned tradition (hadith) as the revealing of Quran, and they think that the tradition (hadith) like Quran is the revelation descended via Gabriel that interprets the Quran [6] quoted by Muhammad Kazem Rahmati, Wahhabis site) and even some point out that the need of Quran to tradition (hadith) is more than the need of tradition (hadith) to Quran because tradition (hadith) is the exegete and revealing of the Quran. [16]

Qurtubi sometimes represents juristic decree against the appearance of verses and the exigencies of prophetic narrations and quotations of Sahabeh and Companions. He himself confesses that if there were not any narrations deeds of Sahabeh, we would decree according to the requirement of appearance of verses.

For example about the interpretation of the verse: "O believers look after your own souls. He who is astray cannot hurt you, if you are rightly guided. Unto God shall you return, all together, and He will tell you what you were doing.” (Chapter ”The Table”, 105) he writes: apparently it implies that there is no obligation of enjoining the good and forbidding the evil if one is covering the right path; namely if a man has been guided into the right path and restrained his soul, it is not obligatory on him to bring others into the right path from going astray and
their sins shall have no harm on him; however, for the sake of having traditions, interpretation of verse, and quotations of Sahabeh and Companions we cannot just take such an interpretation. [16]

He quotes narrations on the underneath of the verse that their concepts are to protest the oppressor and forbidding the evil. Abu Bakr narrates from the Holy Prophet: I have heard that when people face with an injustice of an oppressor and they do not inhibit him, God will send upon them the encompassing chastisement.

According to this narration and other narrations Qurtubi deduces that the purport of the noble verse “look after your own souls” does not mean not to elevate others; however, the appearance is so. Yet the real purport of the verse is for the conditions in which enjoining the good has no more effect so in that case the duty of the man is not to conform to immoral community so that others immorality has no bad effect on his prosperity. [16]

Râvandi mentions multitude of narrations about deception and commensurate with their circumstances he reports his own juristic deduction about them. The following we points out one of them, about the treachery of testator in a testament: according to the view of Islam changing in a testament is not permissible (the Chapter "Cow", 181) other than that his testament is a treachery to the inheritors; for example the testator makes testament in more than a third of his property and cases like this which is against the justice.

Râvandi has narrated from Imam Sadiq (PBUH) that if the testator betrayed in his testament, the testamentary administrator can equitably change it. [18]

By considering this example and the examples like this it becomes clear that Râvandi has gradually used the tradition (hadith) to interpret and deduce juristically in the whole of Quran.

He speaks about the role of infallible Imams (PBUH) in deducing of juristic secondary articles and stipulated that their discourse about juristic secondary articles is explicating and illustrating of the verses of Quran decrees so that no jurists slip into the land of analogy. [18] Accordingly he says in another place: the most of the verses in FiqhAl-Quran have been pointed out in narrations of the Holy Prophet's household (PBUH). [18]

3-8. Consensus:

However consensus has different definition in the viewpoint of the Sunnites and the Shiites, it has been used as the deduction resources in both sects. Generally speaking the consensus has the major value among the Sunni, but the Shiite jurists do not value the consensus authentically and only use it to reach the tradition (hadith) in other words the consensus is a proof just when it is the discoverer of discourse, view and opinion of the infallible Imam.

As it was discussed in the previous pages Qurtabi in deducing of decrees is more in favor of purport of verses, the Holy Prophet's narrations and his Companions; but he has pointed out the consensus as the second grade after tradition (hadith) and being of it means a proof of a juristic secondary article and lack of it means contesting of some juristic decrees. For example in the topic of enjoining the good and forbidding the evil and its conditions he quotes the consensus from Ibn Atiyah and after that he gives his consent as the sign of being agreeable with it; the discussion is following the noble verse: “They forbade not one another any dishonor that they committed; surely evil were the things they did” (the Chapter "The Table", 79) he writes: Ibn Atiyah says: according to the consensus enjoining the good and forbidding the evil is obligatory to those who have the ability and are safe from harm on themselves and the Muslims; nonetheless, if the one fears of his life the rational reaction is that he has to give energy to himself and avoid from the denying doer and have no connection at all. [16].

Here Qurtubi brings up some of quoted consensus from Ibn Atiyah without contesting it that means the sign of accepting it. He refers to consensus two times about marriage portion and counts it as the proof of religious decree. [16]

Obviously the obligations of paying the marriage portion which is mutually agreeable is something except the obligations of specifying it itself; and what is deduced from the appearance of the verse is the first meaning and Qurtubi has deduced the second meaning by consensus.

Râvandi has broadly referred to jurists' consensus in comparison with Qurtubi's exegesis, and he has designated it as a proof to contest quotations to prove decrees in various juristic secondary articles or to understand specific points of Quran verses.

Râvandi desired consensus has value to follow in spite of Qurtubi's view; that is to say, it is a proof with a proviso that it must indicate tradition (hadith). Sometimes he is a self-taught consensus (self-educated consensus) and sometimes he quotes it from other jurists (quoted consensus) and even sometimes he criticizes quoted consensuses and doubts their authenticity. Râvandibelieves that consensus is not only one of the ways of getting divine decrees but it is also the upper part of the four evidences. He stipulated in Fiqh Al-Quran that the Shiite proof and evidence in correctness of its own specific views from religious traditions (hadiths) and audio obligations to the common issues between Shiite religion and other Islamic religions is one and only one consensus; because the Shiite consensus is the decisive evidence [18] and science-maker. For infallible Imam (PBUH) is among religious scholars, and according to Shiite view Imam (PBUH) is infallible [18]; so Shiite consensus essence is realism.
3.9. Intellect:
The value of intellect is different from the point of view of different juristic, scholastic theology, and ideological principles doctrines. The follower of traditions (hadiths) does not value intellect and not consider it in the range of deducing decrees, evidence and proof. Ash'arites is also close to the follower of traditions (hadiths), but Mu'tazilites is rationalist and attaches special status for it. Twelve-Imam Shiite Muslim attaches lofty status for intellect in the light of teachings of their infallible leaders.

Since Qurtubi is a Malekite jurist with Ash'ari belief, he holds fast to only Quran, tradition (hadith) and consensus in juristic secondary articles; and it has not been seen that he uses the intellect at least beside the tradition (hadith). Certainly Qurtubi considers it important to analogy, Is tihsan and Masaleh Morsaleh, but there is no place of the evidence of intellect in his exegesis. [16]

Râvandi quotes the reason of necessities of practical encounter with vices and deduces three evidences: book, consensus and a practical principle (prudence). [18]

He frankly says about being ritually fit (halal) of carrion and being forbidden (haram) of cleansing carrion: to call them halal or haram is in the range of canon not intellect; hence, if Islamic canon law allows something that the intellect has forbidden it, it is permissible to follow the order of Islamic cannon law. [18]

3.10. Nass (the exact text of the Holy Quran) and Zaher (the appearance):
Juristic evidences are in two kinds from the viewpoints of Osułyvin: sometimes Nass (the exact text of the Holy Quran) and sometimes Zaher (the appearance) that each of them opens a way to deduce the decrees. In defining these two it has been said that Nass (the exact text of the Holy Quran) is the evidence that there is no improper contingency or interpretation about it, but Zaher (the appearance) is a reason that it can be interpreted and there is even improper probability about it.

During stating of decrees and referring to evidence, Qurtubi points out that this evidence is Nass (the exact text of the Holy Quran) and that one is Zaher (the appearance) and presumption and obviously he prefers the evidence which is Nass (the exact text of the Holy Quran) about decree because Nass (the exact text of the Holy Quran) is the more reliable evidence.

He has made it clear that according to Jomhour evidence the applicable decree does not change the occurred decree is a kind of Nass (the exact text of the Holy Quran); say, there is no probability of interpretation in it and it cannot be oppositional by other evidence. Thus he prefers the religion of Jomhour to the religion of Abu-Hanifa. [16]

Qurtubi says: Abu-Hanifa and Koufyin believe that grapes wine is just alcoholic beverage and the evidence of that is the wine verse and kinds of wine which are made non-grapes calling them "Nabic" and they are halal; but their religion is void because we have some Nasses (the exact texts of the Holy Quran) that the wine of date, honey, wheat and barley are also alcoholics. Although the appearance of the word wine indicates the wine of grapes, but "Nasses (the exact texts of the Holy Quran)" holds other wines the purport of this word and these Nasses (the exact texts of the Holy Quran) are not negligible. [16]

In thorough of Fiqh Al-Quran of Râvandi there are a lot of attentions to Nass (the letter of the law) and strengthening it opposite other evidences. However, this Nass (the exact text of the Holy Quran) could be the narrations of the Holy Prophet's Household (PBUT), the Holy Prophet, and in many cases the consensus of Imamiya Jurists. Although consensus is not a verbal reason but the core reasons, it is more reliable than other evidences of appearance because of its certainty of consensus place and its explicitness; therefore in the verse "debt" God orders to write. The appearance of paradigm of the imperative means necessity; say, if the outer evidence, verbal indications, and non-verbal mind divert us to a specific meaning, we must deduce "necessity" from paradigm of the imperative. Still because there is consensus on the lack of necessity of writing of debt, we take the appearance of the verse as the guidance to the decree of intellect or religiously rewarding but not obligatory. In fact we preferred a core reason which was Nass (the exact text of the Holy Quran) or like Nass (the exact text of the Holy Quran) to a verbal reason which was in other meaning. [18]

3.11. Personal Views:
Imamia does not recognize Sahaba's action and fatwa and just uses his report to cite and probe. They just recognize the discourse, action and speech of the infallible Imam (PBUH) such as the Holy Prophet, the Twelve Imams and also the Great Woman, Hazrat Fatima (PBUH). And they do not consider valid Sahaba's action, speech and fatwa because of their errors; so Râvandi's view is negative as well about Sahaba's authenticity's action and personal view.

But Sunni counts Sahaba's fatwa among their jurisprudent documents. Qurtubi trust a lot in this proof and use it in his exegesis, and his trust and citing Rashedin Caliphas is because of their talk to the Holy Prophet so sometimes he refers to O'mar and sometimes to the life of Imam Ali (PBUH).

For example, there is a discrepancy among jurists to prove about being haram of non-grapes wine; but Qurtubi refers to O'mar's speech in the Mosque of Medina and on the pulpit of the Messenger of God that he (O'mar) introduces the sources of wine such as grapes, date, honey, wheat and barley and everything which
obliterates the mind and intellect. [16] According to this, Qurtubi refuses to accept Abu Hanifa’s belief because he believes that non-grapes’ wine is halal!

With all his trust in fatwa of Sahaba, Qurtubi does not accept it if it was the opposite of the Messenger of Allah's discourse or the Holy Quran, and he interpret it esoterically as far as possible. For instance, about boarding the ship for pilgrimage it has been quoted OmarnAbdulAziz that he prohibited it; but Qurtubi rejects it by the Chapter "Cow" verse 159 and AbuHarira’s tradition (hadith) from the Messenger of Allah. In that verse God says: "Indeed in the creation of the heavens and the earth, and the alternation of night and day, and the ships that sail at sea with profit to men, and the water that Allah sends down from the sky – with which He revives the earth after its death, and scatters therein every kind of animal – and the changing of the winds, and the clouds disposed between the sky and the earth, there are signs for a people who exercise their reason.” [16]

Earlier we mentioned that Râvandi is one of the jurists of the sixth century (A.H.) that some jurists from Sheikh Tusi's age (May God bless his soul) to the sixth century call this as a period of imitating from Sheikh Tusi and Ijtihad (superior canonical scholarship) stagnation in Shi'ism; because the science of Sheikh Al-Tayyeh was so dominant that nobody can criticize his views and express their views until the scientific efforts of In bdiris Hehi changed the stagnation to dynamic.

QotbuddinRâvandi could not have been as the follower of Sheikh because he himself was a jurist and he can express his own view but in a way that not to cause the atmosphere of that era on seminary to rise up in rebellion; because making and evolution usually faces with oppositions which lead to tension and crisis; hence, the periods of bringing new plans up and transition needs tolerance and intelligently managing. We think that Râvandi believes in breaking the aforesaid stagnation and he made some scratches and cracks in this deadlock wall with tolerance and gentleness; and the reason of this claim is obvious at the beginning of the book and also the comments expressed through the book. Therefore we can say that Râvandi and maybe others like him opened the way for Ibn Idris to destroy the deadlock of imitating of Sheikh Taeja from the bed of Shiite's Ijtihad (superior canonical scholarship). In any case some following Râvandi's signs and statements indicate his scientific bravery in the face of the aforesaid deadlock but with fine literature mixed with respect to Sheikh Tusi.

Râvandi writes at the beginning of his exegesis: "I content myself with the formers narrations in report decree verses except in some cases so that no one feels shy and horror against expressing new views". [18] This statement shows that Râvandi has felt well the pain and it must be treated with gentleness and tolerance. Thus if Râvandi was an imitator not a mojahid, he would never talk like this. He has stated his own views indirectly (in others ‘tongue) or even in their statements except in some cases that it shows his concern toward his Ijtihad(superior canonical scholarship) and the forbidden zone. Sometimes unlike views of multitudes of Sahaba and Taleie's exegetes, layman jurists, and some specific jurists he issues a fatwa that we mentioned earlier. [18]

He never ever permits any one to imitate interpretation except where there is a consensus in interpretation of a verse; this fatwa indicates the dynamic of Ijtihad(superior canonical scholarship) among Shiite scholars. Râvandi believes that the duty of a jurist and an exegete is to refer directly to the correct evidence in order to get the real intention of lawmaker in the Holy Quran. In his viewpoint this evidence is the four sources: Book, Tradition (Hadith) Consensus and Intellect. [18] If QotbRâvandi was an imitator, he would never talk about Ijtihad (superior canonical scholarship) or oppose other Shiite and Sunni jurists.

Râvandi recommends jurists that after deducing a decree they must have perspicacity in order not to doubt after knowledge.

Conclusion:
1. The two important exegeses "FiqhAl-Quran" and Al-Jâme’Le-AkhâmAl-Quran" have a significant place in respect of antiquity and proficiency at juristic topics within the framework of the Sunni and Shiite jurisprudence.
2. The number of the bound book of Qurtubi exegesis is 20 volumes or in some editions they are 22 volumes while the number of the bound book of Râvandi exegesis is only two volumes. So it is clear that the amount of attention to juristic topics in both works was different; because of writing many juristic books, Râvandi does not think it is not necessary to speak about these issues in his exegesis and refers them to his or other jurists’ juristic books. While Qurtubi tries tirelessly taking advantage of every opportunity and brings up juristic issues in his exegesis.
3. Râvandi has paid attention to the Sunni juristic views in some cases, but in Qurtubi's exegesis you can consider no special attention to the Shiite jurisprudence. And this neglect regardless of religious motives could indicate his lack of awareness in this field. While Râvandi’s regard to the Sunni jurisprudence shows his proficiency and thoroughness in this field; but unfortunately Qurtubi has violated the fairness in some cases and derided the Shiite clerics' quotations with a biased attitudes and recalled them heretic and similar expressions like this.
4. In both exegeses they have displayed juristic views of their own religion more than anything else that sometimes it precludes them to think profoundly within their interpretative methodical framework.
5. Qurtubi consider his and Mâlek view and opinion, analogy, Isihsan and supposition evidence important so that some exegetes put his exegesis among arbitrary exegeses; while Râvandiis inclined to attribute the root of
correctness of quotations to the Holy Prophet's Household (PBUT) by some means or other insofar as he recalls
Shiite scholars and the Holy Prophet's Household scholars. He avoids religious analogy, Istihsan and so forth
among the evidence of deduction.
6. Râvandi's worthy of admiration royalty to the Zahers (appearances) of verses and narrations, scientific
emphasis on stating religious facts, the love of doctrines of the Holy Prophet's Household as the real exegetes of
the Holy Quran, bringing up all aspects, being replete with knowledge in different Islamic areas, his way of
selective and clear writing in most cases, paying special attention to the contemporary jurisprudence, reporting
of ideas and possibilities, determining of evidence, recognition of subject, attention to narrations, historical and
commentarial considering of the issues and issues like that which earlier was mentioned in more detail; all these
virtues are that Râvandi is the pioneer at writing FiqhAl-Quran in the Shiite.
7. In specialized books it is recommended not to go out of subject's framework unless it is necessary; but the
interpretation of Quran and the topics of Quran sciences are highlighted in FiqhAl-Quran, while there is no need
to be so because of having no effect on the decree of the verse. Also Qurtubi has mentioned detailed
terminologies and connected each verse to juristic decrees that generally have no effect on the result of the
conclusion of juristic decree.

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